

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

AGENDA

June 16, 2016
3:00 p.m.

Meeting will be held at:

**Madera County Workforce Assistance Center
Executive Conference Room
441 E. Yosemite Avenue
Madera, CA 93638
(559) 662-4589**

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY Pursuant to the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, any individual with a disability who requires reasonable accommodation to attend or participate in a meeting or function of the Workforce Development Board of Madera County, may request assistance by contacting the Executive Assistant at Madera County Workforce Investment Corporation office, 441 E. Yosemite Avenue, Madera, CA 93638; Telephone 559/662-4589; Fax 559/673-1794.

If a quorum of the Workforce Development Board is not present at the time of the meeting BUT a quorum of the Workforce Development Board Executive Committee IS present, an Executive Committee board meeting will be conducted in place of the Workforce Development Board.

This agenda and supporting documents relating to the items on this agenda are available through the Workforce Development Board website at http://www.maderaworkforce.org/?page_id=724. These documents are also available at the Madera County Workforce Assistance Center – office of the Executive Director.

1.0 Call to Order

1.1 Pledge of Allegiance

2.0 Additions to the Agenda

Items identified after preparation of the Agenda for which there is a need to take immediate action. Two-thirds vote required for consideration (Government Code Section 54954.2(b)(2))

3.0 Public Comment

This time is made available for comment from the public on matters within the Board's jurisdiction. The comment period will be limited to 15 minutes. Each speaker will be limited to 3 minutes and only one speaker per subject matter.

4.0 Introductions and Recognitions

5.0 Adoption of Board Agenda

6.0 Consent Calendar

6.1 Ratify Workforce Development Board (WDB) Meeting Minutes – December 17, 2015

6.2 Ratify Executive Committee Meeting Minutes – February 29, 2016

6.3 Approve Executive Committee Meeting Minutes – May 4, 2016

6.4 Ratify the Re-appointment of Robert Poythress, Citizens Business Bank, to the Workforce Development Board (WDB)

6.5 Ratify Revised On-the-Job Training (OJT) Policy – 2/29/16

6.6 Ratify Local Workforce Development Board Recertification Request – Program Years 2016-18

6.7 Ratify the Resignation of Manuel Nevarez, Argus Lending, from the WDB

- 6.8 Ratify the Resignation of Chris Watts, Madera Community Hospital, from the WDB
- 6.9 Ratify the Nomination of Elizabeth Wisener, Community Action Partnership of Madera County, to the WDB
- 6.10 Ratify the Nomination of Mike Lopez, Steel Metal Workers Union #104, to the WDB
- 6.11 Ratify the Nomination of Laura Gutile, Private Sector, to the WDB
- 6.12 Ratify the Re-appointment of Pat Gordon, Private Sector, to the WDB
- 6.13 Ratify Revised Linking Training to Occupations in Demand Policy
- 6.14 Ratify Revised Individual training Account (ITA) Policy – 5/4/16
- 6.15 Ratify Revised Adult Program Priority of Service Policy
- 6.16 Ratify Revised Nondiscrimination and Equal Opportunity Policy
- 6.17 Ratify Revised Paid and Unpaid Work Experience Policy
- 6.18 Ratify New Transitional Jobs Policy
- 6.19 Ratify Revision to the WDB Meeting Agenda Format
- 6.20 Ratify Memorandums of Understanding (MOUs)

7.0 Action Items

- 7.1 Approve the Nomination of Bridget Marie Carpenter, Springhill Suites by Marriott, to the WDB
- 7.2 Approve Revised WDB Policy – Individual Training Account (ITA) Policy – 6/16/16
- 7.3 Approve Revised WDB On-the-Job Training (OJT) Policy – 6/16/16

8.0 Information Items

- 8.1 Economic and Skills Gap Analysis Presentation
- 8.2 One Stop Procurement Update
- 8.3 WDB Dashboard Update
- 8.4 California High Speed Rail Update
- 8.5 Measure C
- 8.6 Facilities Update
- 8.7 Financial and Program Activity Update
- 8.8 Grants/Projects Update
- 8.9 MCWIC Update
- 8.10 WDB 2016-17 Meeting Calendar
- 8.11 S4S Mentor Program

9.0 Written Communication

10.0 Open Discussion/Reports/Information

- 10.1 Committee Members
- 10.2 Staff

11.0 Next Meeting

September 15, 2016

12.0 Adjournment

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

December 17, 2015

MINUTES

- PRESENT:** John Fitzer, Pat Gordon, David Hernandez, Bobby Kahn, Sofia Morales, Nichole Mosqueda, Robert Poythress, Chuck Riojas, Jim, Rodriguez, David Salter, Les Taylor, Kimberly Thomas, Christine Watts-Johnson, Kelly Woodard
- ABSENT:** JC Conner, Casey R. Diaz, Ernie Flores, , Brett Frazier, Gabriel Gil, Oscar Neri, Manuel Nevarez, Terry Nichols, M.S., Ivan Otamendi, Carey R. Wilson, Ruben Zarate
- GUEST:** Eugene Bell, Steven Gutierrez, Amy Emrany
- OTHERS:** Elaine Craig, Tracie Scott-Contreras, Gail, Lopez, Jessica Roche, Maiknue Vang, Nicki Martin

1.0 Call to Order

Meeting called to order at 3:07 by Workforce Development Board (WDB) Chair Pat Gordon.

1.1 Pledge of Allegiance

2.0 Additions to the Agenda

None

3.0 Public Comment

none

4.0 Introductions and Recognitions

Directors, guests and staff introduced themselves.

5.0 Adoption of Board Agenda

Kelly Woodard moved to adopt the agenda, seconded by David Hernandez.

Vote: Approved – unanimous

Yes: John Fitzer, Pat Gordon, David Hernandez, Bobby Kahn, Sofia Morales, Nichole Mosqueda, Robert Poythress, Chuck Riojas, Jim Rodriguez, David Salter, Les Taylor, Kimberly Thomas, Christine Watts-Johnson, Kelly Woodard

6.0 Consent Calendar

6.1 Approve Business Services Committee Meeting Minutes – September 18, 2014

6.2 Ratify Youth Advisory Council Meeting Minutes – June 3, 2015

6.3 Approve Workforce Investment Board Meeting Minutes – September 17, 2015

6.4 Approve Youth Advisory Council Meeting Minutes – December 2, 2015

6.5 Ratify Resignation of Sharon Hjella, Madera-Mariposa SELPA, from the Youth Advisory Council

6.6 Ratify Skills4Success Youth Services Final Contract and Budget

Bobby Kahn moved to approve agenda items 6.1 to 6.6, seconded by Kelly Woodard.

Vote: Approved – unanimous

Yes: John Fitzer, Pat Gordon, David Hernandez, Bobby Kahn, Sofia Morales, Nichole Mosqueda, Robert Poythress, Chuck Riojas, Jim Rodriguez, David Salter, Les Taylor, Kimberly Thomas, Christine Watts-Johnson, Kelly Woodard

7.0 Action Items

7.1 Approve Resignation of JC Conner, Lowes, from the Workforce Development Board (WDB)

Kelly Woodard moved to approve, seconded by Bobby Kahn.

Vote: Approved – unanimous

Yes: John Fitzer, Pat Gordon, David Hernandez, Bobby Kahn, Sofia Morales, Nichole Mosqueda, Robert Poythress, Chuck Riojas, Jim Rodriguez, David Salter, Les Taylor, Kimberly Thomas, Christine Watts-Johnson, Kelly Woodard

7.2 Approve Proposed WDB Committee Structure

Staff is recommending changes to the committee structure of the Board. Per the Workforce Innovation and Opportunity Act (WIOA), the Executive Committee of the Board is the only mandated standing committee. The Business Services Committee and the Youth Advisory Council are no longer required under WIOA. Staff recommends that, for the time being, the Executive Committee remain as the only standing committee of the Board and that Ad Hoc workgroups be established as needed. Two possible workgroups may be established. A One Stop procurement and program oversight workgroup may be formed. The ad hoc workgroup for the One Stop procurement will work with an advisor and most likely just one Workforce staff member to help with all clerical needs. Other than clerical support, no other Workforce staff member can be involved in the process. Non-board, community members may also be members of workgroups. All directors are encouraged to contact staff if they are interested in serving on any of the ad hoc workgroups or with any questions they may have.

Bobby Kahn moved to approve, seconded by David Hernandez.

Vote: Approved – unanimous

Yes: John Fitzer, Pat Gordon, David Hernandez, Bobby Kahn, Sofia Morales, Nichole Mosqueda, Robert Poythress, Chuck Riojas, Jim Rodriguez, David Salter, Les Taylor, Kimberly Thomas, Christine Watts-Johnson, Kelly Woodard

7.3 Approve Chief Local Elected Official (CLEO) Agreement

A CLEO is required for all Workforce Boards and outlines the roles of both the County and the Workforce area. The CLEO has been updated to reflect the roles and responsibilities as outlined by WIOA. Brett Frazier represents the Board of Supervisors on the WDB. The CLEO has been reviewed and approved by County Counsel and once approved by the WDB, will go to the Board of Supervisors for approval and signature.

Chuck Riojas moved to approve, seconded by David Hernandez.

Vote: Approved – unanimous

Yes: John Fitzer, Pat Gordon, David Hernandez, Bobby Kahn, Sofia Morales, Nichole Mosqueda, Robert Poythress, Chuck Riojas, Jim Rodriguez, David Salter, Les Taylor, Kimberly Thomas, Christine Watts-Johnson, Kelly Woodard

7.4 Approve WDB Conflict of Interest Code

The Conflict of Interest code is required under the Fair Political Practices Commission (FPPC) and should be turned in every two years at a minimum. All Directors are required to submit a Form 700 on an annual basis. No Director is exempt. The Code was revised so as to align it with WIOA.

Kelly Woodard moved to approve, second by Nichole Mosqueda.

Vote: Approved – unanimous

Yes: John Fitzer, Pat Gordon, David Hernandez, Bobby Kahn, Sofia Morales, Nichole Mosqueda, Robert Poythress, Chuck Riojas, Jim Rodriguez, David Salter, Les Taylor, Kimberly Thomas, Christine Watts-Johnson, Kelly Woodard

7.5 Approve WDB Policies

The Board policies have been revised from WIA to WIOA. Changes to the policies are not substantive except for those listed on the agenda packet background document.

Chuck Riojas moved to approve, seconded by Bobby Kahn.

Vote: Approved – unanimous

Yes: John Fitzer, Pat Gordon, David Hernandez, Bobby Kahn, Sofia Morales, Nichole Mosqueda, Robert Poythress, Chuck Riojas, Jim Rodriguez, David Salter, Les Taylor, Kimberly Thomas, Christine Watts-Johnson, Kelly Woodard

7.6 Approve Procurement Process and Committees

WIOA mandates that all workforce areas go through a competitive procurement process for One Stop operators. Although final regulations for the procurement process have not been established, staff recommend that the process and workgroups be established in order to begin work on the procurement of the One Stop, if and when this is indeed mandated.

Kelly Woodard moved to approve, seconded by David Hernandez.

Vote: Approved – unanimous

Yes: John Fitzer, Pat Gordon, David Hernandez, Bobby Kahn, Sofia Morales, Nichole Mosqueda, Robert Poythress, Chuck Riojas, Jim Rodriguez, David Salter, Les Taylor, Kimberly Thomas, Christine Watts-Johnson, Kelly Woodard

7.7 Approve Memorandum of Understanding (MOU) Negotiations

Staff is requesting approval to begin negotiations for the One Stop partner MOUs. MOUs have always been in place. Staff does not anticipate any issues.

Kelly Woodard moved to approve, seconded by Nichole Mosqueda.

Vote: Approved – unanimous

Yes: John Fitzer, Pat Gordon, David Hernandez, Bobby Kahn, Sofia Morales, Nichole Mosqueda, Robert Poythress, Chuck Riojas, Jim Rodriguez, David Salter, Les Taylor, Kimberly Thomas, Christine Watts-Johnson, Kelly Woodard

7.8 Approve WDB Dashboard and Agenda Format

Staff would like to change how the Board engages and would like to have the Board and agendas be more strategic. Staff is proposing that a dashboard with goals and objectives be used for meetings. This documents would be constantly changing as goals and objectives are met and others are added. A draft dashboard document was provided which contained information gathered at the June Board retreat. Directors and Staff worked on updated the draft form to align it to the appropriate sections of the Dashboard. The Dashboard will be brought back to the Board at their meetings.

Bobby moved to approve, seconded by Kelly Woodard.

Vote: Approved – unanimous

Yes: John Fitzer, Pat Gordon, David Hernandez, Bobby Kahn, Sofia Morales, Nichole Mosqueda, Robert Poythress, Chuck Riojas, Jim Rodriguez, David Salter, Les Taylor, Kimberly Thomas, Christine Watts-Johnson, Kelly Woodard

7.9 Approve Strategic Priorities for WDB

Staff would like approval for the goals that came out of the June retreat. Directors and staff worked on reviewing the goals and categorizing the goals. Some of the goals provide from the retreat may be duplicative and can be compressed and joined with other goals from the retreat. The Goals will be finalized per the Directors' input and brought back to the Board at the next Board meeting.

John Fitzer moved to approve, seconded by Kimberly Thomas.

Vote: Approved – unanimous

Yes: John Fitzer, Pat Gordon, David Hernandez, Bobby Kahn, Sofia Morales, Nichole Mosqueda, Robert Poythress, Chuck Riojas, Jim Rodriguez, David Salter, Les Taylor, Kimberly Thomas, Christine Watts-Johnson, Kelly Woodard

7.10 Approve Revised WDB Bylaws

The Bylaws have been aligned to WIOA and include the previously approved revision to the committee structure of the Board. As mandated by the Bylaws, a written notice was provided 7 days in advance of the approval process.

Robert Poythress move to approve, seconded by Nichole Mosqueda.

Vote: Approved – unanimous

Yes: John Fitzer, pat Gordon, David Hernandez, Bobby Kahn, Sofia Morales, Nichole Mosqueda, Robert Poythress, Chuck Riojas, Jim Rodriguez, David Salter, Les Taylor, Kimberly Thomas, Christine Watts-Johnson, Kelly Woodard

8.0 Information Items

8.1 Workforce Innovation & Opportunity Act (WIOA) and WDB Overview

Staff provided information on WIOA and the Workforce Development Board. Handout provided.

8.1 MCWIC Update

8.2 Financial and Program Activity Update

8.3 Grants/Projects Update

8.4 Facilities Update

8.5 Economic and Skills Gab Analysis Presentation – March 2016

8.6 Local/Regional/State Plans

8.7 Ethics Training

8.8 S4S Mentor Outreach

8.9 Form 700 Due April 1, 2016

9.0 Written Communication

10.0 Open Discussion/Reports/Information

10.1 Committee Members

10.2 Staff

11.0 Next Meeting

March 17, 2016

12.0 Adjournment

The meeting was adjourned at 4:33 p.m. due to a loss of a quorum. Information on items 8.1 to 8.9 was provided in the agenda packet.



Executive Committee

SPECIAL MEETING **MINUTES**

February 29, 2016

MINUTES

PRESENT: Bob Carlson, Brett Frazier (9:33), Pat Gordon, Kelly Woodard

ABSENT: Robyn Smith

GUEST:

OTHERS: Elaine Craig, Nicki Martin

1.0 Call to Order

Meeting called to order by WDB Chair Pat Gordon at 9:31 a.m.

1.1 Pledge of Allegiance

2.0 Additions to the Agenda

None

3.0 Public Comment

None

4.0 Introductions and Recognitions

None

5.0 Adoption of Board Agenda

Kelly Woodard moved to adopt the agenda, seconded by Bob Carlson.

Vote: Approved - unanimous

Yes: Bob Carlson, Pat Gordon, Kelly Woodard

6.0 Consent Calendar

6.1 Approve Workforce Development Board (WDB) of Madera County Meeting Minutes – December 17, 2015

Kelly Woodard moved to approve, seconded by Bob Carlson.

Vote: Approved - unanimous

Yes: Bob Carlson, Pat Gordon, Kelly Woodard

7.0 Action Items

7.1 Approve the Re-appointment of Robert Poythress, Citizens Business Bank, to the WDB

Bob Carlson moved to approve the re-appointment of Robert Poythress, seconded by Pat Gordon.

Vote: Approved - unanimous

Yes: Bob Carlson, Pat Gordon, Kelly Woodard

7.2 Approve the Revised WDB On-the-Job Training (OJT) Policy

Revisions to the policy are not substantive. Language has been added to clarify overtime rules for OJTs – overtime is not paid on OJTs. Language was also added to more clearly state the duration of OJTs in hours rather than months or specific time frames.

Bob Carlson moved to approve the OJT policy, seconded by Kelly Woodard.

Vote: Approved - unanimous

Yes: Bob Carlson, Brett Frazier, Pat Gordon, Kelly Woodard

7.3 Approve the Local Workforce Development Board Recertification Request – Program Years 2016-18

Staff requested approval of the recertification and that the WDB Chair sign the application so that it can be forwarded to the Board of Supervisors for approval and signature at their March 15, 2016 meeting. The recertification is due to the California Workforce Development Board by March 31, 2016. The Madera WDB has met the 3 recertification requirements: Board composition, fiscal integrity and performance. The recertification is for the time period of July 1, 2016 through June 30, 2018.

Brett Frazier moved to approve, seconded by Kelly Woodard.

Vote: Approved - unanimous

Yes: Bob Carlson, Brett Frazier, Pat Gordon, Kelly Woodard

8.0 Written Communication

None

9.0 Open Discussion/Reports/Information

9.1 Committee Members

None

9.2 Staff

None

10.0 Next Meeting

March 24, 2016

11.0 Adjournment

Meeting adjourned at 9:38 a.m.



Executive Committee

SPECIAL MEETING

MINUTES

May 4, 2016

*Convened at Madera County Workforce Assistance Center - Conference Room
441 E. Yosemite Avenue, Madera, CA 93638
(559) 662-4589*

PRESENT: Bob Carlson, Brett Frazier, Pat Gordon

ABSENT: Robyn Smith, Kelly Woodard

GUEST:

OTHERS: Elaine Craig, Tracie Scott-Contreras, Gail Lopez, Jessica Roche, Maiknue Vang, Nicki Martin

1.0 Call to Order

Meeting called to order by Chair Pat Gordon at 3:06 p.m.

1.1 Pledge of Allegiance

2.0 Additions to the Agenda

None.

3.0 Public Comment

None.

4.0 Introductions and Recognitions

None.

5.0 Adoption of Board Agenda

Bob Carlson moved to adopt the agenda, seconded by Brett Frazier.

Vote: Approved – unanimous

Yes: Bob Carlson, Brett Frazier, Pat Gordon

6.0 Consent Calendar

6.1 Approve Executive Committee Meeting Minutes – February 29, 2016

Bob Carlson moved to approve the minutes, seconded by Brett Frazier.

Vote: Approved – unanimous

Yes: Bob Carlson, Brett Frazier, Pat Gordon

7.0 Action Items

- 7.1 Approve the Resignation of Manuel Nevarez, Argus Lending, from the Workforce Development Board (WDB)**
- 7.2 Approve the Resignation of Chris Watts, Madera Community Hospital, from the WDB**
- 7.3 Approve the Nomination of Elizabeth Wisener, Community Action Partnership of Madera County, to the WDB**
- 7.4 Approve the Nomination of Mike Lopez, Steel Metal Workers Union #104, to the WDB**
- 7.5 Approve the Nomination of Laura Gutile, Private Sector, to the WDB**
- 7.6 Approve Re-appointment of Pat Gordon, Private Sector, to the WDB**

Agenda item 7.1, 7.2, 7.3, 7.4, 7.5 and 7.6 were discussed as a group. Staff requested approval of the resignations and nominations as presented. Chris Watts is retiring from Madera Community Hospital. The Board recommended that staff forward a Thank You card on behalf of the Board for her many years of service on the Board and that her Supervisor be copied so they are aware of her service to the Board as well as the Board's gratitude.

Brett Frazier moved to approve items 7.1 to 7.6, seconded by Bob Carlson.

Vote: Approved – unanimous

Yes: Bob Carlson, Brett Frazier, Pat Gordon

- 7.7 Approve Revised Linking Training to Occupations in Demand Policy**
- 7.8 Approve Revised Individual Training Account (ITA) Policy**
- 7.9 Approve Revised Adult Program Priority of Service Policy**
- 7.10 Approve Revised Nondiscrimination and Equal Opportunity Policy**
- 7.11 Approve Revised Paid and Unpaid Work Experience Policy**

Agenda items 7.7, 7.8, 7.9, 7.10, and 7.11 were discussed as a group. The policies were revised per the final guidance issued by the State. State guidance now identifies categories for adult participants for ITAs. Adults in the named categories will be given priority for training services and will be eligible to use ITAs for training. The State mandate for Adult Program Priority of Services also added priority of service language and removed the priority of service reference for "51% or more of the participants services with WIOA adult funds" from the policy. The Nondiscrimination policy was revised to conform with the State's final directive and to revise references from WIA to WIOA – no substantive changes were made. All references to Adults were removed from the Paid and Unpaid Work Experience Policy as this policy is for use with WIOA Title I Youth funded programs only. Adult participant work experience activities will fall under a new Transitional Jobs policy.

Bob Carlson moved to approve agenda items 7.7 to 7.11, seconded by Brett Frazier.

Vote: Approved – unanimous

Yes: Bob Carlson, Brett Frazier, Pat Gordon

7.12 Approve New Transitional Jobs Policy

WIOA provides for a new training activity for eligible Adults and Dislocated workers called Transitional Jobs. This policy will allow participants with limited work history or participants who are changing careers, etc. to get experience and training in a new field. Eligible participants with little or no work experience or who are long-term unemployed will be able to use this policy/activity for a limited time – up to 20 hours a week and 8 weeks total.

Brett Frazier moved to approve, seconded by Bob Carlson.

Vote: Approved – unanimous

Yes: Bob Carlson, Brett Frazier, Pat Gordon

7.13 Approve the Revision to WDB Meeting Agenda Format

Staff requested approval to change the format that the Board meeting agenda and agenda packets are written. Staff will discontinue providing a background document for each agenda item but would make sure to write up the agenda in as descriptive a manner as possible so as to provide all necessary detail for each item on the agenda. All necessary back-up document attachments would still be provided within the packet and background documents may still be provided for information items as needed. These changes would still be in compliance with the Brown Act and staff would be able and available to answer all questions as they arise.

Brett Frazier moved to approve with the understanding that backup document will be provided as needed, seconded by Bob Carlson. .

Vote: Approved – unanimous

Yes: Bob Carlson, Brett Frazier, Pat Gordon

7.14 Approve Memorandums of Understanding (MOUs)

WIOA mandates that the Job Centers enter into MOUs with all the Partners. All MOUs must be signed and submitted to the Board of Supervisors for final approval and that the MOUS be forwarded to the State by 6/30/16. Not all MOUs will be ready in time to meet the State's deadline. Staff will submit copies of unsigned MOUs in order to meet the deadline and will follow up with the finalized, signed MOUs once they have been received and forwarded to the Board of Supervisors for final approval. All Partners received the same MOU template and will be inserting their own information within the document.

Brett Frazier moved to approve, seconded by Bob Carlson.

Vote: Approved – unanimous

Yes: Bob Carlson, Brett Frazier, Pat Gordon

8.0 Information Items

8.1 Economic and Skills Gap Analysis Update

Information provided within the Agenda Packet.

8.2 WDB Dashboard Update

Information provided within the Agenda Packet.

8.3 One Stop Procurement Update

Information provided within the Agenda Packet.

8.4 One Stop Memorandum of Understanding (MOU) Update

Information provided within the Agenda Packet.

8.5 Madera County Workforce Investment Corporation (MCWIC) Update

Information provided within the Agenda Packet.

8.6 Financial and Program Activity Update

Information provided within the Agenda Packet. The Slingshot initiative is a regional collaboration with 7 other counties.

8.7 Grants/Projects Update

Information provided within the Agenda Packet.

8.8 Facilities Update

Information provided within the Agenda Packet. Staff have met and spent time with the owner of the former RMA/JCPenney building. The building is approximately 30,000 square feet. Madera Adult School is negotiating their own lease for approximately 18,000 square feet in the building. MAS needs to move out of their current location on the Madera South High School campus due to an increase in student numbers. They plan on building out 10 classrooms in their space to allow for growth in their program as well as for use with their current programs. MAS needs to move out of the high school campus in time for the new school year on 8/11/16. The property owner has been very good and easy to work with.

8.9 California High Speed Rail Update

Information provided within the Agenda Packet.

8.10 Measure C

Information provided within the Agenda Packet.

8.11 WDB Board Composition and Recruitment

Information provided within the Agenda Packet.

8.12 S4S Mentor Program

S4S is still looking for mentors for their young adult program. Mentoring is mandated by WIOA. Staff will provide a flyer.

9.0 Written Communication

None.

10.0 Open Discussion/Reports/Information

10.1 Committee Members

None.

10.2 Staff

None.

11.0 Next Meeting

May 26, 2016

12.0 Adjournment

Brett Frazier moved to adjourn the meeting, seconded by Bob Carlson. Meeting adjourned at 3:51 p.m.

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 6.4

Consent

Action

Information

To: Workforce Development Board of Madera County, Executive Committee

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Ratify the Re-appointment of Robert Poythress to the WDB

Recommendation:

Staff recommends the ratification of Robert Poythress' re-appointment to the WDB for an additional 3 year term: 4/6/16 to 4/6/19.

Summary:

Mr. Poythress represents the Private Sector on the WDB. His term was set to expire on April 6, 2016. He expressed his desire to remain on the Board. His re-appointment was approved by the Executive Committee on February 29, 2016.

Financing:

Workforce Innovation and Opportunity Act

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 6.5

Consent

Action

Information

To: Workforce Development Board of Madera County, Executive Committee

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Ratify the Revised WDB On-the-Job (OJT) Policy – 2/29/16

Recommendation:

Staff recommends ratification of the revised OJT policy.

Summary:

Staff have added language related to reimbursement is based on straight time, as we do not reimburse for overtime hours. In addition, staff adjusted language related to the length of time of a standard OJT to reflect hours, rather than months or specific term dates. These adjustments are for clarity for both staff and the employers. The policy was approved by the Executive Committee on February 29, 2016.

Financing:

Workforce Innovation and Opportunity Act



ON-THE-JOB TRAINING POLICY

EDD Revision Date: N/A

WDB Review Date: 7/26/07; 12/20/07; 4/28/11; 12/12/11; 9/18/14; 12/17/15; 2/29/16

Purpose:

This document establishes the Workforce Development Board of Madera County's policy regarding the use of On-the-Job Training (OJT) agreements as an allowable local training activity pursuant to the Workforce Innovation and Opportunity Act.

References:

Note: References from WIOA are from the Act, as signed into law in July 2014. References from Title 20 of the Code of Federal Regulations (CFR) are cited from the Notice of Proposed Rulemaking, and are therefore subject to change pending issuance of final Federal Regulations.

- Workforce Innovation and Opportunity Act (WIOA), Section 134
- Title 20 Code of Federal Regulations (CFR) Sections 680.700 – 680.730

Background:

The Workforce Innovation and Opportunity Act (WIOA) Section 134(c)(3)(D)(ii) specifically lists on-the-job training as an allowable local employment and training activity. Section 3(44) of the Workforce Innovation and Opportunity Act defines OJT as "training by an employer that is provided to a paid participant while engaged in productive work". Additionally, any OJT should provide knowledge or skills essential to the full and adequate performance of the job. The Act allows reimbursement to the employer of **up to a maximum of 50 percent** of the wage rate to offset the extraordinary costs of the provision of the training and additional supervision required during the course of the training. WIOA Section 134(c)(H)(ii) permits a Local Workforce Development Board to increase the reimbursement rate for OJT **up to 75%** when taking into account:

- the characteristics of the participant and whether they are an individual with barriers to employment;
- the size of the employer, with an emphasis on small business;
- the quality of the employer-provided training and advancement opportunities, including whether the OJT contract is for an in-demand occupation and will lead to an industry-recognized credential; and
- other factors that the Board may determine to be appropriate, which may include the number of individuals participating, the wage and benefit levels of the participants both

during and following the completion of the OJT, and the relation of the training to the competitiveness of the participant.

OJT agreements will be limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the individual service strategy of the participant. Consistent with Workforce Innovation and Opportunity Act Section 194(4), OJT agreements using funds under the act shall not be provided to employers who have exhibited a pattern of failing to provide participants with continued long-term employment, including the provision of wages, working conditions and employment benefits consistent with other employees with similar tenure and duties.

Policy:

The Workforce Development Board of Madera County will utilize On-the-Job Training agreements, as an appropriate and allowable training activity, consistent with the definitions and requirements of the Workforce Innovation and Opportunity Act as outlined in the previous paragraphs. In addition, it is the policy of the Workforce Development Board of Madera County to provide OJT agreements for positions that are directly linked to employment opportunities in the local area (WIOA 134(d)(4)(A)(iii)), as determined by the Board's policy regarding occupations in demand, or by specific documentation from local employers or labor market information. OJT will only be provided for positions paying no less than \$0.50 above the current minimum hourly wage, and for employment providing no less than 32 hours of work per week. Reimbursement amounts to employers utilizing OJT will be based on straight time hours worked in training and will not exceed the maximum allowed under WIOA and/or Local Board policy, unless there is a current approved waiver of the cap from the U.S. Department of Labor or the terms and conditions of a special project or alternate funding source allow for a higher reimbursement rate.

The Workforce Development Board of Madera County approves the use of the higher reimbursement rate of 75% for small businesses in Madera County who have 50 regular employees or less at the time that the OJT agreement is finalized **and** who are offering a starting wage of at least \$1.00 above the current minimum wage.

The reimbursement rate for OJT agreements at businesses with 51 employees or more will be a maximum of 50%. Reimbursement rates below the allowable 50% maximum may be negotiated with businesses with more than 100 employees, or who are offering a starting wage more than \$5.00 above the current minimum wage.

Maximum training hours and total reimbursement for each OJT agreement will be negotiated individually based on the elements of training, skill and experience levels of the participant, the size of the business, and the hourly wage at entry into the position, as outlined above. The length of a standard OJT agreement will be 528 work/training hours. OJT extensions of up to a maximum total of 1,040 work/training hours may be negotiated on a case by case basis with documentation from the employer that the individual requires more training time in one or more specific skill areas or if the employer wants to add additional training elements that would result in an increase in wage at or before the conclusion of the OJT training period.

Deleted: three months
Deleted: of three additional months

Exceptions to this policy may be approved by the Executive Director (or designee) on a case-by-case basis for specific training programs or employment opportunities with higher support costs/needs. Projects funded by special grants will follow any limits established by the specific grant, proposal, or project, and may exceed the limits established here, when necessary, allowable, and appropriate for successful participation in, or completion of, training or employment programs.

Action:

This policy is effective on the date of approval by the Workforce Development Board of Madera County and replaces the previous version approved by the Board on December 17, 2015. Retain this policy until further notice.

Deleted: September 18, 2014

Inquiries:

If you have questions, please contact the Executive Director or designee at (559) 662-4500.

DRAFT

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 6.6

Consent

Action

Information

To: Workforce Development Board of Madera County, Executive Committee

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Ratify the Local Workforce Development Board Recertification Request – Program Years 2016-18

Recommendation:

Staff recommends ratification of the Local Workforce Development Board Recertification.

Summary:

The recertification of the Workforce Development Board is a required activity under WIOA and is submitted to the California Workforce Development Board (CWDB) for review and approval. Madera WDB has met all requirements; composition of the Board, Fiscal Integrity, Met Performance and has also provided an in-depth description of the work that has or is being done to successfully transition to WIOA. This recertification will be for two years. The Madera WDB received certification under WIOA but was only for initially one year. This was universal to all Boards in the State. The recertification application must be submitted to the CWDB by March 31, 2016. The recertification application was approved by the Executive Committee on February 29, 2016.

Financing:

Workforce Innovation and Opportunity Act

Local Workforce Development Board Recertification Request

Program Years 2016-18

Local Workforce Development Board

Workforce Development Board of Madera County

Local Board Recertification Request

This will serve as our request for Local Workforce Development Board (Local Board) recertification for Program Years (PYs) 2016-18 under the *Workforce Innovation and Opportunity Act* (WIOA).

If the California Workforce Development Board (State Board) determines the request is incomplete, it will either be returned or held until the necessary documentation is submitted. Please contact your [Regional Advisor](#) for technical assistance or questions related to completing and submitting this request.

Workforce Development Board of Madera County

Name of Local Board

441 E. Yosemite Avenue

Mailing Address

Madera, CA

93638

City, State

Zip

Elaine Craig

Contact Person

559-662-4589

Contact Person's Phone Number

Date of Submission

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Instructions

If additional pages were added to the *Local Workforce Development Board Recertification Request*, the page numbers may be updated by hovering over the gray box above, clicking, and then selecting “Update Table” on the top left corner.

Local Board Membership

Instructions

Enter the names of the Local Board members in the appropriate membership categories found in the tables below. If the Chief Local Elected Official (CEO) has approved additional members, enter the information under the "ADDITIONAL MEMBERS" table. If an individual represents multiple categories, after the first time s/he is identified (subsequent to the first notation), please asterisk his/her name at all subsequent entries. Address any vacancies under "CORRECTIVE ACTION COMMENTS." If additional rows are needed, add a table following the membership type.

BUSINESS

WIOA Section 107(b)(2)(A) – a **majority** of the members of each Local Board shall be representatives of business in the Local Workforce Development Area (Local Area), who (i) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority; (ii) represent businesses, including small businesses, or organizations representing businesses described in this clause, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the Local Area; and (iii) are appointed from among individuals nominated by local business organizations and business trade associations.

- WIOA Section 107(b)(3) – the members of the Local Board shall elect a chairperson for the Local Board from among the representatives described in Section 107(b)(2)(A).
- Must include **two or more** members that represent small business as defined by the U.S. Small Business Administration.

Name	Title	Entity	Appointment Date	Term End Date
Pat Gordon	Chairperson/ Mgr. Human Resources	JBT Food Tech	7/16/13	7/16/16
David Salter	Small Business/ President	Salter's Distributing, Inc.	11/26/13	11/26/16
Casey R. Diaz	Executive Director	Charles Diaz Trucking	1/28/14	1/28/17
Brett Frazier	Owner	Papa Murphy's	indefinite	indefinite
Gabriel Gil	PG&E ES&S Supervisor	Pacific Gas & Electric	7/22/14	7/22/17
Nichole Mosqueda	Director of Programs & Development	Camarena Health	10/21/14	10/21/17
Oscar Neri	President/Owner	Fiesta Auto Insurance	11/26/13	11/26/13
Manuel Nevarez	Branch Manager	Argus Lending	3/3/15	3/3/18
Ivan Otamendi	Manager	The Phone Stop	5/12/15	5/12/18
Robert Poythress	Manager	Citizens Business Bank	4/6/13	4/6/16
Les Taylor	Director Membership Services	Ca. Employers Assoc.	5/12/15	5/12/18
Kimberly Thomas	Director of Finance/Admin.	Tesei Petroleum, Inc.	5/12/15	5/12/18
Christine Watt-Johnson	Director of Human Resources	Madera Community Hospital	6/30/15	6/30/18

WORKFORCE

WIOA Section 107(b)(2)(B) – not less than **20 percent** of the members of each Local Board shall be representatives of the workforce within the Local Area, who— (i) shall include representatives of labor organizations (for a Local Area in which employees are represented by labor organizations), who have been nominated by local labor federations, or (for a Local Area in which no employees are represented by such organizations) other representatives of employees; (ii) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists; (iii) may include representatives of community based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and (iv) may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.

- Must include **two or more** representatives of labor organizations, where such organizations exist in the Local Area. Where labor organizations do not exist, representatives must be selected from other employee representatives.
- Must include **one or more** representatives of a joint labor- management, or union affiliated, registered apprenticeship program within the area who must be a training director or a member of a labor organization. If no union affiliated registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists.

California Unemployment Insurance Code (CUIC) Section 14202(c) further requires and specifies that at least **15 percent** of Local Board members shall be representatives of labor organizations unless the local labor federation fails to nominate enough members. If this occurs, then at least 10 percent of the Local Board members shall be representatives of labor organizations.

Name	Title	Entity	Appointment Date	Term End Date
Carey R. Wilson	Labor Organization/ Disability Evaluation Analyst	SEIU 1000	7/26/14	7/26/17
Ruben Zarate	Labor Organization/ Labor Relations Rep.	Laborers' International Union of North America #294	9/10/13	9/10/16
Chuck Riojas	Registered Apprenticeship/ Business Agent	International Brotherhood of Electrical Workers #100	12/6/14	12/6/17
Ernie Flores	Executive Director	Central Valley Opportunity Center	6/5/15	6/5/18

Jim Rodriguez	Chief Financial Officer	Kings View Inc.	10/6/15	10/6/18

EDUCATION AND TRAINING

WIOA Section 107(b)(2)(C) – each Local Board shall include representatives of entities administering education and training activities in the Local Area, who— (i) shall include a representative of eligible providers administering adult education and literacy activities under title II; (ii) shall include a representative of institutions of higher education providing workforce investment activities (including community colleges); (iii) may include representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment.

- Must include **at least one** eligible provider administering adult education and literacy activities under WIOA title II.
- Must include **at least one** representative from an institution of higher education providing workforce investment activities, including community colleges.

Name	Title	Entity	Appointment Date	Term End Date
David Hernandez	Adult Education & Literacy/ Director of Family and Community Services	Madera Unified School District	9/17/15	9/17/18
John Fitzer	Institution Higher Education/ Vice President of Madera & Oakhurst Centers	State Center Community College District	6/24/14	6/24/17

GOVERNMENTAL AND ECONOMIC AND COMMUNITY DEVELOPMENT

WIOA Section 107(b)(2)(D) – each Local Board shall include representatives of governmental and economic and community development entities serving the Local Area, who— (i) shall include a representative of economic and community development entities; (ii) shall include an appropriate representative from the State employment service office under the *Wagner-Peyser Act* (29 U.S.C. 49 et seq.) serving the Local Area; (iii) shall include an appropriate representative of the programs carried out under title I of the *Rehabilitation Act of 1973* (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), serving the Local Area; (iv) may include representatives of agencies or entities administering programs serving the Local Area relating to transportation, housing, and public assistance; and (v) may include representatives of philanthropic organizations serving the Local Area.

- Must include **at least one** representative of economic and community development entities.
- Must include **at least one** representative from the state Employment Service Office (EDD) under the *Wagner-Peyser Act* (29 U.S.C. 49 et seq.) serving the Local Area.
- Must include **at least one** representative from programs carried out under title I of the *Rehabilitation Act of 1973*, other than Section 112 or Part C of that title.

Name	Title	Entity	Appointment Date	Term End Date
Bobby Kahn	Economic & Community Dev/ Executive Director	Madera County Economic Development Commission	7/30/15	7/30/18
Sofia Morales	Employment Service / Employment Program Manager	CA Employment Development Department	5/12/15	5/12/18
Terry Nichols	Rehabilitation Act of 1973/ Rehabilitation Supervisor	Department of Rehabilitation	9/17/15	9/17/18

ADDITIONAL MEMBERS

WIOA Section 107(b)(2)(E) – each Local Board may include such other individuals or representatives of entities as the chief elected official (CEO) in the Local Area determines to be appropriate.

Name	Title	Entity	Appointment Date	Term End Date
Brett Frazier	Supervisor	Madera County Board of Supervisors	indefinite	indefinite
Kelly Woodard	Director	Madera County Department of Social Services	6/6/15	6/6/18

CORRECTIVE ACTION COMMENTS

Explain any vacant appointment(s) regarding the required membership composition only. Include the length of time the appointment(s) has been vacant, efforts made to fill the vacant appointment(s), and dates by which the vacant appointment(s) should be filled.

We have recently requested a nomination from the local labor council due to a resignation from a labor representative. Please note that the Executive Committee approved reducing the labor composition to 10% per SB293 due to lack of nominations or nominations that do not adequately represent the industries and sectors identified in and for Madera County on April 28, 2011 and it was ratified by the WIB on July 28, 2011.

COMPLIANCE WITH MAJORITY OF BUSINESS REPRESENTATIVES

The table below will assist Local Boards determine compliance with WIOA Section 107(b)(2)(A), which requires that a **majority** of the members be representatives of business in the Local Area.

Instructions – Double click the table below to open in Excel.

Total number of individuals currently sitting on local board =	24
Number of vacancies currently on local board =	0
Total local board membership =	<u>24</u>
Total number of Business Representatives currently sitting on local board =	13
Number of Business Representative vacancies currently on local board =	0
Total local board Business Representatives =	<u>13</u>
Divide total local board Business Representatives by total local board membership =	<u>54.17%</u>
	(Must be greater than 50%)

COMPLIANCE WITH 20% OF WORKFORCE REPRESENTATIVES AND 15% LABOR ORGANIZATION REPRESENTATIVES

The table below will help Local Boards determine compliance with WIOA Section 107(b)(2)(B), which requires not less than **20 percent** of the members be representatives of the workforce within the Local Area and compliance with CUIA Section 14202 which requires that at least **15 percent** of Local Board members be representatives of labor organizations unless the local labor federation fails to nominate enough members, in which case it is **10 percent**.

Instructions – Double click the table below to open in Excel.

Total number of individuals currently sitting on local board =	24
Number of vacancies currently on local board =	0
Total local board membership =	<u>24</u>
Total number of Workforce Representatives currently sitting on local board =	5
Number of Workforce Representatives vacancies currently on local board =	0
Total local board Workforce Representatives =	<u>5</u>
Divide total local board Workforce Representatives by total local board membership =	<u>20.83%</u>
	(Must not be less than 20%)
Total number of Labor Organization Representatives currently sitting on local board =	3
Total number of Apprenticeship Program Representatives currently sitting on local board =	0
Number of Labor Org/Apprenticeship Program Representatives vacancies =	0
Total local board Labor Representatives =	<u>3</u>
Divide total local board Labor Representatives by total local board membership =	<u>12.50%</u>
	(Must be at least 15%)

Local Board Performance Accountability Measures

Instructions

Enter your Local Board's negotiated levels of performance and actual levels of performance for PYs 2013-14 and 2014-15.

Performance Table				
Name of Local Area: <u>Madera County</u>				
Common Measure	Negotiated PY 2013-14	Actual PY 2013-14	Negotiated PY 2014-15	Actual PY 2014-15
Adult				
Entered Employment Rate	55.0	54.3	51.5	61.6
Employment Retention Rate	72.0	74.4	76.5	75.7
Average Earnings	\$11,500	\$12,019	\$11,650	\$13,182
Dislocated Worker				
Entered Employment Rate	64.5	73.0	69.0	73.0
Employment Retention Rate	82.1	76.5	83.5	81.1
Average Earnings	\$12,500	\$14,249	\$13,100	\$15,682
Youth (ages 14-21)				
Placement in Employment or Education	52.3	53.0	55.0	66.0
Attainment of a Degree or Certificate	54.5	66.1	64.0	71.4
Literacy and Numeracy Gains	51.6	78.8	57.5	86.2

Local Board Sustained Fiscal Integrity

The Local Board hereby certifies that it has not been found in violation of one or more of the following during PYs 2013-14 or 2014-15:

- **Final determination of significant finding(s)** from audits, evaluations, or other reviews conducted by state or local governmental agencies or the Department of Labor, identifying issues of fiscal integrity or misexpended funds due to the willful disregard or failure to comply with any *Workforce Investment Act* (WIA) requirement, such as failure to grant priority of service or verify participant eligibility.
- **Gross negligence**, which is defined as a conscious and voluntary disregard of the need to use reasonable care, which is likely to cause foreseeable grave injury or harm to persons, property, or both.
- **Failure to observe accepted standards of administration.** Local Areas must have adhered to the applicable uniform administrative requirements set forth in Title 29 *Code of Federal Regulations* (CFR) Parts 95 and 97, appropriate Office of Management and Budget circulars or rules, WIA regulations, and state guidance. Highlights of these responsibilities include the following:
 - Timely reporting of WIA participant and expenditure data
 - Timely completion and submission of the required annual single audit
 - ***Have not been placed on cash hold for longer than 30 days***

(In alignment with WIOA Section 106[e][2])

Local Board WIOA Implementation

Using the questions below, describe your Local Board's efforts toward implementing the following key WIOA implementation provisions and designing a better system for customers.

1. What activities have you undertaken to design a better system for customers? Specifically, describe any actions you have taken, or actions you plan to take, for the following topics:

- a. Developing new services

The WDB of Madera County is moving forward with new services and new service delivery strategies in implementing WIOA. The local area has implemented an assessment of basic educational skills both to identify individuals who are basic skills deficient and to facilitate appropriate strategies for addressing this barrier. As a result, we are partnering with our local Adult Education provider, Madera Adult School, to offer increased access to adult basic education, English as a Second Language, and high school equivalency preparation classes in an open-entry, open-exit format with classes offered at varying times to accommodate individuals and families. The WDB is also relaunching paid work experience as part of our work-based learning/learn and earn strategies through a partnership with the Community College Foundation who will manage employment hiring, payroll, and other functions for this activity.

- b. Entering into collaborative partnerships

The WDB is considering options for a partnership with a Statewide Business Association to implement an HR hotline, employer forums, and other business engagement events. The WDB is partnering with local Chambers of Commerce to host business events and employer training workshops around labor law and other topics of interest to local employers. The WDB is also partnering with EDC on employer marketing and outreach opportunities and other strategies for connecting with Eastern Madera County. The WDB has AJCC staff involved in community groups such as Social Agencies Linking Together, the Transportation Advisory Board, the Community Corrections Partnership, and regional Rapid Response Roundtable and the newly formed regional Business Services Workgroup. The WDB participated in the Central Valley roll out of EMPLEO, an education, employment, and outreach program that allows workers to connect with federal and state agencies to help them resolve job safety, wage, harassment, and equal employment issues. The WDB has also entered into an MOU with Covered California to share accurate and timely information about health care options and enrollment locations with the community served through the local AJCC system. We also have met recently with the Department of Social Services and a local Community Based Organization related to a project utilizing DSS CalFresh monies and the possibility of applying for USDA monies to enhance the project.

- c. Creating innovative workforce development strategies in alignment with WIOA

The WDB has initiated use of Social Media platforms to share information regarding activities and events at the AJCC location, as well as community events of general interest, employer recruitment activities, job fairs, and motivational ideas. In addition, AJCC's are utilizing technology that allows communication with customers using a web-based texting application. Video relay service equipment is available to facilitate communication with individuals who are deaf or hard-of-hearing. The WDB has also launched an electronic communication platform to engage and share information with the business community. This platform will be used to launch employer survey tools to obtain feedback regarding

satisfaction with current services as well as interest in additional services that can be offered. The tool is also used to announce activities and events of interest to local business, including employer forums and job fairs. The WDB will be considering a procurement action to undertake the redesign of the local area website to increase the interactivity, facilitate increased ease of electronic access for both employers and job seeking customers, and to create a functional portal to all AJCC partners and services.

d. Redesigning service delivery

The WDB underwent significant changes as it transitioned to WIOA. Workgroups were created for Business Services and Job Seekers that provided staff the opportunity to dialogue and develop strategies to deliver a myriad of services; thus, positioning our local workforce development system to better serve both employers and jobseekers as our customers. The redesign of our service delivery model is built on the Human Centered Design approach. This customer centered model removed the “hoops” that a job seeker must jump through in order to access our services under WIA, thus, minimizing the length of time it takes to get job seekers through the upfront process. Additionally, we removed group orientations and now provide job seekers a menu of options when they walk through our doors. When a jobseeker checks in with staff at the front desk, he/she is: 1) provided forms such as UI application, state disability, etc., 2) referred to outside or partner agencies, 3) referred to the resource room for self service activities, or 4) referred to the Specialist of the Day if interested in job placement assistance or training.

The Specialist of the Day is available Monday through Thursdays from 8:15am to 4pm. There are no Specialists available on Fridays. When a job seeker meets with the Specialist of the Day, an Initial Questionnaire is used to assess and refer the job seeker to the appropriate services based on the job seeker’s needs. The job seeker may be referred to a partner/outside agency, the resource room if not interested in one on one services, or scheduled for an eligibility appointment. If an individual is interested in eligibility, the Specialist reviews the list of required documents for eligibility and may schedule the eligibility appointment for the same day, next day, or days out using the CalJOBS calendar of events. All individuals scheduled for eligibility must be registered in CalJOBS. Job seekers that do not have a HS diploma or GED may be referred to the Madera and/or Fresno Adult Schools for classes. Upon eligibility determination and approval, the job seeker is assigned to a Career Specialist. A TABE assessment is administered to identify basic skills deficiency. Depending on the needs of the job seeker, he/she may be referred to a menu of activities that include Workkeys assessment, skills training, job placement, job readiness, direct placement, or a panel interview.

The WDB has also redesigned a more comprehensive business services plan for Madera County. We identified a Business Services team comprised of 4 Business Specialists, who have further developed strategies and processes to actively engage employers and bridge job seekers to employment. Our business services portfolio received a complete makeover. Brochures were simplified into 1 page handouts that included business jargon, an employer resource directory was created, business cards were redesigned, and new folders were purchased with our embossed logo. Additionally, two employer surveys were developed. The first is an initial survey for new businesses that captures demographic information

about the business. The second is a follow-up survey that measures specific needs and challenges that the business may be experiencing. Business Specialists are using Constant Contact to further market our business services. Staff have populated Constant Contact with employer contacts and will be using this marketing tool to further outreach and engage employers. The business services team will look at other social media platforms to market our business services.

Business Specialists are working closely with Career Specialists to develop a referral process for on-the-job training and direct placement. Panel interviews consisting of Business and Career Specialists are used to determine whether a job seeker is job ready. Staff developed an interview tool that is used to rank job seekers' responses on various behavioral based questions. A calendar for panel interviews is available in CalJobs and Career Specialists can schedule any job seeker that they feel is job ready. A resume and application must also be submitted for consideration. Job seekers who are considered job ready by the interview panel are added to a database for referral. Job seekers who are less than job ready are referred to a soft skill workshop and/or back to their assigned Career Specialist for further mentoring.

The Business Specialists have identified industry sectors that will become their assigned area of expertise, which will determine the businesses they will work with. The Business Specialists are actively participating in as many employer related events and trainings as possible. We look forward to the long term relationships that our business services team will develop with our business community.

e. Other WIOA transitional activities to design a better system for customers

The WDB will be appointing an ad hoc work group representing all local AJCC partners to review and recommend changes to the service delivery design, menu of services, technological tools, common initial application process/form, possible approaches for data sharing and common reporting, and streamlining and updating the partner referral process. In addition, the WDB is actively involved in a facility search that would permit the expansion of the comprehensive AJCC to incorporate the local youth program operator, the local adult basic education provider, and potentially a business services center, along with other required partners into a community service center. The Board has updated all local policies to comply with WIOA requirements, and has revised all service provider/subrecipient and vendor agreements for alignment with WIOA and the Uniform Guidance.

2. What steps have you taken to implement the new WIOA youth program requirements, including the 75 percent out-of-school youth and 20 percent work experience minimum expenditure requirements?

The current youth provider and a WIOA program supervisor have worked closely to implement and transition to the WIOA. This has included a re-branding of the provider from an in school to out of school/young adult program; new program name, website, marketing and outreach materials, radio and television advertising. The scope of work was reviewed and modified to include the new WIOA requirements and elements and a new contract has been executed. The customer service delivery model has also been modified to accommodate and cater to the the young adult population which includes open entry and exit to the program and integration of the new elements specific to financial literacy, entrepreneurialism, mentoring. The WIOA program supervisor has also provided training to the youth provider staff to insure a seamless transition; particularly around ITA's, OJT's,

Career Pathways and Sector strategies. There continue to be regular monthly meetings with the youth provider.

3. Describe your efforts to comply with the Uniform Guidance requirements.

All Business, Financial and Program Policies and Procedures have been revised and updated to align with the requirements of the WIOA and Uniform Guidance and have been approved by both the WDB and the Corporate Board of Directors. All contractual documents, including the CLEO, have also been updated and executed.

4. Describe your efforts to develop sector initiatives and career pathways in high demand industries in coordination with community colleges, apprenticeship programs, adult basic education, and other training providers.

The WDB has current Sector policy identifying priority sectors based on current labor market data and is currently drafting a career pathways policy for consideration. The local area has successfully offered three Jump Start Pre-Apprenticeship classes, and Prop 39, in collaboration with the local labor council and trades. We have had numerous projects and contract education with both the community college and the adult school for both occupational skills and basic education courses and currently have a contract with the Madera Adult School for open entry and exit GED/ABE. We are a member of the Madera Unified School District Career Pathway Advisory Council, the AB 86 Consortium and have participated, and will continue to do so, in all appropriate events and forums related to this area. We provide information to the local Great Madera County Industrial Association through the Economic Development Commission (EDC). We are a Commissioner on the EDC. We recently participated at the State Center Community College District's Charrette Five Year Planning Session where Career Pathways and stackable credentials and certificates are of significant focus. We participate on the annual Health Career Fair Day with local health providers, training providers and high school district. We provide business services to the local large manufacturer who recently successfully developed and implemented an approved apprenticeship program for their plant with the community college as the local education agency. We have established and maintained relationships and partnerships with the Deputy Sector Navigators from the Community College system, particularly Manufacturing and Health. We also held a WDB Strategic Planning Session and from that have developed a Dashboard tool that will be used to frame and guide the Boards work.

5. Describe your efforts to adopt, implement, and promote the AJCC brand.

The AJCC logo/brand is on our front signage to the comprehensive Job Center and has been added to our website, business cards and all marketing and outreach materials and is included on any special fliers, displays, etc.

6. Describe your efforts to complete Phase I of the MOU development process. What challenges are you facing?

WDB staff have been reviewing the current MOU's and comparing to the new requirements under the WIOA, as well as conducting research within the system for any WIOA aligned MOU template documents. During Partner meetings and WDB meetings the MOU process has been on the agenda for discussion. Staff recently attended the Sacramento MOU Development Session. We are in the process of convening a local MOU Development Session with all mandatory partners to review the requirements associated with successfully executing MOU's with the partners, specific to Phase I. The Executive Committee of the WDB will establish a process and a timeline at their February meeting.

Local Board Assurances

For PYs 2016-18, the Local Board assures that it will do the following:

- A. Comply with the applicable uniform administrative requirements, cost principles, and audit requirements included in Title 2 CFR Parts 200 and 2900 (WIOA Section 184[a][2] and [3]).

Highlights of this assurance include the following:

- The Local Area's procurement procedures will avoid acquisition of unnecessary or duplicative items, software, and subscriptions (in alignment with Title 2 CFR Section 200.318).
- The Local Area will maintain and provide accounting and program records, including supporting source documentation, to auditors at all levels, as permitted by law (Title 2 CFR Section 200.508).

**Note that failure to comply with the audit requirements specified in Title 2 CFR Part 200 Subpart F will subject the Local Area to potential cash hold (Title 2 CFR Section 200.338).*

- B. Do financial reporting in compliance with federal and state regulations and guidance.

Highlights of this assurance include the following:

- Reporting will be done in compliance with Workforce Services Directive WSD12-3, *Quarterly and Monthly Financial Reporting Requirements*.
- All close out reports will comply with the policies and procedures listed in Workforce Services Directive WSD09-12, *WIA Closeout Handbook*.

**Note that failure to comply with financial reporting requirements will subject the Local Area to potential cash hold (Title 2 CFR Section 200.338).*

- C. Expend funds in accordance with federal and state laws, regulations, and guidance.

Highlights of this assurance include:

- The Local Area will meet the requirements of State Senate Bill 734, to spend a minimum of 30 percent of combined total of adult and dislocated worker formula fund allocations on training services (CUIC Section 14211).
- The Local Area will not use funds to assist, promote, or deter union organizing (WIOA Section 181[b][7]).

- D. Select AJCC operator(s), with the agreement of the local CEO, through a competitive process such as a Request for Proposal, unless granted a waiver by the state (WIOA Section 121[d][2][A] and 107[g][2]).

- E. Collect, enter, and maintain data related to participant enrollment, activities, and performance necessary to meet all CalJOBSSM reporting requirements and deadlines.
- F. Comply with the nondiscrimination provisions of WIOA Section 188, including the collection of necessary data.
- G. Comply with State Board policies and guidelines, legislative mandates and/or other special provisions as may be required under federal law or policy, including the WIOA or state legislation.
- H. Give priority of service to veterans, recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for receipt of career and training services funded by WIOA Adult funding (WIOA Section 134[c][3][E] and *Training and Employment Guidance Letter 10-09*).
- I. Comply with Assembly Bill (AB) 1234 and ensure that local members receive ethics training every two years. AB 1234 requires Local Boards to consult with the California Fair Political Practice Commission (FEPC) and the California Attorney General's office regarding the content of the ethics training course they can use. Local Boards may consider using the free, two-hour, on-line ethics training course available from the FPPC: [AB 1234 Ethics Training for Local Officials](#).
- J. Comply with the conflict of interest provisions of WIOA Section 107(h).

Signature Page

By signing below, the local CEO and Local Board chair request Local Board recertification. We certify that the Local Board appointed members as described in WIOA Section 107(a), (b), and (c), performed successfully and sustained fiscal integrity during PYs 2013-14 and 2014-15, and developed and implemented strategies to improve and continuously strengthen the workforce development system in accordance with WIOA. Additionally, we agree to abide by the Local Area assurances included in this document.

Instructions

The Local Board chairperson and local CEO must sign and date this form. Include the original signatures with the request.

Local Workforce Development Board Chair

Signature

Pat Gordon

Name

Chair

Title

Date

Local Chief Elected Official

Signature

Rick Farinelli

Name

Chairman of the Board

Title

Date

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 6.7

Consent

Action

Information

To: Workforce Development Board of Madera County, Executive Committee

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Ratify the Resignation of Manuel Nevarez, Argus Lending, from the WDB

Recommendation:

Staff recommends ratification of the resignation of Manuel Nevarez from the WDB.

Summary:

Mr. Nevarez notified staff that he is unable to continue to participate in WDB meetings. Mr. Nevarez represented the Private Sector on the Board. Staff are continuously recruiting for Private Sector representatives and will bring prospective Directors to the Board for approval in the near future. His resignation was approved by the Executive Committee on May 4, 2016.

Financing:

Workforce Innovation and Opportunity Act

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 6.8

Consent

Action

Information

To: Workforce Development Board of Madera County, Executive Committee

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Ratify the Resignation of Chris Watts, Madera Community Hospital, from the WDB

Recommendation:

Staff recommends ratification of the resignation of Chris Watts from the Workforce Development Board.

Summary:

Ms. Watts is retiring from her position at Madera Community Hospital (MCH) as of June 3, 2016 and will no longer be available to serve on the WDB. She represented the Private Sector on the Board. Staff will work closely with MCH to find and nominate a replacement for Ms. Watts. Her resignation was approved by the Executive Committee on May 4, 2016.

Financing:

Workforce Innovation and Opportunity Act

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 6.9

Consent

Action

Information

To: Workforce Development Board of Madera County, Executive Committee

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Ratify the nomination of Elizabeth Wisener to the WDB

Recommendation:

Staff recommends ratification of the nomination of Elizabeth Wisener to the Workforce Development Board for a 3 year term.

Summary:

Ms. Wisener is the Community Services Program Manager for Community Action Partnership of Madera County (CAPMC). She is replacing Mattie Mendez on the WDB. Her nomination was approved by the Executive Committee on May 4, 2016.

Financing:

Workforce Innovation and Opportunity Act

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Director Application

NAME: Elizabeth Wisener	TITLE: Community Services Program Manager
EMPLOYER: Community Action Partnership of Madera County, Inc.	
ADDRESS: 1225 Gill Avenue Madera, CA 93637	
PHONE: (559) 675-5742	FAX: (559) 673-3223
EMAIL: ewisener@maderacap.org	ALTERNATE EMAIL:

ORGANIZATIONS YOU BELONG TO:	HOW LONG?
1. Fresno - Madera Continuum of Care	5 years
2. Madera County Homeless Coalition	5 years
3. Social Agencies Linking Together (SALT) Group	5 years
4. Drought Task Force	1 year
5. _____	_____

REFERENCES:	PHONE:
Mattie Mendez, Executive Director	_____
Donna Tooley, Chief Financial Officer	_____
Jeannie Stapleton, Executive Admin. Assist.	_____
Yolanda Shepard, Outreach Worker	_____
_____	_____

WHY DO YOU WANT TO BE A MEMBER OF THE WORKFORCE DEVELOPMENT BOARD OF MADERA COUNTY?

I want to be able to give back to Madera County residents by supporting the work of the Workforce Development Board of Madera County.

DO YOU HAVE ANY RELEVANT EXPERIENCE WITH WORKFORCE DEVELOPMENT, ECONOMIC DEVELOPMENT, EDUCATION, OR TRAINING PROGRAMS? YES NO
IF YES, PLEASE EXPLAIN:

PLEASE LIST ANY OTHER INFORMATION THAT YOU FEEL WOULD BE PERTINENT.

I have over 20 years experience in working with non-profit organizations. I hold a B.S. Degree in Business Administration with emphasis in Accounting.

Elizabeth Wisner
SIGNATURE

3-11-16
DATE

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 6.10

Consent

Action

Information

To: Workforce Development Board of Madera County, Executive Committee

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Ratify the Nomination of Mike Lopez to the WDB

Recommendation:

Staff recommends ratification of the nomination of Mike Lopez to the Workforce Development Board for a 3 year term.

Summary:

Mr. Lopez is a Business Representative with the Sheet Metal Workers Local 104 union. His nomination and appointment fulfills the requirement under the Workforce Innovation and Opportunity Act. His nomination was approved by the Executive Committee on May 4, 2016.

Financing:

Workforce Innovation and Opportunity Act



Central Labor Council of Fresno, Madera, Tulare & Kings Counties AFL-CIO

Serving Fresno, Madera, Tulare, and Kings Counties

March 16, 2016

Ms. Nicki Martin, Executive Assistant
Madera County Workforce Investment Corporation
441 E. Yosemite Ave.
Madera, CA. 93638

Re: Labor Designated WIB seat

Dear Ms. Martin,

Pursuant to earlier discussion, regarding a Labor designated nominee to be seated on your WIB Board, our Executive Board has approved the designation of the following individual:

The one new designee is Mr. Mike Lopez, Area Business Representative of International Assoc. of Sheet Metal, Air, Rail, and Transportation Workers. SMW Local Union #104

Mr. Lopez's contact info:
Address: 5410 E. Home Ave. Ste. A
Fresno, CA. 93727
Phone: 559-440-6373
Fax: 559-452-0402

Please contact Mr. Lopez directly with orientation/ next steps information.

If you have any questions, please contact my office.

Sincerely,

Randy L. Ghan
Exec. Sec.-Treas., FMTK-CLC

CC: Mike Lopez

WHY DO YOU WANT TO BE A MEMBER OF THE WORKFORCE DEVELOPMENT BOARD OF MADERA COUNTY?

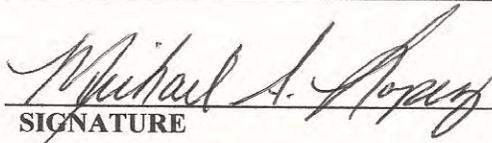
With my Human Resource skills I strongly feel that I can be of help putting people to work and creating job opportunities.

**DO YOU HAVE ANY RELEVANT EXPERIENCE WITH WORKFORCE DEVELOPMENT, ECONOMIC DEVELOPMENT, EDUCATION, OR TRAINING PROGRAMS? YES NO
IF YES, PLEASE EXPLAIN:**

I am a Board Member of the Training Facility with the Sheet Metal workers of Local 104

PLEASE LIST ANY OTHER INFORMATION THAT YOU FEEL WOULD BE PERTINENT.

I have trained numerous members that have become assets to their employers.


SIGNATURE

3/10/2016
DATE

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 6.11

Consent

Action

Information

To: Workforce Development Board of Madera County, Executive Committee

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Ratify the Nomination of Laura Gutile to the WDB

Recommendation:

Staff recommends approval of the nomination of Laura Gutile, Private Sector, to the Workforce Development Board for a 3 year term.

Summary:

Ms. Gutile currently sits on the Madera County Farm Bureau Board of Directors and works/self-employed in the farming/agriculture industry. While this is Private Sector it also provides the WDB with an agricultural representative. Her nomination was approved by the Executive Committee on May 4, 2016.

Financing:

Workforce Innovation and Opportunity Act

AGENDA ITEM 6.11

M A D E R A C O U N T Y
I N V E S T M E N T B O A R D

Director Application

NAME: Laura Gutile	TITLE
EMPLOYER: Self employed	
ADDRESS: 25545 Ave 12 1/2, Madera, CA 93637	
PHONE: 559.706.5586	FAX:
EMAIL: Lmgutile@live.com	ALTERNATE EMAIL:

ORGANIZATIONS YOU BELONG TO:	HOW LONG?
1. American Pistachio Growers	5+ years
2. Madera County Farm Bureau	15 years
3. Madera County Farm Bureau Board Member	Since July 2015
4. _____	_____
5. _____	_____

REFERENCES:	PHONE:
Jay Mahil	_____
Michele Ivory	_____
Larry Lowder	_____
Kirk Squire	_____
Kristi Robinson	_____

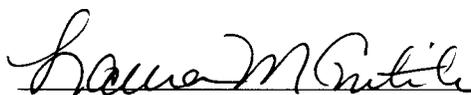
WHY DO YOU WANT TO BE A MEMBER OF THE WORKFORCE INVESTMENT BOARD OF MADERA COUNTY?

As a life-long Maderan, I feel the need to be as well educated as I can about our City and County services. I would like to help retain a quality workforce and also guide those looking to join the workforce.

**DO YOU HAVE ANY RELEVANT EXPERIENCE WITH WORKFORCE DEVELOPMENT, ECONOMIC DEVELOPMENT, EDUCATION, OR TRAINING PROGRAMS? YES NO
IF YES, PLEASE EXPLAIN:**

sdfsadf As a Board Director of the Madera County Farm
sdfa Bureau, I help ~~go~~ make decisions as to the best way
sdfs to educate the public on the importance of agriculture
as well as interact with students interested in ag related
fields.

PLEASE LIST ANY OTHER INFORMATION THAT YOU FEEL WOULD BE PERTINENT.


SIGNATURE

4-19-16
DATE

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 6.12

Consent

Action

Information

To: Workforce Development Board of Madera County, Executive Committee

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Ratify the Re-appointment of Pat Gordon, Private Sector, to the WDB

Recommendation:

Staff recommends approval of the re-appointment of Pat Gordon for an additional 3 year term.

Summary:

Mr. Gordon represents the Private Sector on the WDB. His term expires on July 16, 2016. He has expressed his desire to remain on the Board and has authorized staff to submit his re-appointment for another term. His re-appointment was approved by the Executive Committee on May 4, 2016.

Financing:

Workforce Innovation and Opportunity Act

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 6.13

Consent

Action

Information

To: Workforce Development Board of Madera County, Executive Committee

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Ratify Revised Linking Training to Occupations in Demand Policy

Recommendation:

Staff recommends ratification of the revised Linking Training to Occupations in Demand policy.

Summary:

The State recently issued final guidance on the provision of training services for Adult program-eligible individuals. The state guidance indicates that Adults who are members of specifically identified categories will receive priority for training services. The Linking Training to Occupations in Demand policy has been revised to reflect that Adults who are members of a priority group will be eligible for WIOA-funded training services. The policy was approved by the Executive Committee on May 4, 2016.

Financing:

Workforce Innovation and Opportunity Act



LINKING TRAINING TO OCCUPATIONS IN DEMAND POLICY

EDD Revision Date: N/A

WDB Review Date: 3/22/07; 12/17/15; 4/28/16

EXECUTIVE SUMMARY

Purpose:

This document establishes the Workforce Development Board of Madera County's policy on linking training services to Occupations in Demand.

Effective Date:

This policy is effective on July 1, 2015.

References:

Note: References from WIOA are from the Act, as signed into law in July 2014. References from Title 20 of the Code of Federal Regulations (CFR) are cited from the Notice of Proposed Rulemaking, and are therefore subject to change pending issuance of final Federal Regulations.

- Workforce Innovation and Opportunity Act, Section 134(c)(3)(G)(iii).
- Code of Federal Regulations (CFR), Notice of Proposed Rulemaking, Title 20, Sections 679.370(e)(4), 679.560(a), 680.210(b)

Policy:

Section 134 (c)(3)(G)(iii) of the Workforce Innovation and Opportunity Act (WIOA) requires that training services provided to eligible adults and dislocated workers shall be directly linked to an in-demand industry sector or occupation in the local area or the planning region, or in another area to which an adult or dislocated worker receiving such services is willing to relocate, except that a local board may approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area.

WIOA Section 107(d) and 20 CFR Section 679.370 outline the functions of the Local Workforce Development Boards under WIOA. Title 20 CFR Section 679.370(e)(4) specifically requires that local boards lead efforts to engage with a diverse range of local employers and other entities in order to develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers, that provide the skilled workforce

needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in **in-demand industry sectors or occupations** (emphasis added).

Further, 20 CFR 679.560 outlines that the local workforce investment plan must include a regional analysis of economic conditions including existing and emerging in-demand industry sectors and occupations and the employment needs of employers in those sectors and occupations. The analysis must also include the knowledge and skills needed to meet the employment needs of the employer in the region, including those in the identified in-demand sectors and occupations.

Training services under WIOA may be made available to employed and unemployed adults who are members an identified priority group (see Priority of Service for Adults policy for definitions) and dislocated workers who:

- Have been determined to be unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through the provision of career services only;
- Are in need to training services to obtain or retain employment leading to economic self-sufficiency;
- Have the skills and qualifications to participate successfully in training services; and
- Have selected a program of training services that is **directly linked** to the employment opportunities in the local area or planning region, or in another area to which the individuals are willing to commute or relocate.

It is the policy of the Workforce Development Board of Madera County that training services will be provided in alignment with the Board's identified priority industry sectors, as identified in local policy and aligned with those identified regionally through the analysis completed by the California Partnership for the San Joaquin Valley, or with any subsequent analysis completed by the Board or the planning region. Requests for training shall be accompanied by documentation outlining that the selected training program offers career pathway options, opportunities for earnings that support economic self-sufficiency, and verification that the occupation or career pathway is linked to in-demand sectors or occupations within the local area or the planning region.

Sources for determining such demand may include, but are not limited to:

- Local or regional economic analyses
- EDD Labor Market Information
- Open job orders listed with the Workforce Investment Corporation or other one-stop partner agencies
- Direct employer information obtained by the Business Services staff members of one-stop partner agencies
- Open job orders in the local area listed through newspapers, websites, temporary agencies, professional journals, etc.
- Open job orders in the CalJOBS system

- Anecdotal information from local business/employers indicating the need for trained individuals in a specific industry or occupation.

ACTION:

This policy replaces the previous version approved by the Board on December 17, 2015 and is effective upon approval. Retain this policy until further notice.

Deleted: March 27, 2007

INQUIRIES:

If you have questions, please contact the Executive Director or designee at (559) 662-4500.

DRAFT

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 6.14

Consent

Action

Information

To: Workforce Development Board of Madera County, Executive Committee

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Ratify Revised Individual Training Account (ITA) Policy – 5/4/16

Recommendation:

Staff recommends ratification of the revised ITA policy.

Summary:

The State recently issued final guidance on the provision of individualized career services and training services for Adult program-eligible individuals. The state guidance indicates that Adults who are members of specifically identified categories will receive priority for training services. The ITA policy has been revised to reflect that Adults who are members of a priority group will be eligible for ITAs for training. The Executive Committee approved these revisions on May 4, 2016.

Financing:

Workforce Innovation and Opportunity Act



INDIVIDUAL TRAINING ACCOUNT POLICY

EDD Revision Date: N/A

WDB Review Date: 9/11/00; 7/17/06; 3/22/07, 12/18/09, 6/21/12; 2/28/13; 6/27/13; 5/22/14; 12/17/15; 4/28/16

EXECUTIVE SUMMARY:

Purpose:

This document establishes the policy of the Workforce Development Board of Madera County on training services for adults, dislocated workers, and out-of-school youth ages 18-24 as provided through Individual Training Accounts, and is effective upon approval by the Board.

References:

Note: References from WIOA are from the Act, as signed into law in July 2014. References from Title 20 of the Code of Federal Regulations (CFR) are cited from the Notice of Proposed Rulemaking, and are therefore subject to change pending issuance of final Federal Regulations.

- Workforce Innovation & Opportunity Act (WIOA) Section 134(c)(3)
- Title 20 CFR 680.230
- Title 20 CFR 680.300-340

Policy:

WIOA funding for training is limited to participants who are unable to obtain grant assistance from other sources to pay the costs of their training or who require assistance beyond that available under grant assistance from other sources to pay the costs of such training. One-stop operators and training providers must coordinate funds available to pay for training, taking into account the full cost of participating in training, including the cost of support services and other appropriate costs. Program staff must consider the availability of other sources of grants to pay for training costs such as Temporary Assistance for Needy Families (TANF), State-funded training programs, and Federal Pell Grants, so that WIOA funds supplement other sources of grant funding. A WIOA participant may enroll in WIOA-funded training while their application for a Pell Grant is pending, as long as arrangements have been made with the training provider and participant regarding allocation of the Pell Grant. If a Pell Grant is subsequently awarded, the training provider must reimburse the one-stop operator for the amount of WIOA funds used to underwrite the training for the amount covered by the Pell Grant.

Training services for eligible individuals are typically provided by training providers who receive payment for their services through an Individual Training Account (ITA). The ITA is a payment agreement established on behalf of a participant with a training provider. WIOA title I-eligible adults who are members of a priority group, dislocated workers, and out-of-school youth ages 18-24 may purchase training services from eligible providers they select in consultation with the case manager. This consultation will include discussion of the quality and performance information on the available training providers. Training programs selected must be directly linked to an in-demand industry sector or occupation in the local area or in the planning region, or in another area to which a participant receiving such services is willing to relocate. Priority will be given to programs that lead to recognized post-secondary credentials that are aligned with such in-demand industry sectors or occupations in the local area. A local board may approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area.

Payments from ITA's may be made in a variety of ways, including the electronic transfer of funds through financial institutions, vouchers, or other appropriate payment methods. Payment for ITA's issued under this policy will be paid incrementally, at an hourly rate for training, based on the hours of training successfully completed each month, throughout the participant's training program.

Title 20 CFR 680.310 allows the State or Local Workforce Development Board to impose limits on the dollar amount and/or duration for Individual Training Accounts. Limitations established by a local Board policy must not undermine, but rather should maximize, customer choice in the selection of an eligible training provider.

Based on the results of an individual assessment and on funding availability, ITA's may be awarded to eligible adults who are members of a priority group, dislocated workers, and out-of-school youth ages 18-24. Each ITA will be subject to a maximum dollar amount for tuition of \$5,000 and a maximum dollar amount of \$1,000 in additional training costs as listed on the ETPL for a total ITA maximum of \$6,000. The maximum duration of an ITA will be two years. A second ITA may be issued to a participant based on exceptional economic or personal circumstances at the discretion of the Executive Director; however, a second ITA would not generally be approved within less than 3 years of the completion of the first ITA. Prior to the issuance of an ITA, justification must be provided which supports that training is necessary for the individual to obtain appropriate employment leading to self-sufficiency, and that the career options following completion of training are in demand in the local area. An ITA will only be issued for those costs in excess of all other available sources of financial assistance, including PELL Grants, Community College Board of Governors (BOG) fee waivers, Cal Grants, private or institution-specific scholarships, or other available resources.

The \$6,000 limit is for costs required for the selected training program and may be waived for extenuating circumstances as determined by the local Board or the Executive Director. One example of such extenuating circumstances would be for those dislocated workers who are eligible for training services, but, due to their earnings prior to dislocation, are not eligible for any other form of non-repayable financial assistance, or for whom such financial assistance is limited. The \$6,000 limit includes all training costs required to participate in and successfully complete a training program, as listed on the ETPL. When awarding an ITA, consideration

must be given to labor market demand in the local area or in the area to which the trainee intends to relocate.

An ITA may only be issued for courses or programs published in the Statewide Eligible Training Provider List. Local Community Colleges, Adult Schools, and other public training institutions will always be given priority for training referrals, when the training course is comparable to that offered at a Private Training Institution.

An individual must be enrolled in approved training within 90 days from the date of issuance of the ITA. An individual will be considered “enrolled” in training if they are: 1) pre-registered for classes or on the waiting list for an approved provider; and 2) have a start date for their training; and 3) the start date is not more than one quarter or term away.

An individual must be making satisfactory progress in training to access all payments from their ITA. Satisfactory progress is defined, for local purposes, as receiving passing scores in all courses related to their program and meeting all attendance and behavior requirements mandated by their school of attendance. The educational institution will certify that an individual is making satisfactory progress through official attendance and progress reports signed by the registrar, instructor, or equivalent person designated by the educational institution.

EXCEPTIONS TO INDIVIDUAL TRAINING ACCOUNTS:

Title 20 CFR Section 680.320 allows the use of contracts for training services other than Individual Training Accounts under certain circumstances. These circumstances include only one or more of the following:

- When the services provided are On-the-Job Training, customized training, incumbent worker training or transitional jobs;
- When the local Board determines that there are an insufficient number of eligible providers in the local area to accomplish the purpose of a system of ITA's. In this event, the local Plan will describe the process to be used in selecting the providers under a contract for services. The process will include a public comment period for interested providers of at least 30 days;
- When the local Board determines that there is a training services program of demonstrated effectiveness offered in the area by a community-based organization or another private organization to serve individuals with barriers to employment. The local Board will determine criteria to be used in determining demonstrated effectiveness as required in 20 CFR 680.320(a)(3);
- When the local Board determines that it would be most appropriate to contract with an institution of higher education or other eligible provider of training services to facilitate the training of multiple individuals in in-demand industry sectors or occupations, provided that the contract does not limit customer choice; and/or
- When the local Board is considering entering into a pay-for-performance contract consistent with the requirements of 20 CFR 683.510.

ACTION:

This policy replaces the previous version approved by the Board on December 17, 2015, and is effective on the date of approval by the Board. Please retain this policy until further notice.

Deleted: May 22, 2014

INQUIRIES:

If you have questions, please contact the Manager at (559) 662-4500.

DRAFT

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 6.15

Consent

Action

Information

To: Workforce Development Board of Madera County, Executive Committee

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Ratify Revised Adult Program Priority of Service Policy – 5/4/16

Recommendation:

Staff recommends ratification of the revised Adult Priority of Service policy.

Summary:

On January 22, 2016, the State issued Workforce Services Directive WSD15-14 as final guidance on implementing the WIOA Adult Program Priority of Service requirements. The final directive included substantial changes from the initial draft guidance issued including removal of the reference to priority as “51% or more of the participants served with WIOA Adult funds” and including significant guidance around the application of the Veteran priority of service in conjunction with the Adult priority of service requirements. In addition, the definition of low-income removed the reference to the receipt of the Board of Governor’s community college fee waiver as a qualification. Finally, the lists of Basic Career Services and Individualized Career Services were restated and added a basic career service outlining the provision of information and meaningful assistance regarding the filing of Unemployment Insurance claims. The Executive Committee approved these revisions on May 4, 2016.

Financing:

Workforce Innovation and Opportunity Act



ADULT PROGRAM PRIORITY OF SERVICE POLICY

EDD Revision Date: 6/30/15; 1/22/16
 WDB Review Date: 7/17/03; 3/22/07; 4/26/07; 6/21/07; 5/22/08; 7/7/08; 3/21/13; 12/17/15; 4/28/16

EXECUTIVE SUMMARY:

Purpose:

This document establishes the Workforce Development Board of Madera County's policy and establishes the procedures regarding priority of service for recipients of public assistance, other low income individuals, and individuals who are basic skills deficient served with Workforce Innovation and Opportunity Act (WIOA) adult funds.

Deleted: service

Effective Date:

This policy is effective, as required by WIOA and State guidance, on the date of issuance by the State, January 22, 2016.

Deleted: on July 1, 2015

References:

Note: References from WIOA are from the Act, as signed into law in July 2014. References from Title 20 of the Code of Federal Regulations (CFR) are cited from the Notice of Proposed Rulemaking, and are therefore subject to change pending issuance of final Federal Regulations.

- Employment Development Department Directive WSD15-14
- WIOA (Public Law 113-128) Sections 3 and 134
- Title 20 Code of Federal Regulations (CFR) Sections 680.150, 680.600, 680.610, and 680.650

Deleted: Draft Directive WSDD-119

State-Imposed Requirements:

This policy contains some state-imposed requirements. These requirements are in ***bold, italic type.***

Background:

The Workforce Investment Act required that if funds allocated to a Local Area for adult employment and training activities were limited, priority of service was to be provided to recipients of public assistance and other low-income individuals for intensive and training services.

Deleted: Workforce Development

The WIOA made several changes to the priority of service requirement by adding individuals who are basic skills deficient as a priority population, changing intensive services to individualized career services, and removing the provision stating priority of service is only applied if funding is limited.

Veterans and eligible spouses continue to receive priority of service for all Department of Labor (DOL) funded programs amongst all participants. These requirements were not affected by the passage of WIOA and must still be applied in accordance with guidance previously issued by the DOL and Workforce Services Directive WSD08-10.

Policy and Procedures:

Priority of Service Requirement

As stated in WIOA Section 134(c)(3)(E), with respect to individualized career services and training services funded with WIOA adult funds, priority of service must be given to recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.

Priority of service status is established at the time of eligibility determination and does not change during the period of participation. Priority does not apply to the dislocated worker population.

Veterans and eligible spouses continue to receive priority of service among all eligible individuals; however, they must meet the WIOA adult program eligibility criteria and meet the criteria under WIOA Section 134 (c)(3)(E). As described in TEGL 10-09, when programs are statutorily required to provide priority, such as the WIOA adult program, then priority must be provided in the following order:

1. Veterans and eligible spouses who are also recipients of public assistance, other low income individuals, or individuals who are basic skills deficient.
2. Individuals who are the recipients of public assistance, other low income individuals, or individuals who are basic skills deficient.
3. Veterans and eligible spouses who are not included in WIOA's priority groups.
4. Other individuals not included in WIOA's priority groups.

For additional guidance on providing priority of service to veterans through the one-stop system, the guidance provided in Workforce Services Directive WSD08-10 will be followed.

Local Workforce Development Boards (local boards) may establish additional priority groups for their Local Area (e.g., residents of the local area, individuals with disabilities, ex-offenders, etc.). Additional priority groups established will be identified in the local policy.

It is the policy of the Workforce Development Board of Madera County to provide individualized career and training services only to eligible adults who meet the criteria for priority of service and who are residents of Madera County. Exceptions to these requirements may be made for special projects, regional grants, or for exceptional circumstances on a case-by-case basis at the discretion of the Executive Director.

Deleted: The state has defined the term "priority" to mean that 51 percent or more of the participants served with WIOA adult funds must either be low-income, recipients of public assistance, or basic skills deficient.¶

Deleted: An individual who is employed may still be included under the priority of services provided that they meet the criteria outlined above for priority of service.

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Definitions

For purposes of this policy, the following definitions apply:

Basic Skills Deficient – An individual that is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society (WIOA Section 3 [5]). **Criteria used to determine whether an individual is basic skills deficient include the following:**

- **Lacks a high school diploma or high school equivalency and is not enrolled in secondary education.**
- **Enrolled in a Title II Adult Education/Literacy program.**
- **English, reading, writing, or computing skills at an 8.9 or below grade level.**
- **Determined to be Limited English Skills proficient through staff-documented observations.**
- **Other objective criteria determined to be appropriate by the Local Area, as documented in local policy.**

Case Notes – Paper or electronic statements by the case manager that identifies, at a minimum, (1) a participant's status for a specific data element, (2) the date on which the information was obtained, and (3) the case manager who obtained the information. If case notes are used as a documentation source, the case notes must provide an auditable trail back to the source of information verified in the participant's case file.

Example: A case manager verifies an individual is basic skills deficient by viewing school records, specifically, enrollment in a Title II Adult Education/Literacy program. The case notes must include auditable information, such as the name of the school and the date of enrollment, which could allow an auditor/monitor to later retrieve this information. The case manager would not need to keep a hard copy of the school record in the participant's file (TEGL 06-14, Attachment A).

Low-Income – An individual that meets one of the four criteria below:

1. Receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received, assistance through the supplemental nutrition assistance program, temporary assistance for needy families program, supplemental security income program, or state or local income-based public assistance.
2. In a family with total family income that does not exceed the higher of the following:
 - a. The poverty line; or
 - b. 70 percent of the Lower Living Standard Income Level.
3. A homeless individual.
4. An individual with a disability whose own income does not exceed the income requirement, but is a member of a family whose total income does (WIOA Section 3[36]).

Public Assistance Recipient – An individual that receives federal, state, or local government cash payments for which eligibility is determined by a needs or income test (WIOA Section 3[50]).

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Self-Attestation – When a participant states his or her status for a particular data element, such as low income, and then signs and dates a form acknowledging this status. The key elements for self-attestation are (1) the participant identifying his or her status for permitted elements and (s) signing and dating a form attesting to this self-identification. The form and signature can be on paper or in the Local Workforce Development Area management information system, with an electronic signature (TEGL 06-14, Attachment A).

Note that self-attestation is not to be used as the primary method of gathering documentation to verify data elements. Self-attestation as a documentation source is only to be used when the preferred options of paper documentation or third party corroboration are not available.

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Career and Training Services

Under WIOA, the WIA core and intensive services are merged into a new category entitled “career services.” The career services category includes basic career services, found at WIOA Section 134(c)(2)(A)(i)-(xi), and individualized career services, found at WIOA Section 134(c)(2)(A)(xii). Basic career services are not subject to the priority of service requirement. However, individualized career services and training services are subject to the requirement (Title 20 CFR NPRM Section 680.150).

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Basic Career Services

Basic career services must be made available to all individuals seeking services offered by the one-stop delivery system, and include the following:

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- Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs.
- Outreach, intake (including identification through the state’s Worker Profiling and Reemployment Services system of unemployment insurance (UI) claimants likely to exhaust benefits), and orientation to information and other services available through the one-stop delivery system.
- Initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skill gaps), and supportive service needs.
- Labor exchange services, including the following:
 - Job search and placement assistance and, when needed by an individual career counseling, such as the information on in-demand industry sectors and occupations as well as non-traditional employment.
- Provision of referrals to, and coordination of activities with, other programs and services, including those within the one-stop delivery system and, when appropriate, other workforce development programs.
- Provision of workforce and labor market employment statistics information, including information relating to local, regional, and national labor market areas, including the following:
 - Job vacancy listings and the job skills necessary to obtain them.
 - Information on local in demand occupations and the earnings, skills requirements, and opportunities for advancement that accompany them.

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Deleted: <#>Recruitment and other business services on behalf of employers in the Local Workforce Development Area, such as information and referral to specialized business services not traditionally offered through the one-stop delivery system.¶

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- Provision of performance information and program cost information on eligible providers of training services by program and type of providers.
- Provision of information about how the Local Area is performing on local performance accountability measures, as well as any additional performance information relating to the area's one-stop delivery system.
 - Provision of information relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance, including (1) child care, (2) child support, (3) medical or child health assistance available through the state's Medicaid program and Children's Health Insurance Program, (4) benefits under the SNAP, (5) assistance through the earned income tax credit, (6) housing counseling and assistance services sponsored through the U.S. Department of Housing and Urban Development, (7) and assistance under a state TANF program, and other supportive services and transportation provided through that program.
- Assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under WIOA.
- Provision of information and assistance regarding filing claims under UI programs, including meaningful assistance to individuals seeking assistance in filing a claim. Meaningful assistance means providing assistance either on-site using staff who are properly trained in UI claims, filing, and/or the acceptance of information necessary to file a claim, provided that questions, advice, or decisions that could affect a claimant's eligibility are only handled by UI program staff, or by phone or via other technology, as long as assistance is provided by trained and available staff within a reasonable time. The costs associated with providing meaningful assistance may be paid for by the state's UI program, the WIOA adult or dislocated worker programs, the Wagner-Peyser Employment Service, or by some combination of these funding sources.

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<#>Child care, child support, medical or child health assistance under title XIX or XXI of the Social Security Act.¶
<#>Benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008.¶
<#>Assistance through the earned income tax credit under section 32 of the Internal Revenue Code of 1986.¶
<#>Assistance under a state program for temporary assistance for needy families funded under part A of title IV of the Social Security Act.¶
Other supportive services and transportation available in the Local Workforce Development Area.

Deleted: <#>Information and assistance regarding filing claims for unemployment compensation.¶

Individualized Career Services

Individualized career services are subject to priority of service, and consist of the following:

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- Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include the following:
 - Diagnostic testing and use of other assessment tools.
 - In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
- Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, eligible training providers.
- Group and/or individual counseling and mentoring.
- Career planning (e.g. case management).
- Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training. In some instances, pre-apprenticeship programs may be considered as short-term pre-vocational services.

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- Internships and work experiences that are linked to careers.
- Workforce preparation activities that help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education, training, or employment.
- Financial literacy services.
- Out-of-area job search assistance and relocation assistance.
- English language acquisition and integrated education and training programs.

Training Services

Training services are subject to priority of service, and consist of the following:

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- Occupational skills training, including training for nontraditional employment.
- On-the-job training.
- Incumbent worker training.
- Programs that combine workplace training with related instruction, which may include cooperative education programs.
- Training programs operated by the private sector.
- Skill upgrading and retraining.
- Entrepreneurial training.
- Transitional jobs.
- Job readiness training provided in combination with another training service.
- Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with another training service.
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

Documentation

The Madera County Local Workforce Development Area will use the following sources of documentation to verify whether an adult participant qualifies for priority of service under WIOA:

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- Recipient of Public Assistance
 - Copy of authorization to receive cash public assistance
 - Copy of public assistance check
 - Medical card showing cash grant status
 - Public assistance records
 - Refugee assistance records
- Low Income
 - Alimony agreement
 - Award letter from veteran's administration
 - Bank statements

- Compensation award letter
- Court award letter
- Pension statement
- Employer statement/contact
- Family or business financial records
- Housing authority verification
- Pay stubs
- Public assistance records
- Quarterly estimated tax for self-employed persons
- Social Security benefits
- Unemployment Insurance documents
- Self-attestation, as defined on page 3 of this policy
- Basic Skills Deficient
 - School records
 - Results of academic assessment
 - Case notes, as defined on page 3
 - Self-Attestation, as defined on page 3

ACTION:

This policy replaces the previous version which was approved by the Board on December 17, 2015. Please retain this policy until further notice.

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INQUIRIES:

Questions regarding this policy should be directed to the Executive Director or designee at (559) 662-4500.

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 6.16

Consent

Action

Information

To: Workforce Development Board of Madera County, Executive Committee

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Ratify Revised Nondiscrimination and Equal Opportunity Policy

Recommendation:

Staff recommends ratification of the revised Nondiscrimination and Equal Opportunity policy.

Summary:

On April 8, 2016, the State issued final guidance on the implementation of the Nondiscrimination and Equal Opportunity requirements in the Workforce Innovation and Opportunity Act through Workforce Services Directive WSD15-24. The local policy was revised to conform to the language in the final State guidance including the inclusion of additional legislative and regulatory citations and other non-substantive revisions to the policy language. The revised policy was approved by the Executive Committee on May 4, 2016.

Financing:

Workforce Innovation and Opportunity Act



NONDISCRIMINATION AND EQUAL OPPORTUNITY POLICY

EDD Revision Date: 1/16/08; 7/21/10; 4/8/2016

WDB Review Date: 10/23/03; 3/22/07; 2/28/08; 3/27/08; 9/23/10; 12/17/15; 4/28/16

EXECUTIVE SUMMARY:

Purpose:

This document establishes the Workforce Development Board of Madera County's policy on nondiscrimination and equal opportunity procedures for local Workforce Innovation and Opportunity Act (WIOA) Title I-financially assisted programs or activities. It also issues a standard discrimination complaint form that is available for use by the workforce development community when processing a discrimination complaint. In addition, a procedure guide is provided for reference when processing reasonable accommodation requests.

Scope:

This policy and related procedures apply to the Madera County Local Workforce Development Area (LWDA) and all other WIOA Title I-funded or financially assisted service providers, vendors, and subrecipients.

Effective Date:

This policy is effective on the date of issuance of WSD15-24, April 8, 2016.

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REFERENCES:

Note: References from WIOA are from the Act, as signed into law in July 2014. References from Title 20 of the Code of Federal Regulations (CFR) are cited from the Notice of Proposed Rulemaking, and are therefore subject to change pending issuance of final Federal Regulations.

- EDD Directive WSD15-24
- Workforce Innovation and Opportunity Act Sections 121(b), 188, and 183(c)
- Americans with Disabilities Act of 1990, as amended
- Age Discrimination Act of 1975, as amended
- Section 504 of the Rehabilitation Act of 1973
- Title IX of the Education Amendments of 1972
- Titles VI and VII of the Civil Rights Act of 1964, as amended
- Title 20 Code of Federal Regulations (CFR) Sections 667.275 and 658.400
- Title 28 CFR Part 35, Subpart A

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- [Title 29 CFR Parts 31, 32, 34, 38, and 1690-1691](#)
- [Title 41 CFR Part 101-19, Subpart 101-19.6](#)
- [Title 45 CFR Part 90, Subpart D, Section 90.43\(c\)\(3\)](#)
- Dymally-Alatorre Bilingual Services Act, Government Code Section 7290-7299.8
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency
- [Fair Employment and Housing Act, Government Code Section 12900-12996](#)
- WIA Directive WIAD04-20, Subject: Limited English Proficiency (May 12, 2005)

STATE-IMPOSED REQUIREMENTS:

This directive contains some State-imposed requirements. These requirements are indicated by **bold, italic** type.

FILING INSTRUCTIONS:

This policy incorporates changes resulting from the implementation of the WIOA effective July 1, 2015, [and incorporates the State guidance issued in Workforce Services Directive WSD15-24, issued on April 8, 2016](#). This policy will remain in effect until further notice.

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BACKGROUND:

The WIOA Section 188 [and Title 29 CFR Part 38](#) contain the **required** nondiscrimination and equal opportunity provisions, which prohibit discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIOA Title I-financially assisted program or activity.

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POLICY AND PROCEDURES:

Definitions:

Recipient, taken from Title 29 CFR Part 38, means any entity to which financial assistance under WIOA Title I is extended, either directly from the Department of Labor (DOL) or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient), but excluding the ultimate beneficiaries of the WIOA Title I-funded program or activity. In addition, One-Stop partners, as defined in Section 121 (b) of WIOA, are treated as “recipients” and are subject to the nondiscrimination and equal opportunity requirements of Title 29 CFR Part 38, to the extent that they participate in the One-Stop delivery system.

Small recipient means a recipient who (1) serves a total of fewer than 15 beneficiaries during the entire grant year and (2) employs fewer than 15 employees on any given day during the grant year.

Complaint, for this policy only, means an allegation of a violation of the nondiscrimination and equal opportunity provisions.

General Provisions:

Title 29 CFR Section 38.54(a) requires that each Governor must establish and adhere to a Methods of Administration (MOA) for state programs. The MOA is a state-level document that reflects the Governor's commitment to the nondiscrimination and equal opportunity provisions of WIOA.

The MOA contains nine distinct elements. This policy outlines these elements and highlights compliance requirements that are significant to the Madera County Local Workforce Development Area:

1. Designation of Local-Level Equal Opportunity (EO) Officer

Each Local Area must designate an EO Officer who is responsible for coordinating its obligations under these regulations. ***The State requires that local areas notify the Equal Employment Opportunity (EEO) Office whenever the designation of the local EO Officer changes.***

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The local area has designated the Manager, Madera County Workforce Investment Corporation as the local EO Officer and will assign sufficient staff and resources to the EO Officer to ensure compliance with the nondiscrimination and equal opportunity provisions of WIOA in accordance with Title 29 CFR Section 38.23 through 38.26.

The EO Officer's responsibilities include:

- Serving as liaison with the Civil Rights Center (CRC).
- Investigating and monitoring the organization and its subrecipients' WIOA Title I funded activities and programs.
- Reviewing the organizations and its subrecipients' written policies.
- Developing, publishing, and enforcing the organization's discrimination complaint procedures.
- Reporting to the appropriate authority regarding discrimination matters.
- Participating in continuing training and education, and ensuring that staff members receive the necessary training and support to maintain competency.
- Informing participants, employees and program beneficiaries of their equal opportunity rights and responsibilities, and how the discrimination complaint system works.

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Each Local Workforce Development Area is required to submit a copy of the local-level EO Officer's position description and organizational chart showing the relationship of the local-level EO Officer to their LWDA Executive Director. The required documents will be mailed annually to:

***Equal Employment Opportunity Office
Employment Development Department
800 Capitol Mall, MIC 49
P.O. Box 826880
Sacramento, CA 94280-0001***

The EO Officer's contact information such as name, position title, business address (including e-mail address) and telephone number (voice and Telecommunications Device for the Deaf [TDD], which is also known as a teletypewriter [TTY]) must be publicized at the local level through a variety of means including posters, handouts and listings in local directories. The EO Officer's identity and contact information should appear on all internal and external communications about the recipient's nondiscrimination and equal opportunity programs.

Periodic training is recommended for the EO Officer and assigned staff to keep abreast of equal opportunity issues. Training on nondiscrimination and equal opportunity is available through the State EO Officer and the Capacity Building Unit of the Workforce Services Division.

Small recipients and service providers, as defined in Title 29 CFR Section 38.4, need not designate an EO Officer with the full responsibilities as described above, but must designate an individual who will be responsible for developing and publishing complaint procedures and processing complaints as required by Sections 38.76 through 38.79.

Additionally, the WIOA Title I Governor's 15 and 25 percent subgrantees (except Local Areas) are not required to designate an EO Officer, but must designate an individual who will be responsible for adopting and publishing the Employment Development Department (EDD) complaint procedures. Therefore, in lieu of a local complaint procedure, the WIOA Title I Governor's 15 and 25 percent subgrantees must adopt the EDD's nondiscrimination and equal opportunity complaint procedures. The complaint procedures must include the option to file a charge of discrimination directly with the CRC. For more information, contact the State EO Office at the address listed below:

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***Equal Employment Opportunity Office
Employment Development Department
800 Capitol Mall, MIC 49
P.O. Box 826880
Sacramento, CA 94280-0001***

2. Notice and Communication Requirements

Initial and continuing notice of nondiscriminatory practices (Attachment 1 and 2) and the right to file a complaint posters must be:

- Posted in prominent locations, such as the front customer entry and reception area;
- Disseminated in internal memoranda and other written or electronic communications;
- Included in handbooks and manuals, brochures, broadcasts, and other communications;
- Made available to each participant; and
- Included in each participant's file. Where a hard copy case file is maintained, a copy of an acknowledgement of receipt shall be signed by the participant and included in the participant's case file. Where an electronic case file is maintained, staff must make a

note indicating that this notification did occur, the date of the notification, and the name of the staff person who provided it.

The notice shall be provided in appropriate formats to individuals with visual impairments. When a notice has been given in an alternate format, a record of such notice shall be documented in the participant's file.

For information and services accessed electronically, each recipient shall establish a procedure which assures that the notice requirements of Title 29 CFR Part 38 are met.

Distributed publications, broadcasts, and other communications including the home page of the Local Area website, which promote WIOA programs or activities, must include the following taglines: "This WIOA Title I financially assisted program or activity is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities."

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Where hard copy or electronic materials indicate that the recipients may be reached by telephone, the telephone number of any TDD/TTY or relay service used by the recipient must be indicated. If the recipient does not have a TDD/TTY, the California Relay Service (CRS) (1-800-735-2922) is an alternative. The CRS relays messages to deaf persons via the telephone. A caller can contact the relay service by voice or TDD, and an operator will contact the party to be called using voice or TDD/TTY. A TDD/TTY or relay service should be available where services provided by telephone are a major function of the program or activity.

This applies similarly to those recipients required by law or regulation to publish or broadcast program information in public media. Where appropriate, information and services will also be provided in languages other than English.

On August 11, 2000, President Clinton issued Executive Order 13166, titled "*Improving Access to Services for Persons with Limited English Proficiency*." This Executive Order mandates that individuals with limited English proficiency (LEP) have equal access to federally funded programs and activities. As required by Executive Order 13166, the Department of Labor/Civil Rights Center published revised policy guidance in the Federal Register (May 29, 2003) regarding the prohibition against national origin discrimination as it affects LEP individuals. This revised policy offers guidance from the Department of Labor with respect to the responsibilities of recipients of federal financial assistance in serving LEP individuals, pursuant to the requirements of Title VI of the Civil Rights Act and Section 188 of WIOA. As a recipient of federal financial assistance, the local Workforce Development Board must take reasonable steps to ensure that individuals having LEP receive the language assistance necessary to afford them meaningful access to programs, services, and information provided or funded by the local Board.

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The Dymally-Alatorre Bilingual Services Act (DABSA) requires that, when state and local agencies serve a "substantial number of non-English speaking people," they must employ a "sufficient number of qualified bilingual staff in public contact positions" and translate documents explaining available services into their clients' languages. The DABSA

establishes specific legal mandates for state agencies, but allows local agencies discretion in establishing the level and extent of bilingual services they provide.

3. Assurances, Job Training Plans, Contracts, Policies and Procedures

A system must be implemented to ensure that all contracts, cooperative agreements, job training plans, and policies and procedures contain the nondiscrimination assurance as specified. The nondiscrimination assurance must state that the grant applicant will “comply fully with the nondiscrimination and equal opportunity provisions” of WIOA and acknowledge the government’s right to seek judicial enforcement of the nondiscrimination assurance.

Title 29 CFR Section 38.20 requires that each application for federal financial assistance under Title I of WIOA must include the nondiscrimination assurance. Application for assistance is defined as the process by which required documentation is provided to the Governor, recipient, or DOL prior to and as a condition of receiving federal financial assistance under Title I of WIOA (including both new and continuing assistance).

4. Universal Access

As required in Title 29 CFR Section 38.42, the local Workforce Development Board must take appropriate steps to ensure universal access to WIOA Title I-financially assisted programs and activities by:

- Implementing an outreach and recruitment plan to solicit participation of all potentially WIOA Title I-eligible reportable individuals in the entire locale;
- Creating an outreach and recruitment plan that will reach specific target populations through media, schools, and community services groups;
- Considering a pool of individuals for participation that includes members of both sexes, various racial, ethnic, and age groups, and individuals with disabilities;
- Establishing a hiring and eligibility process that is accessible to qualified applicants with disabilities; and
- Utilizing facilities designed to provide reasonable access to individuals with disabilities in the following areas: training, job structure, work schedule, work procedure, and work equipment and auxiliary aids accommodations.

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5. Obligation Not To Discriminate On The Basis Of Disability

Compliance with Section 504 of the Rehabilitation Act of 1973, as amended, and Title 29 CFR part 38:

The Workforce Development Board of Madera County must ensure the accessibility to their training programs, support services, and activities for all individuals, and must administer their training programs and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities. This includes employment tests or other selection criteria used by the local area that do not screen out individuals with disabilities, and

training programs accessible to individuals with visual, hearing, or speech impairments. The local Board must provide means for individuals with disabilities to receive information about availability of facilities accessible to them. Additionally, the local Board must provide, or ensure the provision of, auxiliary aids and services and reasonable accommodations to qualified individuals with disabilities to enable them to perform the duties of the job (e.g., special aids, modified work sites, or restructuring of jobs).

The local Board must also ensure the provision or availability of:

- Designated parking for the disabled that is accessible to the building entrance, free of any barriers (e.g., steps, steep slopes, low spots in ground or pavement, buckled or uneven concrete walkways, loose gravel);
- Signage at a primary entrance to each of their inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities;
- The international symbol for accessibility at each primary entrance of an accessible facility;
- Building entrance doors that can be opened with one hand;
- Accessible information at public counter or reception areas;
- Facility elevators that are accessible from the primary entrance meeting the above criteria;
- Elevator control panel and entrance buttons with raised numbers and Braille symbols at an accessible height;
- At least one accessible public telephone per floor;
- Accessible meeting rooms with Braille symbols at an accessible height;
- Restroom facilities that have at least one toilet stall with an accessible doorway. The stall should have grab bars and the toilet seat should be accessible for the disabled individual after the door is closed (access to the grab bars should not be obstructed by such things as toilet paper dispensers, seat cover dispensers, etc.); and
- Alternative methods to ensure that training, job structure, work schedule, work procedure, and work equipment are available to individuals with disabilities when the facilities are not physically accessible to individuals with disabilities.

Per Title 29 CFR Section 38.8 – With regard to aid, benefits, services, training, and employment, the local Board must:

- Ensure the provision of reasonable accommodation to qualified individuals with disabilities, who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship on business operations; and
- Make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless making the modifications would fundamentally alter the nature of the WIOA Title I financially assisted service, program, or activity.

In those circumstances where the local Board or subrecipient believes that the proposed accommodation would cause undue hardship or the proposed modification would

fundamentally alter the program, the local Board or subrecipient has the burden of proving that compliance with this section would result in such hardship and alteration. The local Board or subrecipient must make the decision that the accommodation would cause such hardship or result in such alteration after considering all factors listed in the definitions of “undue hardship” and “fundamental alteration.” The decision must be accompanied by a written statement of the reasons for reaching that conclusion. The local Board or subrecipient must provide a copy of the statement of reasons to the individual(s) who requested the accommodation.

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If a requested accommodation would result in undue hardship or a modification would result in a fundamental alteration, the local Board or subrecipient must take any other action that would not result in such burden or such alteration but would nevertheless ensure that individuals with disabilities receive the aid, benefits, services, training, or employment provided by the local Board or subrecipient.

Title 29 CFR Section 38.4 defines “undue hardship” with regard to reasonable accommodation of individuals with disabilities as significant difficulty or expense incurred by a recipient, when considered in light of certain factors. These factors include, but are not limited to, the nature and net cost of the accommodations needed, overall financial resources of the recipient, type of operation(s) of the recipient, the number of persons aided, benefited, served, trained, or employed, the impact on the ability of other participants to receive aids, benefits, services, or training, or of other employees to perform their duties and the impact on the facility’s ability to carry out its business or mission.

The term “fundamental alteration” means (1) a change in the essential nature of a program or activity as defined in Title 29 CFR Part 38.4, including but not limited to an aid, service, benefit, or training or (2) a cost that a recipient can demonstrate would result in an undue burden. The definition of “fundamental alteration” incorporates the concept of “undue financial and administrative burdens” in Title 29 CFR Part 38.

In addition, recipients must take appropriate steps to ensure that communications with beneficiaries, eligible registrants and applicants, participants, and members of the public who are individuals with disabilities are as effective as communications with others.

A Reasonable Accommodation Policy and Procedure Guide is available for use when processing reasonable accommodation requests (see Attachment 4). This document contains two sections. The first section (pages 1 through 8), provides general guidance and definitions for use when processing reasonable accommodation requests. The second section (pages 9 through 14), provides step-by-step instructions on how to process these requests.

6. Data and Information Collection and Maintenance

In compliance with 29 CFR Sections 38.37 through 38.41 and Section 188 of WIOA, any entity to which financial assistance under WIOA Title I is extended, either directly from the DOL or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient), but excluding the ultimate beneficiaries of the WIOA Title I funded program or activity must:

- Collect **demographic** data on race/ethnicity, sex, age, and, where known, disability status, of each **individual**, registrant, eligible **individual**/registrant, participant, terminatee, applicant for employment, and employee;
- Maintain records of data in a system designed to allow the State and CRC to conduct statistical or other quantifiable analyses to verify compliance;
- Safeguard the confidentiality of the required information; confidential information should only be used for record keeping and reporting purposes; determining eligibility, where appropriate, for WIOA Title I-financially assisted program or activity; determining if the local area is operating its WIOA program in a nondiscriminatory manner, or other use authorized by law;
- Maintain a log of complaints filed alleging discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship (citizen or authorization to work in the U.S.) or participation in a WIOA Title I financially assisted program or activity. The log must include: (1) name and address of the complainant; (2) grounds of the complaint; (3) description of the complaint; (4) date complaint was filed; (5) disposition and date of disposition of complaint; and (6) any other pertinent information.

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The EEO Office requires a copy of the complaint log annually (calendar year) to be mailed to the following address or returned by e-mail:

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***Equal Employment Opportunity
Employment Development Department
800 Capitol Mall, MIC 49
P.O. Box 826880
Sacramento, CA 94280-0001***

- Promptly notify the CRC of any administrative enforcement actions or lawsuits filed against a local area alleging discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIOA Title I-financially assisted program or activity. Provide a brief description of the findings in any civil rights compliance review where the applicant or recipient was found in noncompliance and keep a log containing certain information regarding complaints filed with it according to procedures set by CRC;
- Retain records, including records of complaints, for a period of not less than three years from the close of the applicable program year or date of resolution of complaint; and
- Adopt procedures for responding to complaints of discrimination.

7. Monitor for Compliance

In accordance with Title 29 CFR Sections 38.54(d)(2)(ii) and 38.54(d)(2)(iii), the EEO Office of the EDD monitors LWDA's for nondiscrimination and equal opportunity compliance as required by WIOA provisions and related regulations.

The EEO Office requires that each **Local Area** complete and submit the Electronic Monitoring Checklist (EMC) biennial self-assessment checklists. The EEO Office will review the self-assessments, along with other equal opportunity-related data, to

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coordinate and determine if an on-site review is necessary during a given program year. Through self-evaluations, the Local Area can validate their efforts in meeting regulatory requirements and identify the compliance status of their programs, activities, and areas in which technical assistance is needed.

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8. Complaint Processing Procedures

In compliance with nondiscrimination and equal opportunity provisions of the WIOA and Title 29 CFR Section 38.76, the EO Officer must:

- Develop and publish procedures (including alternative dispute resolution) for resolving allegations within the local area for noncompliance with applicable nondiscrimination and equal opportunity provisions;
- Develop and publish procedures for resolving allegations against service providers for noncompliance with applicable nondiscrimination and equal opportunity provisions. The service providers must then follow those procedures. (NOTE: Although the local area does not have the same contractual jurisdiction with vendors as with service providers, ***the Local Area shall document the facts of an alleged complaint. The facts should be used to advise the participant of any recourse available and to determine if the local area should continue to utilize the services of the vendor.***); and
- Establish a system to record discrimination complaints.

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The Workforce Development Board of Madera County's complaint processing procedures specify the following:

- a. Any person who believes that he or she or any specific class of individuals has been or is being subjected to discrimination prohibited by the nondiscrimination and equal opportunity provisions of WIOA may file a written complaint by using the Discrimination Complaint Form – Local Area (Attachment 3), or a representative may file the complaint on his or her behalf.
- b. The complaint may be filed either with the Local Area's EO Officer (or the person designated for this purpose), or directly with the Civil Rights Center, U.S. Department of Labor, 200 Constitution Avenue N.W., Room N-4123, Washington, D.C. 20210.
- c. A complaint filed pursuant to Title 29 CFR 38 must be filed within 180 days of the alleged discrimination. The CRC, if shown good cause, may extend the filing time. In order to receive an extension, the complainant must be notified that a waiver letter is to be filed with CRC. The waiver letter should include the reason the 180-day time period elapsed. This time period for filing is for the administrative convenience of CRC and does not create a defense for the respondent.
- d. Complaints must be filed in writing by completing the *Discrimination Complaint Form – Local Area* or similar form developed by a Subrecipient for this purpose. Regardless of the form used, all complaints must capture the following information and shall:

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- Be signed by the complainant or his or her representative;
 - Contain the complainant's name, address, or other means of contacting him or her;
 - Identify the respondent; and
 - Describe the complainant's allegation in sufficient detail to allow CRC or the local area EO Officer, as applicable, to determine whether (1) CRC or the local area has jurisdiction over the complaint; (2) the complaint was filed timely; and (3) the complaint has apparent merit, i.e., whether the allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of WIOA.
- e. Each complainant and respondent has the right to be represented by an attorney or other individual of his or her choice.
- f. Alternative Dispute Resolution (ADR):
- 1) The complainant must be offered alternative dispute resolution immediately upon receipt of the complaint. The choice whether to use ADR rests with the complainant; the preferred form of ADR is mediation.

What is Mediation?

Mediation is a voluntary process during which a neutral third party assists both parties (complainant and respondent) in communicating their concerns and come to an agreement about how to resolve a dispute.

The mediator does not make decisions, rule as to who is right or wrong, take sides or advocate for one side or the other. The role of the mediator is to help with communication so the parties can reach an understanding about how to best resolve their differences.

As the law allows, mediation proceedings and the information shared are confidential and no information divulged during this mediation may be used in court or in any legal or administrative proceedings.

If the parties do not reach an agreement under ADR, the complainant may file directly with CRC as described in Title 29 CFR Sections 38.71 through 38.74.

- 2) A party to any agreement reached under ADR may file a complaint with CRC in the event that the agreement is breached. In such circumstances, the following rules will apply:
 - The non-breaching party may file a complaint with CRC within 30 days of the date on which the non-breaching party learns of the alleged breach.
 - The CRC must evaluate the circumstances to determine whether the agreement has been breached. If the CRC determines that the agreement has been breached, the complainant may file a complaint with the CRC based upon his or her original allegation(s), and the CRC will waive the time deadline for filing such a complaint.

Complaints filed with the local area:

- a. The EO Officer shall issue a written acknowledgement of receipt by the local area of a complaint alleging discrimination by a WIOA Title I recipient and shall include a notice of the complainant's right to representation in the complaint process.

The Equal Employment Opportunity Office requires the EO Officer to forward one copy of the alleged complaint and one copy of the issued Notice of Final Action to the following address:

***Equal Employment Opportunity Office
Employment Development Department
800 Capitol Mall, MIC 49
P.O. Box 826880
Sacramento, CA 94280-0001***

- b. If the complainant elects not to participate in the ADR process, the EO Officer shall investigate the circumstances underlying the alleged complaint.
- c. At any point in the investigation of the complaint, the complainant, respondent, or the EO Officer may request that the parties attempt conciliation. The EO Officer shall facilitate such conciliation efforts.

What is Conciliation?

Conciliation is a process whereby the parties to a dispute agree to utilize the services of a conciliator, who then meets with the parties separately in an attempt to resolve their differences. Conciliation differs from mediation in that the main goal is to conciliate, most of the time by seeking concessions.

If the conciliator is successful in negotiating an understanding between the parties, said understanding is almost always committed to writing (usually with the assistance of legal counsel) and signed by the parties, at which time it becomes a legally binding contract and falls under contract law.

- d. The Local Area shall be allowed 90 days to issue a Notice of Final Action. If, during the 90-day period, the Local Area issues a decision that is not acceptable to the complainant, the complainant or his or her representative may file a complaint with CRC within 30 days after the date on which the complainant receives the Notice.
- e. If the 90 days expire and the complainant does not receive a Notice of Final Action from the local area, or the local area failed to issue a Notice of Final Action, the complainant, or his/her representative may, within 30 days of the expiration of the 90-day period, file a complaint with CRC. In other words, the complaint must be filed with CRC within 120 days of the date on which the complaint was filed with the local area.

- f. The CRC may extend the 30-day time limit if the complainant is not notified, as provided in Title 29 CFR Section 38.81, or for other good cause shown.
- g. The Local Area shall notify the complainant in writing immediately upon determining that it does not have jurisdiction over a complaint that alleges a violation of the nondiscrimination and equal opportunity provisions of WIOA. The Notice of Lack of Jurisdiction must also include the basis for such determination, as well as a statement of the complainant's right to file a written complaint with CRC within 30 days of receipt of the Notice.
- h. During the resolution process, the EO Officer shall assure that all parties involved are given due process. These due process elements include:
 - Notice to all parties of the specific charges;
 - Notice to all parties of the responses to the allegations;
 - The right of both parties to representation;
 - The right of each party to present evidence, and to question others who present evidence; and
 - A decision made strictly on the evidence on the record.

Actions by the CRC:

- a. The CRC determines acceptance of a complaint filed pursuant to Title 29 CFR Section 38.82. When CRC accepts a complaint for investigation, it shall:
 - Notify the Local Area and the complainant of the acceptance of the complaint for investigation; and
 - Advise the Local Area and complainant on the issues over which CRC has accepted jurisdiction.
- b. The Local Area, the complainant, or a representative may contact CRC for information regarding the complaint filed.
- c. When a complaint contains insufficient information, CRC will seek the needed information from the complainant. If the complainant is unavailable after reasonable efforts have been made to reach him or her, or the information is not provided within the time specified, the complaint file may be closed without prejudice upon written notice sent to the complainant's last known address.
- d. The CRC, per WIOA Section 183(c), may issue a subpoena to the complainant to appear and give testimony and/or produce documentary evidence, before a designated representative, relating to the complaint being investigated. Issuing a subpoena can be done any place in the United States, at any designated time and place.
- e. Where CRC lacks jurisdiction over a complaint, CRC will:

- Notify the complainant, explaining why the complaint is not covered by the nondiscrimination and equal opportunity provisions of WIOA or Title 29 CFR Part 38; and
 - Refer the complainant to the appropriate federal, state, or local authority, when possible.
- f. The CRC will notify the complainant when a claim is not to be investigated and explain the basis for the determination.
- g. The CRC will refer complaints governed by the Age Discrimination Act of 1975 to mediation as specified in Title 45 CFR Section 90.43(c)(3).
- h. If the complainant alleges more than one kind of complaint, “joint complaint,” e.g., individual employment discrimination, age discrimination, equal pay discrimination, etc., CRC shall refer such joint complaint to the Equal Employment Opportunity Commission for investigation and conciliation under the procedures described in Title 29 CFR, Parts 1690 or 1691, as appropriate. The CRC will advise the complainant and the local area of the referral.
- i. Under the One-Stop delivery system where the complainant alleges discrimination by an entity that operates a program or activity financially assisted by a federal grant making agency other than DOL, but participates as a partner in a One-Stop delivery system, the following procedures apply:
- If the complainant alleges discrimination on a basis that is prohibited both by Section 188 of WIOA and by a civil rights law enforced by the federal grant making agency, CRC and the grant making agency have dual jurisdiction over the complaint. The CRC will refer the complaint to the grant making agency for processing. The grant making agency’s regulations will govern the processing of the complaint.
 - If the complainant alleges discrimination on any basis that is prohibited by Section 188 of WIOA, but not by any civil rights laws enforced by the federal grant making agency, the CRC has sole jurisdiction over the complaint and will retain and process the complaint pursuant to Title 29 CFR Part 38. The CRC will advise the complainant and the local area of the retention of the complaint.
- j. The CRC may offer the parties of a complaint the option of mediating the complaint. In such circumstances, the following rules apply:
- The mediation is voluntary; the parties must consent before the mediation process will proceed.
 - The mediation will be conducted under the guidance issued by CRC.
 - If the parties are unable to reach resolution of the complaint through the mediation, the CRC will investigate and process the complaint under Title 29 CFR Sections 38.82 through 38.88.
- k. After making such a cause finding, CRC shall issue an Initial Determination. The Initial Determination shall notify the complainant and the local area, in writing, of:

- The specific findings of the investigation;
- The proposed corrective action or remedial action and the time by which the corrective action or remedial action must be completed;
- Whether it will be necessary for the local area to enter into a written agreement; and
- The opportunity to participate in voluntary compliance negotiations.

I. Where a no cause determination is made, the CRC must issue a Final Determination to the complainant and the local area. The Final Determination represents the DOL's final agency action on the complaint.

9. Corrective Actions/Sanctions

A Letter of Findings, Notice to Show Cause, or Initial Determination issued pursuant to Title 29 CFR Sections 38.62 or 38.63, 38.66 and 38.67, or 38.91, respectively, must include the steps and the specific time period it will take the local area to achieve voluntary compliance. (See Section 38.94 for corrective action steps.)

Monetary corrective action may **not** be paid from federal funds.

If the local area receives a finding of noncompliance, the following sections of Title 29 CFR Part 38 may be referred to for detailed information:

- Final Determinations, Sections 38.90-38.101
- Breaches of Conciliation Agreements, Sections 38.102~~38.105~~
- Subpart E-Federal Procedures for Effecting Compliance, Sections 38.110-38.115

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Intimidation and Retaliation Prohibited:

No recipient may discharge, intimidate, retaliate, threaten, coerce, or discriminate against any individual because the individual has filed a complaint alleging a violation of WIOA; opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of the WIOA; furnished information to, or assisted or participated in any manner in an investigation, review, hearing, or any other activity related to administration of, or exercise of authority under, or exercise of privilege secured by the nondiscrimination and equal opportunity provisions of WIOA or Title 29 CFR Part 38. The sanctions and penalties contained in these procedures may be imposed against any recipient who engages in any such retaliation or intimidation, or fails to take necessary steps to prevent such activity.

Discrimination Complaint Form – Local Area

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It is important for the Local Area and EDD to receive documentation with sufficient information to analyze, compile, and report in a manner that is consistent with the DOL requirements. It is helpful when information gathering efforts include adequate questions that will elicit responses from the complainant, making the need to request additional information less likely.

The “*Discrimination Complaint Form – Local Area*” (Attachment 3) was developed to assist clients and service providers. This form is available for use by the workforce development community in an effort to provide more consistent information when processing discrimination complaints from clients of WIOA funded programs and activities. The Workforce Development Board of Madera County strongly encourages the use of the standard form.

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INQUIRIES:

Please direct inquiries about this policy to Tracie Scott-Contreras, Manager/EO Officer, Madera County Workforce Investment Corporation, at (559) 662-4587, or TDD/TTY at (559) 674-7497.

Attachments: Equal Opportunity is the Law
What To Do If You Believe You Have Experienced Discrimination
Discrimination Complaint Form
Reasonable Accommodation Policy and Procedure Guide

ATTACHMENT 1

EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of federal financial assistance to discriminate on the following basis:

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Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and

Against any beneficiary of programs financially assisted under Title I of the Workforce Innovation and Opportunity Act (WIOA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIOA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

Deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program activity;

Providing opportunities in, or treating any person with regard to, such a program or activity; or

Making employment decisions in the administration of, or in connection with, such a program or activity.

**WHAT TO DO IF YOU BELIEVE YOU HAVE
EXPERIENCED DISCRIMINATION**

If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

The recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or
The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

ATTACHMENT 3

DISCRIMINATION COMPLAINT FORM
LOCAL WORKFORCE DEVELOPMENT AREA

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This form should be used by anyone who wishes to file a discrimination complaint against any person(s)/entity that discriminates against you in the workforce development community system. To file a discrimination complaint, complete this form, sign on page 4 and return to the One-Stop Career Center (currently branded as America's Job Center of California) Equal Opportunity Officer or EDD field office complaint representative.

1. Complainant information:

Miss Ms. Mrs. Mr. Other Home Phone: () -
Work Phone: () -
Cell : () -
Name: _____
Street Address: _____
City: _____ E-mail: _____
State: _____ Zip Code: _____

2. Complainant contact information:

When is it a convenient time during business hours (8am to 5pm) to contact you by phone about this complaint?

Day	Monday	Tuesday	Wednesday	Thursday	Friday
Time					
Phone					

3. Contact information for the person(s) who you claim discriminated against you:

Provide the name of the entity where person(s) work(s):

Name of person(s) who discriminated against you:

Address of person(s)/entity:

City: _____ State: _____ ZIP Code: _____

Phone: () -

Date of first occurrence: _____ Date of most recent occurrence: _____

4. Tell us about the incident(s):

- Explain briefly what happened and how you were discriminated against.
- Provide the date(s) when the incident(s) occurred.
- Indicate who discriminated against you. Include names and titles if possible.
- If other people were treated differently than you, tell us how they were treated differently.
- Attach any documents that you think might help us better understand your complaint.

5. Please list below any person(s) (witnesses) that we may contact for additional information to support or clarify the complaint.

Name	Address	Phone

6. Basis for the discrimination:

- Check the type of discrimination you experienced, such as age, race, color, national origin, disability, etc.
- If you believe more than one basis was involved, you may check more than one box:

- | | |
|--|--|
| <input type="checkbox"/> Age- <i>provide date of birth:</i>
<input type="checkbox"/> Color
<input type="checkbox"/> National Origin
<input type="checkbox"/> Political Belief
<input type="checkbox"/> Retaliation
<input type="checkbox"/> Gender - <i>Specify</i> <input type="checkbox"/> F <input type="checkbox"/> M
<input type="checkbox"/> Race - <i>indicate race:</i>

<input type="checkbox"/> of Hispanic or Latino origin <input type="checkbox"/> not of Hispanic or Latino origin | <input type="checkbox"/> Citizenship or status as alien US Worker
<input type="checkbox"/> Disability
<input type="checkbox"/> Political Affiliation
<input type="checkbox"/> Religion
<input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Status as a program participant under the Workforce Innovation and Opportunity Act
<input type="checkbox"/> Other (<i>Specify</i>): |
|--|--|

7. Have you previously filed a complaint against this person(s)/entity? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES , answer the questions below, if NO move to section 8.	
a. Was your complaint in writing? <input type="checkbox"/> Yes <input type="checkbox"/> No	
b. On what date did you file the complaint?	
c. Name of office where you filed your complaint: Address: _____ City: _____ State _____ ZIP Code _____ Phone number: () - - Contact person (if known): _____	
d. Have you been provided a final decision or report? <input type="checkbox"/> Yes <input type="checkbox"/> No If you marked "YES", please attach a copy of the complaint.	

8. What corrective action or remedy do you seek? Please explain:

9. Choosing a personal representative:	
<ul style="list-style-type: none"> ▪ You may choose to have someone else represent you in dealing with this complaint. It may be a relative, friend, union representative, an attorney or someone else. ▪ If you choose to appoint someone to represent you, all of our communication to you will be routed through your representative. 	
Do you want to authorize a personal representative to handle this complaint?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If YES, complete the section below. If NO, go to Section 10.	
AUTHORIZATION OF PERSONAL REPRESENTATIVE	
I wish to authorize the individual identified below to act on my behalf as my personal representative, in matters such as mediation, settlement conferences, or investigations regarding this complaint.	
Name: _____	
<input type="checkbox"/> I am an attorney representing the complainant. <input type="checkbox"/> I am not an attorney representing the complainant.	
Mailing Address: _____	
City: _____	State: _____ Zip Code: _____
Phone : () - -	Fax: () - -
E-mail: () - -	

10. Alternate Dispute Resolution (ADR) also known as mediation.

Notice: You must indicate if you wish to mediate your case. The EEO Office cannot begin to process your complaint until you have made a selection. Please check **YES** or **NO** in the spaces below.

- Mediation is an alternative to having your complaint investigated.
- Neither party loses anything by mediating.
- The parties to the complaint review the facts, discuss opinions about the facts, and strive for an agreement that is satisfactory for both.
 - Agreement to mediate is not an admission of guilt by the person(s)/entity that you claim discriminated against you.
 - Mediation is conducted by a trained, qualified and impartial mediator.
 - You (or your Personal Representative) have control to negotiate a satisfactory agreement.
 - **Terms of the agreement are signed by the complainant and the person(s)/entity that you claim discriminated against you.**
 - **Agreements are legally binding on both parties.**
 - If an agreement is not reached, a formal investigation will start.
 - Failure to keep an agreement will result in a formal investigation.
 - A formal investigation will be opened if retaliation is reported.

- **Do you wish to mediate your complaint?**
(Please check only one box)

YES, I want to mediate. **NO**, please investigate.

If you select "YES" you will be contacted within five business days with more information.

11. Complainant's signature:

You must sign this form for your complaint to be processed!

- Faxed or otherwise electronically delivered complaints will be logged into our system; however, an official investigation cannot begin until the original, signed copy is received.

Signature:

Date:

REASONABLE ACCOMMODATION POLICY AND PROCEDURE GUIDE

I. Introduction

The purpose of this guide is to assist local entities who are funded with *Workforce Innovation and Opportunity Act* (WIOA) or *Wagner-Peyser* (W-P) Act funding, in processing reasonable accommodation requests. Each entity will ensure that reasonable accommodations are provided to qualified individuals with disabilities to enable them to do the following:

- Be considered for the aid, benefits, services, training or employment as desired.
- Perform the essential functions of their jobs; or to receive aid, benefits, services, or training equal to that provided to qualified individuals without disabilities.
- Enjoy benefits and privileges of the aid, benefits, services, training, or employment equal to those that are enjoyed by other similarly situated individuals without disabilities, unless providing such accommodation would impose an undue hardship.

The requirement to provide reasonable accommodations applies to disabilities that are known to the local entity.

The reasonable accommodation process, including a description of key terms, is set forth below and should be implemented immediately.

II. Key Terms

A. Reasonable accommodation means any of the following:

- 1) Modifications or adjustments to an application/registration process that enables a qualified individual with a disability to be considered for the aid, benefits, services, training, or employment that the qualified individual desires.
- 2) Modifications or adjustments that enable a qualified individual with a disability to perform the essential functions of a job or to receive aid, benefits, services, or training equal to that provided to qualified individuals without disabilities.
- 3) Modifications or adjustments that enable a qualified individual with a disability to enjoy the same benefits and privileges of the aid, benefits, services, training, or employment as are enjoyed by other similarly situated individuals without disabilities.

B. Qualified individual with a disability means any of the following:

- 1) With respect to employment, an individual with a disability who, with or without reasonable accommodation, is capable of performing the essential functions of the job in question.

- 2) With respect to aid, benefits, services, or training, an individual with a disability who, with or without reasonable accommodation and/or reasonable modification, meets the essential eligibility requirements for the receipt of such aid, benefits, services, or training.

C. An applicant is an individual seeking federally-assisted aid, benefits, services, or training. An individual is considered an “applicant” at the point in which they submit personal information in response to a request by the local entity for such information.

D. A participant is an individual who is receiving aid, benefits, services or training under a WIOA Title I or W-P funded program.

E. A disability means the following, with respect to an individual:

- 1) "Medical condition" includes the following:
 - a) Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer.
 - b) Genetic characteristics. For purposes of this section, "genetic characteristics" means either of the following:
 - i. Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.
 - ii. Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or his or her offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.
- 2) "Mental disability" includes, but is not limited to, all of the following:
 - a) Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:
 - i. “Limits” shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
 - ii. A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.
 - iii. “Major life activities” shall be broadly construed and shall include physical, mental, and social activities and working.

Any other mental or psychological disorder or condition not described in paragraph (a) that requires special education or related services.

- b) Having a record or history of a mental or psychological disorder or condition described in paragraph (a) or (b), which is known to the employer or other entity covered by this part.
- c) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any mental condition that makes achievement of a major life activity difficult.
- d) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (a) or (b).

“Mental disability” does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

3) "Physical disability" includes the following:

- a) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:
 - i. Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.
 - ii. Limits a major life activity. For purposes of this section:
 - “Limits” shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
 - A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.
 - “Major life activities” shall be broadly construed and includes physical, mental, and social activities and working.
- b) Any other health impairment not described in paragraph (a) that requires special education or related services.

- c) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (a) or (b) which is known to the employer or other entity covered by this part.
- d) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any physical condition that makes achievement of a major life activity difficult.
- e) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (a) or (b).
- f) "Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

F. Essential eligibility requirements are such criteria that can be shown to be necessary for the provision of the aid, benefit, service, training, program, or activity being offered.

G. Essential functions means the fundamental job duties of the employment position the individual with a disability holds or desires. "Essential functions" does not include the marginal functions of the position.

- 1) A job function may be considered essential for any of several reasons, including, but not limited to, any one or more of the following:
 - a) The function may be essential because the reason the position exists is to perform that function.
 - b) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed.
 - c) The function may be highly specialized, so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

- 2) Evidence of whether a particular function is essential includes, but is not limited to the following:
 - a) The employer's judgment as to which functions are essential.
 - b) Written job descriptions prepared before advertising or interviewing applicants for the job.
 - c) The amount of time spent on the job performing the function.
 - d) The consequences of not requiring the incumbent to perform the function.
 - e) The terms of a collective bargaining agreement.
 - f) The work experiences of past incumbents in the job.
 - g) The current work experience of incumbents in similar jobs.

H. Fundamental alteration means a change in the essential nature of a program or activity, or a cost that the local entity can demonstrate would result in an undue burden. Factors to be considered in determining whether a requested modification would result in a fundamental alteration are referenced in Step 3 of this process (described later in the *Step by Step Process* section of this guide.)

I. Major life activities mean functions such as the following:

- Caring for one's self
- Performing manual tasks
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Learning
- Working

J. Undue hardship means an action requiring significant difficulty or expense, when considered in light of the following factors:

- 1) The nature and cost of the accommodation needed.
- 2) The overall financial resources of the facilities involved in the provision of the reasonable accommodations, the number of persons employed at the facility, and the effect on expenses and resources or the impact otherwise of these accommodations upon the operation of the facility.
- 3) The overall financial resources of the covered entity, the overall size of the business of a covered entity with respect to the number of employees, and the number, type, and location of its facilities.
- 4) The type of operations, including the composition, structure, and functions of the workforce of the entity.
- 5) The geographic separateness, administrative, or fiscal relationship of the facility or facilities.

III. Effective Communication and Other Assistance

Each local entity shall be responsible for ensuring effective communication between the qualified individual with a disability and entity staff throughout the reasonable accommodation process. Effective communication may require arranging for sign language interpreters, assistive listening equipment, alternative formats for people with visual impairments, or other approaches. In addition, the local entity shall also be responsible for providing such other reasonable assistance as is requested throughout the reasonable accommodation process, as well as through the process of any necessary appeals.

IV. Confidentiality

- A. **Local entity must maintain confidentiality.** All documentation and information concerning the medical condition or history of an individual with a disability requesting an accommodation must be collected on forms separate from other forms related to that individual, and must be maintained by the local entity in separate medical files. The information shall be treated as confidential medical records, and access to the records must be limited, except to the extent of the following:
- 1) The local entity management must be informed about work restrictions or reasonable accommodations.
 - 2) The first-aid and safety personnel need to be informed if the disability may require emergency treatment.
 - 3) Government officials investigating compliance with law are required to be provided with relevant information upon request.

What Accommodations Are Reasonable?

The reasonableness of an accommodation will depend upon the circumstances of each case. For additional clarification as to what are reasonable accommodations in the employment context, refer to 29 CFR Part 32. Reasonable accommodations include, but are not limited to the following:

- Making facilities that are not otherwise required to comply with Federal accessibility standards physically accessible to and usable by people with disabilities (*e.g.*, providing ramps, rest room grab bars, signage, etc.).
- Restructuring of job or training tasks (*e.g.*, reallocating non-essential typing, telephone or other clerical assignments among employees, assignment of non-essential tasks to others, eliminating non-essential tasks, etc.).
- Modifying schedules (*e.g.*, permitting alternative starting and ending times to avoid standing and jostling on subways).
- Providing or modifying equipment, devices or materials (*e.g.*, raising a desk on boards for a person who uses a wheelchair, providing flashing lights and volume controls on intercoms and telephones, installing text telephones [TTYs], providing large-print computer display programs, or materials in alternative formats, including Braille, audio tape or enlarged print, etc.).
- Providing qualified readers, interpreters, or other support services for all aspects of programs and activities including the application, interview, and testing processes, and during training and employment-related activities.

Reasonable accommodation may also include permitting the individual with a disability to use aids or services that the local entity is not otherwise required to provide. For example, although a local entity generally would not be required to provide a motorized scooter to an individual with mobility

impairment, reasonable accommodation may include providing an area to stow such a mobility aid, if necessary.

The local entity is not required to provide personal items to individuals with disabilities. Such items include hearing aids, prosthetic limbs, wheelchairs, or eyeglasses. However, such items may constitute reasonable accommodation where they are specifically designed to meet needs that are related to the program or activity in which the person is participating, or the job the person is performing. For example, eyeglasses designed to enable the individual to view a computer monitor, but which are not otherwise needed outside of the program or activity in which the person is participating, or the job the person is performing, may constitute a reasonable accommodation.

Where more than one possible reasonable accommodation exists, the local entity should give primary consideration to the individual's preference in determining what accommodation it will provide.

As noted above, some requests for reasonable accommodation can be granted and implemented immediately following their receipt, without formal evaluation, consistent with this procedure. Such may be the case where the individual identifies any requested accommodation with specificity. For example, an employee who is deaf and routinely uses a text telephone (TTY) can readily identify a job-related limitation, as well as the accommodation needed. Where it is obvious that providing the TTY will enable the individual to meet the job's essential functions, the TTY can be ordered, provided and documented without the more comprehensive analysis provided for in Steps 2 and 3 (described later in the *Step by Step Process* section of this guide.) In these cases, the reasonable accommodation process is merely compressed; it is not eliminated.

Accommodations may be considered "unreasonable" only if they impose an undue hardship for the specific local entity in question. For example, shifting tasks among clerical employees to accommodate an employee with a disability may be reasonable where a sufficient number of employees exist among whom the tasks can be distributed; however, such an accommodation may be unreasonable in a very small office with few employees. The factors listed in the definition of "undue hardship" in 29 CFR 37.4 must be considered in making this determination.

Where the local entity determines that the accommodation requested by the individual would impose an undue hardship, or the modification requested would result in a fundamental alteration, the local entity *must* propose an alternative accommodation or modification that would ensure that, to the maximum extent possible, the person with a disability receives the aid, benefits, services, training, or employment offered by the local entity.

REASONABLE ACCOMMODATION POLICY AND PROCEDURE

Step by Step Process

Step 1 – Individual with a Disability Requests Reasonable Accommodation

Initial Consultation

The individual with a disability should submit a reasonable accommodation request to designated staff. If a request for reasonable accommodation is made to facilitate the application process, the local entity manager supervising the application process should assist where requested and, in conjunction with the local entity staff, process the request for accommodation. The local entity manager receiving the request shall acknowledge each request in writing. The current request for reasonable accommodation shall not preclude the submission of subsequent requests.

Generally, it is the responsibility of the individual with a disability to inform the local entity of the need for an accommodation. Reasonable accommodation must be provided for disabilities that are known. Nevertheless, once the local entity is aware of an individual's disability, it may have the responsibility to initiate discussions about reasonable accommodation and set these procedures in motion.

Where the need for a requested accommodation is not apparent, the local entity manager supervising the application process may ask the individual to provide documentation in support of the request. For example, if the individual with dyslexia requests additional time within which to complete a timed, written entrance qualifying examination, that individual may be asked to provide documentation in support of that request.

Similarly, if an individual with a mental disability requests a flexible schedule to attend psychotherapy during the work day, the individual may be asked to provide documentation from the treating professional in support of that request.

After acknowledging a request for accommodation, the local entity manager should do one of the following:

- 1) Provide or implement the request and document the accommodation
- 2) Proceed to Step 2 of this procedure.

Step 2 – Consult with the Individual Requesting a Reasonable Accommodation

The reasonable accommodation process sometimes can be accomplished without a formal analysis of the individual's limitations and the local entity's resources, as in the example provided above, where an individual's desk is elevated on blocks to permit access from a wheelchair. Other situations are more complex, however, and require structured analysis. In these instances, upon receipt of a request for reasonable accommodation, the local entity should consult with the

individual requesting the accommodation to assess the limitations of the disability and how the individual may best be involved in the accommodation process.

Using a collaborative, open and flexible approach, the local entity should consider how any limitations can be overcome, discuss possible reasonable accommodations, and assess the effectiveness of each. Other possible resources to consult with throughout this process include, but are not limited to, the following:

- The Job Accommodation Network (JAN), which can be reached at 1-800-JAN-7234 or by accessing their website at: www.Jan.wvu.edu, or
- The California Committee on Employment of People with Disabilities at the Department of Rehabilitation. They can be reached at: (855) 894-3436 or via email at: CCEPD@dor.ca.gov.

The local entity must consider the individual's preferences, along with what is reasonable and does not impose an undue hardship.

The circumstances, in which documentation can be requested, as well as the procedure for requesting such documentation, are as follows:

- A. When the disability and/or the need for accommodation are not obvious, the local entity may ask the individual for reasonable documentation about his/her disability and functional limitations.

Reasonable documentation means that the local entity may require only the documentation that is needed to establish that a person has an actual, current disability, and that the disability necessitates a reasonable accommodation. However, the local entity, in response to a request for reasonable accommodation, cannot ask for documentation that is unrelated to determining the existence of a disability and the necessity for an accommodation.

The local entity may require that the documentation about the disability and the functional limitations come from an appropriate health care or rehabilitation professional. The appropriate professional in any particular situation will depend on the disability and the type of function limitation it imposes. Appropriate professionals include, but are not limited to, doctors (including psychiatrists), psychologist, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.

In requesting documentation the local entity should specify what types of information they are seeking regarding the disability, its functional limitations, and the need for reasonable accommodation. For example, the person can be asked to sign a limited release allowing the local entity to submit a list of specific questions to the health care or vocational professional. ***The local entity must maintain the confidentiality of all medical information collected during this process, regardless of where the information comes from.***

- 1) It is unlawful except as provided in paragraph (b) or (c), for any employer or employment agency to require any medical or psychological examination of an applicant, to make any medical or psychological inquiry of an applicant, to make any inquiry whether an applicant has a mental disability or physical disability or medical condition, or to make any inquiry regarding the nature or severity of a physical disability, mental disability, or medical condition.
 - 2) Notwithstanding paragraph (1), an employer or employment agency may inquire into the ability of an applicant to perform job-related functions and may respond to an applicant's request for reasonable accommodation.
 - 3) Notwithstanding paragraph (1), an employer or employment agency may require a medical or psychological examination or make a medical or psychological inquiry of a job applicant after an employment offer has been made but prior to the commencement of employment duties, provided that the examination or inquiry is job-related and consistent with business necessity and that all entering employees in the same job classification are subject to the same examination or inquiry.
 - 4) It is unlawful except as provided in paragraph (5), for any employer or employment agency to require any medical or psychological examination of an employee, to make any medical or psychological inquiry of an employee, to make an inquiry whether an employee has a mental disability, physical disability, or medical condition, or to make any inquiry regarding the nature or severity of a physical disability, mental disability, or medical condition.
 - 5) Notwithstanding paragraph (4), an employer or employment agency may require any examinations or inquiries that it can show to be job-related and consistent with business necessity. An employer or employment agency may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees at that worksite.
- B. If a person provides insufficient documentation of a disability in response to the local entity's initial request, the local entity may require the person to go to a health care professional of the local entity's choice. However, the local entity should explain why the documentation is insufficient and allow the person an opportunity to provide the missing information in a timely manner.

Please note that under the Federal disability nondiscrimination law, the local entity cannot ask for documentation under the following circumstances:

- 1) Both the disability and the need for reasonable accommodation are obvious, or
- 2) The person has already provided sufficient information to substantiate they have an actual, current disability and needs the reasonable accommodation requested.

If the individual's disability or need for reasonable accommodation is not obvious, and they refuse to provide the reasonable documentation requested by the local entity, then they are not entitled

to reasonable accommodation. On the other hand, failure by the local entity to initiate or participate in an interactive process with the individual after receiving a request for reasonable accommodation could result in liability for failure to provide a reasonable accommodation.

Step 3 – Local Entity Management and/or Designated Staff Analyzes the Request for Reasonable Accommodation

After consulting with the individual with a disability, the entity should examine the request and determine if the requested accommodation is feasible and does not create an undue hardship or result in a fundamental alteration. **Please note**, where a request is denied on the basis of undue hardship or fundamental alteration, an alternative accommodation/modification must be proposed that will ensure that, to the maximum extent possible, the person with a disability receives the aid, benefits, services, training, or employment offered by the local entity.

It is unlawful for an employer or other entity covered by the WIOA, Section 18829 CFR part 37, W-P Act, the Americans with Disabilities Act (ADA), and the Fair Employment and Housing Act (FEHA), to fail to engage in a timely, good faith, interactive process with the employee or applicant to determine effective reasonable accommodations, if any, in response to a request for reasonable accommodation by an employee or applicant with a known physical or mental disability or known medical condition.

The factors to be considered in determining whether an accommodation would impose an undue hardship or in determining whether the cost of a modification would result in a fundamental alteration includes the following:

- A. The nature and net cost of the accommodation/modifications needed, taking into consideration the availability of tax credits and deductions, and/or outside funding, for the accommodation/modification.
- B. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation/modification, including the following:
 - 1) The number of persons aided, benefited, served, or trained by, or employed at, the facility or facilities.
 - 2) The effect the accommodation/modification would have on the expenses and resources of the facility or facilities.
- C. The overall financial resources of the local entity, including the following:
 - 1) The overall size of the local entity.
 - 2) The number of persons aided, benefited, served, trained, or employed by the local entity.
 - 3) The number, type and location of the local entity's facilities.
- D. The type of operation or operations of the local entity, including the following:
 - 1) The geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the local entity.

- 2) Where the individual is seeking an employment related accommodation/modification, the composition, structure and functions of the local entity's workforce.
- E. The impact of the accommodation/modification upon the operation of the facility or facilities, including the following:
- 1) The impact on the ability of other participants to receive aid, benefits, services, or training, or of other employees to perform their duties.
 - 2) The impact on the facility's ability to carry out its mission.

It is unlawful for an employer or other entity covered by the WIOA, Section 188, 29 CFR part 37, W-P, ADA, and the FEHA, to fail to make reasonable accommodation for the known physical or mental disability of an applicant or employee. Nothing in this document shall be construed to require an accommodation that is demonstrated by the employer or other covered entity to produce undue hardship to its operation.

Step 4 – Select and Implement an Appropriate Reasonable Accommodation

Within 10 business days of receipt of a request for reasonable accommodation, the local entity to where it was submitted shall either grant or deny the request in writing. Provisions of this accommodation should commence immediately. Where the request is denied on the basis of undue hardship or fundamental alteration, the local entity must propose an alternative accommodation or modification that would ensure that, to the maximum extent possible, the person with a disability receives the aid, benefits, services, training, or employment offered by the local entity.

Where the provision or implementation of a reasonable accommodation will take longer than 10 business days, the steps taken to order, secure or carry out the accommodation shall be documented and discussed with the individual requesting a reasonable accommodation. In all instances, however, the local entity shall act as expeditiously as possible to provide reasonable accommodations.

Where further supporting documentation has been sought from the individual requesting a reasonable accommodation, the grant or denial of a request for reasonable accommodation shall be rendered as noted below:

- A. For those cases in which medical documentation is necessary in order to understand the individual's limitations and what accommodations are possible, the grant or denial shall be issued within 10 business days of receipt of the requested documentation.
- B. For those cases in which the documentation is being requested merely to verify the information provided by the individual with a disability, the grant or denial shall be issued within 5 business days of receipt of the requested documentation.
- C. For those cases in which the individual refuses to provide reasonable requested documentation, the grant or denial shall be issued within 5 business days of the notification of refusal.

Where the local entity determines to deny a request for accommodation, or to provide an accommodation other than the individual's expressed preference, the local entity shall first consult with the individual requesting the reasonable accommodation. The local entity will document the determination in writing. Where the determination is to deny the request on the basis of undue hardship or fundamental alteration, the proposed alternative accommodation or modification will also be documented.

What if an Appropriate Reasonable Accommodation cannot be identified?

Sometimes, the local entity, or the individual requesting the reasonable accommodation, cannot identify possible reasonable accommodations. In those instances, the local entity should consult with appropriate resources e.g., those listed in Step 2 of these instructions. The local entity will seek to facilitate effective communication between the parties with the goal of identifying and implementing appropriate reasonable accommodation and, where a reasonable accommodation has been selected, shall monitor its implementation.

Throughout the Step 2 consultation process, the individual, and the local entity may seek technical assistance or clarification of each component of the reasonable accommodation process from appropriate resources.

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 6.17

Consent

Action

Information

To: Workforce Development Board of Madera County, Executive Committee

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Ratify Revised Paid and Unpaid Work Experience Policy

Recommendation:

Staff recommends ratification of the revised Paid and Unpaid Work Experience policy.

Summary:

The existing local policy on Paid and Unpaid Work Experience has been revised for use only in WIOA Title I Youth-funded programs. Paid and Unpaid Work Experience have not in the past, and will not now be offered in the WIOA Title I Adult and Dislocated Worker programs. A new training activity under WIOA, Transitional Jobs, will provide a similar service in the Adult and Dislocated Worker programs. The revised policy was approved by the Executive Committee on May 4, 2016.

Financing:

Workforce Innovation and Opportunity Act



PAID AND UNPAID WORK EXPERIENCE POLICY
TITLE I YOUTH-FUNDED PROGRAMS

EDD Revision Date: N/A
WDB Review Date: 4/23/09, 7/6/11; 12/17/15; 4/28/16

EXECUTIVE SUMMARY

PURPOSE:

This document establishes the Workforce Development Board of Madera County's policy on Paid and Unpaid Work Experience Activities for WIOA-eligible Out-of-School Youth.

Deleted: , Adults, and Dislocated Workers.

REFERENCES:

Note: References from WIOA are from the Act, as signed into law in July 2014. References from Title 20 of the Code of Federal Regulations (CFR) are cited from the Notice of Proposed Rulemaking, and are therefore subject to change pending issuance of final Federal Regulations.

- WIOA Section 129(c)(2)(C)
- 20 CFR 681.460(a)(3)

Deleted: <#>WIOA Section 134(c)(2)(A)(xii)(VII) ¶
<#>20 CFR Subpart B Section 678.430(b)(7)¶
<#>20 CFR Subpart A Section 680.170¶

POLICY:

The Workforce Innovation and Opportunity Act and the Notice of Proposed Rulemaking published in the Code of Federal Regulations permit the provision of paid and unpaid work experiences that have academic and/or occupational education component as a required program element for eligible Youth. It is the policy of the Workforce Development Board of Madera County to allow the provision of these services to eligible youth program participants. Paid and unpaid work experiences may include summer employment opportunities and other employment opportunities available through the school year, pre-apprenticeship programs, and job shadowing. The Workforce Development Board of Madera County does not permit the provision of paid or unpaid internships.

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In general, work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. A work experience worksite may be in the private for profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience placement where an employer/employee relationship, as defined by the Fair Labor Standards Act, exists.

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¶ are unemployed and are unable to obtain employment through basic career or youth program services and who have been determined to be in need of more individualized services in order to obtain employment; or¶ are underemployed, and who have been determined to be in need of such services in order to obtain or retain employment that allows for self-sufficiency.

For the purposes of implementation in Madera County, the following provisions will apply:

Work Experience may be provided, where determined as appropriate through the Individual Employment Plan development process, for eligible Youth program participants for whom one or more of the following conditions exist:

- the individual has little or no previous work history,
- the individual has had no work history within the past five years, and/or
- the individual is otherwise eligible for WIOA youth services and is in need of this service to assist them in preparing for participation in another appropriate training service or activity or to successfully obtain and retain unsubsidized employment.

This type of work experience activity is intended to provide training and skill development in the skills necessary to successfully obtain and retain employment, including punctuality, attendance, communication, team work, dependability, and task completion, and may or may not provide training in technical or job specific skills depending on the type of activity. There is no requirement or expectation that the individual will be retained by the worksite following the successful completion Of summer employment or other employment opportunities throughout the school year, pre-apprenticeship programs, or job shadowing.

Work Experience may also be provided, where determined as appropriate through the Individual Employment Plan development process, for eligible Youth program participants when the individual has successfully completed a vocational or occupational training program (either WIOA-funded or non-WIOA funded) and/or is in need of a work experience placement to obtain training-related work experience to enhance their ability to obtain and retain unsubsidized employment in a new career field. While not required, every effort will be made to establish work experience opportunities in these circumstances at locations where there is an opportunity for the participant to be hired at the work site following successful completion of the work experience activity.

Work experience may be provided concurrently with other appropriate career or training services and will not exceed 480 hours. This activity requires the development of a training plan or outline which will be included in the worksite agreement between the program operator and the work experience site. Regular time sheets and evaluations of participant progress are required no less frequently than twice per month throughout the duration of the activity.

ACTION:

This policy is effective on the date approved by the Workforce Development Board of Madera County, and replaces the previous version approved by the Board on December 17, 2015. Retain this policy until further notice.

INQUIRIES:

If you have questions, contact the Executive Director or designee at (559) 662-4500.

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WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 6.18

Consent

Action

Information

To: Workforce Development Board of Madera County, Executive Committee

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Ratify New Transitional Jobs Policy

Recommendation:

Staff recommends ratification of the new Transitional Jobs policy.

Summary:

The Workforce Innovation and Opportunity Act permits the provision of a new training activity for eligible Adults and Dislocated Workers called Transitional Jobs. Transitional Jobs are time-limited, subsidized employment opportunities designed to assist individuals with no work history and those who are chronically unemployed to develop recent work history, demonstrate success in work, and develop the skills necessary for entry into and retention in unsubsidized employment. The Transitional Job activity must be provided concurrently with comprehensive career services and supportive services. A maximum of 10% of the total local allocation for Adult and Dislocated Worker programs can be utilized for the provision of Transitional Job opportunities for eligible individuals. The new policy was approved by the Executive Committee on May 4, 2016.

Financing:

Workforce Innovation and Opportunity Act

TRANSITIONAL JOBS FOR ADULTS AND DISLOCATED WORKERS

EDD Revision Date: N/A
WDB Review Date: 4/28/16

EXECUTIVE SUMMARY

PURPOSE:

This document establishes the Workforce Development Board of Madera County's policy on Transitional Jobs for WIOA-eligible Adults and Dislocated Workers.

REFERENCES:

Note: References from WIOA are from the Act, as signed into law in July 2014. References from Title 20 of the Code of Federal Regulations (CFR) are cited from the Notice of Proposed Rulemaking, and are therefore subject to change pending issuance of final Federal Regulations.

- WIOA Section 134(d)(5)
- 20 CFR Subpart A Sections 680.140, 680.830, and 680.840

POLICY:

The Workforce Innovation and Opportunity Act and the Notice of Proposed Rulemaking published in the Code of Federal Regulations permit the use of Transitional Jobs as a training activity for eligible Adults and Dislocated Workers. Not more than 10% of the combined allotment for Adult and Dislocated Worker services will be used to provide Transitional Job activities.

It is the policy of the Workforce Development Board of Madera County to allow the provision of the Transitional Job activity to eligible adults and dislocated workers who:

1. Are individuals with barriers to employment; and
2. Are chronically unemployed or have an inconsistent work history.

In general, a transitional job is a planned, structured, subsidized work-based learning activity that takes place in a workplace for a limited period of time. A transitional job worksite may be in the private for profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience placement where an employer/employee relationship, as defined by the Fair Labor Standards Act, exists.

For the purposes of implementation in Madera County, the following provisions will apply:

A Transitional Job may be provided, where determined as appropriate through the Individual Employment Plan development process, for eligible Adult and Dislocated Worker program participants for whom the following conditions exist:

- the individual has documented barriers to employment;
- the individual is chronically unemployed or has had little or no work history in the 12 months prior to program participation; and
- the individual is otherwise eligible for WIOA training services and is in need of this service to assist them in preparing for participation in another appropriate training service or activity or to successfully obtain and retain unsubsidized employment.

The transitional job activity is intended to assist eligible individuals to establish a recent work history, demonstrate work success, and to develop the skills that lead to entry into and retention in unsubsidized employment.

Transitional job activities must be provided concurrently or consecutively with comprehensive career services and supportive services.

Transitional jobs may be provided concurrently with other appropriate career or training services and will not exceed 20 hours per week and a total of 160 hours in duration. This activity requires the development of a training plan which will be included in the worksite agreement between the one-stop or program operator and the transitional job site. Regular time sheets and evaluations of participant progress are required no less frequently than twice per month throughout the duration of the activity.

ACTION:

This policy is effective on the date approved by the Workforce Development Board of Madera County. Retain this policy until further notice.

INQUIRIES:

If you have questions, contact the Executive Director or designee at (559) 662-4500.

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 6.19

Consent

Action

Information

To: Workforce Development Board of Madera County, Executive Committee

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Ratify the Revision to WDB Meeting Agenda Format

Recommendation:

Staff recommends ratification of the revision to the WDB meeting agenda format.

Summary:

Staff are recommending that we no longer provide background documents to the agenda but rather provide a short, but more descriptive, sentence to the actual agenda. This will still satisfy the Brown Act. Staff will provide all of the necessary and more detailed information at the Board meeting. This is due to the lack of quorum issue and the fact that staff spend a considerable amount of time and effort preparing and providing a comprehensive agenda packet and then a meeting is not held. It typically takes two Managers (Program and Fiscal), the Executive Director and the Executive Assistant approximately two full days to prepare and provide the agenda packet in its present format. Staff time and effort is needed currently on the continued transition to WIOA and a possible relocation of the Job Center. The revised agenda format was approved by the Executive Committee on May 4, 2016.

Financing:

Workforce Innovation and Opportunity Act

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 6.20

Consent

Action

Information

To: Workforce Development Board of Madera County, Executive Committee

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Ratify Memorandums of Understanding (MOUs)

Recommendation:

Staff recommend ratification of the mandated MOUs with all partners and approval for the WDB Chair signing each of the MOUs and forwarding to the Board of Supervisors for their approval and signature.

Summary:

In accordance with the Workforce Innovation and Opportunity Act and EDD Directive WSD15-12, we are required to negotiate and enter into a Memorandum of Understanding with all mandatory partners. These MOUs are due to the State by June 30, 2016. This is Phase 1 of the process that will establish the relationship and the services by each partners. Phase 11 requires the negotiation and determination of the financial/cost sharing from each partner and is due December 31, 2017. We must provide an update to our Regional Advisor by May 13, 2016 as to the status of the Phase 1 process. Staff attended a state MOU Development Session in Sacramento and then held two local MOU Development Sessions where all partners were represented. We have received three final MOUs; Department of Social Services, Job Corps and Madera County Workforce Investment Corporation. We have been working with the remaining partners to complete the process by the stated deadlines in order to get them fully executed through the Board of Supervisors and to the State by the June 30, 2016 deadline. Because of the tight timelines associated with this process and because we anticipate that MOUs will be provided to us sporadically, staff are requesting a blanket approval of the final MOUs from each partner. The MOUs were approved and WDB Chair signature was approved by the Executive Committee on May 4, 2016.

Financing:

Workforce Innovation and Opportunity Act

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE WORKFORCE DEVELOPMENT BOARD OF MADERA COUNTY
AND
(INSERT PARTNER AGENCY NAME)**

Title I of the Workforce Innovation and Opportunity Act (WIOA) requires each local workforce development board, with the agreement of the Chief Local Elected Official, to develop and enter into a Memorandum of Understanding (MOU) between the local Workforce Development Board and the required America's Job Center of California (AJCC) partners relating to the operation of the AJCC delivery system in the local area.

The WIOA specifies that the required AJCC partners include employment and training services and programs authorized by:

- Adult, Dislocated Worker and Youth, WIOA Title I
- Wagner-Peyser Act, WIOA Title III
- Adult Education and Literacy, WIOA Title II
- Vocational Rehabilitation, WIOA Title IV
- Indian and Native American Programs, WIOA Section 166
- Migrant and Seasonal Farmworker Programs, WIOA Section 167
- Temporary Assistance for Needy Families/CalWORKS, 42 USC Section 601
- Older Americans Act of 1965, Title V
- Postsecondary Career and Technical Education, Perkins Act of 2006
- Trade Act of 1974, Title II
- Veterans' Employment and Training Service, 38 USC Chapter 41
- Community Services Block Grant Act
- Department of Housing and Urban Development
- State Unemployment Insurance Laws
- Job Corps

California's one-stop delivery system, the AJCC, is a locally-driven system which develops partnerships and provides programs and services to achieve the policy objectives established by the California Workforce Development Board's State Strategic Plan by:

- Fostering demand-driven skill attainment;
- Enabling upward mobility, especially for those with barriers to employment; and
- Aligning, coordinating and integrating programs and services.

Vision and Mission of the Workforce Development Board of Madera County

The Workforce Development Board of Madera County (WDB) is committed to the economic health of Madera County by providing leadership and guidance resulting in a quality employment and training system. The WDB is focused on establishing innovative collaborations that inspire success, while insuring that the workforce system provides skill development opportunities for lifelong learning and personal growth resulting in a quality workforce. The WDB contributes to the economic health of the County and the region through supporting an environment conducive to economic development and assisting to build a vibrant economy through increased employment opportunities.

Purpose of Memorandum of Understanding (MOU)

- I. To define and reinforce (or establish) relationship between the Workforce Development Board of Madera County (WDB) and the designated Partner Agency;
- II. To define the roles and responsibilities of these entities, in the performance of their combined goal of establishing a workforce development system through an AJCC method of service delivery that is:
 - Integrated (offering as many employment, training, and education services as possible for employers and individuals seeking jobs or wishing to enhance their skills) and affording universal access to the system overall;
 - Comprehensive (offering a large array of useful information with wide and easy access to needed services);
 - Customer Centered (providing the means for customers to judge the quality of services and make informed choices based on their individual needs); and
 - Performance Based (based on clear outcomes to be achieved; mutually negotiated outcomes and methods for measurements; and the means toward measuring and attaining customer satisfaction).

Parties to the MOU

As a required AJCC partner in accordance with the Workforce Innovation and Opportunity Act, the **(ENTER PARTNER AGENCY NAME)** enters into a Memorandum of Understanding (MOU) with the Workforce Development Board of Madera County (WDB) regarding the manner in which the **(PARTNER AGENCY NAME)** will participate in and provide access to its services through the AJCC system of service delivery. Any questions about this MOU should be directed to the **(PARTNER AGENCY ADMINISTRATOR TITLE)**.

Responsibilities of AJCC Partners

The AJCC Partner agrees to participate in joint planning, plan development, and other system activities to accomplish the following:

1. Continuous partnership building between all parties to this agreement;
2. Continuous planning responsive to State and Federal requirements;
3. Responsiveness to specific local and economic conditions including employer needs;
4. Adherence to common data collection and reporting requirements, including needs for modification or change;
5. Diligence in developing coordinated local leadership in workforce development through;
 - a) Responsiveness to customer needs;
 - b) Maintenance to system infrastructure
 - a) Shared technology and information;
 - a) Performance management to measure the success of the AJCC system overall and to enhance performance in a spirit of quality management and continuous improvement;
6. Making the applicable service(s) relevant to the partner program available to customers through the AJCC;
7. Participation in the operation of the AJCC, consistent with the terms of the MOU and the requirements of applicable laws; and
8. Participation in capacity building and staff development activities to insure that all partners and staff are adequately cross-trained.

Effective Dates

This MOU shall become effective on July 1, 2016 and shall continue for three years, through June 30, 2019, unless terminated sooner by one of the parties. The MOU will be reviewed not less than once every three years to identify and incorporate any substantial changes that may have occurred.

This MOU is of no force or effect until signed by authorized representatives of the participating agencies, and until approved by the Chief Local Elected Official. The MOU, once signed, becomes a part of the local WIOA Plan.

Revisions and Modifications

This MOU constitutes the entire agreement between and parties and no oral understanding not incorporated herein shall be binding on any of the parties hereto. This MOU may be modified, altered, or revised, as necessary, by mutual consent of the parties, by the issuance of a written amendment, signed and dated by the parties.

Each party reserves the right to modify the scope, structure, and content of this MOU based on legislative changes, local WDB policies, availability of funding, or other circumstances as warranted and agreed upon by the WDB and the partner agency.

Extensions

This MOU may be extended by written agreement between the parties, provided such agreement is signed by both parties prior to the termination date of this agreement, and contains the following:

1. A statement of intent to continue all provisions of the MOU;
2. Revised effective and end dates; and
3. Dated signatures of both parties.

Terminations

Either party to this MOU may elect to terminate its participation in this MOU without cause by delivering a thirty (30) day written notice of intent to terminate to the other party.

Non-Discrimination and Equal Opportunity

Parties to this MOU shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant, or applicant for employment due to gender or gender identity, race, color, ancestry, religion, national origin, veteran status, physical disability, mental disability, medical conditions, age (over 40), sexual orientation, or marital status. Nor shall any partner or the WDB, including the AJCC Operator, deny family and medical care leave or pregnancy disability leave to employees entitled to such leave. Partners and the WDB, including the AJCC Operator, shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Partners shall comply with the provisions of Fair Employment and Housing Act (California Government Code Section 12900, et seq.) and related, applicable regulations promulgated thereunder (Title 2, California Code of Regulations Section 7285 et seq.). Code of Regulations Section 8103 et seq. are incorporated into this MOU by reference and made a part hereof as if set forth in full. Partners shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining agreement or other such agreement. Parties to this MOU shall include non-discrimination and compliance provisions of this clause in all related subcontracts or financial agreements.

The WDB, including the AJCC Operator and other partners to the AJCC system, will ensure that policies and procedures established by the WDB, including the AJCC Operator, and programs and services provided by and through the AJCC are in compliance with the Americans with Disabilities Act of 1990 (ADA) and its amendments, which prohibits discrimination on the basis of disability, as well as applicable regulations and guidelines issued pursuant to the ADA.

All parties agree to universal access as an AJCC provision. Policies adopted locally for ensuring access for all customers include those with special needs; those with literacy deficits, physical or learning disabilities; limited English speakers, in accordance with Dymally-Alatorre Bilingual

Services Act; Unemployment Insurance claimants; Veterans, Migrant and Seasonal Farmworkers; and others with economic or geographical barriers to service or employment.

Grievances and Complaints Procedure

The AJCC Partner agrees to establish and maintain a procedure for grievances and complaints as outlined in WIOA. The process for handling grievances and complaints is applicable to customers and partners. These procedures will allow the customer or entity filing the complaint to exhaust every administrative level in receiving a fair and complete hearing and resolution of their grievance. The partner further agrees to communicate openly and directly to resolve any problems or disputes related to the provision of services in a cooperative manner and at the lowest level of intervention possible.

Americans with Disabilities Act and Amendments Compliance

The AJCC Partner agrees to ensure that the policies and procedures as well as the programs and services provided at the AJCC are in compliance with the Americans with Disabilities Act and its amendments. Additionally, partners agree to fully comply with the provisions of WIOA, Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, 29 Code of Federal Regulations Part 37 and all other regulations implementing the aforementioned laws.

AJCC System Services

In consideration of mutual aims and shared desires of the AJCC System and in recognition of the public benefit to be derived from effective collaboration of the programs involved, the partner agrees to support, as authorized by applicable law, the following services through the AJCC Centers:

1. Basic Career Services as specified under the Workforce Innovation and Opportunity Act, Title I-Subtitle B, including eligibility determination for multiple programs; outreach, intake and orientation; initial assessment of skill levels, job search, placement assistance and career counseling; business services including recruitment; activity referral and coordination with other programs; provision of workforce and labor market statistical information relating to local, regional and national labor markets.
2. Individualized Career Services as specified under the Workforce Innovation and Opportunity Act (WIOA Section 134(c)(2)(A)(i)-(xi) and Notice of Proposed Rule-Making section 680.150), including comprehensive and specialized assessment, development of an individual employment plan, group and individual counseling, case management for participants seeking training services, and short-term and pre-vocational services.
3. Follow-up Services will be made available to participants for twelve months after exit. A participant will receive follow-up services necessary to enable them to progress further in

their occupation or retain their employment. Follow-up services can include additional career planning, counseling, mentoring, assisting individuals to secure a better paying job, career development and further education. Agency staff is required to contact the participant and determine a participant's employment and educational status after exiting all WIOA programs at least once per calendar quarter for one year.

4. Access to training services (WIOA Section 134 (c)(3)(D) and Notice of Proposed Rule-Making section 680.200) which may include, but are not limited to, occupational skills training, on-the-job-training, private sector training programs, skill upgrading and retraining, job readiness training, adult basic education and literacy programs, and customized training.
5. Access to Wagner-Peyser services including job search, placement, recruitment, and CalJOBS.
6. Access to AJCC Programs and activities.
7. Services for employers including, but not limited to, job listings, meeting facilities, referral of job seekers, pre-screening of applicants, labor market information, tax credit information, job and hiring fairs, and small business development assistance.

The **(ENTER PARTNER AGENCY NAME)** will provide the following specific AJCC services:

Enter list of services that Partner Agency will provide.

Location of AJCC Sites

The WDB will establish a minimum of one physical location within the local workforce area in which all AJCC Partners will provide access to the services provided under the WIOA. The parties agree that such AJCC shall be located at 441 E. Yosemite Avenue, Madera, CA 93638. The partner agrees that it will provide access to the services described in this MOU at such location and any other satellite location deemed appropriate by the partner organization. This location may be changed by the WDB during the term of this MOU, upon reasonable advance notice of at least thirty (30) days of such change to the partner organization.

Methods of Referral

Parties to this MOU agree jointly develop and mutually implement referral processes acceptable to all AJCC partners. Parties agree to cross-train staff on the services of each partner agency to facilitate effective and informed referrals between and among the partner organizations. Partners will adopt a common referral form and will agree to the format and modality to be used for referrals to their respective agencies. Partners agree to refer individuals to other AJCC partner agencies, when such individuals may benefit from the partner agency's services.

The referral process will:

- Ensure that intake and referrals processes are customer-centered and provided by staff trained in customer service;
- Ensure that general information regarding AJCC programs, services, activities, and resources will be made available to all customers, as appropriate;
- Describe how customer referrals are made electronically, through traditional correspondence, verbally, or through other means determined in cooperation with partners; and
- Describe how each AJCC partner will provide a direct link or access to other AJCC partner staff that can provide meaningful information or service, through the use of co-location, cross training of AJCC staff, or real-time two-way communication and interaction that results in the services needed by the customer.

The Madera County Workforce Assistance Center standard Referral Form and Referral Process are included as Attachment A.

Access for Individuals with Barriers to Employment

The term “individual with a barrier to employment” means an individual who is a member of one or more of the following populations:

- A. Displaced homemakers
- B. Low-income individuals
- C. Native Americans, including Alaska Natives and Native Hawaiians
- D. Individuals with a disability
- E. Older individuals
- F. Homeless individuals
- G. Youth who are in or who have aged out of the foster care system
- H. Individuals who are English language learners, who have low levels of literacy, and/or who are facing substantial cultural barriers
- I. Eligible migrant and seasonal farmworkers
- J. Individuals within two years of exhausting lifetime eligibility for TANF
- K. Single parents, including pregnant women
- L. Long-term unemployed individuals
- M. Such other groups as the Governor may determine to have barriers to employment.

Each party to the MOU assures that its policies, programs, procedures, and services are in compliance with the ADA of 1990 and its amendments, which prohibits discrimination on the basis of disability, in order to provide equal access to all customers with disabilities.

Each party is committed to offering priority for services to recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient when providing individualized career services and training services with WIOA Adult funds.

A system map identifying the location of the comprehensive and affiliate AJCC sites within the local area is included as Attachment B.

Shared Technology and System Security

The WIOA emphasizes technology as a critical tool for making all aspects of information exchange possible, including client tracking, common case management, reporting, and data collection. To support the use of these tools, each AJCC partner agrees to:

- Comply with the applicable provisions of the WIOA, Welfare and Institutions Code, California Education Code, Rehabilitation Act, and any other appropriate statutes or requirements;
- The principles of common reporting and shared information through electronic mechanisms, including shared technology;
- Commit to share information to the greatest extent allowable under their governing legislation and confidentiality requirements;
- Maintain all records of AJCC customers or partners (e.g. applications, eligibility, and referral records, or any other individual records related to services provided under this MOU) in the strictest of confidence, and use them solely for purposes directly related to such services;
- Develop technological enhancements that allow interfaces of common information needs, as appropriate; and
- Understand that system security provisions shall be agreed upon by all partners.

Funding of Services and Operating Costs

All relevant parties to this MOU agree to share in the operating costs of the AJCC system, either in cash or through in-kind services.

It is expressly understood that this MOU does not constitute a financial commitment, but rather intend to commit specific resources in the future as the partner's allocations and budgets are known and the AJCC system evolves.

The cost of services, operating costs, and infrastructure costs of the system will be funded by all AJCC partners through a separately negotiated cost sharing agreement based on an agreed upon formula or plan. These cost sharing agreements will be formalized no later than December 31, 2017.

Confidentiality

The AJCC Partner agrees to comply with the provisions of WIOA as well as the applicable sections of the Welfare and Institutions Code, the California Education Code, the Rehabilitation Act, and any other appropriate statute or requirement to assure the following:

- All applications and individual records related to services provided under this MOU, including eligibility for services and enrollment and referral, shall be confidential and

shall not be open to examination for any purpose not directly connected with the delivery of such services.

- No person will publish, disclose use, or permit, cause to be published, disclosed or used, any confidential information pertaining to AJCC applicants, participants, or customers overall unless a specific release is voluntarily signed by the participant or customer.
- The AJCC partner agrees to abide by the current confidentiality provisions of the respective statutes to which AJCC operators and other AJCC partners must adhere, and shall share information necessary for the administration of the program as allowed under law and regulation. The AJCC partner, therefore, agrees to share client information necessary for the provision of services such as assessment, universal intake, program or training referral, job development or placement activities, and other services as needed for employment or program support purposes.
- Client information shall be shared solely for the purpose of enrollment, referral or provision of services. In carrying out their respective responsibilities, each party shall respect and abide by the confidentiality policies of the other parties.

Administrative and Operational Management

License for Use:

During the term of this MOU, all partners to this MOU shall have a license to use space in the AJCC for the sole purpose of conducting acceptable AJCC services as outlined herein, or according to the terms of any separately negotiated cost sharing agreements.

Supervision/Day to Day Operations:

The day-to-day supervision of staff assigned to the AJCCs will be the responsibility of the site supervisor(s). The original employer of staff assigned to the AJCCs will continue to set the priorities of its staff. Any change in work assignments or any problems at the worksite will be handled by the site supervisor(s) and the management of the original employer.

The office hours for the staff at the AJCCs will be established by the site supervisor(s) and the primary employer. All staff will comply with the holiday schedule of their primary employer and will provide a copy of their holiday schedule to the operator and host agency at the beginning of each fiscal year.

Disciplinary actions may result in removal of co-located staff from the AJCCs and each party will take appropriate action.

Each party shall be solely liable and responsible for providing to, or on behalf of, its employee(s) all legally-required employee benefits. In addition, each party shall be solely responsive and save all other parties harmless from all matters relating to payment of each party's

employee(s), including compliance with social security withholding, workers' compensation, and all other regulations governing such matters.

Dispute Resolution:

The parties agree to try to resolve policy or practice disputes at the lowest level, starting with the site supervisor(s) and staff. If issues cannot be resolved at this level, they shall be referred to the management staff of the respective staff employer and the operator, for discussion and resolution.

Press Releases and Communications:

All parties shall be included when communicating with the press, television, radio or any other form of media regarding its duties or performance under this MOU. Participation of each party in press/media presentations will be determined by each party's public relations policies. Unless otherwise directed by the other parties, in all communications, each party shall make specific reference to all other parties.

The parties agree to utilize the AJCC logo developed by the State of California and the local Board on buildings identified for AJCC usage. This also includes letterhead, envelopes, business cards, any written correspondence, and fax transmittals.

Hold Harmless/Indemnification/Liability:

In accordance with provisions of Section 895.4 of the California Government Code, each party hereby agrees to indemnify, defend, and hold harmless all other parties identified in this MOU from and against any and all claims, demands, damages and costs arising out of or resulting from any acts or omissions which arise from the performance of the obligations by such indemnifying party pursuant to this MOU. In addition, except for Departments of the State of California which cannot provide for indemnification of court costs and attorney's fees under the indemnification policy of the State of California, all other parties to this MOU agree to indemnify, defend, and hold harmless each other from and against all court costs and attorney's fees arising out of or resulting from any acts or omissions which arise from the performance of the obligations by such indemnifying party pursuant to this MOU. It is understood and agreed that all indemnity provided herein shall survive the termination of this MOU.

Signatures

Dated: _____, 2016

BY: _____

Pat Gordon, Chair

Workforce Development Board of Madera County
(Name of WDB)

441 E. Yosemite Avenue
(Address)

Madera, CA 93638
(City, State, Zip Code)

Dated: _____, 2016

BY: _____

(Signature of Authorized Administrator)

(Name of Partner Agency)

(Address)

(City, State, Zip Code)

I, Rick Farinelli, Chair, Madera County Board of Supervisors, hereby agree to the forgoing Memorandum of Understanding between the Workforce Development Board of Madera County and the Enter Partner Agency Name Here.

Dated: _____, 2016

By: _____

Rick Farinelli, Chairman
Madera County Board of Supervisors

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 7.1

Consent

Action

Information

To: Workforce Development Board of Madera County

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Approve the Nomination of Bridget Marie carpenter, Springhill Suites by Marriott, to the WDB

Recommendation:

Staff recommends approval of the nomination of Bridget Marie Carpenter to the WDB and requests authorization to forward her nomination to the Board of Supervisors for appointment of a 3 year term.

Summary:

Ms. Carpenter is the Sales Manager at the Madera Springhill Suites and will represent the Private Sector on the WDB.

Financing:

Workforce Innovation and Opportunity Act

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 7.2

Consent

Action

Information

To: Workforce Development Board of Madera County

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Approve Revised WDB ITA Policy – 6/16/16

Recommendation:

Staff recommends approval of the revised ITA policy.

Summary:

The current ITA policy allows a maximum of \$5000 for tuition and an additional \$1000 for other required training expenses for each customer. Based on budget projections for next fiscal year, along with our increased emphasis on working with public training providers such as Adult Schools and Community Colleges, staff is recommending reducing the tuition portion of the ITA cap back to the previous maximum of \$3500. With the requirement in WIOA to use other sources of funding prior to using WIOA funds, we feel that this amount will be adequate for most of the currently approved training providers most frequently used at this time. Many of the training providers will accept the Board's cap as payment in full for the tuition of their approved programs, or can combine the ITA funds with other financial aid resources to minimize any out-of-pocket expense for the customer.

Financing:

Workforce Innovation and Opportunity Act



INDIVIDUAL TRAINING ACCOUNT POLICY

EDD Revision Date: N/A

WDB Review Date: 9/11/00; 7/17/06; 3/22/07, 12/18/09, 6/21/12; 2/28/13; 6/27/13; 5/22/14;
12/17/15; 4/28/16; 6/16/16

EXECUTIVE SUMMARY:

Purpose:

This document establishes the policy of the Workforce Development Board of Madera County on training services for adults, dislocated workers, and out-of-school youth ages 18-24 as provided through Individual Training Accounts, and is effective upon approval by the Board.

References:

Note: References from WIOA are from the Act, as signed into law in July 2014. References from Title 20 of the Code of Federal Regulations (CFR) are cited from the Notice of Proposed Rulemaking, and are therefore subject to change pending issuance of final Federal Regulations.

- Workforce Innovation & Opportunity Act (WIOA) Section 134(c)(3)
- Title 20 CFR 680.230
- Title 20 CFR 680.300-340

Policy:

WIOA funding for training is limited to participants who are unable to obtain grant assistance from other sources to pay the costs of their training or who require assistance beyond that available under grant assistance from other sources to pay the costs of such training. One-stop operators and training providers must coordinate funds available to pay for training, taking into account the full cost of participating in training, including the cost of support services and other appropriate costs. Program staff must consider the availability of other sources of grants to pay for training costs such as Temporary Assistance for Needy Families (TANF), State-funded training programs, and Federal Pell Grants, so that WIOA funds supplement other sources of grant funding. A WIOA participant may enroll in WIOA-funded training while their application for a Pell Grant is pending, as long as arrangements have been made with the training provider and participant regarding allocation of the Pell Grant. If a Pell Grant is subsequently awarded, the training provider must reimburse the one-stop operator for the amount of WIOA funds used to underwrite the training for the amount covered by the Pell Grant.

Training services for eligible individuals are typically provided by training providers who receive payment for their services through an Individual Training Account (ITA). The ITA is a payment agreement established on behalf of a participant with a training provider. WIOA title I-eligible adults who are members of a priority group, dislocated workers, and out-of-school youth ages 18-24 may purchase training services from eligible providers they select in consultation with the case manager. This consultation will include discussion of the quality and performance information on the available training providers. Training programs selected must be directly linked to an in-demand industry sector or occupation in the local area or in the planning region, or in another area to which a participant receiving such services is willing to relocate. Priority will be given to programs that lead to recognized post-secondary credentials that are aligned with such in-demand industry sectors or occupations in the local area. A local board may approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area.

Payments from ITA's may be made in a variety of ways, including the electronic transfer of funds through financial institutions, vouchers, or other appropriate payment methods. Payment for ITA's issued under this policy will be paid incrementally, at an hourly rate for training, based on the hours of training successfully completed each month, throughout the participant's training program.

Title 20 CFR 680.310 allows the State or Local Workforce Development Board to impose limits on the dollar amount and/or duration for Individual Training Accounts. Limitations established by a local Board policy must not undermine, but rather should maximize, customer choice in the selection of an eligible training provider.

Based on the results of an individual assessment and on funding availability, ITA's may be awarded to eligible adults who are members of a priority group, dislocated workers, and out-of-school youth ages 18-24. Each ITA will be subject to a maximum dollar amount for tuition of ~~3,500~~ and a maximum dollar amount of \$1,000 in additional training costs as listed on the ETPL for a total ITA maximum of ~~\$4,500~~. The maximum duration of an ITA will be two years. A second ITA may be issued to a participant based on exceptional economic or personal circumstances at the discretion of the Executive Director; however, a second ITA would not generally be approved within less than 3 years of the completion of the first ITA. Prior to the issuance of an ITA, justification must be provided which supports that training is necessary for the individual to obtain appropriate employment leading to self-sufficiency, and that the career options following completion of training are in demand in the local area. An ITA will only be issued for those costs in excess of all other available sources of financial assistance, including PELL Grants, Community College Board of Governors (BOG) fee waivers, Cal Grants, private or institution-specific scholarships, or other available resources.

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The ~~\$4,500~~ limit is for costs required for the selected training program and may be waived for extenuating circumstances as determined by the local Board or the Executive Director. One example of such extenuating circumstances would be for those dislocated workers who are eligible for training services, but, due to their earnings prior to dislocation, are not eligible for any other form of non-repayable financial assistance, or for whom such financial assistance is limited. The ~~\$4,500~~ limit includes all training costs required to participate in and successfully complete a training program, as listed on the ETPL. When awarding an ITA, consideration

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must be given to labor market demand in the local area or in the area to which the trainee intends to relocate.

An ITA may only be issued for courses or programs published in the Statewide Eligible Training Provider List, and approved by the local Board. Local Community Colleges, Adult Schools, and other public training institutions will always be given priority for training referrals, when the training course is comparable to that offered at a Private Training Institution.

An individual must be enrolled in approved training within 90 days from the date of issuance of the ITA. An individual will be considered “enrolled” in training if they are: 1) pre-registered for classes or on the waiting list for an approved provider; and 2) have a start date for their training; and 3) the start date is not more than one quarter or term away.

An individual must be making satisfactory progress in training to access all payments from their ITA. Satisfactory progress is defined, for local purposes, as receiving passing scores in all courses related to their program and meeting all attendance and behavior requirements mandated by their school of attendance. The educational institution will certify that an individual is making satisfactory progress through official attendance and progress reports signed by the registrar, instructor, or equivalent person designated by the educational institution.

If an individual drops out or otherwise withdraws from ITA-funded training prior to completion without cause, the individual will be billed for ITA payments made to the training provider on their behalf. Adequate cause for dropping or otherwise withdrawing from training could include, but is not limited to: severe medical condition which prevents the individual from participating for a period of more than 90 days; serious illness or death of a family member that prevents the individual from participating for more than 90 days; or the necessity to relocate out of the area. The Executive Director will determine whether sufficient cause for dropping or withdrawing from training exists on a case-by-case basis.

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EXCEPTIONS TO INDIVIDUAL TRAINING ACCOUNTS:

Title 20 CFR Section 680.320 allows the use of contracts for training services other than Individual Training Accounts under certain circumstances. These circumstances include only one or more of the following:

- When the services provided are On-the-Job Training, customized training, incumbent worker training or transitional jobs;
- When the local Board determines that there are an insufficient number of eligible providers in the local area to accomplish the purpose of a system of ITA’s. In this event, the local Plan will describe the process to be used in selecting the providers under a contract for services. The process will include a public comment period for interested providers of at least 30 days;
- When the local Board determines that there is a training services program of demonstrated effectiveness offered in the area by a community-based organization or another private organization to serve individuals with barriers to employment. The local Board will determine criteria to be used in determining demonstrated effectiveness as required in 20 CFR 680.320(a)(3);

- When the local Board determines that it would be most appropriate to contract with an institution of higher education or other eligible provider of training services to facilitate the training of multiple individuals in in-demand industry sectors or occupations, provided that the contract does not limit customer choice; and/or
- When the local Board is considering entering into a pay-for-performance contract consistent with the requirements of 20 CFR 683.510.

ACTION:

This policy replaces the previous version approved by the Board on December 17, 2015, and is effective on the date of approval by the Board. Please retain this policy until further notice.

INQUIRIES:

If you have questions, please contact the Manager at (559) 662-4500.

DRAFT

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 7.3

Consent

Action

Information

To: Workforce Development Board of Madera County

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Approve Revised WDB OJT Policy – 6/16/16

Recommendation:

Staff recommends approval of the revised OJT policy.

Summary:

The WIOA emphasizes work-based learning and earn-and-learn strategies to increase customer success in employment, retention, and advancement in their selected career pathway. In order to continue to expand OJT offerings to larger numbers of employers while using the funds available in the most effective and equitable way possible, staff is recommending several changes to the OJT policy. The changes, in summary, are:

- Cap the length of OJT to a maximum of 528 hours;
- Eliminate extensions to existing OJT agreements;
- Offer the higher 75% reimbursement rate to employers with 20 employees or less instead of 50 employees or less;
- Establish a ratio of 1 OJT participant per seven regular employees (unless there are less than 7 employees in the business);
- Permit the use of OJT only for individuals being trained in an industry or sector for which they have no previous experience; and
- Establish a tiered reimbursement rate based on the number of employees in the business: 70% for 21-35 employees, 60% for 36-50 employees, and 50% for 51 employees or more.

Financing:

Workforce Innovation and Opportunity Act



ON-THE-JOB TRAINING POLICY

EDD Revision Date: N/A

WDB Review Date: 7/26/07; 12/20/07; 4/28/11; 12/12/11; 9/18/14; 12/17/15; 2/29/16; 6/16/16

Purpose:

This document establishes the Workforce Development Board of Madera County's policy regarding the use of On-the-Job Training (OJT) agreements as an allowable local training activity pursuant to the Workforce Innovation and Opportunity Act.

References:

Note: References from WIOA are from the Act, as signed into law in July 2014. References from Title 20 of the Code of Federal Regulations (CFR) are cited from the Notice of Proposed Rulemaking, and are therefore subject to change pending issuance of final Federal Regulations.

- Workforce Innovation and Opportunity Act (WIOA), Section 134
- Title 20 Code of Federal Regulations (CFR) Sections 680.700 – 680.730

Background:

The Workforce Innovation and Opportunity Act (WIOA) Section 134(c)(3)(D)(ii) specifically lists on-the-job training as an allowable local employment and training activity. Section 3(44) of the Workforce Innovation and Opportunity Act defines OJT as "training by an employer that is provided to a paid participant while engaged in productive work". Additionally, any OJT should provide knowledge or skills essential to the full and adequate performance of the job. The Act allows reimbursement to the employer of **up to a maximum of 50 percent** of the wage rate to offset the extraordinary costs of the provision of the training and additional supervision required during the course of the training. WIOA Section 134(c)(H)(ii) permits a Local Workforce Development Board to increase the reimbursement rate for OJT **up to 75%** when taking into account:

- the characteristics of the participant and whether they are an individual with barriers to employment;
- the size of the employer, with an emphasis on small business;
- the quality of the employer-provided training and advancement opportunities, including whether the OJT contract is for an in-demand occupation and will lead to an industry-recognized credential; and
- other factors that the Board may determine to be appropriate, which may include the number of individuals participating, the wage and benefit levels of the participants both

during and following the completion of the OJT, and the relation of the training to the competitiveness of the participant.

OJT agreements will be limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the individual service strategy of the participant. Consistent with Workforce Innovation and Opportunity Act Section 194(4), OJT agreements using funds under the act shall not be provided to employers who have exhibited a pattern of failing to provide participants with continued long-term employment, including the provision of wages, working conditions and employment benefits consistent with other employees with similar tenure and duties.

Policy:

The Workforce Development Board of Madera County will utilize On-the-Job Training agreements, as an appropriate and allowable training activity, consistent with the definitions and requirements of the Workforce Innovation and Opportunity Act as outlined in the previous paragraphs. In addition, it is the policy of the Workforce Development Board of Madera County to provide OJT agreements for positions that are directly linked to employment opportunities in the local area (WIOA 134(d)(4)(A)(iii)), as determined by the Board's policy regarding occupations in demand, or by specific documentation from local employers or labor market information. OJT will only be provided for positions paying no less than \$0.50 above the current minimum hourly wage, and for employment providing no less than 32 hours of work per week. Reimbursement amounts to employers utilizing OJT will be based on straight time hours worked in training and will not exceed the maximum allowed under WIOA and/or Local Board policy, unless there is a current approved waiver of the cap from the U.S. Department of Labor or the terms and conditions of a special project or alternate funding source allow for a higher reimbursement rate. The ratio of OJT trainees to regular employees will typically not exceed 1:7 unless the total number of employees in the business is less than 7; ratios exceeding one trainee to seven regular employees must be approved by the Executive Director.

The Workforce Development Board of Madera County approves the use of the higher reimbursement rate of 75% for small businesses in Madera County who have 20 regular employees or less at the time that the OJT agreement is finalized **and** who are offering a starting wage of at least \$1.00 above the current minimum wage.

Reimbursement rates for business with 21 employees or more are based on the number of employees at the business, as follows:

- 21-35 employees reimbursed at 70%
- 36-50 employees reimbursed at 60%
- 51 employees and more reimbursed at 50%.

Reimbursement rates below 50% may be negotiated with businesses with more than 100 employees, or who are offering a starting wage more than \$5.00 above the current minimum wage.

Maximum training hours and total reimbursement for each OJT agreement will be negotiated individually based on the elements of training, skill and experience levels of the participant, the

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size of the business, and the hourly wage at entry into the position, as outlined above. The maximum allowable length for an OJT agreement will be 528 work/training hours. The maximum allowable OJT hours are typically reserved for individuals who are being trained in a new industry or sector in which they have no previous experience. In no event will training through an OJT be provided for skills in which the individual has previous experience, unless it can be documented that the specific skill is unique to the specific employer (such as specialized software or unique equipment). Extensions to OJT agreements already in place will not be provided.

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Deleted: OJT extensions of up to a maximum total of 1,040 work/training hours may be negotiated on a case by case basis with documentation from the employer that the individual requires more training time in one or more specific skill areas or if the employer wants to add additional training elements that would result in an increase in wage at or before the conclusion of the OJT training period.

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Exceptions to this policy may be approved by the Executive Director on a case-by-case basis for specific training programs or employment opportunities with higher support costs/needs. Projects funded by special grants will follow any limits established by the specific grant, proposal, or project, and may exceed the limits established here, when necessary, allowable, and appropriate for successful participation in, or completion of, training or employment programs.

Action:

This policy is effective on July 1, 2016 if approved by the Workforce Development Board of Madera County and replaces the previous version approved by the Board on February 29, 2016. Retain this policy until further notice.

Deleted: the date of approval

Deleted: December 17, 2015

Inquiries:

If you have questions, please contact the Executive Director or designee at (559) 662-4500.

DRAFT

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 8.1

Consent

Action

Information

To: Workforce Development Board of Madera County

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Economic and Skills Gap Analysis Update

Information:

Applied Development Economics, Inc. (ADE), is continuing work on the Regional Economic and Skills Gap analysis. We have received some initial data tables for review. Some recent data releases have resulted in the need to extend the agreement with ADE for three additional months to allow for a complete analysis of the most current data available. Staff will be working on an extension to the contract, pending the agreement of the regional Workforce Development Boards. ADE will also be initiating surveys with employers in specific priority sectors throughout the region to obtain specific information regarding occupational demand, specific skill gap information, and data regarding the talent pipeline and recruitment challenges. Additional data will also be collected related to minimum wage increases and the impact specifically on small employers and additional classifications and demographics specific to industries in the region and local area. We will be working with ADE to amend the contract and scope of work and the cost associated with the additional data request.

Doug Svensson, ADE will be presenting the final Economic and Skills Gap Analysis report for Madera County at the June 16 Board meeting.

Financing:

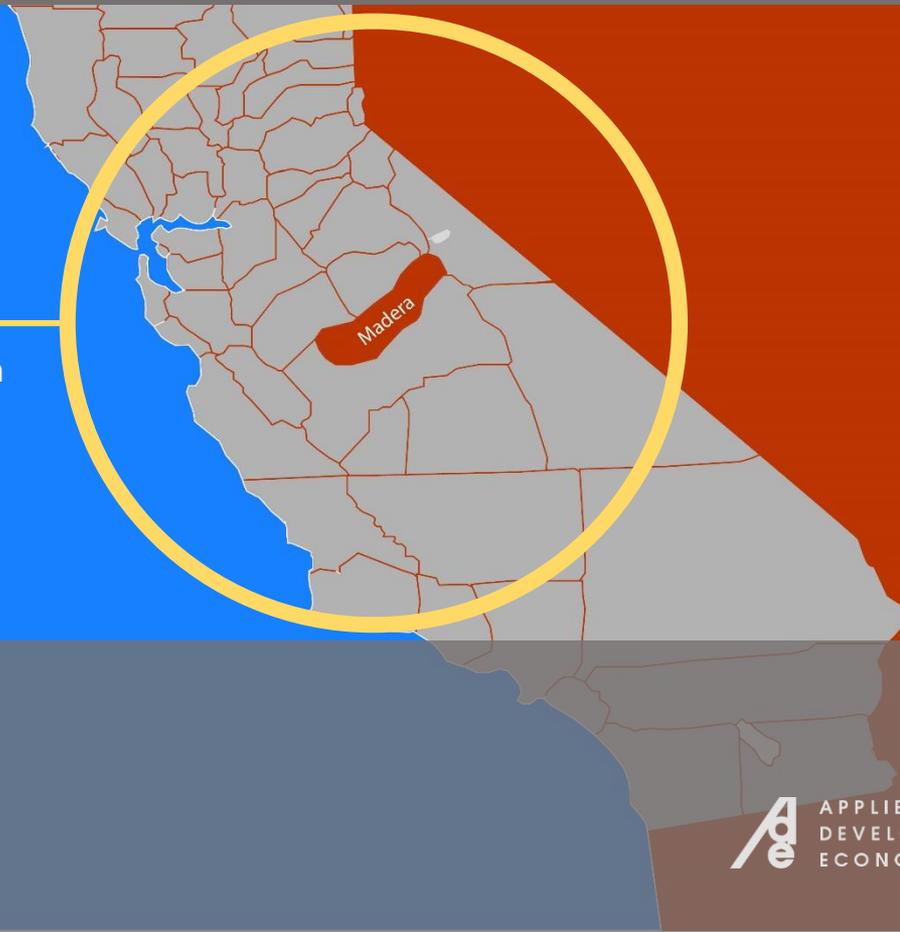
Workforce Innovation and Opportunity Act



Regional Economic Sector and Skills Gap Analysis

MADERA COUNTY

Workforce Investment Corporation



Presented by

Doug Svensson, AICP

June 16, 2016

1

Economic Trends and Job Growth

2

Labor Force Characteristics

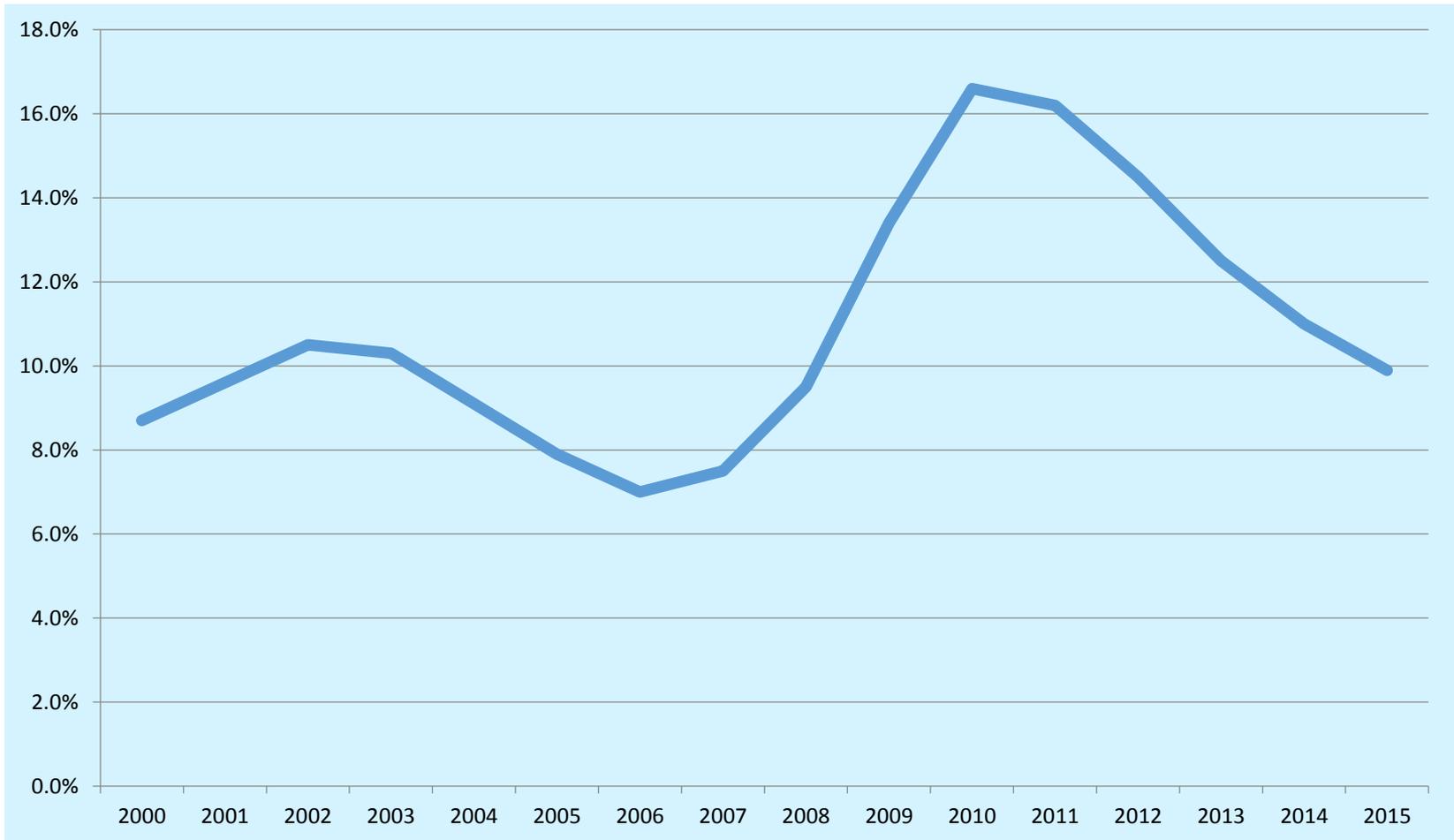
3

Matching Job Opportunities to Labor Skills

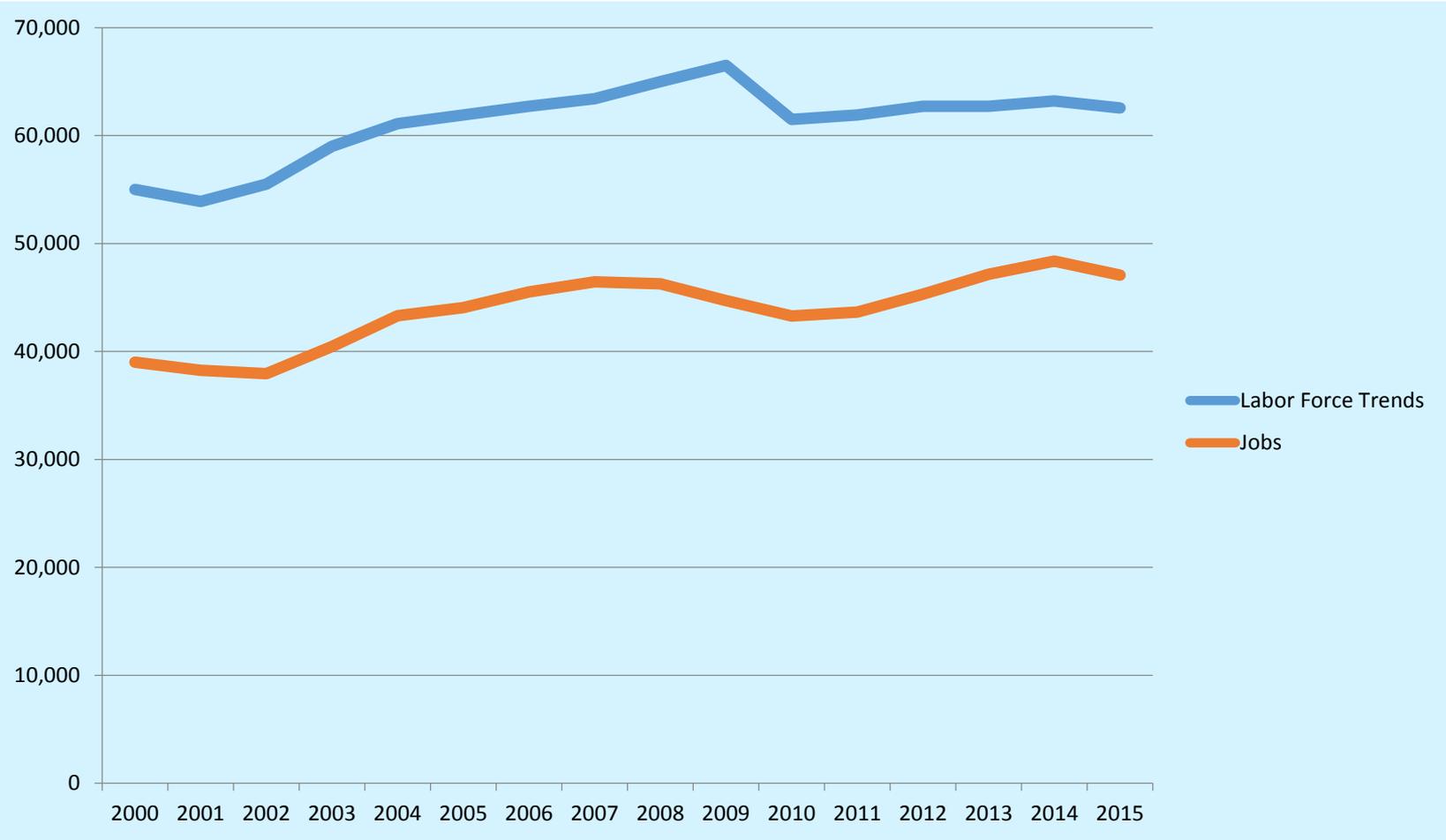


Economic Trends and Job Growth

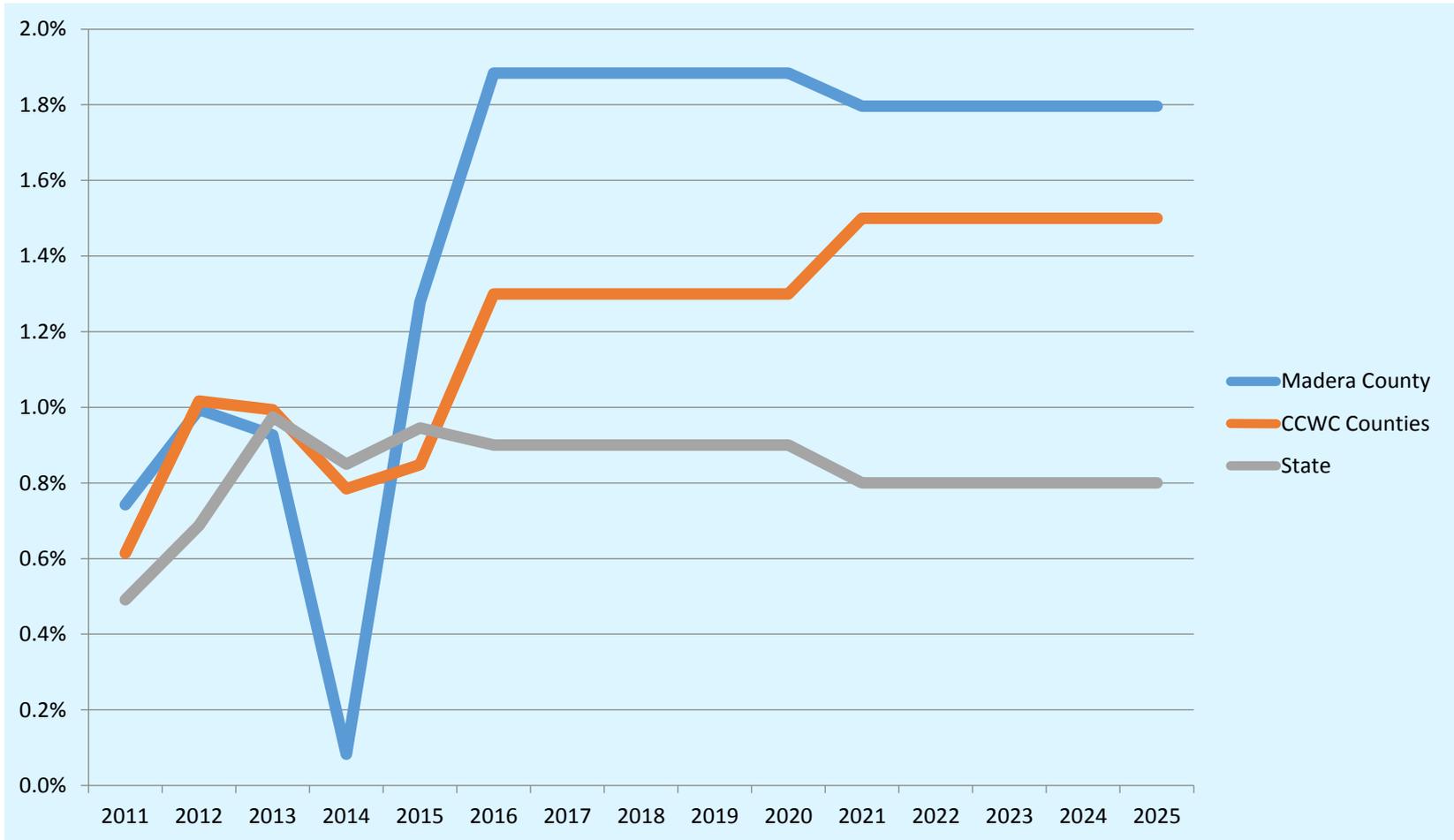
CCWC REGIONAL PRESENTATION



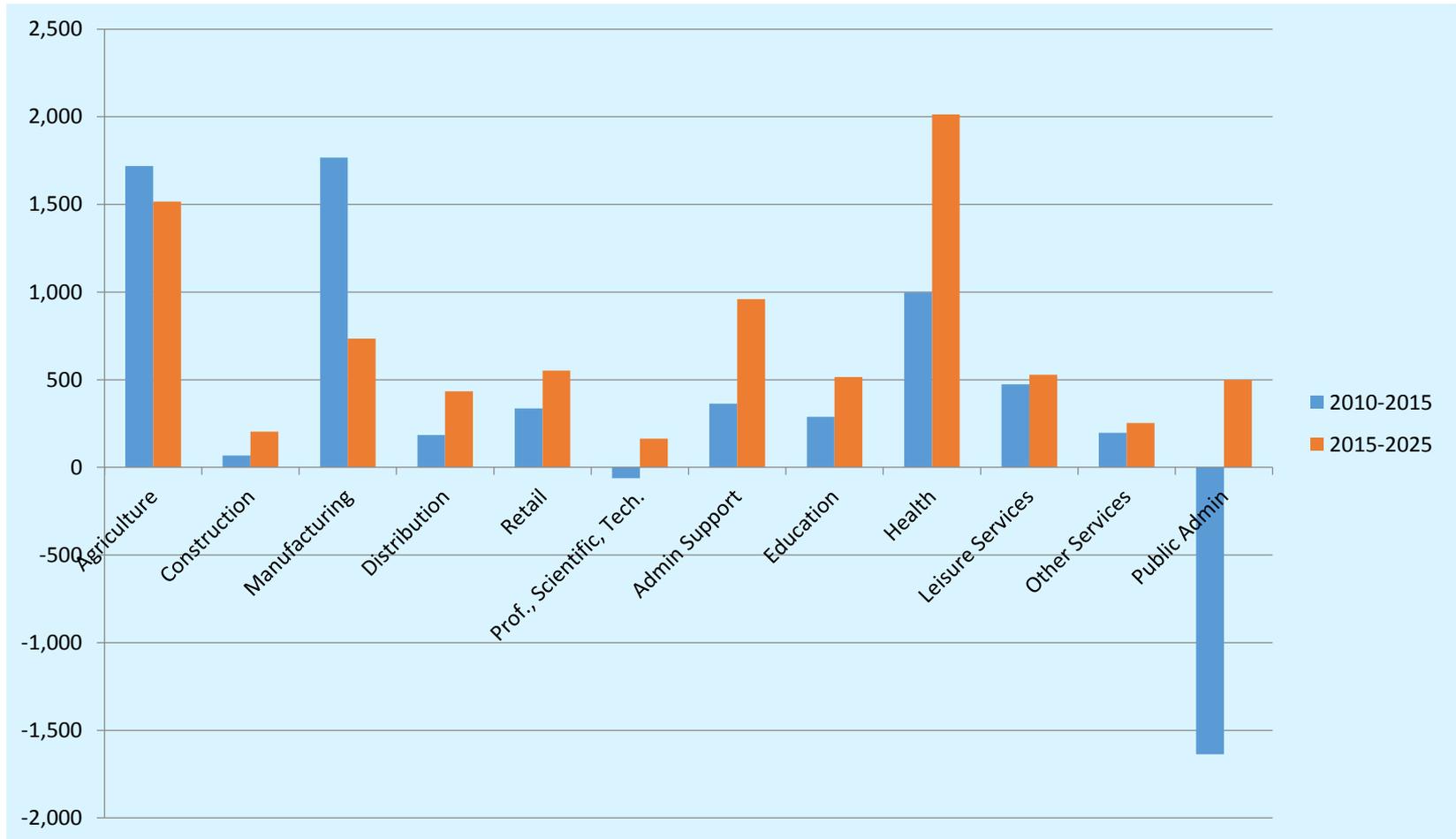
LABOR FORCE AND JOB TRENDS



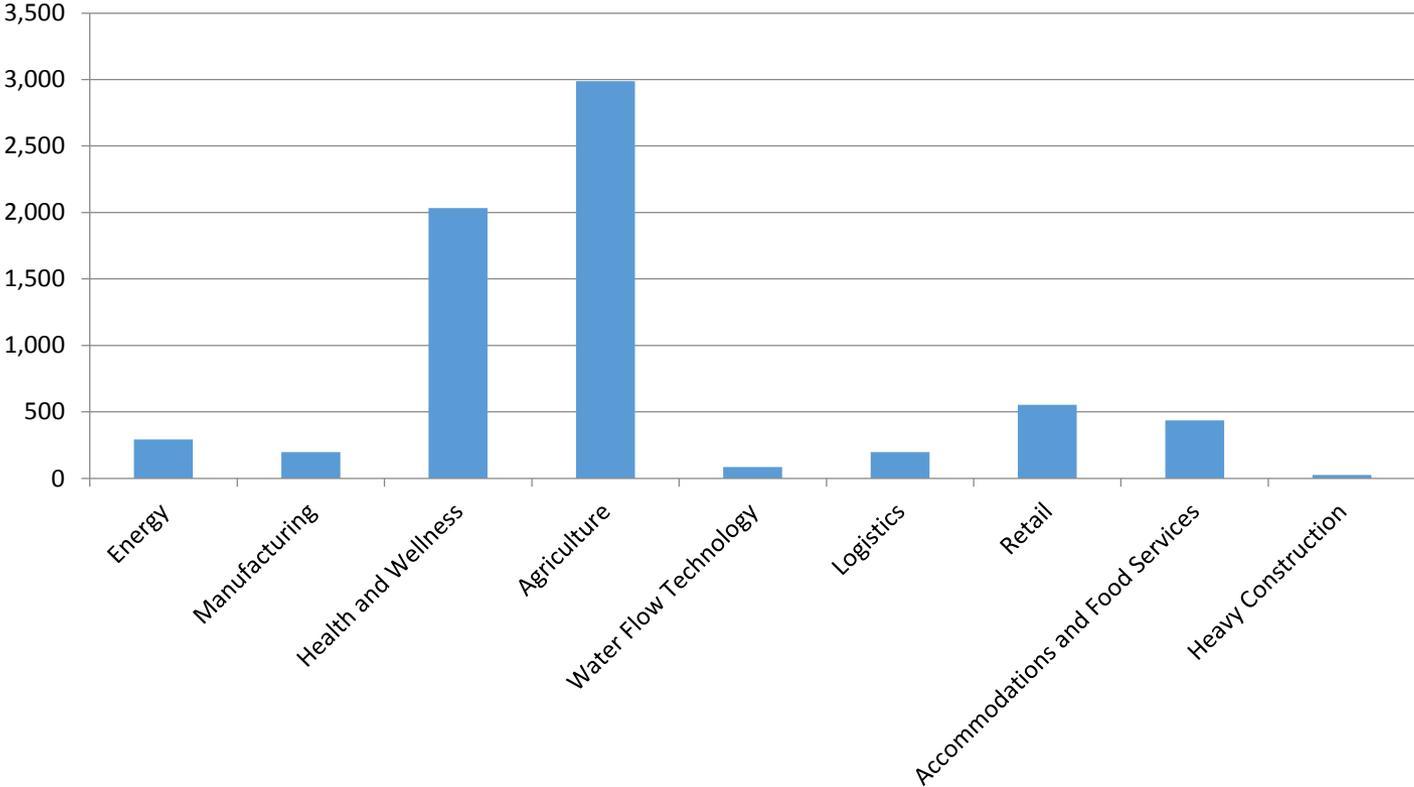
HOUSEHOLD POPULATION ANNUAL GROWTH RATES



NET JOB CHANGE BY MAJOR INDUSTRY SECTOR



PROJECTED NET JOB CHANGE BY INDUSTRY CLUSTER, 2015-2025



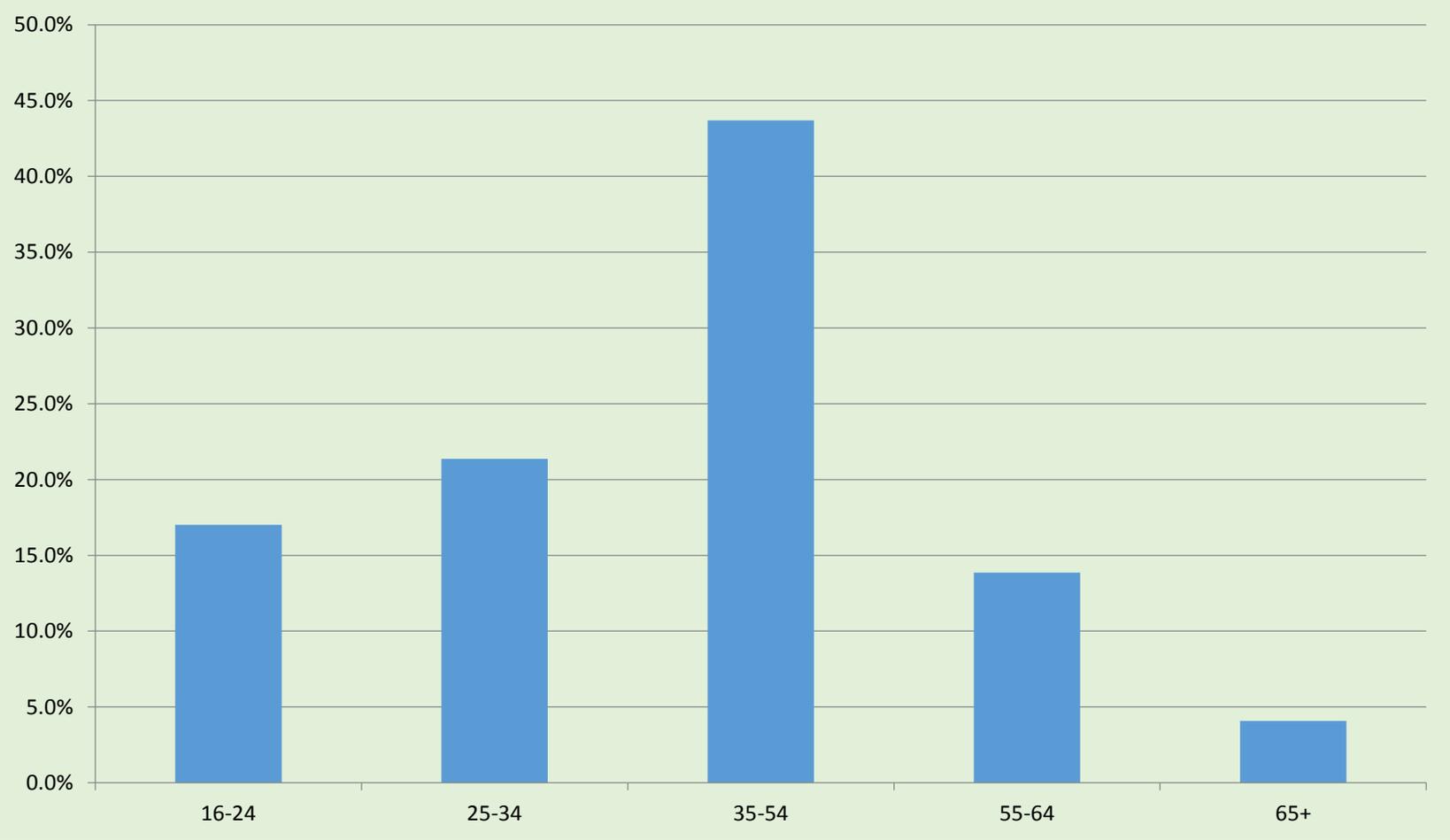
KEY INDUSTRY TRENDS

- **Farm employment projected to decline**
 - Increased mechanization
 - Minimum wage
 - Water
- **Certain food processing sectors projected to grow**
 - Poultry and meat
 - Snack products
 - Wine
 - Glass and cardboard containers
- **Other Manufacturing**
 - Construction materials and structural building components
 - Electrical equipment
 - Metal coatings and sheet metal work
- **Health Care**
 - Focus on out-patient care and personal care services

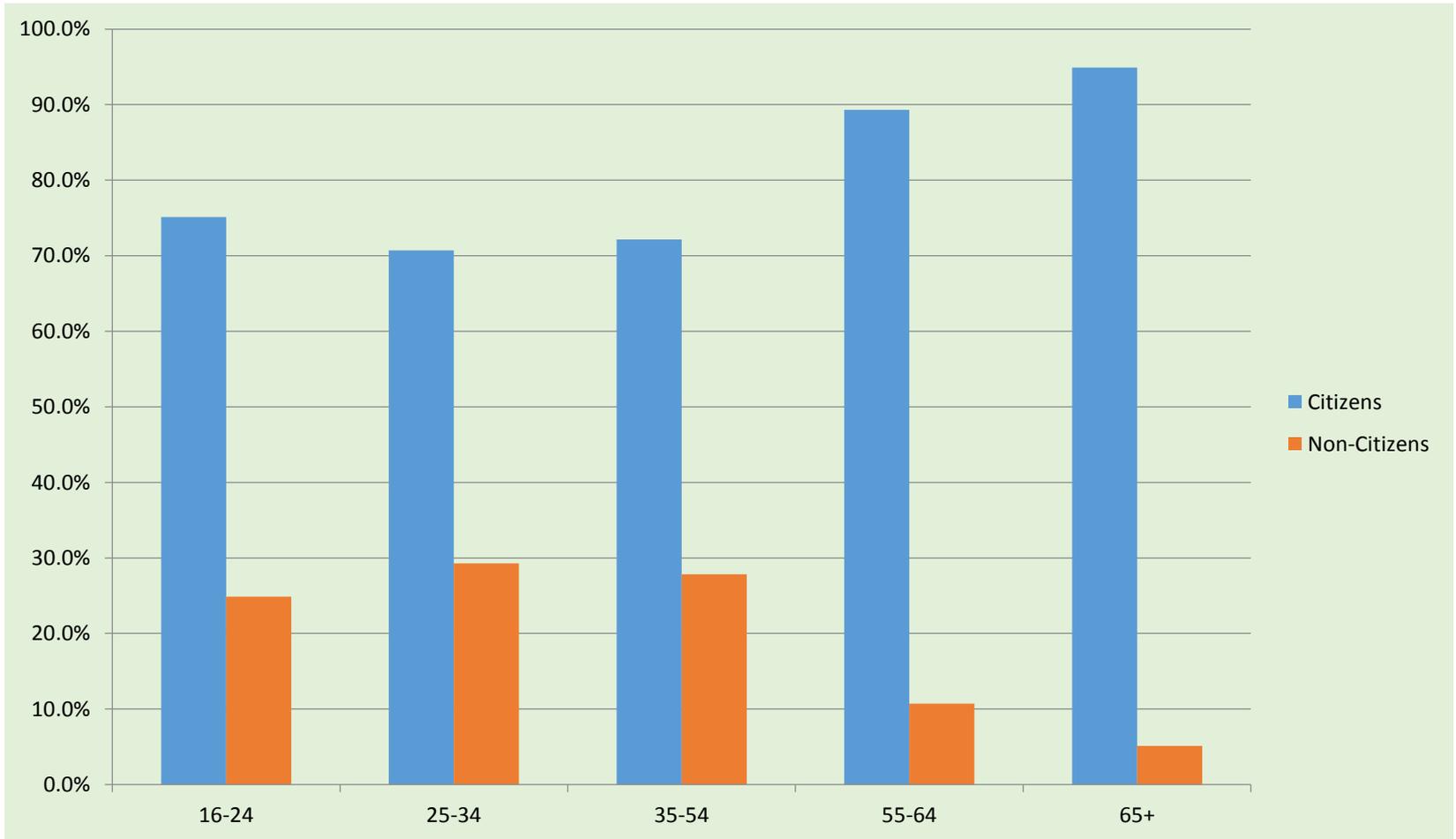


Labor Force Characteristics

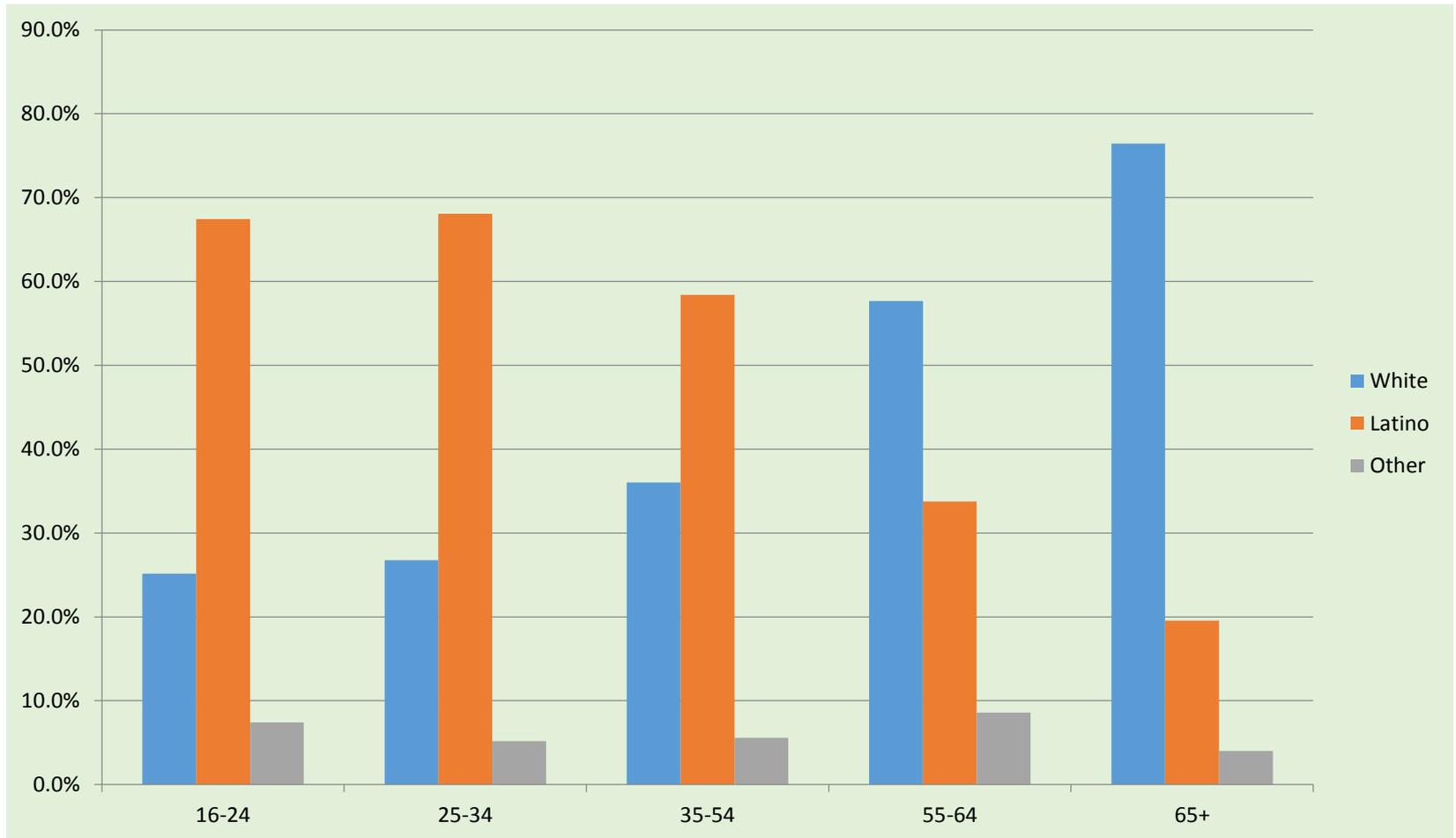
LABOR FORCE AGE DISTRIBUTION



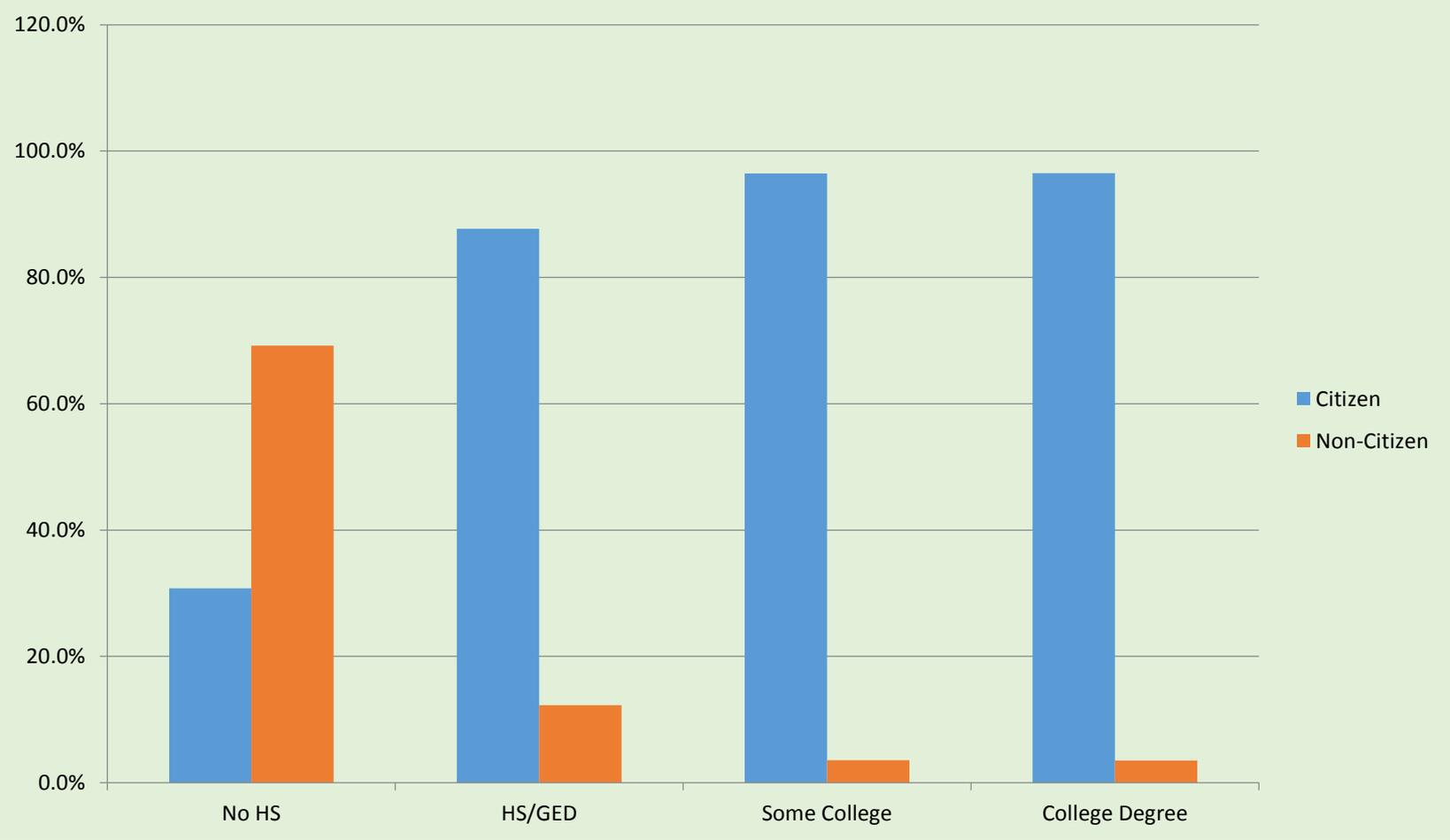
PERCENT CITIZENS AND NON-CITIZENS BY AGE GROUP



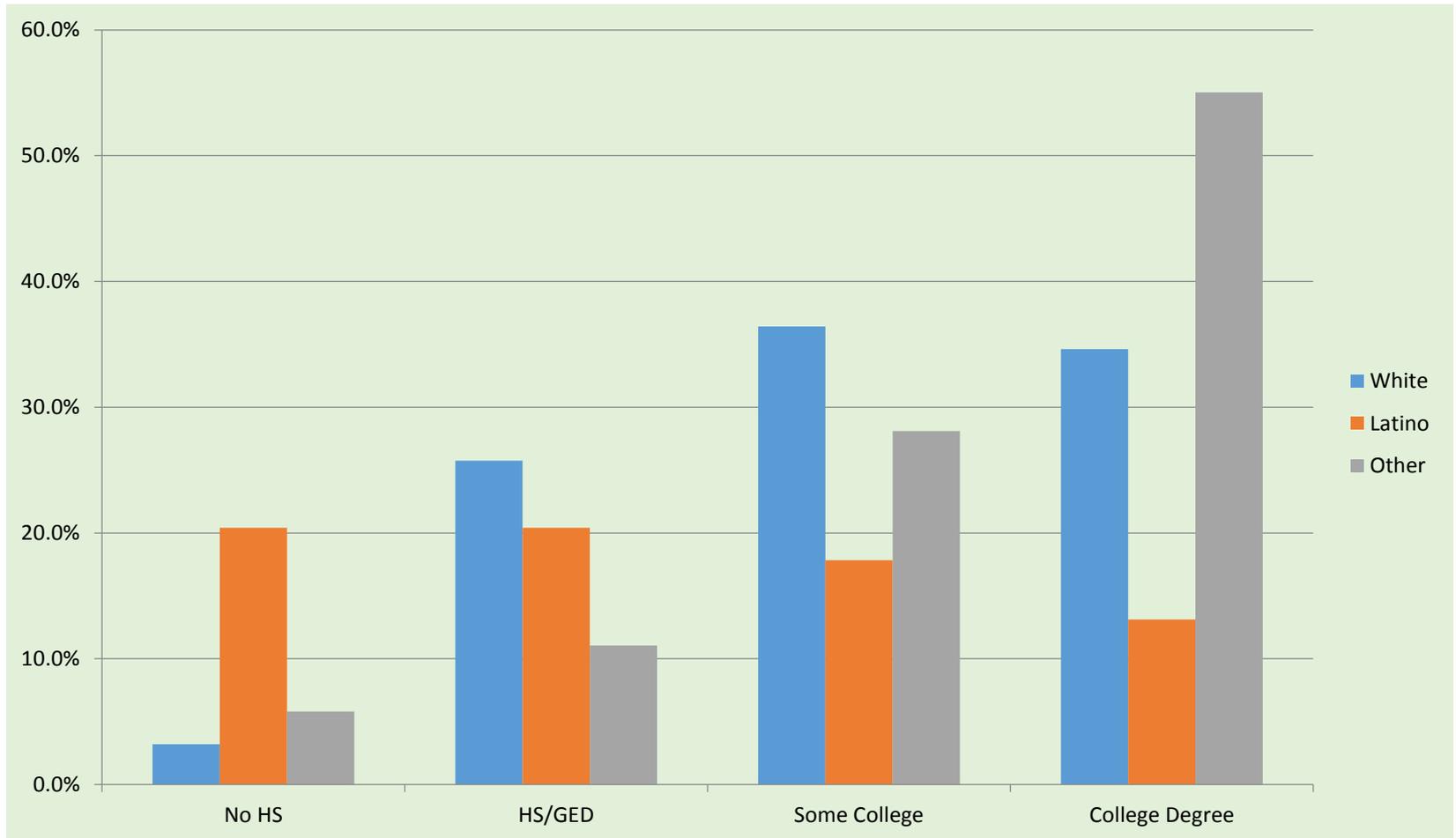
LABOR FORCE AGE DISTRIBUTION BY RACE/ETHNICITY



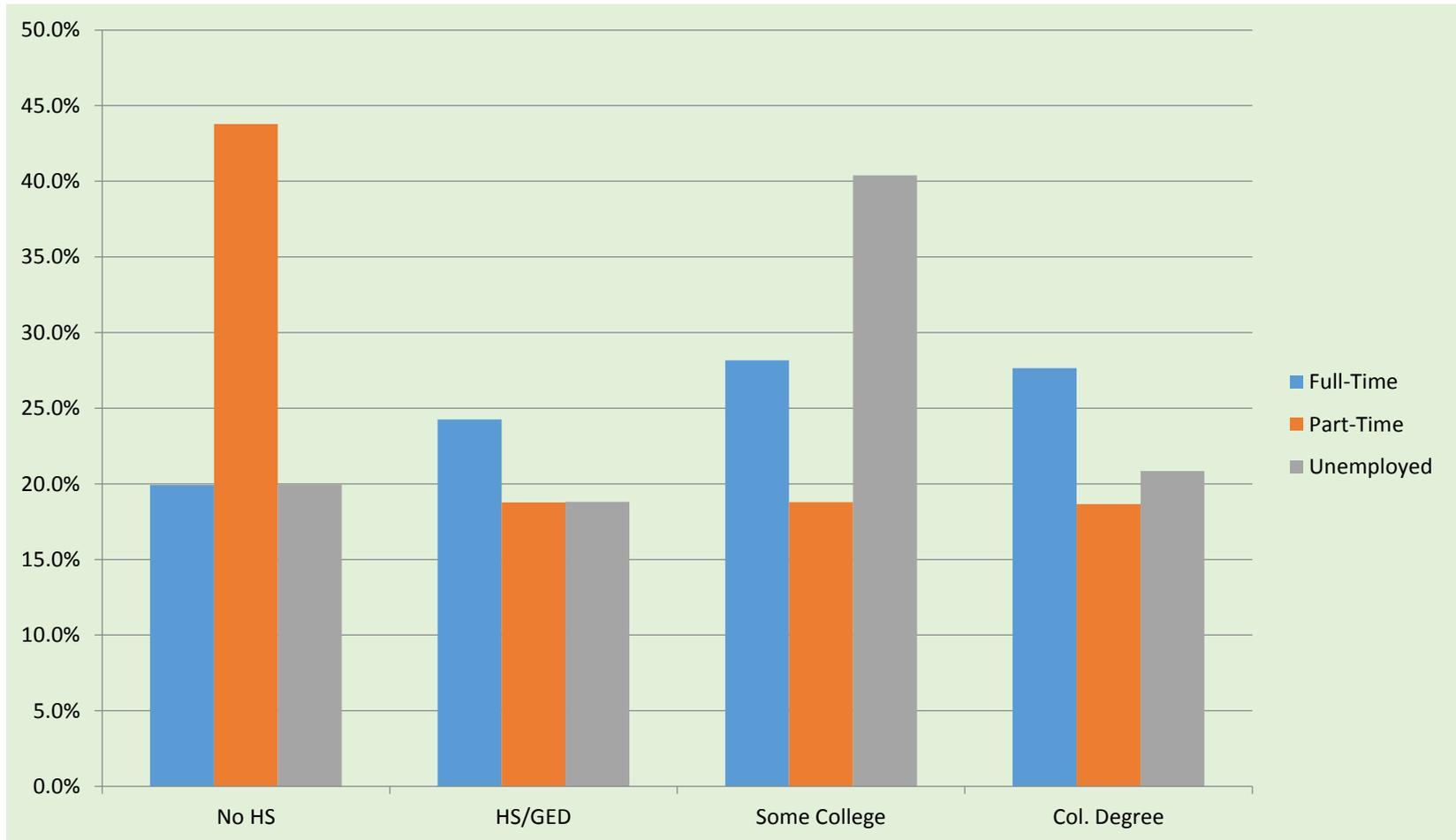
EDUCATIONAL ATTAINMENT BY CITIZENSHIP (25 YEARS+)



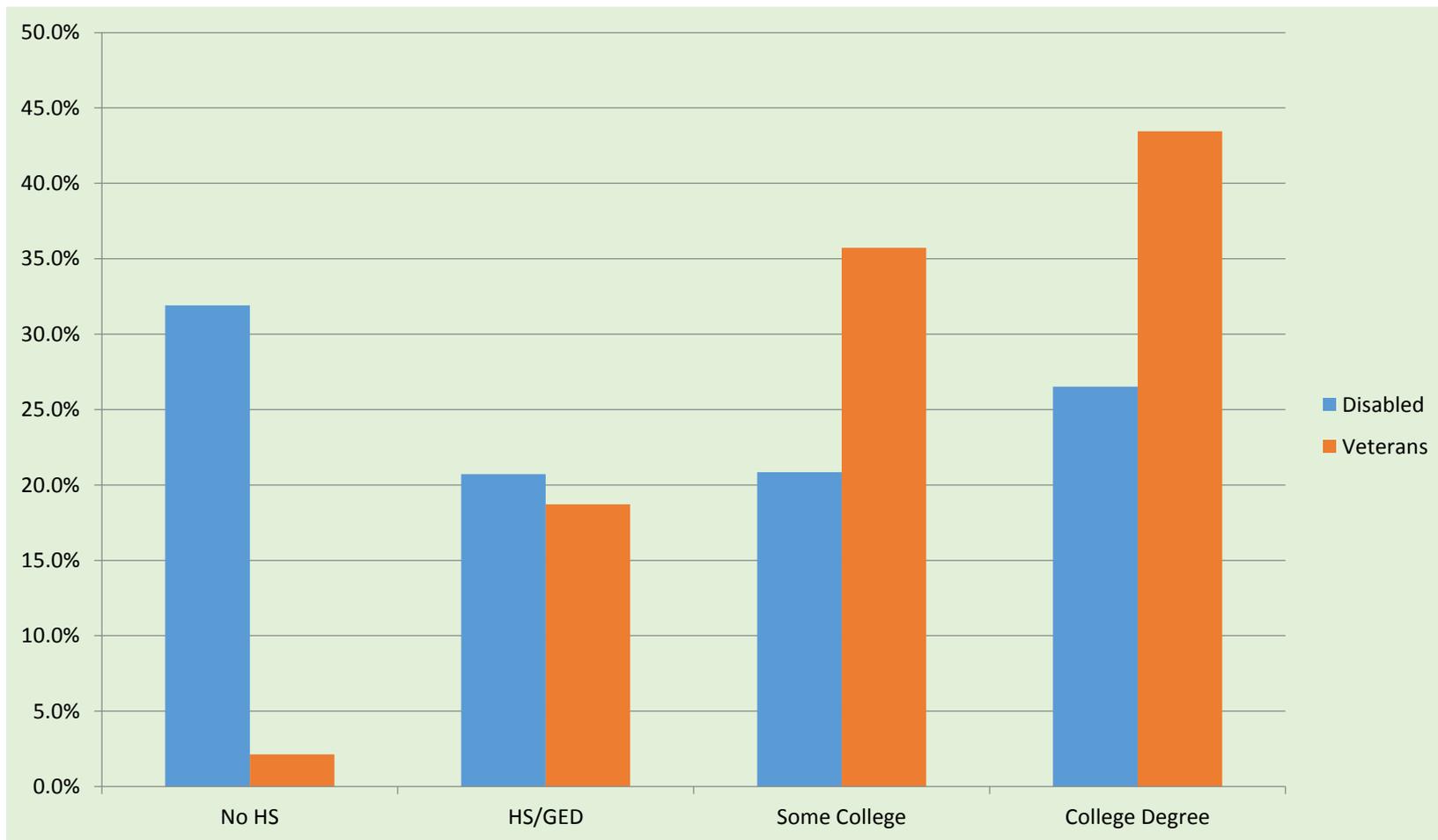
LABOR FORCE EDUCATIONAL ATTAINMENT BY RACE/ETHNICITY (25+ YEARS OLD)



EDUCATIONAL ATTAINMENT BY EMPLOYMENT STATUS (25 YEARS+)



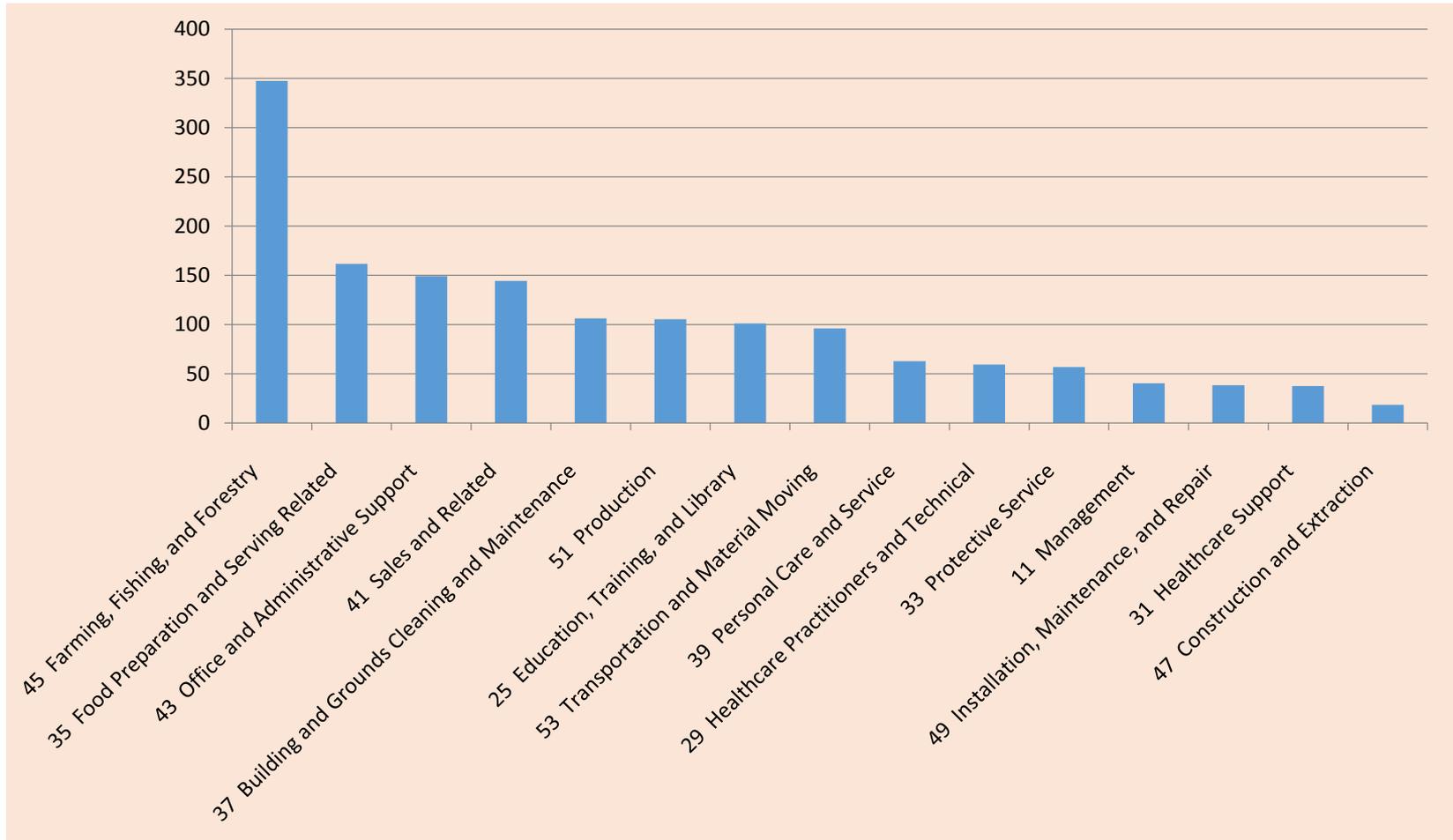
EDUCATIONAL ATTAINMENT FOR VETERANS AND WORKERS WITH DISABILITIES, (25 YEARS+)



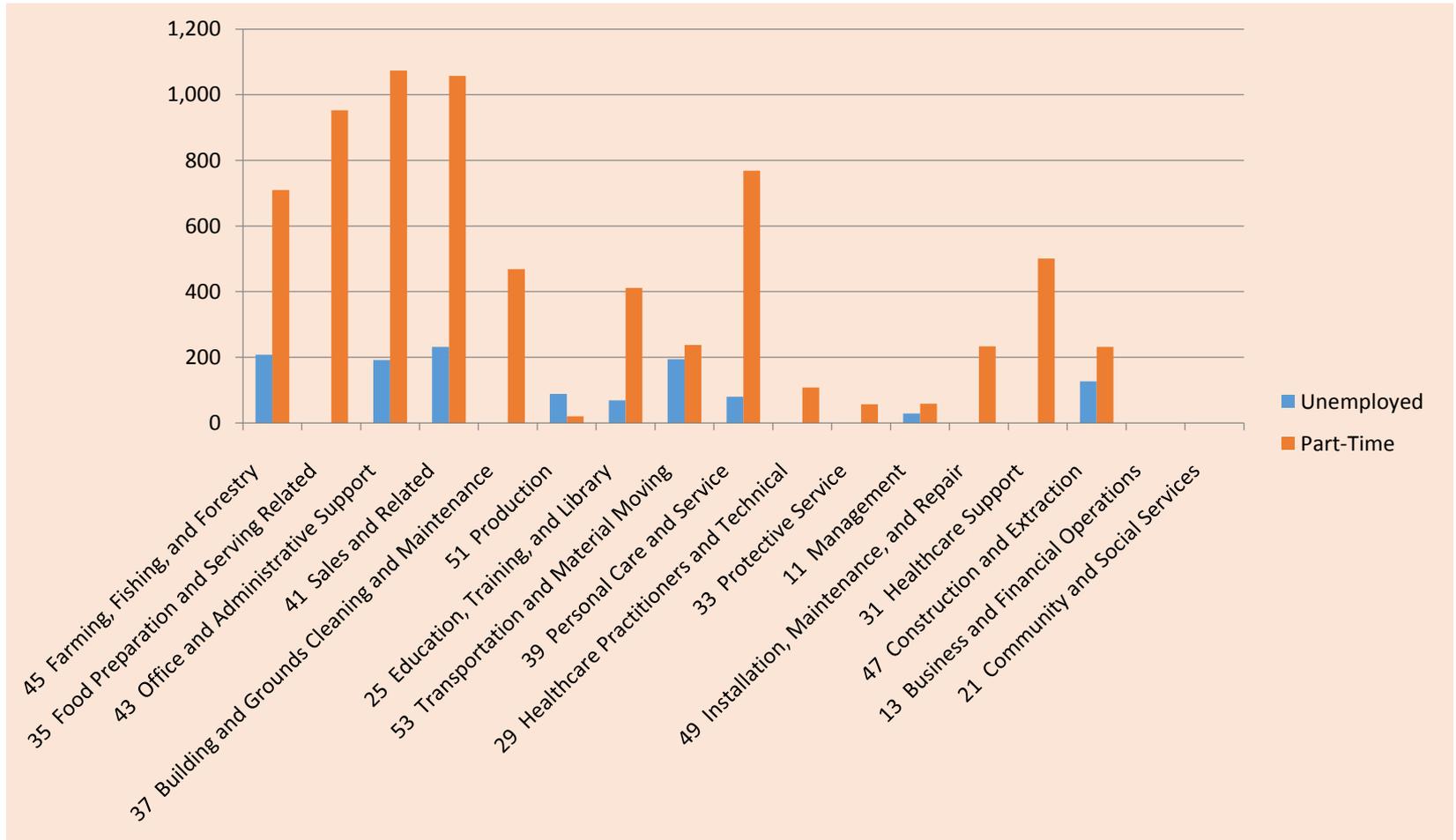


Matching Job Opportunities to Labor Skills

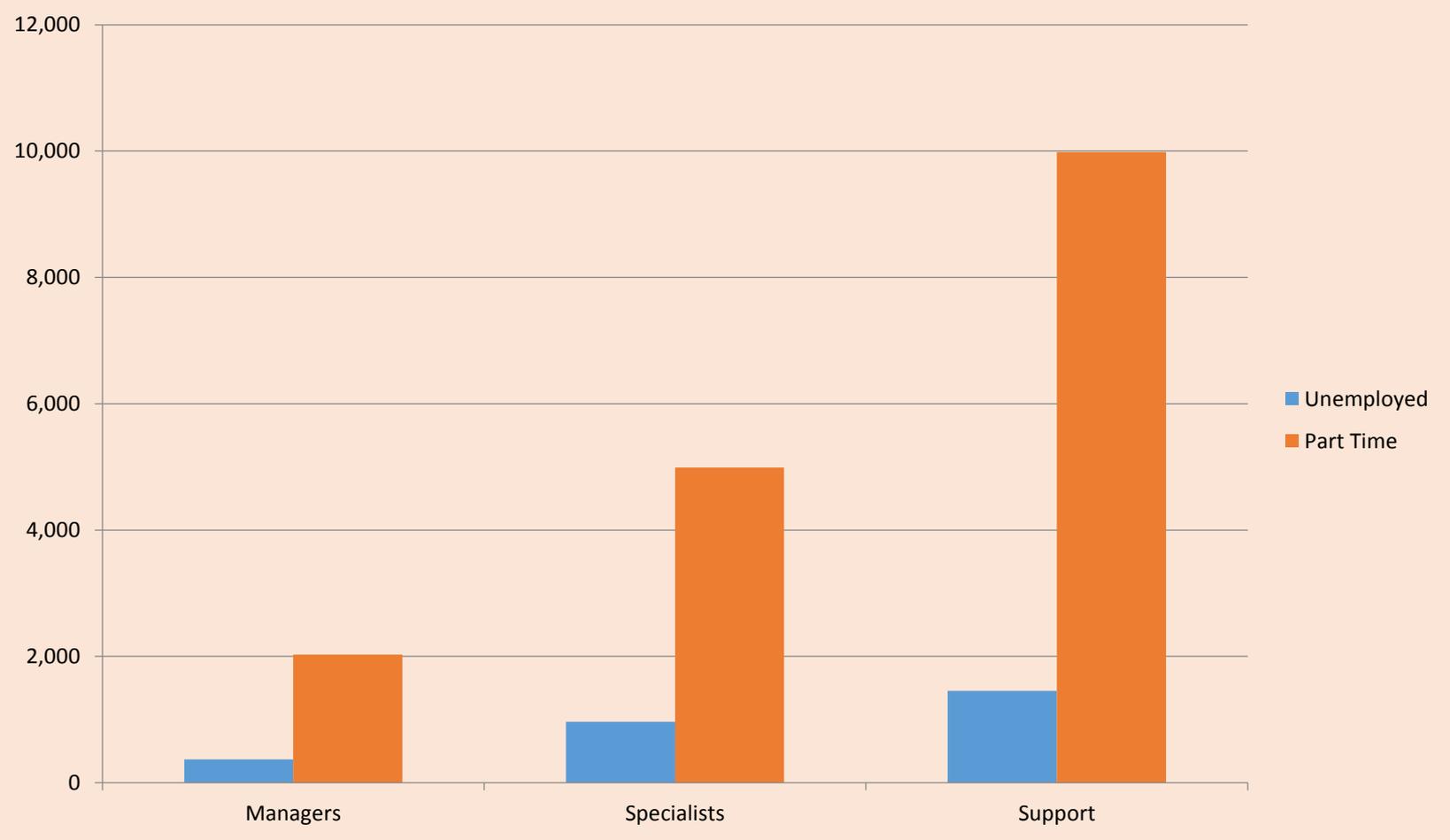
ANNUAL OPENINGS BY MAJOR OCCUPATIONAL GROUP, 2015-2025



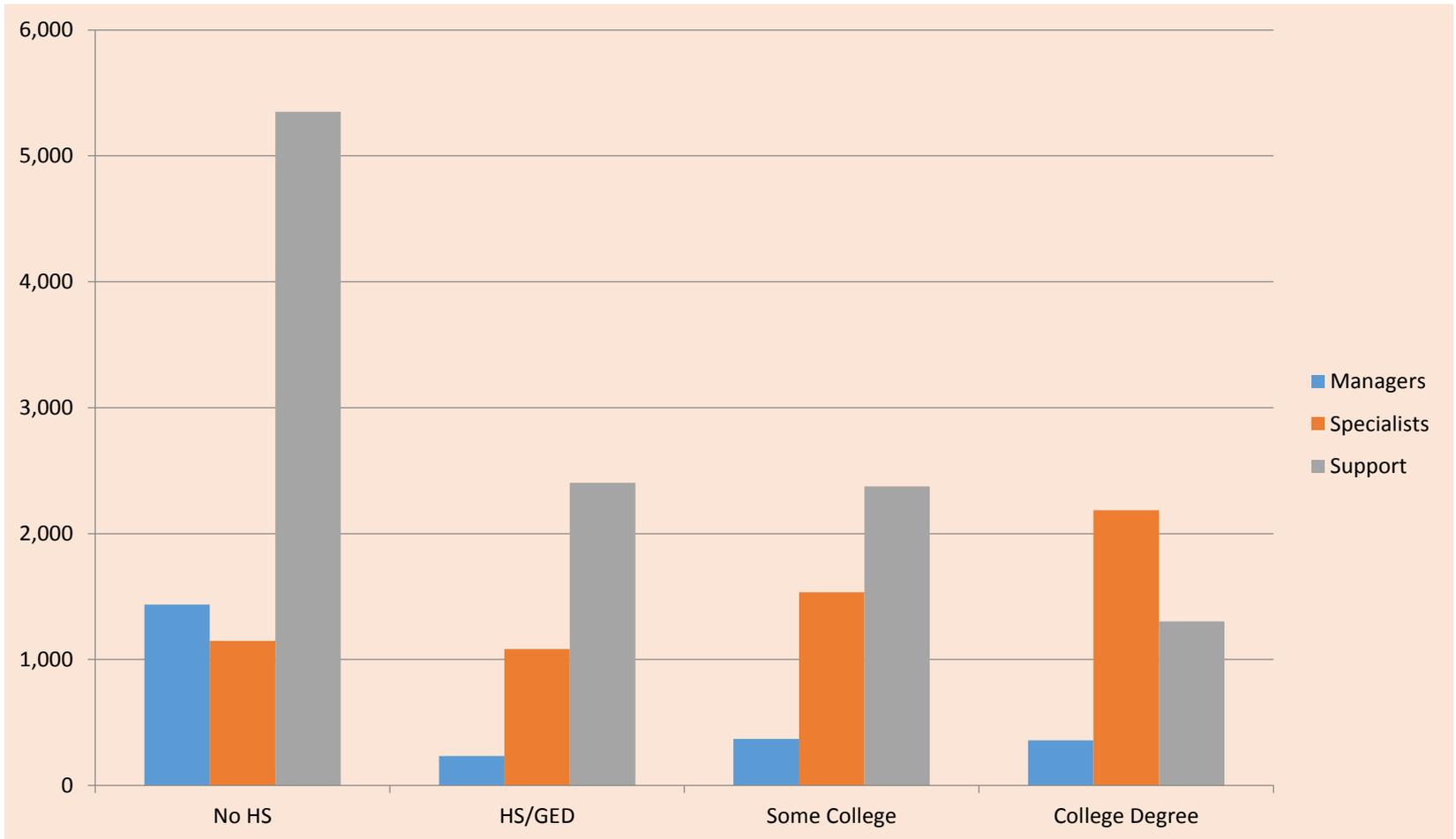
UNEMPLOYED AND PART TIME WORKERS BY MAJOR OCCUPATIONAL GROUP



UNDERUTILIZED WORKERS BY BROAD OCCUPATIONAL CLASS



UNDEREMPLOYED WORKERS BY BROAD OCCUPATIONAL CLASS AND EDUCATION, 25 YEARS+



HARD TO FILL OCCUPATIONS

- Medical technicians
- Electricians
- Maintenance mechanics
- Computer driven process control operators
- Workers with supervisory and management skills
- Business skills

Regional Economic Sector and Skills Gap Analysis

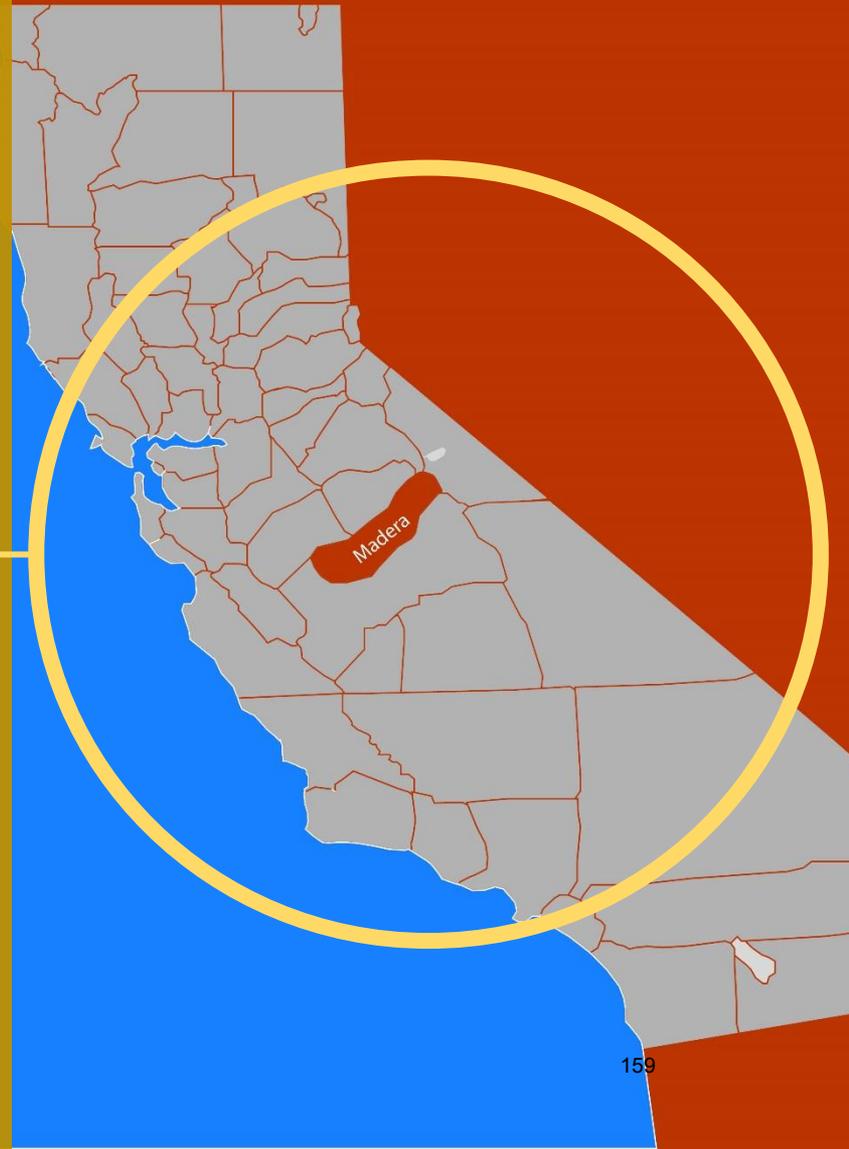
MADERA COUNTY

Workforce Investment Corporation

Presented by

Doug Svensson, AICP

June 16, 2016



WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 8.2

Consent

Action

Information

To: Workforce Development Board of Madera County

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: One Stop Procurement Update

Information:

The One Stop Procurement is currently a required process in the law and is reinforced in the Notice of Proposed Rulemaking (NPRM). In the State of California there are 36 of the 48 local workforce development boards that operate their One Stops. Under the previous law, WIA, there was the ability to establish a Consortium of three of the mandatory partners with an MOU in order for the local board to operate the One Stop. The other two options were procurement and a request for a Governor waiver. Under WIA, there had not ever been a waiver by the Governor either requested and/or approved. We are hoping that the final regulations, now due to be published in June 2016, will provide some relief or other alternatives to the procurement process. If not, the process will require the hiring of a facilitator who will work with the WDB ad hoc work group to develop the RFP document, let the RFP, hold bidders conferences, accept and review proposals and make a final determination of award. Staff, except for the Confidential Executive Assistant, will have to remove themselves entirely from the process as we would be writing a proposal in response to the RFP on behalf of the MCWIC to continue to operate the One Stop. Discussions have been held both locally and regionally, to submit a request to the Governor for a waiver to the One Stop procurement process but the California Workforce Development Board will need to be in support of this request. We have received some additional information that may create some alternatives in the procurement process, but need to research them more fully before they are considered as viable and compliant options. We will continue to update the MCWIC Board of Directors of the status of this requirement. To date we have still not received any guidance and the regulations are still pending. One of the Central Valley WIB's is conducting an RFP for consulting services with a "piggy back" clause in order for other WIBs to utilize that procurement as the mechanism to make decisions related to consultant services. Recently we were advised by DoL Regional 6 Advisor that the regulations will not provide relief from the procurement requirement and, in fact, we will need to procure Career Services and also mitigate any Firewall/Conflict of Interest issues.

Financing:

Workforce Innovation and Opportunity Act



Executive Committee

Agenda Item 8.3

Consent

Action

Information

To: Workforce Development Board of Madera County

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: WDB Dashboard Update

Information:

At the December 2015 meeting, the Board worked with staff to update the WDB Dashboard document that will be used to formulate strategic goals and report on progress on each goal area. Based on the work done at the December meeting, staff will be presenting the updated Dashboard format, along with progress updates for each strategic goal identified by the Board at the next regularly scheduled WDB meeting. Staff have been unable to complete the benchmarks for the Dashboard at this time but we will continue to update each item to indicate progress and/or work yet to be completed..

Financing:

Workforce Innovation and Opportunity Act

Workforce Development Board of Madera County

Developing a Quality Workforce!

MISSION

Committed to the economic health of Madera County by providing leadership and guidance resulting in a quality employment and training system

VISION

Establish innovative collaborations that inspire success. Support an environment conducive to economic development. Provide opportunities for lifelong learning and personal growth. Build a vibrant economy through increased employment opportunities.

STRATEGIC GOALS			
EFFECTIVE IMPLEMENTATION OF A BUSINESS SERVICES PLAN	ALIGNED & RESPONSIVE INDUSTRY FOCUSED TRAINING	THE ONE STOP AS A SOURCE OF CHOICE	ENHANCED CONNECTION OF YOUTH WITH THE JOB CENTER
<p style="text-align: center;">Actively Engaged & Satisfied Employers</p> <p style="color: red;">Employer outreach & engagement through Constant Contact; collected 73 Initial employer surveys through constant contact and the Madera County Job Fair. BS staff to review and summarize responses; will be sending out follow up employer surveys; will be starting satisfaction surveys; have co-sponsored employer workshops w/Madera Chamber, partnering with CEA to develop free HR hotline for Madera County businesses beginning July 1, 2016.</p>	<p style="text-align: center;">Vocational Training Center</p> <ul style="list-style-type: none"> ○ Training Technology Center (TTC) ○ Additional Apprenticeship ○ Non-Vet Pre-apprenticeship programs <p style="color: red;">Stronger connection to apprenticeship programs; focusing efforts on expanding available training options; completed recent pre-apprenticeship cohort.</p>	<p style="text-align: center;">Create Employer Pool for Mentoring and Internship</p> <p style="color: blue;">Employer database created via Constant Contact. Currently 140 business contacts. On average, 5-8 employers added monthly to database as a result of Business Services outreach efforts. To date, 10 marketing campaigns created through Constant Contact. Campaigns have included anything from community events, resources, and programs to business workshops, training opportunities, and SCORE events.</p>	<p style="text-align: center;">Youth Rep in Business Service Center</p> <p style="color: red;">Youth rep housed at one-stop; pursuing facility options that would bring youth programs into Center – anticipate facility move to co-locate youth program within AJCC; sharing job openings, hiring events, job fairs, etc., with youth program operator.</p>
<p style="text-align: center;">Job Candidate Boards & Job Listings</p> <ul style="list-style-type: none"> ○ Career ready graduates 	<p style="text-align: center;">Local Policy Tying Construction to Apprenticeship</p>	<p style="text-align: center;">Subsidized Employment</p> <p style="color: red;">Initiated system for subsidized employment; OJT also available; S4S</p>	<p style="text-align: center;">Involvement of Youth & Adults</p> <p style="color: green;">Assisting S4S with mentor recruitment to involve adults as</p>

STRATEGIC GOALS

EFFECTIVE IMPLEMENTATION OF A BUSINESS SERVICES PLAN	ALIGNED & RESPONSIVE INDUSTRY FOCUSED TRAINING	THE ONE STOP AS A SOURCE OF CHOICE	ENHANCED CONNECTION OF YOUTH WITH THE JOB CENTER
<p>Market candidates via CalJOBS; market WorkKeys and training certifications; Increasing employer job postings in CalJOBS; increased interest and participation in job fairs</p>	<ul style="list-style-type: none"> o Communicate with School Board regarding Apprenticeship <p>Encourage candidates interested in construction to apply for apprenticeships in trades; trades were present at recent career fair at high schools.</p>	<p>has PWEX for young adult customers. Continuing to partner with DSS for PWEX programs; recently added OJT component to DSS-funded efforts.</p>	<p>mentors for youth program participants. Using Peer Mentor model to serve special populations such as Veterans, Individuals with Disabilities, and Single Female Parents.</p>
<p>Comprehensive Plan for Customers</p> <ul style="list-style-type: none"> o Increased awareness of the community and employers o Higher visibility using Public Service Announcements <p>Using community calendars and press releases to market events; continuous postings on Facebook; implemented customer-centered service delivery model</p> <p>Participation in Community Partnership Meetings with the City of Madera to increase marketing efforts of workforce services and events. Also increase awareness of community events.</p>	<p>Career Technical Education</p> <ul style="list-style-type: none"> o Increased skills attainment o Career Focused not “job” focused o More work experience <p>Will be tracking skill attainments under WIOA (pending final regs); career pathway model in use with job seekers; training & job placement are always accompanied by career pathway options; initiated local system for subsidized paid WEX/transitional jobs; training must be tied to industry/sector in demand. Working with MUSD on Career/College Readiness efforts and increasing CTE offerings for adults.</p>	<p>Connecting & Serving the ESL Community</p> <p>Revised policy to serve Limited English Proficient population; focus on ESL and adult basic education; contract class operating at Madera Adult School providing HiSET preparation, Adult Basic Education and ESL in partnership with MUSD and DSS.</p>	<p>Removing Youth Barriers</p> <p>Significant resources for supportive services in youth program budget; blending and braiding funds from other community programs; referring and connecting youth to additional resources to address barriers.</p>
<p>Business Engagement (economic analysis)</p> <ul style="list-style-type: none"> o Stronger employer communication (both ways) 			

STRATEGIC GOALS

EFFECTIVE IMPLEMENTATION OF A BUSINESS SERVICES PLAN	ALIGNED & RESPONSIVE INDUSTRY FOCUSED TRAINING	THE ONE STOP AS A SOURCE OF CHOICE	ENHANCED CONNECTION OF YOUTH WITH THE JOB CENTER
<ul style="list-style-type: none"> ○ Stronger partnership & outreach w/employers ○ Streamlined track for employers ○ Data driven services and programs ○ Employment study <p>Constant contact email system; business specialists out in the community; launched CRM module to track business services efforts; tracking employer activities in CalJOBS; conducting Employment & Skill Gap analysis – preliminary report provided; final report due in June.</p>			
<p>Enhanced Focus on Economic Dev.</p> <ul style="list-style-type: none"> ○ More employer initiatives ○ Attract new industry & bring more livable wage jobs ○ Connect employer w/ETP <p>Coordinating efforts with EDC; provided ETP workshop; share ETP and EDC information with employers; coordinate employer visits in manufacturing sector, grant application to expand talent pipeline in Manufacturing; higher wage requirements for OJT.</p>			

STRATEGIC GOALS

EFFECTIVE IMPLEMENTATION OF A BUSINESS SERVICES PLAN	ALIGNED & RESPONSIVE INDUSTRY FOCUSED TRAINING	THE ONE STOP AS A SOURCE OF CHOICE	ENHANCED CONNECTION OF YOUTH WITH THE JOB CENTER
<p>Board Employer Focused & Ad Hoc Groups</p> <ul style="list-style-type: none"> ○ Consolidate boards/groups when possible ○ Monthly updates between Board meetings (email) 			

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 8.4

Consent

Action

Information

To: Workforce Development Board of Madera County

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: California High Speed Rail and Heavy Maintenance Facility Update

Information:

The Executive Director was asked to participate in the committee to develop and implement a marketing and outreach strategy specific to bringing the Heavy Maintenance Facility to the County of Madera. The City and County provided funds in order to hire a public relations firm to implement a marketing strategy and outreach to stakeholders, elected officials, HSR Board, etc. to influence and convince the HSR Board to locate the HMF in Madera County. The ED continues to attend meetings and also attended a news conference held at the Amtrak Station in Madera which was very well attended and covered by local news media outlets. We are also scheduling a day in Sacramento at the end of the month in June to speak with legislators related to the Facility and the benefits of being located in Madera.

Financing:

Workforce Innovation and Opportunity Act

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 8.5

Consent

Action

Information

To: Workforce Development Board of Madera County

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Measure C

Information:

The Executive Director was asked to participate on the committee as this Measure would ultimately benefit the Madera Center Community College and the Oakhurst Center related to facilities and capacity at a time when the intent is to apply for full accreditation as a College rather than a Center. Madera Center students participated in a walking campaign and lawn signs and larger billboard signs have been made and distributed. There will be a full marketing campaign beginning in the near future through print ads, television and radio ads, in multiple languages to inform and educate the community related to this measure. Measure C passed on June 7, 2016.

Financing:

Workforce Innovation and Opportunity Act

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 8.6

Consent

Action

Information

To: Workforce Development Board of Madera County

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Facilities Update

Information:

There has been some significant movement on the possibility of leasing a portion of the old RMA facility near Walmart. Madera Unified School District (MUSD) presented the proposed facility relocation for their programs to the school board at their regularly scheduled meeting on March 22, 2016. Their Board approved the concept and the ability to hire an architect to provide a schematic and costs associated with the move. Their Board meets on Tuesday, April 26, 2016 to decide on the relocation based on the submitted costs from the architect and their staff. The MUSD Board approved the Adult School relocation at their May 24, 2016 meeting. MUSD will be requesting bids for construction of ten classrooms for the Adult School in the new building. Bids will be received through June 13, 2016 with the intent to request an award at the MUSD Board Meeting on June 14, 2016.

MCWIC staff have also been working on preparing a project plan in preparation for the possible relocation of facilities. This plan will include costs, timeframes, procurement of services, partner agency location/relocation, etc.

Current leaseholder for the 441 E. Yosemite facility has also been contacted regarding the potential move and is not only very understanding, but very flexible and willing work with us in regards to the timeline of the move. A Special meeting of the MCWIC Board of Directors was held on June 14, 2016 to approve the lease and relocation of the Job Center. We are hoping to relocate in August/September timeframe. It will depend on the construction progress and completion.

While the Executive Director remains on the Review Committee for the new proposed County Campus, the County has been advised that we will not be able to relocate to the Campus due to the significant monthly costs associated with the lease.

Financing:

Workforce Innovation and Opportunity Act

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 8.7

Consent

Action

Information

To: Workforce Development Board of Madera County

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Financial and Program Activity Update

Information:

Staff will provide the financial grants expenditure update along with the program WIOA Participant Summary report and the WIOA Services Summary Report, as of April 2016.

At the previous board meeting, staff discussed transferring dislocated worker funds to adult. However EDD has since approved a waiver of the 80% obligation requirement for 2015 program year funding and therefore, no transfer needs to be done.

Financing:

Workforce Innovation and Opportunity Act

Executive - Program Management - WIOA Participant Summary

- Customer Group: Adult, Youth, Dislocated Worker, Statewide Adult, Statewide Rapid Response Add'l Assistance DW, National Dislocated Worker Grant (NDWG)
- Region/LWIA: Madera County Workforce Investment Corporation
- Age Selection: Age at Participation
- Date Range: 07/01/2015 - 04/30/2016

I.	Participation Summary	Enrolled	Exited
A.	Total Participants	647	275
	Participants Carried In	300	193
	New Participants	347	82
B.	Eligible Youth 5% Exception		
	Youth 5% Exception	0	0
C.	In School / Out Of School Youth (Funding Definition)		
	In School Youth	15	15
	Out Of School Youth	85	30
D.	Program Exit Information		
	Entered Unsubsidized Employment		89
	Training Related Employment		36
	Entered Military Service		0
	Entered Qualified Apprenticeship		0
	Entered Post-Secondary Education		14
	Entered Advanced Training		0
	Individuals Attained Recognized Certificate/Diploma/Degree		55
	Individuals Attained High School Diploma/GED		13
	Returned to Secondary School		2
	Exits Excluded from Performance		22
	Other Exits		251
II.	Participation Characteristics Summary	Enrolled	Exited
A.	Gender		
	Female	348	140
	Male	299	135
B.	Age		
	14 - 18	39	25
	19 - 21	76	29
	22 - 24	55	16
	25 - 34	157	67
	35 - 44	139	51
	45 - 54	102	46
	55 - 64	69	34
	65 and older	10	7
C.	Race/Ethnicity		
	Ethnicity Hispanic or Latino	428	192
	American Indian / Alaskan Native	29	9
	Asian	15	8
	African American / Black	33	11
	Hawaiian Native / Other Pacific Islander	4	1
	White	363	143
	Other	0	0
D.	Veteran Status		
	Total Veterans	54	39
	Served Less than 181 Days	0	0
	Eligible Veteran	52	170 38

	Other Eligible Person	2	1
	Campaign Veteran	22	17
	Disabled Veteran	7	6
	Special Disabled Veteran	3	3
	Recently Separated Veteran	17	15
	Transitioning Service Member	1	0
E.	Labor Force Status		
	Employed	68	26
	Employed, but received notice of layoff or termination	6	4
	Unemployed	573	245
F.	School Status at Participation		
	In School, High School or Less	11	11
	In School, Alternative School	16	6
	In School Attending Post High School	28	13
	Out-of-School, High School Dropout	110	58
	Out-of-School, High School Grad	472	181
G.	Unemployment Insurance Status		
	Eligible Claimant, Referred by WPRS	19	13
	Eligible Claimant, not referred by WPRS	166	72
	Exhaustee	56	26
H.	Barriers		
	Disabled	68	27
	English Language Learner	48	32
	Single Parent (including single pregnant women)	134	51
	Displaced Homemaker	2	1
	Offenders	85	35
	Homeless	27	13
	Runaway Youth	0	0
	Pregnant / Parenting Youth	29	10
	Youth Requires Additional Assistance	73	27
	Youth Serious Barriers to Employment (WIA legacy)	1	1
	Basic Literacy Skills Deficient	236	83
	Youth in, or aged out of, Foster Care	4	1
	Out of Home Placement	0	0
	Eligible under Section 477 of the Social Security Act	0	0
	American Indian/Alaskan Native	16	5
	Hawaiian Native	1	0
	Within 2 years of exhausting TANF lifetime eligibility	0	0
	Facing Substantial Cultural Barriers	2	1
	Eligible Migrant Seasonal Farmworkers as defined in WIOA Sec 167 (i)	2	0
	Meets Governor's special barriers to employment	0	0
I.	Income / Public Assistance		
	Low Income	531	225
	TANF	73	22
	SSI	16	4
	Receiving Social Security Disability Insurance Income (SSDI)	7	1
	State or Local Income-Based Public Assistance (General Assistance)	4	2
	Refugee Cash Assistance (WIA Legacy)	0	0
	Supplemental Nutrition Assistance Program (SNAP)	288	108
	Foster Child (State or Local Payments are Made)	1	0
	Youth living in the High-poverty Area	1	171

	Youth Receives or is Eligible to Receive Free or Reduced Lunch	0	0
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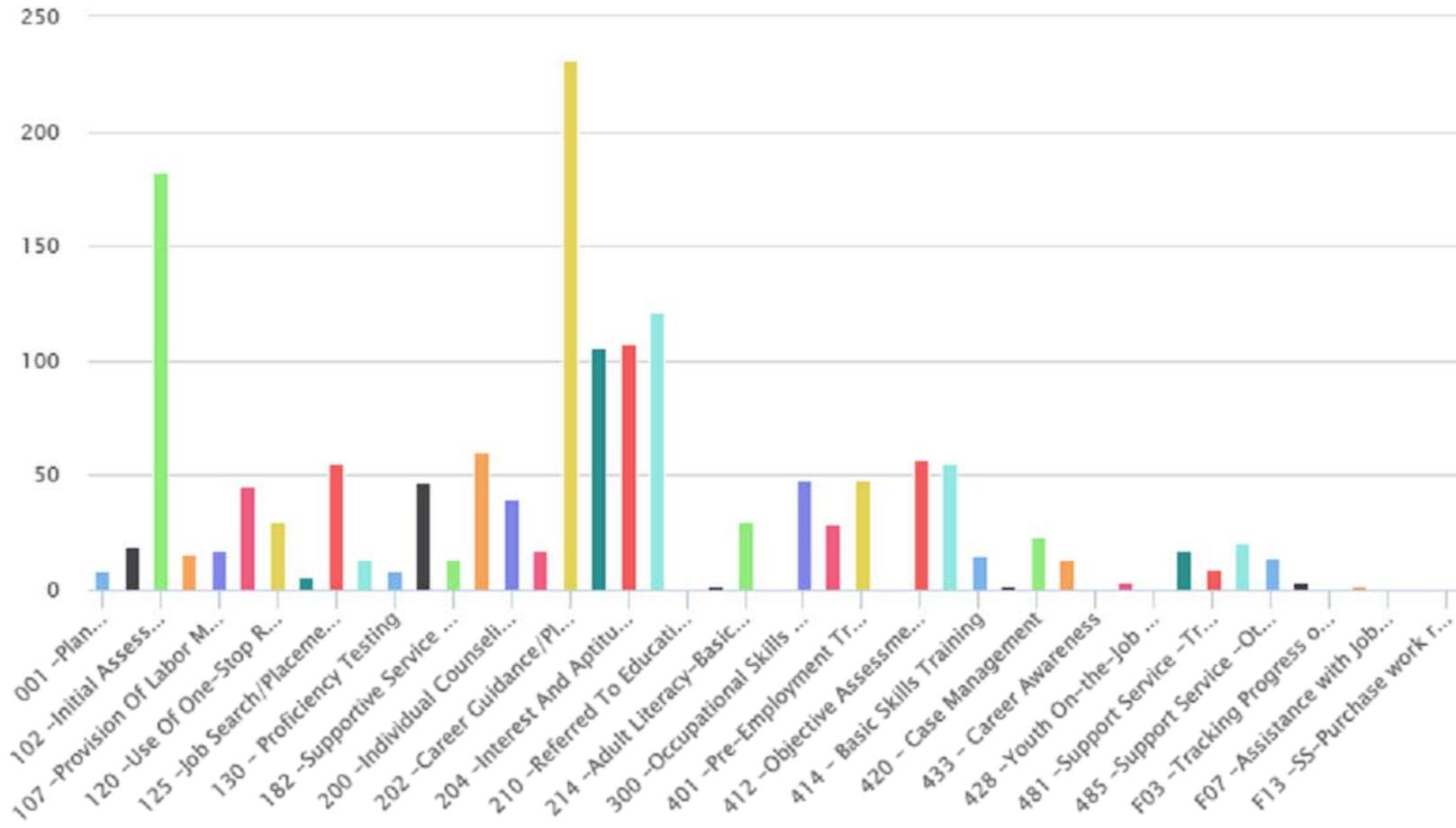
All Services in the WIOA program with a Local Region/LWIA of with the Position Staff, where Actual Begin Date between 07/01/2015 and 04/30/2016.

Activity/Description	Distinct Users	Total
001 - Planned Break in Service: Training, Health/Medical	8	8
101 - Orientation	19	19
102 - Initial Assessment	182	188
103 - Provision Information On Training Providers, Performance Outcomes	16	16
107 - Provision Of Labor Market Research	17	17
115 - Resume Preparation Assistance	45	45
120 - Use Of One-Stop Resource Room / Equipment	30	30
123 - Job Development Contacts (working with Employer and Job Seeker)	6	6
125 - Job Search/Placement Asst., inc. Career Counseling	55	64
121 - Job Referral -Job Outside CalJOBS (non Federal)	13	17
130 - Proficiency Testing	8	8
181 - Supportive Service - Transportation Assistance	47	55
182 - Supportive Service - Medical	13	14
185 - Support Service -Other	60	75
200 - Individual Counseling	40	41
201 - Group Counseling	17	18
202 - Career Guidance/Planning	231	251
203 - Objective Assessment	106	115
204 - Interest And Aptitude Testing	107	108
205 - Development of IEP/ISS/EDP	121	128
210 - Referred To Educational Services (non Federal/State/Local)	1	1
213 - Mentorship	2	2
214 - Adult Literacy, Basic Skills or GED Preparation	30	37
226 - Reading and/or Math Testing	1	1
300 - Occupational Skills Training - Approved ETPL Provider	48	52
301 - On-The-Job Training	29	29
401 - Pre-Employment Training/Work Maturity	48	48
406 - Tutoring, study skills training & instruction	1	1
412 - Objective Assessment	57	84
413 - Develop Service Strategies (IEP/ISS/EDP)	55	55
414 - Basic Skills Training	15	15
416 - Occupational Skills Training - Approved ETPL Provider	2	2
420 - Case Management	23	25
425 - Work Experience - Paid	13	13
433 - Career Awareness	1	1
435 - Career Counseling/Planning	3	3
428 - Youth On-the-Job Training	1	2
430 - Youth Occupational Skills Training - Non-Approved Providers	17	17
481 - Support Service - Transportation Assistance	9	13
484 - Support Service - Incentives / Bonuses	21	31
485 - Support Service -Other	14	24
486 - Support Service - Counseling	3	3
F03 - Tracking Progress on the Job	1	1
F05 - Assistance securing better paying job	2	2
F07 - Assistance with Job/Work Related Problems	1	1
F12 - SS-Transportation	1	1
F13 - SS- Purchase work related uniforms/attire	1	1

Total Rows: 47

1,541

1,688



WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 8.8

Consent

Action

Information

To: Workforce Development Board of Madera County

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: Grants/Projects Update

Information:

- We have completed the contract with California Department of Corrections and Rehabilitation (CDCR) and did not renew the contract.
- CCP/AB109: This contract was renewed for 2015-2016 with an increase in funding. We continue to provide in custody job readiness workshops at the Madera County Department of Corrections facility. Evaluations from the participants, and DOC staff, have been excellent, and some of the participants have started to come into the Center after they are released from the facility and are ready to begin training or job search. We are also conducting specialized, 3 hour orientation sessions twice per month for individuals referred from County Corrections and Probation. The sessions assist these customers to access the services they need to become employed. We submitted a proposal for these programs for 2016-2017 and they were approved but we have recently been advised that the funding is being decreased which will reduce the number of workshops and thus the staffing.
- Unfortunately we were not successful in our application to the Department of Labor to provide a One Stop at the DOC. Staff would like it noted that all grantees from the DoL were in urban areas, however, we have recently been notified of another round of funding for this project. After meeting with staff at DOC, it was determined that there are not sufficient individuals currently housed at the DOC facility who meet the eligibility requirements to participate in a program funded by the second round of this solicitation. As a result, we were not able to apply for this grant.
- Dislocated Worker – Additional Assistance Grant: We continue to work with and assist impacted employees from Chukchansi Gold Resort & Casino with the \$500,000 grant we applied for and received. This funding expired May 31, 2016 and we will be successful in expending the entire amount. We are also continuing to assist Chukchansi since they have reopened with their workforce needs.
- Wells Fargo Grants: We have received an additional \$10,000 from Wells Fargo to continue to provide resources and assistance to veterans in the community. The intent for use of this second round of funding is to continue with the work started last year. We will continue to

recruit Veteran Mentors, increase advertising and outreach to the Veteran community, participate in all Veteran-oriented community events, and continue to add resources and options to improve our web-based Veteran Resource Center, including the addition of an on-line interest form. Planning is also underway for Veteran-focused Financial Literacy workshops, as well as an Employer Panel/Forum event to provide interaction opportunities between our Veteran customers and local employers. We have met with a veteran consultant that we have worked with on other projects to consult in order to provide the best services and resources to the veteran community. We are considering using these funds to pay for a dedicated Veterans sign on the old Chicago Title sign and have recently received a quote. We have also received \$15,000 to assist single parent female households with a staff navigator and mentor to identify community resources and navigate barriers and challenges faced by this particular population. We were again invited to submit a letter of interest and subsequently an application for a rural workforce development \$75,000 grant (this is invitation only). This project, if funded, will continue the preliminary work for the single female households. Unfortunately, even though we were a finalist in the review process, ultimately we were not one of the successful applicants. We were recently contacted by Wells Fargo and asked to submit a proposal for up to \$20,000. A discussion ensued about the scope of work that would be considered and we have submitted a proposal to fund a dedicated HiSET class, with instructor and clerical support and flexible hours for customers.

- **Veteran Power Pathways Grant:** We successfully completed this project. This grant was in collaboration with Fresno and Kings County. A cohort of 20 veterans and one veteran spouse completed the training in gas and electric through Pacific Gas and Electric at the Madera Center. We also had three veterans attend either the Kings or Fresno cohort in addition to the 21 in Madera. We added a pre-apprenticeship component in electrical and pipefitter/plumber after the completion of the PG&E training. FCC CTE provided a week long forklift certification training. The veterans will receive certification in OSHA 10, First Aid/CPR/AED, Flagger, Mark and Locate and Traffic Control as well as the completion certification for the PG&E training. We provided personal protection equipment and items such as boots and gloves, safety glasses, etc. They also received mileage reimbursement. We have applied for a new VEAP grant with Madera as the lead and in collaboration with Merced. We are awaiting whether we have been awarded or not.
- **PG&E Call Center OJT Project:** PG&E has asked if we would participate in a project providing 20 veterans with direct placement at the Fresno Call Center using the OJT mechanism. We would subsidize 50% of the approximate \$20 per hour wage for 12 weeks. These veterans, if successful in the OJT, would have full time employment with PG&E, full benefits, and the ability to move up in the company in different department and jobs. This project is continuing and 6 candidates have been identified from Madera and Fresno and are currently working at the PG&E Call Center. This project was completed in December 2015 and was highly successful. All 16 original veterans hired under the OJT were retained by PGE.
- **Staff have also reached out to PG&E in order to apply for grant monies for their 2016 award period and received a positive response for us to be an applicant for community education and training. We have subsequently held a conference call with PG&E and have identified an area where there is mutual interest for an application and project working with Individuals with a Disability. We are waiting for PG&E to post their application online to complete and submit our project for consideration. We continue to check the PG&E website for open applications.**
- **Disability Employment Initiative:** We have successfully completed this project and continue to

increase our Ticket to Work assignments and revenue. We received funding to provide Technical Assistance to Merced County, as they are a recent DEI grant recipient. We have since been awarded another round of Disability Employment Accelerator funds, while these funds will continue to assist customers with disabilities the focus is employer/business services to include an HR Hotline and a new website for the local system.

- Disability Employment Accelerator Grant: We have been awarded funds through this grant of approximately \$166,000 to assist individuals with a disability gain employment and/or receive upgrade skills training for retention or advancement and to educate, inform and engage employers. We are currently completing the application for 2016-2017 funds for submission to EDD. We have been awarded these funds as indicated in the DEI.
- Prop 39 Pre-Apprenticeship Grant: We recently completed a cohort of 17 customers who received training in several trades from the labor halls. This was a grant with Fresno and Kings County.
- Community Development Block Grant: We received \$13,000 from the City of Madera for 2015-16 to serve adult low-income City of Madera residents. We are to enroll at least ten (10) participants. This is third year we have been awarded these funds. We are waiting for the City to post their revised application for these funds for 2016-2017. We submitted an application in March but were advised by the City that they were making changes to their Plan and thus to the CDBG and we would need to resubmit our application. Our application has since been accepted and we will make a presentation to the review committee on June 30, 2016.
- We are constantly searching for funding opportunities through various Foundations and other institutions due to our non-profit status. We are building a system in that we are notified of grant opportunities and the deadline dates so we do not miss appropriate and viable opportunities.
- The Central California Workforce Collaborative, with Madera as the lead, received \$20,000 for the Governor's Office Slingshot Initiative which is being administered by the State Board for the planning phase of this project, which has been successfully developed. Fresno will be the lead for the \$1m implementation phase. This initiative is to regionalize and enhance collaboration and partnerships with stakeholders for training and employment of valley residents. While the Valley is known for its collaboration and regional efforts around workforce development, the approach of this initiative is unique in that it encourages and allows for out of the box and risk taking projects to enhance access to career pathways and self-sufficiency. The planning phase brought numerous partners together such as EDC, Community Colleges and manufacturing employers to determine the need of the workforce specific to manufacturing, advanced manufacturing, value added manufacturing with the intent to utilize the \$1m funds to implement and/or resolve the challenges and needs identified by the Compact with strategies such as prior learning assessment and reciprocity for demand curriculum across community college campuses. Fresno WIB is the lead on the \$1m project.
- National Emergency Jobs Driven Grant: The Central California Workforce Collaborative have been successfully implementing this grant for long-term unemployed customers across the region, with Madera as the lead. This project requires 30% of the total funds, which is approximately \$3m for the region, to be spent on work-based learning activities such as OJT, Intern/Extern, PWEX, Job Shadow. This grant will also fund a regional economic and skills gap analysis with local data also being provided. This will assist in the local and regional

plans that are required but also will benefit employers and partners to determine needs and gaps in the local communities. We have recently requested an extension of six months and a modification to the eligibility criteria in order to expend the dollars associated with this grant and to increase the number of participants regionally. The request for six months was ultimately denied by DoL but EDD provided us with a three month extension to September 31, 2016.

- The California Workforce Investment Board has approved our application to be designated a High Performing Workforce Board. We were required to reapply for Board Certification by March 31, 2016. We believe at this time that we have received a conditional certification and are attempting to clarify the conditional vs full certification.
- The California Workforce Investment Board has also approved our application for designation as a local workforce investment area under WIOA as well as certification of the Workforce Development Board under WIOA. This is a requirement of WIOA and will be for a two year period for the local area and we will be required to reapply in March 2016 for continued certification of the WDB. We have recently received the Directive to begin the process for recertification of the WDB with the application due to EDD by March 31, 2016. The recertification application was approved by the Board of Supervisors at their meeting on March 15, 2016 and has been submitted to EDD for consideration.
- Under the auspices and umbrella of the WDB, staff will be facilitating and hosting employer resource events. In October staff will be facilitating an employer event sponsored by PGE and SBDC/Fresno State with a number of partner agencies such as EDC and GoBiz, where in information and resources will be provided to local employers. This was a very successful event with over 30 employers attending. We have since collaborated with the Madera Chamber of Commerce and the California Employer Association to co-host/co-sponsor employer training events.
- Staff are also assisting the currently funded Youth provider with the transition to WIOA for Out of School Youth. This transition is going well and the Youth provider, previously Kings View Ready Set Go has rebranded to Skills 4 Success (S4S) for a young adult program. The provider continues to successfully transition and provide services and resources for young adults 16-24 years of age.
- We have submitted a grant application to the Department of Labor under the Strengthening Working Families Initiative solicitation. The grant application was developed in partnership with SCCCD/Madera Community College Center, the Community Action Partnership of Madera County, and the Greater Madera County Industry Association via the Economic Development Commission. The program, if funded, will serve unemployed and underemployed residents of Madera County who are parents, and for whom child care creates a barrier to training and employment. The grant will focus on the provision of training in the Advanced Manufacturing sector and provides resources for child care costs. A portion of the grant will also be provided to SCCCD/Madera Community College Center to increase student capacity in the Advanced Manufacturing programs through the addition of faculty, counseling time, and the provision of updated equipment and tools for the program. We anticipate hearing whether we have been awarded or not by June 2016.
- We have also submitted a grant application for Veterans Employment Assistance Program (VEAP) funds in partnership with Merced County WIB. We have received these funds in the

past and have identified manufacturing as the sector for training.

- Staff continue to work on WIOA Transitional activities such as Regional Planning. The Central California Workforce Collaborative, which comprises the eight local workforce development areas and Boards, will be contracting for a consultant to provide a one day facilitation on beginning the planning and logistics of regional planning. Ultimately, the CCWC will also consult for assistance and facilitation through the development of the required regional plan.

Financing:

Workforce Innovation and Opportunity Act

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 8.9

Consent

Action

Information

To: Workforce Development Board of Madera County

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: MCWIC Update

Information:

The Corporation successfully completed the annual Single Audit, performed the week of September 21, 2015, and staff are delighted to report that there were no findings nor any recommendations to staff by the accountant for internal process or operation. The Corporation Board has been working with staff to make and implement necessary changes in response to the implementation of WIOA. One significant change is the composition of the Corporation Board in order to create a firewall between the program and the operation of the One Stop. By-laws have also been revised to reflect the revisions. The Corporation, as the current designated One Stop Operator, will be faced with the issue, and challenge, of the required competitive procurement process currently in the WIOA NPRM. Staff, on behalf of the WDB, requested the Madera County Board of Supervisors support and sign a letter to federal legislators related to this issue and the subsequent financial and programmatic challenges that will be faced by local boards and areas to comply with this requirement. In California, 2/3 of the 48 local boards are One Stop operators. The composition was successfully implemented from the WDB and MCWIC meetings held in September. The Corporate Board no longer has any members that sit on the WDB or any committees of the WDB and also has a new private sector member. The MCWIC recently approved the relocation of the One Stop to the old RMA building by WalMart at a recent Special Meeting of the Board. Staff will be finalizing negotiations with the owner of the RMA building for a lease.

Financing:

Workforce Innovation and Opportunity Act

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 8.10

Consent

Action

Information

To: Workforce Development Board of Madera County
From: Elaine Craig, Executive Director
Date: June 16, 2016
Subject: WDB 2016-17 Meeting Calendar

Information:

2016-17 WDB Meeting Calendar dates:

Workforce Development Board Quarterly: 3rd Thursday of the month @ 3:00 p.m.
September 15, 2016
December 15, 2016
March 16, 2017
June 15, 2017

Financing:

Workforce Innovation and Opportunity Act

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

2016 - 2017

WDB BOARD MEETINGS

Meeting Location:

Madera County Workforce Assistance Center

441 E. Yosemite Avenue

Madera, CA 93638

559-662-4589

Workforce Development Board Quarterly: 3rd Thursday of the month @ 3:00 p.m.
September 15, 2016
December 15, 2016
March 16, 2017
June 15, 2017

WORKFORCE DEVELOPMENT BOARD of MADERA COUNTY

Agenda Item 8.11

Consent

Action

Information

To: Workforce Development Board of Madera County

From: Elaine Craig, Executive Director

Date: June 16, 2016

Subject: S4S Mentor Program

Information:

Eugene Bell, Skills4Success Program Coordinator is recruiting for employer mentors for his newly implemented young adult program. This program is funded with youth funds received from the Department of Labor to the MCWIC and WDB and KingsView Corporation is the provider of this program. The mentoring is a mandated element of the new WIOA and its youth programs and the mentors cannot be provider staff as has been allowed in the previous legislation. Please consider volunteering for this very important activity for the young adults that are receiving services through the young adult program. Please contact Eugene Bell directly at 559-675-0105.

Financing:

Workforce Innovation and Opportunity Act



Kings View Skills4Success invites you to help make a difference in the life of our local young adults!

Mentors provide valuable life experiences that enrich the lives of young adults.

All you have to do is...

- Commit to 1 year of mentoring a local youth
- Meet with your mentee at least once a month
- Fill out and submit a mentor application
- Attend a Mentor Orientation to learn all about the individualized mentoring plan for you and your mentee

All young adults deserve to have a positive caring adult in their lives, someone who cares about them and can assure them that they are not alone in dealing with day to day challenges!

KINGS VIEW SKILLS4SUCCESS

FOR MORE INFORMATION, CONTACT EUGENE BELL!

EBELL@KINGSVIEW.ORG OR CALL (559) 675-0105