



MONTEREY COUNTY WORKFORCE DEVELOPMENT BOARD AGENDA PACKET

Wednesday, April 4, 2018
8:30 a.m. – 10:30 a.m.

Veterans Transition Center
220 Twelfth Street
Marina, CA 93933

Documents related to agenda items that are distributed to the WDB less than 72 hours prior to the meeting shall be available for public inspection at 1441 Schilling Place, North, Salinas, CA or visit our website at www.montereycountywdb.org. Documents distributed to the WDB at the meeting by County staff will be available at the meeting; documents distributed to the WDB by members of the public shall be made available after the meeting. ALTERNATE AGENDA FORMATS: If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals with a disability requiring a modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may make these requests to the Secretary to the WDB at (831)796-6434.

NOTICE TO THE PUBLIC

Members of the public who wish to address the Board should identify themselves and state their name for the record. You should complete a blue Comment Card located near the door, prior to making comments, and hand it to the designated Workforce Development Board staff member.

Copies of the agenda have been placed on the table near the door for your convenience.

The procedure for this meeting is as follows:

- The Committee Secretary will verify quorum; the Chair will read the opening remarks.
- Members of the public wishing to make a comment on an item that is not on the agenda will be given two (2) minutes each to comment.
- Workforce Development Board staff and/or Board Members will present recommendations for each action item on the agenda.
- Board members may ask questions of Workforce Development Board Staff and other Board Members.
- Members of the public wishing to make a comment on an agenda item will be given two (2) minutes each to comment.
- The Board may take action on any item designated as an action item.
- Workforce Development Board members may only discuss items listed on the Agenda pursuant to the "Brown Act." With respect to non-agenda items raised by the public, Workforce Development Board members may calendar them for a future meeting, may briefly respond, or may request clarification from the member of the public but, to remain in compliance with the Brown Act, they may not address non-agenda items raised by the public in a substantive or in-depth manner.



Monterey County Workforce Development Board

Veterans Transition Center, 220 Twelfth Street, Marina, CA

Wednesday, April 4, 2018; 8:30 a.m.

AGENDA

1441 Schilling Place, North
Salinas, CA 93901

(831) 796-6434
www.montereycountywdb.org

WDB Members:

Erik Cushman,
WDB & Executive Chair

Mary Ann Leffel,
WDB 1st Vice Chair

Paula Calvetti,
WDB 2nd Vice Chair

Al Davis
Andy Hartmann
Brian Turlington
Cesar Lara
Cresencio Diaz
Harbhajan "Harvey" Dadwal
Jay Donato
Kimberly Schnader
Mary Adams
Mimi Laurent
Salvador Muñoz
Sherry Farson
Steve MacArthur
Dr. Walter Tribley
Wendy Brickman
Wesley Van Camp
Dr. Willard Clark Lewallen
Yuko Duckworth

CALL TO ORDER/INTRODUCTIONS: CHANGES TO AGENDA: PUBLIC COMMENT: <i>(Limited to 2 minutes per person)</i>	Erik Cushman, <i>Chair</i>
DIRECTOR'S REPORT: <ul style="list-style-type: none"> • National Association of Workforce Boards Forum 2018 	Chris Donnelly
CONSENT CALENDAR:	Erik Cushman
1. ACTION: Approve minutes from meeting of February 7, 2018.	
2. ACTION: Concur with the March 7, 2018 Executive Committee's recommendation that a list of future local and regional procurements be approved, in order to facilitate the competitive procurement process.	
3. ACTION: Concur with the March 7, 2018 Executive Committee's recommendation to approve the following New and Revised WDB Policies: <ul style="list-style-type: none"> • #2018-01: Nondiscrimination and Equal Opportunity Procedures • #2018-02: Reasonable accommodation and modification for individuals with disabilities • #2018-03: Limited English Proficiency Policy and Guidance • #2018-04: Selective Service Registration Policy and Guidance • #2018-05: Supportive Service Policy and Guidance 	
4. ACTION: Concur with the March 7, 2018 Executive Committee's recommendation to approve the Request for Proposal Selection Committee's recommendation of the Council for Adult and Experiential Learning as the Coastal Region Healthcare Partnership Plan contractor and forward to Monterey County Board of Supervisors for concurrence.	
5. ACTION: Concur with the March 7, 2018 Executive Committee's recommendation to approve submission of a request to the state Employment Development Department to transfer \$200,000 in WIOA Title I formula funds from Dislocated Worker to Adult Programs from second round allocation for program year 2017-18.	
BUSINESS CALENDAR:	Erik Cushman
1. PRESENTATION: Provide information on the Job Center Development Program with the Veterans Transition Center of Monterey County.	Kurt Schake
2. ACTION: Authorize the Executive Director to sign future WIOA and Non-WIOA funded contracts, limited to \$45,000 or less, for a term of one year, plus up to 3 one-year extensions, to a maximum of four years total so long as the \$45,000 cap is not exceeded.	Chris Donnelly
3. ACTION: Consider approval of revised WDB Policy #2018-06 Priority of Service.	Sangeeta Durrall
4. ACTION: Consider approval of renewals and amendments to Proposition 39 agreements with specified service providers for providing additional services to participants, increasing funding, and extending agreement terms to December 31, 2018.	Reva Bear



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5. Update on program performance for the WIOA Adult, Dislocated Worker, and Youth programs, through February 28, 2018.	Diana Jimenez Pearl Sanchez
6. Update on ResCare One-Stop Operator 90-day Plan.	Stephanie Koontz
7. Update on the Workforce Development Board's budget for Fiscal Year 2017-18, through February 28, 2018.	Ruben Trujillo
8. Follow up discussion on 2017-18 WIOA Input and Output Outcomes, originally presented at the February 7, 2018 Workforce Development Board meeting.	Chris Donnelly
9. WDB Board Member Workforce & Business Activities Update. Board members' reports on their business' or institutions' recent job creation, ability to hire WIOA participants, and other individual contributions to Monterey County or regional WIOA programs.	Each Board member
ANNOUNCEMENTS:	
SUBCOMMITTEE MEETINGS: Business Services: 4/10/2018, MBEST Executive: 4/18/2018, MBEST Oversight: 5/10/2018, MBEST	WDB MEETING: 6/6/2018, TBD
ADJOURNMENT:	Erik Cushman
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UNADOPTED**Monterey County Workforce Development Board**

Marina Library, 190 Seaside Circle, Marina, 93933

Wednesday, February 7, 2018

Members Present: Erik Cushman (Chair), Mary Ann Leffel, Paula Calvetti, Al Davis, Cesar Lara, Harbhajan Dadwal, Kimberly Schnader, Mary Adams, Salvador Munoz, Steve MacArthur, Dr. Willard Lewallen, and Yuko Duckworth

Members Absent: Andy Hartmann, Brian Turlington, Cresencio Diaz, Jay Donato, Mimi Laurent, Sherry Farson, Dr. Walter Tribley, Wendy Brickman and Wesley Van Camp

Staff Present: Chris Donnelly, Flor Galvan, and Javier Vanga

Public Comment:

Call to Order/Introductions: Mr. Cushman called the meeting to order at 8:44 a.m. and asked for introductions. A quorum was established.

Changes to Agenda: None

Consent Calendar:

1. ACTION: Approve minutes from December 6, 2017 WDB meeting.
2. ACTION: Concur with the January 17, 2018 Executive Committee's recommendation to approve a contract with New York Wired for Education for online training programs.
3. ACTION: Concur with the January 17, 2018 Executive Committee's recommendation to approve up to \$25,000 for the Workforce Development Board's website development and redesign.
4. ACTION: Concur with the January 17, 2018 Executive Committee's recommendation to approve the new Eligible Training Provider List Master Agreement with Advanced Vocational Institute and New Horizons Career Development Solutions.

A motion was made by Mary Ann Leffel to approve the items on the consent calendar, seconded by Cesar Lara. ALL AYES

Discussion or Review of Business Calendar Action Items:

1. ACTION: Approve meeting dates for the Workforce Development Board for Calendar Year 2018.
A motion was made by Mary Ann Leffel to approve meeting dates for the Workforce Development Board for Calendar year 2018, seconded by Salvador Munoz. ALL AYES
2. PRESENTATION: Goodwill of Central Coast and United Way of Monterey Bay Prosperity Platform.
The Board received a presentation from Goodwill of Central Coast and United Way of Monterey Bay Prosperity Platform.
3. PRESENTATION: Update on ResCare's One Stop Career Center's Operations implementation.
The Board received an update on ResCare's One Stop Career Center's Operations implementation.
4. Update on WIOA Adult, Dislocated Worker, Youth Program, and Business Services, through December 2017.
The Board received an update on WIOA Adult, Dislocated Worker, Youth Program, and Business Services, through December 2017.
5. Update on Workforce Development Board's Second quarter budget for Fiscal Year 2017-18, through December 2017.
The Board received an update on Workforce Development Board's Second quarter budget for Fiscal Year 2017-18, through December 2017.
6. WDB Board Member Workforce & Business Activities Update.
The Board members reported on his or her businesses' or institution's recent jobs creation, ability to hire WIOA participations, and other individual contributions to Monterey County or regional WIOA Programs.

Adjournment: Mr. Cushman requested to adjourn the meeting at 10:42 a.m.

MEMORANDUM

TO: WORKFORCE DEVELOPMENT BOARD

FROM: CHRISTOPHER DONNELLY, EXECUTIVE DIRECTOR

SUBJECT: CONCUR WITH THE MARCH 7, 2018 EXECUTIVE COMMITTEE'S RECOMMENDATION THAT A LIST OF FUTURE LOCAL AND REGIONAL PROCUREMENTS BE APPROVED, IN ORDER TO FACILITATE THE COMPETITIVE PROCUREMENT PROCESS

DATE: APRIL 4, 2018

RECOMMENDATION

It is requested that the Workforce Development Board concur with the March 7, 2018 Executive Committee's recommendation to:

1. review a list of future local and regional procurements; and
2. provide approval to proceed with any resulting contracts.

DISCUSSION

WDB staff propose competitively procuring a range of services as described below.

Workforce Development Board 2018 Procurements	Funding	Time Frame
DOL grant -YAP Program Consultant: Consultant will develop and implement outcomes for Community-Based Action Research and Phase 4: Leadership Development & Cross-Age Mentorship of the Monterey County Youth Ambassador Program	\$25k	March 2018
Program and Fiscal Compliance Monitoring: Professional services procured to perform annual Adult/DW/Youth provider compliance reviews due to vacancies (MA III, MA I) while MA II is on assignment with DSS.	\$25k	March 2018
MCWD/Regional Websites: MCWDB's website is out of date for mobile viewing and current WDB needs. Coastal Region Website: will promote regional business services offerings, assist with the dissemination of regional LMI, and policies.	\$25k \$15k	April 2018
Workshops/On-line Training: Increases flexibility for job seeker/participants and expand the universe of skill development activities beyond the immediate geographical region.	\$150k	June 2018 – WDB/BOS Approval
Coastal Region 2018 Procurements	Funding	Time Frame
Regional Policy/Streamlining: Consultant services to reduce duplication and achieve administrative efficiencies across the region. The WDB Directors will develop a list of options for the Consultant to vet through contact with local board staff and service providers. This is an identified outcome for the Coastal Regional Plan and Regional Plan Implementation grant.	\$20k	April 2018

CONSENT ITEM #2

<p>Regional Career Pathways: Professional services to develop visuals articulating career pathways in priority sectors in the region. These materials will be useful in working with education and service provider partners, including AJCC staff. Ultimately, the RPU seeks to further its sector/career pathway work to develop a process that details the sequences and steps for progression along a pathway for each priority sector in the region.</p>	<p>\$20k</p>	<p>April 2018</p>
<p>Regional Nonprofit: An identified outcome for the Coastal Regional Plan and Regional Plan Implementation grant, the development of a regional nonprofit, tax-exempt service organization will provide a regional intermediary to secure and manage regional funding, support regional initiatives, and act as a regional oversight body. Professional services will be procured for legal (an attorney), fiscal (an accountant), and liability insurance.</p>	<p>\$45k</p>	<p>RFQ</p>
<p>Slingshot Training Providers: Requesting qualifications and quotes from area education/training providers for the development of (or adoption of existing) community healthcare worker curriculum.</p>	<p>RFQ</p>	<p>May 2018</p>
<p>Regional Slingshot Evaluation: Consultant services to conduct an evaluation/review of the program's accomplishments across the region.</p>	<p>\$15k</p>	<p>October 2018</p>
<p>Regional Healthcare Sector: Consultant services to support the Region's efforts to serve this sector. Deliverables include stakeholder outreach plan, regional healthcare sector analysis, a healthcare pre-apprenticeship/apprenticeship concept paper, and the development of a Healthcare Sector Partnership Plan.</p>	<p>\$75k</p>	<p>In progress</p>

Financial Impact

Local procurements will be funded by PY 2017-2017 WIOA Adult, Dislocated Worker, or Youth funds and for the YAP program DOL Discretionary grant. Regional procurements will be funded with Regional Plan Implementation funds awarded to the Coastal Region effective January 1, 2018.

Next Steps

WDB staff will work with the County's Contracts and Purchasing Department to complete the competitive procurement and contract award process in accordance with WIOA and County requirements.

MEMORANDUM

TO: WORKFORCE DEVELOPMENT BOARD

FROM: CHRISTOPHER DONNELLY, EXECUTIVE DIRECTOR

SUBJECT: CONCUR WITH THE MARCH 7, 2018 EXECUTIVE COMMITTEE'S RECOMMENDATION TO APPROVE ADOPTION OF THE FOLLOWING NEW AND REVISED LOCAL POLICIES

DATE: APRIL 4, 2018

RECOMMENDATION:

It is recommended that the Workforce Development Board concur with the March 7, 2018 Executive Committee's recommendation to approve new and revised local policies that ensure compliance with federal nondiscrimination and equal opportunity requirements and new and revised local policies providing local WIOA Title I program operational guidance.

New Policies

1. DRAFT #2018-01: Nondiscrimination & Equal Opportunity Procedures

Applicable to: Monterey County WIOA Title I Service Providers and WDB staff

Purpose: This policy provides guidance on the nondiscrimination and equal opportunity procedures for WIOA Title I financially assisted programs and ensures nondiscrimination and equal opportunity in admission or access to, opportunity or treatment in, or employment in the administration of or about any program or activity funded with WIOA Title I funds. It also provides a standard form that is available for use by MCWDB subrecipients when processing a discrimination complaint.

2. DRAFT #2018-02: Reasonable Accommodation and Modification for Individuals with Disabilities

Applicable to: Monterey County WIOA Title I Service Providers and WDB staff

Purpose: This policy provides direction to providers and staff in processing reasonable accommodation requests. It outlines the definition of disability and procedures for the provision of 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.

Revised Policies

1. DRAFT #2018-03: Limited English Proficiency

Applicable to: Monterey County WIOA Title I Service Providers and WDB staff

Purpose: This policy establishes procedures regarding the prohibition against national origin discrimination as it affects persons with Limited English Proficiency (LEP) in accordance with the nondiscrimination and equal opportunity provisions found in Section 188 of WIOA and 29 CFR Part 38.

Revision: Prior policy revised to meet prohibitions against national origin discrimination, which includes LEP that are included under 29 CFR Section 38.9 and also to outline how the AJCC delivery system will serve these special populations.

2. DRAFT #2018-04: Selective Service Registration

Applicable to: Monterey County WIOA Title I Service Providers and WDB staff

Purpose: The purpose of this policy is to provide guidance regarding the Selective Service registration requirements for participation in Workforce Innovation and Opportunity Act (WIOA) funded services. Additionally, this policy contains model questions for WIOA staff to determine whether failure to register by a current or potential WIOA participant was knowing and willful in accordance with WIOA Section 189(h).

Revision: Prior policy revised to include further explanation on “*determining whether an individual knowingly and willfully failed to register*”.

3. DRAFT #2018-05: Supportive Services

Applicable to: Monterey County WIOA Title I Service Providers and WDB staff

Purpose: This policy addresses the use of Workforce Innovation and Opportunity Act (WIOA) Title I funds for supportive services to eligible participants enrolled in the WIOA Adult, Dislocated and Youth programs. This policy includes documentation requirements to show that the supportive service is allowable, reasonable and not otherwise available to the participant.

Revision: Prior policy revised to include detailed description of allowable supportive services and its supporting documentation, which is described in –
Appendix A: Approved Supportive Services Guide of Miscellaneous/Emergency Items.

ATTACHMENTS:

- a) DRAFT #2018-01: Nondiscrimination & Equal Opportunity Procedures (New)
- b) DRAFT #2018-02: Reasonable Accommodation and Modification for Individuals with Disabilities (New)
- c) DRAFT #2018-03: Limited English Proficiency (Revised)
- d) DRAFT #2018-04: Selective Service Registration (Revised)
- e) DRAFT #2018-05: Supportive Services: (Revised)

NONDISCRIMINATION AND EQUAL OPPORTUNITY PROCEDURES POLICY AND GUIDANCE

EXECUTIVE SUMMARY

This policy provides guidance on the nondiscrimination and equal opportunity procedures for WIOA Title I and MCWDB financially assisted programs or activities. It also issues a standard form that is available for use by MCWDB subrecipients when processing a discrimination complaint.

REFERENCES

Civil Rights Act of 1964 (Public Law 88-352) Titles VI and VII • Education Amendments of 1972 (Public Law 92-318) Title IX • Rehabilitation Act of 1973 (Rehab Act) (Public Law 93-112) Title V, Section 504 • Age Discrimination Act of 1975 (Public Law 94-135) • Americans with Disability Act of 1990 (ADA) (Public Law 101-336) • WIOA (Public Law 113-128) Sections 121(b), 183(c), and 188 • 20 Code of Federal Regulations (CFR) Section 658.400 • 28 CFR Part 35, Subpart A • 29 CFR Parts 31, 32, 34, 38, and 1690-1691 • 41 CFR Part 101-19, Subpart 101-19.6 • 45 CFR Part 90, Subpart D, Section 90.43(c)(3) • Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP) • Fair Employment and Housing Act, Government Code, Section 12900 - 12996 • Dymally-Alatorre Bilingual Services Act (DABSA), Government Code, Section 72907299.8 , and Workforce Services Directive (WSD) 17-01.

BACKGROUND

The nondiscrimination and equal opportunity provisions found in Section 188 of WIOA and 29 CFR Part 38 prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medication conditions, transgender status, and gender identity), national origin (including LEP), age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title I-financially assisted program or activity.

PROCEDURAL GUIDANCE

The MCWDB ensures nondiscrimination and equal opportunity in admission or access to, opportunity or treatment in, or employment in the administration of or in connection with any program or activity funded with WIOA Title I funds.

The MCWDB and its subrecipients will foster equal opportunity and non-discrimination in administering all aspects of the WIOA and comply with all federal, state, and local provisions of the law. No individual shall be subject to discrimination because of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status and gender identity), national origin (including LEP), age, disability, political affiliation or belief.

No individual will be discharged, intimidated, threatened, coerced, or discriminated because of filing a complaint, furnishing information, or assisting or participating in any manner in an investigation, compliance review, hearing, or any other activity related to the administration of the nondiscrimination and equal employment opportunity provisions of the WIOA or Title 29 CFR Part 38.

Definitions:

Beneficiary - An individual or individuals intended by Congress to receive aid, benefits, services, or training from a recipient (29 CFR Section 38.4).

Complaint – An allegation of a violation of the nondiscrimination and equal opportunity provisions.

Recipient – Any entity to which financial assistance under the 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 (participants) 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 29 CFR Part 38, to the extent that they participate in the One-Stop delivery system (29 CFR Section 38.4[zz]).

Small recipient – A recipient who serves a total of fewer than 15 beneficiaries during the entire grant year and employs fewer than 15 employees on any given day during the grant year (29 CFR Section 38.4[hhh]).

TDD/TTY - a Telecommunications Device for the Deaf (TDD), also known as a teletypewriter (TTY).

Provisions of the Nondiscrimination Plan

In order to provide a reasonable guarantee of compliance with the nondiscrimination and equal opportunity provisions of Section 188 of the WIOA and 29 CFR Part 38, the Governor established and implemented a Nondiscrimination Plan for state programs as outlined in 29 CFR Section 38.54(a)(1). Previously known as the MOA under the WIA, the WIOA Nondiscrimination Plan must, at a minimum, describe how the requirements outlined below have been satisfied. The MCWDB, as a recipient of WIOA Title I funds, must also satisfy these requirements.

Assurances

Contracts, cooperative agreements, job training plans, and policies and procedures must contain the nondiscrimination assurance specified in 29 CFR Section 38.25 and 38.26. The nondiscrimination assurance must state that the grant applicant will “comply fully with the nondiscrimination and equal opportunity provisions of the WIOA” (29 CFR Part 38 Preamble) and acknowledge the government’s right to seek judicial enforcement of the nondiscrimination assurance.

Also, in accordance with 29 CFR Section 38.25, each application for federal financial assistance under WIOA Title I must include the nondiscrimination assurance. Application for assistance is defined as the process by which required documentation is provided to the Governor, recipient, or the DOL prior to, and as a condition of, receiving federal financial assistance under WIOA Title I (including both new and continuing assistance).

EO Officers

The MCWDB must designate an EO Officer who is responsible for coordinating its obligation under these regulations. The state requires that MCWDB notify the EDD’s Equal Employment Opportunity (EEO) Office whenever the designation of the EO Officer changes.

The Local Area EO Officer’s responsibilities include the following:

- Serving as the liaison with the EDD EEO Office and the Monterey County Equal Opportunity Office;
- Monitoring the MCWDB’s and its subrecipients’ WIOA Title I funded activities and programs;
- Reviewing the MCWDB’s and its subrecipients’ written policies;
- Developing, publishing, and enforcing the MCWDB’s discrimination complaint procedures;
- Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with 29 CFR Section 38.40, and how an individual may file a complaint consistent with 29 CFR Section 38.69;

- Participating in continuing training and education, and ensuring that assigned staff receives 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 process works.

Upon receipt of a complaint, the MCWDB EO Officer will refer investigations to the Civil Rights Officer for Monterey County for investigation, processing, and resolution.

The MCWDB will assign sufficient staff and resources to the EO Officer to ensure compliance with the nondiscrimination and equal opportunity provisions of the WIOA and 29 CFR Part 38. The MCWDB must submit a copy of its EO Officer's position description and organizational chart showing the relationship of the EO Officer to the Local Area Executive Director. Documents are to be mailed to the following address:

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

Or, email to EEOMAIL@edd.ca.gov

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

Attending 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.

Small Recipients and Service Providers

Small recipients and service providers, as defined in 29 CFR Section 38.4, do not need to designate an EO Officer with the full responsibilities as described above, but must designate an individual who will be responsible for the developing and publishing of complaint procedures and the processing of complaints as required by 29 CFR Section 38.72 through 38.75.

Notice and Communication

The MCWDB must provide initial and continuing notice that it does not discriminate on any prohibited basis. Attachment 1 of this directive contains the notice/poster relating to *Equal Opportunity is the Law* along with language highlighting the right to file a complaint under *What to Do if You Believe You Have Experienced Discrimination*. This notice/poster must meet the following criteria:

- Posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient's website pages.
- Disseminated in internal memoranda and other written or electronic communications with staff.
- Included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available.
- Provided to each participant and employee; the notice must be made part of each employee's and participant's file. It must be a part of both paper and electronic files, if both are maintained. (29 CFR Section 38.36[a]).

The notice must be provided in appropriate formats to registrants, applicants, eligible applicants/registrants, and applicants for employment and employees and participants with visual impairments. Where notice has been given in an alternate format to registrants, applicants, eligible applicants/registrants, participants,

applicants for employment and employees with a visual impairment, a record that such notice has been given must be made part of the employee's or participant's file. The notice must be provided in appropriate languages other than English (29 CFR Section 38.36[b])

As it concerns communication, the MCWDB and its subrecipients must indicate that the WIOA Title I-financially assisted program or activity in question is an "equal opportunity employer/program," and that "auxiliary aids and services are available upon request to individuals with disabilities." This must be included on recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper to staff, clients, or the public at large, to describe programs financially assisted under WIOA Title I or the requirements for participation by recipients and participants.

Where such materials indicate that the MCWDB or its subrecipients may be reached by voice telephone, the materials must also provide the TTY number or equally effective communications system, such as a videophone, captioned telephone, or a relay service. The California Relay Service can be reached by dialing 711 or 1-800-735-2922.

Published or broadcast program information in the news media must ensure that such publications and broadcasts state that the WIOA Title I-financially assisted programs or activity in question is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIOA Title I-financially assisted program or activity is prohibited by Federal law) and indicate that auxiliary aids and services are available upon requests to individuals with disabilities.

The MCWDB must not communicate any information that suggests, by text or illustration, that it treats beneficiaries, registrants, applicants, participants, employees or applicants for employment differently on any prohibited basis, except as such treatment is otherwise permitted under federal law or regulation.

During each presentation to orient new participants, new employees, and/or the general public to its WIOA Title I-financially assisted programs or activity, whether this be in person or over the internet or using other technology, the MCWDB and its subrecipients must include a discussion of rights and responsibilities under the nondiscrimination and equal opportunity provisions of WIOA Section 188 and 29 CFR Part 38, including the right to file a complaint of discrimination with the recipient or the Director of the CRC. This information must be communicated in appropriate languages as required in 29 CFR Section 38.9 and in formats accessible for individuals with disabilities as required in 29 CFR Part 38 and specified in Section 38.15.

In California, 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 in their clients' language. 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.

Data and Information Collection and Maintenance

The MCWDB must collect and maintain nondiscrimination data. The system and format in which the records and data are kept must be designed to allow the Governor and the CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with Section 188 of the WIOA and 29 CFR Part 38.

Nondiscrimination data must include, but is not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. The MCWDB must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee. Such information must be kept for a period of not less than three years from the close of the applicable program year, stored in a manner that ensures confidentiality, and must be used only for the purposes of any of the following:

- Recordkeeping and reporting.
- Determining eligibility, where appropriate, for WIOA Title I-financially assisted programs or activities.
- Determining the extent to which the recipient is operating its WIOA Title I-financially assisted program or activity in a nondiscriminatory manner.

- Other use authorized by law.

Any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured (e.g., through password protection).

LEP and Preferred Language Data

As indicated in 29 CFR Section 38.41, "LEP and preferred language" has been added to the list of categories of information that each recipient must record about each applicant, registrant, eligible applicant/registrator, participant, and terminnee. It should be noted that this data collection obligation would not apply to applicants for employment and employees because the obligation as to LEP individuals in 29 CFR Section 38.9 does not apply to those categories of individuals. A recipients' collection of information relates directly to serving (not employing) LEP individuals. For the MCWDB's guidance on serving LEP individuals see WDB Policy 2018_03.

Local Area Complaint Log

The MCWDB must promptly notify the state or CRC when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including LEP), age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in a WIOA Title I-financially assisted program or activity.

The MCWDB must maintain a log of complaints filed with the recipient that allege discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIOA Title I financially assisted program or activity. The log must include the following:

- The name and address of the complainant
- The basis of the complaint
- A description of the complaint
- The date the complaint was filed
- The disposition and date of disposition of the complaint
- Other pertinent information

Information that could lead to identification of a particular individual as having filed a complaint must be kept confidential.

The EDD EEO Office requires a copy of the MCWDB's complaint log annually (each calendar year). The complaint log is to be mailed to the following address:

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

Or, email to EEOMAIL@edd.ca.gov

Affirmative Outreach

The guidelines found in 29 CFR Section 38.40 require the MCWDB to take appropriate steps to ensure that they are providing equal access to their WIOA Title I-financially assisted programs and activities. These steps should involve reasonable efforts to include members of the various groups protected by 29 CFR Part 38 including but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, LEP individuals, individuals with disabilities, and individuals in different age groups. Such efforts may include, but are not limited to, the following:

- Advertising the MCWDB's programs and/or activities in media such as newspapers or radio programs that specifically target various populations.
- Sending notices about openings in the MCWDB's programs and/or activities to schools or community service groups that serve various populations.
- Consulting with appropriate community service groups about ways in which the MCWDB may improve its outreach and service to various populations.

Discrimination Prohibited Based on Disability

In providing any aid, benefit, service, or training under a WIOA Title I-financially assisted program or activity, whether directly or through contractual, licensing, or other arrangements, on the basis of disability, the MCWDB must **not** do any of the following:

- Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, service, or training, including meaningful opportunities to seek employment and work in competitive integrated settings.
- Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefits, services, or training that is not equal to that afforded others.
- Provide a qualified individual with a disability with any aid, benefit, service, or training that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.
- Provide different, segregated, or separate aid, benefit, service, or training to individuals with disabilities, or to any class of individuals with disabilities, unless such action is necessary to provide qualified individuals with disabilities with any aid, benefit, service, or training that is as effective as those provided to others, and consistent with the requirements of the Rehab Act as amended by the WIOA, including those provisions that prioritize opportunities in competitive integrated employment.
- Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards.
- Otherwise limit a qualified individual with a disability in enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, service, or training.

Accessibility Requirements

No qualified individual with a disability may be excluded from participation in, or be denied the benefits of a MCWDB's service, program, or activity or be subjected to discrimination by the MCWDB because its facilities are inaccessible or unusable by individuals with disabilities. Recipients that are subject to Title II of ADA of 1990 must also ensure that new facilities or alterations of facilities that began construction after January 26, 1992, comply with the applicable federal accessible design standards, such as the ADA Standards for Accessible Design (1991 or 2010) or the Uniform Federal Accessibility Standards. In addition, recipients that receive federal financial assistance must meet their accessibility obligations under Section 504 of the Rehab Act and the implementing regulations at 29 CFR Part 32. Some recipients may be subject to additional accessibility requirements under other statutory authority, including Title III of the ADA that is not enforced by the CRC. As indicated in Section 38.3(d) (10), compliance with this part does not affect a recipient's obligation to comply with the applicable ADA Standards for Accessible Design.

All WIOA Title I-financially assisted programs and activities must be programmatically accessible. This includes providing reasonable accommodations for individuals with disabilities, making reasonable modifications to policies, practices, and procedures, administering programs in the most integrated setting appropriate, communicating with persons with disabilities as effectively as with others, and providing appropriate auxiliary aids or services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity. Guidance on both reasonable accommodation may be found in the WDB Policy 18-02 - *Reasonable Accommodation*.

Complaint Processing Procedures

The MCWDB's EO Officer must do the following:

- Develop and publish procedures (including alternative dispute resolution) for resolving allegations 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. (Please note, although the MCWDB does not have the same contractual jurisdiction with vendors as with service providers, the MCWDB 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 MCWDB should continue to utilize the services of the vendor.)
- Establish a logging system to record discrimination complaints.

The MCWDB's complaint processing procedures must specify the following:

- 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 the WIOA may file a written complaint by using the MCWDB Discrimination Complaint Form – (Attachment 2). This form must be used to in an effort to provide more consistent information when processing discrimination complaints from participants of WIOA and Wagner-Peyser funded programs and activities. A representative may also file a complaint on behalf of a person who believes that they have been subjected to discrimination.
- The complaint may be filed either with the MCWDB's EO Officer, Reva G. Bear at 1441 Schilling Place, Salinas, CA 93901 or BearRG@co.monterey.ca.us, or directly with the CRC at DOL, 200 Constitution Avenue N.W., Room N 4123, Washington, D.C. 20210. Per the Equal Opportunity and Civil Rights Policies of Monterey County policy, complaints filed with the MCWDB's EO Officer will be immediately referred to the Monterey County Civil Rights Officer for processing and resolution.
- A complaint filed, pursuant to 29 CFR Section 38.69, 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 the 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 the CRC and does not create a defense for the respondent.
- Complaints must be filed in writing by completing the *Discrimination Complaint Form* (Attachment 2). All complaints must include the following information:
 - Contain the complainant's name, address, or other means of contacting him or her.
 - Identity of the respondent.
 - A description of the complainant's allegation(s) in sufficient detail to allow the CRC or MCWDB's EO Officer, as applicable, to determine whether (1) the CRC or the MCWDB has jurisdiction over the complaint, (2) the complaint was filed timely, and (3) the complaint has apparent merit (i.e., whether the allegation(s), if true, would violate any of the nondiscrimination and equal opportunity provisions of the WIOA).
 - The signature of the complainant or his or her authorized representative.

Both complainant and respondent have the right to be represented by an attorney or other individual of his or her choice.

- An Alternative Dispute Resolution (ADR). The complainant must be offered ADR immediately upon receipt of the complaint. The choice whether to use ADR rests with the complainant. The preferred form of ADR is mediation. Mediation is a voluntary process during which a neutral third party assists both parties (complainant and respondent), their concerns, and comes to an agreement about how to resolve a dispute. The mediator does not make decisions, rule as to who is right or wrong, nor 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 any legal or administrative proceedings.

If the parties do not reach an agreement under ADR, the complainant may file directly with the CRC as

described in 29 CFR Sections 38.69 through 38.72.

A party to any agreement reached under ADR may file a complaint with the CRC in the event the agreement is breached. In such circumstances, the following rules will apply:

- The non-breaching party may file a complaint with the 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 MCWDB

The EO Officer shall issue a written acknowledgement of receipt by the MCWDB of a complaint alleging discrimination by a WIOA Title I recipient and immediately refer the complaint to the Monterey County Civil Rights Officer who shall include a notice of the complainant's right to representation in the complaint process. The EDD EEO 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

Or, email to EEOMAIL@edd.ca.gov

If the complainant elects not to participate in the ADR process, the Monterey County Civil Rights Officer shall investigate the circumstances underlying the alleged complaint.

Conciliation

At any point in the investigation of the complaint, the complainant, respondent, or the Monterey County Civil Rights Officer may request that the parties attempt conciliation. The EO Officer shall facilitate such conciliation efforts.

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 legal binding contract and falls under contract law.

The MCWDB shall be allowed 90 days to issue a Notice of Final Action from the date on which the complaint was filed. If, during the 90-day period, the Monterey County issues a decision that is not acceptable to the complainant, the complainant or his or her representative may file a complaint with the CRC within 30 days after the date on which the complainant receives the Notice.

If the 90 days expire and the complainant does not receive a Notice of Final Action from Monterey County, or Monterey County failed to issue a Notice of Final Action, the complainant or his/her representative may file a complaint with the CRC within 30 days of the expiration of the 90-day period. In other words, the complaint must be filed with the CRC within 120 days of the date on which the complaint was filed with the MCWDB.

The CRC may extend the 30-day time limit if the complainant is not notified, as provided in 29 CFR Section 38.77, or for other good cause shown. The MCWDB and Monterey County Equal Opportunity Office 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 the 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 the CRC within 30 days of receipt of the Notice.

During the resolution process, the Monterey County Civil Rights Officer shall assure that all parties involved are given due process. These due process elements include the following:

- A notice to all parties of the specific charges
- A 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
- A decision made strictly on the evidence on the record

Actions by the CRC

The CRC determines acceptance of a complaint filed pursuant to 29 CFR Section 38.78. When the CRC accepts a complaint for investigation, it shall do the following:

- Notify the MCWDB and the complainant of the acceptance of the complaint for investigation.
- Advise the MCWDB and complainant on the issues over which the CRC has accepted jurisdiction.

The MCWDB, the complainant, or a representative may contact the CRC for information regarding the complaint filed. When a complaint contains insufficient information, the 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 (29 CFR Section 38.79).

In accordance with WIOA Section 183(c), the CRC 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 U.S., at any designated time and place.

Where the CRC lacks jurisdiction over a complaint, the CRC shall do the following:

- Notify the complainant, explaining why the complaint is not covered by the nondiscrimination and equal opportunity provisions of the WIOA or 29 CFR Part 38.
- Refer the complainant to the appropriate federal, state, or local authority, when possible.

The CRC will notify the complainant when a claim is not to be investigated and explain the basis for that determination.

The CRC will refer complaints governed by the Age Discrimination Act of 1975 to mediation as specified in 45 CFR Section 90.43(c)(3).

If the complainant alleges more than one kind of complaint, "joint complaint" (e.g., individual employment discrimination, age discrimination, equal pay discrimination, etc.), the CRC shall refer such joint complaint to the Equal Employment Opportunity Commission for investigation and conciliation under the procedures described in 29 CFR, Parts 1690 or 1691, as appropriate. The CRC will advise the complainant and the MCWDB of the referral.

Under the AJCC 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 the AJCC delivery system, the following procedures apply:

- If the complainant alleges discrimination on a basis that is prohibited both by Section 188 of the WIOA and by a civil rights law enforced by the federal grant making agency, the 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 the basis that is prohibited by Section 188 of the 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 29 CFR Part 38. The CRC will advise

the complainant and the MCWDB of the referral.

The CRC may offer the parties of a complaint the option of mediating the complaint. In such circumstances, the following rules apply:

- Because mediation is voluntary, both parties must consent before the mediation process proceeds.
- The mediation will be conducted under the guidance issued by the CRC.
- If the parties are unable to reach resolution of the complaint through the mediation, the CRC will investigate and process the complaint under 29 CFR Sections 38.82 through 38.88.

After making such a cause finding, the CRC shall issue an Initial Determination. The Initial Determination shall notify the complainant and the MCWDB, in writing, of the following:

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

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

Complaint Determinations

A Letter of Findings, Notice to Show Cause, or Initial Determination issued pursuant to 29 CFR Sections 38.86 or 38.87, 38.88 and 38.89, or 38.90, respectively, must include the steps and the specific time period it will take the MCWDB to achieve voluntary compliance. See Section 38.90 for corrective action steps. Monetary corrective action may not be paid from federal funds.

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

- "Final Determinations," Sections 38.96 through 38.97
- "Breaches of Conciliation Agreements," Sections 38.98 through 38.100
- Subpart E – "Federal Procedures for Effecting Compliance," Sections 38.110 through 38.115

Intimidation and Retaliation are Prohibited

No recipient may discharge, intimidate, retaliate, threaten, coerce, or discriminate against any individual because the individual has filed a complaint alleging any of the following:

- A violation of the 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, exercise of authority under, or exercise of privilege secured by the nondiscrimination and equal opportunity provisions of WIOA or 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.

Governor's Oversight and Monitoring Responsibilities for State Programs

The EDD is responsible for the oversight and monitoring of all WIOA Title I-financially assisted state programs. Consequently, the EDD EEO Office will conduct ANNUAL onsite monitoring reviews of Local Areas. The annual onsite monitoring reviews will ensure that the Local Areas are in compliance with the nondiscrimination and equal opportunity provisions of the WIOA. The EDD EEO Office will determine whether each recipient is conducting its WIOA Title I financially assisted program or activity in a nondiscriminatory way.

Additional Components of the Nondiscrimination Plan

The Nondiscrimination Plan must also include the following:

- A system for determining whether a grant applicant, if financially assisted, and/or a training provider, if selected as eligible under Section 122 of the WIOA, is likely to conduct its Title I-financially assisted

programs or activities in a nondiscriminatory way, and to comply with the regulations in 29 CFR Part 38.

- A review of recipient policy issuances to ensure they are nondiscriminatory.
- A system for reviewing recipients' job training plans, contracts, assurances, and other similar agreements to ensure that they are both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity.
- Procedures for ensuring that recipients comply with the nondiscrimination and equal opportunity requirements of 29 CFR Section 38.5 regarding race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including LEP), age, political affiliation or belief, citizenship, or participation in any WIOA Title I-financially assisted program or activity.
- Procedures for ensuring that recipients comply with the requirements of applicable federal disability nondiscrimination law, including Section 504; Title II of the ADA of 1990, as amended, if applicable; WIOA Section 188, with regard to individuals with disabilities.
- A system of policy communication and training to ensure that EO Officers and members of the recipients' staffs who have been assigned responsibilities under the nondiscrimination and equal opportunity provisions of the WIOA or 29 CFR Part 38 are aware of and can effectively carry out these responsibilities.
- Procedures for obtaining prompt corrective action or, as necessary, applying sanctions when noncompliance is found.
- Supporting documentation to show that the commitments made in the Nondiscrimination Plan have been and/or are being carried out. This supporting documentation includes, but is not limited to, the following:
 - o Policy and procedural issuances concerning required elements of the Nondiscrimination Plan.
 - o Copies of monitoring instruments and instructions.
 - o Evidence of the extent to which nondiscrimination and equal opportunity policies have been developed and communicated as required by 29 CFR Part 38.
 - o Information reflecting the extent to which equal opportunity training, including training called for by 29 CFR Section 38.29(f) and 38.31(f), is planned and/or has been carried out.
 - o Reports of monitoring reviews and reports of follow-up actions taken under those reviews where violations have been found, including, where appropriate, sanctions.
 - o Copies of any notices made under 29 CFR Section 38.34 through 38.40.

ATTACHMENTS:

- 1a. Equal Opportunity is the Law/What to do if You Believe You Have Experienced Discrimination (English)
- 1b. Equal Opportunity is the Law/What to do if You Believe You Have Experienced Discrimination (Spanish)
2. Discrimination Complaint Form
- 3a. Notice for WIOA Program Participant File (English)
- 3b. Notice for WIOA Program Participant File (Spanish)

INQUIRIES

If you have questions please contact staff at (831) 796-6434. This policy is posted on the WDB website located at: www.montereycountywdb.org/policies/

CHRIS DONNELLY, Executive Director
Monterey County Workforce Development Board

REASONABLE ACCOMMODATION AND MODIFICATION FOR INDIVIDUALS WITH DISABILITIES POLICY AND GUIDANCE

EXECUTIVE SUMMARY

The following information provides direction in the processing of reasonable accommodation requests and outlines the definition of disability and procedures for the provision of 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.

REFERENCES

Americans with Disability Act of 1990 (ADA) (Public Law 101-336), WIOA (Public Law 113-128) Section 188, and 29 Code of Federal Regulations (CFR), Part 38

BACKGROUND

The nondiscrimination and equal opportunity provisions found in Section 188 of WIOA and 29 CFR Part 38 prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medication conditions, transgender status, and gender identity), national origin (including LEP), age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title I-financially assisted program or activity.

PROCEDURAL GUIDANCE

Definition:

Recipient is any entity, contractor, service provider that receives WIOA Title I financial assistance.

Reasonable Accommodation

With regard to any aid, benefit, service, training, and employment, a recipient must provide reasonable accommodations 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. For more information on what would constitute undue hardship as it relates to a reasonable accommodation of individuals with disabilities, please see the definition of "undue burden or undue hardship" found in 29 CFR Section 38.4(rrr) (1).

Reasonable Modification

With regard to any aid, benefit, service, training, and employment, a recipient must also 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 service, program, or activity, which would constitute a fundamental alteration. For more information, see the definition of "fundamental alteration" found in 29 CFR Section 38.4(z).

In those circumstances where a recipient believes that the proposed accommodation would cause undue hardship, or the proposed modification would fundamentally alter the program, the recipient has the burden of proving that compliance with this section would result in such hardship and alteration. The recipient must make the decision that the accommodation would cause such hardship or result in such alteration only 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 recipient's reasons for reaching the conclusion. The recipient must provide a copy of the statement of reasons to the individual(s) who requested the accommodation or modification. If a requested accommodation would result in undue hardship or a modification would result in a fundamental alteration, the recipient must take any other action that would not result in such hardship or such alteration but would nevertheless ensure that individuals with disabilities receive the aid, benefits, services, training or employment provided by the recipient.

Communications with Individuals with Disabilities

In addition, a recipient must take appropriate steps to ensure that communications with individuals with disabilities, such as beneficiaries, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, members of the public, and their companions are as effective as communications with others.

Reasonable Accommodation Policy and Procedure Guide

A Reasonable Accommodation Policy and Procedure Guide (Attachment 1) should be used when processing reasonable accommodation requests. This document contains two sections: (1) provides general guidance and definitions for use when processing reasonable accommodation requests, and (2) provides step-by-step instructions on how to process these requests. Recipients that are Monterey County agencies would use the Monterey County Reasonable Accommodation Policy, which may be found at: <http://www.co.monterey.ca.us/government/departments-a-h/equal-opportunity-office/reasonable-accommodation>

Service Animals

Generally, a recipient shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability.

Mobile Aids and Devices

A recipient must permit individuals with mobility disabilities to use wheelchairs and manually powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities, in any areas open to pedestrian use.

A recipient must make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the recipient can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the recipient has adopted. be developed by an appropriate entity, such as the local Workforce Development Board, economic development agency, a qualified consultant/educational entity, or other valid public use quality source of labor market information.

ATTACHMENTS:

1. Reasonable Accommodation Procedures
2. Reasonable Accommodation Request form

INQUIRIES

If you have questions please contact staff at (831) 796-6434. This policy is posted on the WDB website located at: www.montereycountywdb.org/policies/

CHRIS DONNELLY, Executive Director
Monterey County Workforce Development Board

LIMITED ENGLISH PROFICIENCY POLICY AND GUIDANCE

EXECUTIVE SUMMARY

The following information provides guidance and establishes procedures for ensuring access to services for individuals with LEP. This policy addresses entities that receive financial assistance under Title I of WIOA, subrecipients of such funding (including service providers), and programs and activities that are part of the America's Job Center of California (AJCC) system. This policy Supersedes WDB Policy: 2005-07.

REFERENCES

WIOA (Public Law 113-125) Section 188, Title 29 Code of Federal Regulations (CFR), Part 38, and Workforce Services Directive (WSD) 17-03 (August 11, 2017).

BACKGROUND

The nondiscrimination and equal opportunity provisions found in Section 188 of WIOA and 29 CFR Part 38 prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medication conditions, transgender status, and gender identity), national origin (including LEP), age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title I-financially assisted program or activity.

Monterey County has a very diverse population of limited English proficient individuals. According to the 2011-2015 American Community Survey (ACS) 5-Year Estimates, of the total population of people ages five years and older, 53.6 percent speak a language other than English at home. Over 46 percent of individuals indicated Spanish as the primary language spoken with 26.2 percent reported that they spoke English less than "very well". For citizens who are 18 years and older, 35 percent speak a language other than English at home and 27.5 percent indicated Spanish as the primary language spoken. These characteristics and percentages are important to keep in mind as the AJCC delivery system and partners consider the provision of services offered to individuals with limited English proficiency challenges.

PROCEDURAL GUIDANCE

This policy seeks to establish procedures regarding the prohibition against national origin discrimination as it affects persons with Limited English Proficiency (LEP) and also to outline how the AJCC delivery system will serve these special populations.

Definitions

Babel Notice – a short notice included in a document or electronic medium (e.g. web site, "app," email) in multiple languages informing the reader that the communication contains vital information, and explaining how to access language services to have the contents of the communication provided in other languages (29 CFR Section 38.4[i]).

Employment-related training – training that allows or enables an individual to obtain skills, abilities and/or knowledge that are designed to lead to employment (29 CFR Section 38.4[t]).

LEP individual – an individual whose primary language for communication is not English and who has a limited ability to read, speak, write, and/or understand English. An LEP individual may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing) (29 CFR Section 38.4[hh]).

Meaningful Access – Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English proficient individuals.

Primary language – An individual's primary language is the language in which an individual most effectively communicates, as identified by the individual.

Reasonable Steps to Ensure Meaningful Access for LEP Individuals

WIOA Title I service providers are required to take reasonable steps to ensure that LEP individuals have meaningful access to their programs and activities. Reasonable steps may include, but are not limited to, the following:

- Conducting an assessment of an LEP individual to determine their language assistance needs;
- Providing oral interpretation or written translation of both hard-copy and electronic materials, in the appropriate non-English languages, to LEP individuals; and
- Conducting outreach to LEP communities to improve service delivery in needed languages.

(29 CFR Section 38.9[b][1])

Reasonable steps for providing meaningful access to training programs may include, but are not limited to the following:

- Written training materials in appropriate non-English languages by written translation, or by oral interpretation, or summarization; and
- Oral training content in appropriate non-English languages through in-person or telephone translation.

(29 CFR Section 38.9[b][2][i][ii])

Furthermore, service providers should ensure that every program delivery method, whether it be in person, electronic, or by phone, conveys in the appropriate language how an LEP individual may effectively learn about, participate in, and/or access any aid, benefit, service, or training available to them. It should also be noted that as new methods for the delivery of information or assistance are developed, service providers are required to take reasonable steps to ensure that LEP individuals remain able to learn about, participate in, and/or access any aid, benefit, service, or training available to them (29 CFR Section 38.9[c]).

Language Assistance Services

Language assistance generally comes in two forms:

1. oral interpretation; or
2. written translation.

Service providers must ensure that above all, these services are free of charge and provided in a timely manner. An LEP individual must be given adequate notice about the existence of interpretation and translation services and that they are available free of charge. Language assistance will be considered timely when it is provided at a place and time that ensures equal access and avoids the delay or denial of any aid, benefit, service, or training (29 CFR Section 38.9[d] and [e]).

Interpreter Services

WIOA Title I service providers shall not require an LEP individual to provide their own interpreter. Furthermore, service providers shall not rely on an LEP individual's minor child or adult family or friend to interpret or facilitate communication, except for the following circumstances:

- In emergency situations while awaiting a qualified interpreter.

- When the information conveyed is of minimal importance to the services to be provided.
- When an LEP individual specifically requests that an accompanying adult provide language assistance and they agree to provide assistance to the individual.

If a service provider permits an accompanying adult to serve as an interpreter for an LEP individual, it must make and retain a record of the LEP individual's decision to use their own interpreter. Finally, where precise, complete, and accurate interpretations or translation of information and/or testimony are critical for adjudicatory or legal reasons, service providers can still provide their own, independent interpreter, even if an LEP individual wants to use their own interpreter as well. This also applies in cases where the competency of the interpreter requested by the LEP individual is not established (29 CFR Section 38.9[f]).

Vital Information

Based on demographic analysis, Spanish is the only language spoken by a significant portion of local area population eligible to be served or likely to be encountered. Therefore, WIOA Title I service providers must translate vital information in written materials into Spanish. These translations must in turn be readily available upon request in hard copy or electronically. Written training materials offered or used within employment-related training programs (see definitions section) are excluded from these translation requirements. However, in all cases, service providers must take reasonable steps to ensure meaningful access for LEP individuals.

For languages not spoken by a significant portion of the population eligible to be served or likely to be encountered, service providers must take reasonable steps to meet the particularized language needs of LEP individuals who seek to learn about, participate in, and/or access the aid, benefit, service or training that is available to them. Vital information may be conveyed orally if not translated.

WIOA Title 1 services providers must also be sure to include a Babel Notice, indicating that language assistance is available in all communications of vital information. This includes letters or decisions in hardcopy or electronic formats (29 CFR Section 38.9[g]).

AJCC System Delivery of Services to Limited English Proficient Individuals

The following describes how the AJCC delivery system will serve these special populations including individuals with limited English speaking ability.

1. During the initial orientation and intake process, all participants will be asked to self-identify special needs and/or requirements to determine eligibility and priority of service.
2. An intake assessment is used to assess the language and or accessibility needs, and reasonable steps to ensure meaningful access by limited English proficient participants to services.
3. Service providers also administer the Comprehensive Adult Student Assessment System (CASAS) which helps to identify basic skills deficiencies. The results are reviewed and used to assure appropriate services are coordinated and provided to participants.
4. AJCC partners will work with participants to assess customers in need of remedial educational services, including services designed to improve literacy and numeracy. Staff assigned will help develop a service strategy, to set career goals and objectives which culminate into gainful and sustainable employment using a comprehensive assessment known as the Individual Employment Plan (IEP).
5. The IEP development process will evaluate the participant's employment barriers, while taking into account the participant's family situation, work history, education, occupational skills, financial resources and needs, supportive service needs, interests and aptitudes.
6. Individuals that are eligible for training are required to complete a series of ACT WorkKeys® assessments. Based upon the testing results, participants are either referred to ACT Career Ready 101 for online remediation training or referred to an Authorized ACT WorkKeys® location to complete further assessments. ACT WorkKeys® assessments coupled with the ACT Career Ready 101 online remediation training enable the AJCC counselors to assist adult basic education students to

successfully transition to postsecondary education, training or employment and reduce the time students spend in remediation.

7. Referral to partners that offer educational programs in Spanish.

INQUIRIES

If you have questions please contact staff at (831) 796-6434. This policy is posted on the WDB website located at: www.montereycountywdb.org/policies/

CHRIS DONNELLY, Executive Director
Monterey County Workforce Development Board

SELECTIVE SERVICE REGISTRATION POLICY AND GUIDANCE (DRAFT)

EXECUTIVE SUMMARY

The purpose of this policy is to provide guidance regarding the Selective Service registration requirements for participation in Workforce Innovation and Opportunity Act (WIOA) funded services. Additionally, this policy contains model questions for WIOA staff to determine whether failure to register by a current or potential WIOA participant was knowing and willful.

REFERENCES

WIOA Section 189(h)

Additional information regarding registration requirements can be found on the Selective Service website at www.sss.gov.

BACKGROUND

Males who are subject to the registration requirements of the Military Selective Service Act must have complied with these requirements to be eligible for participation in WIOA funded programs and services. Under WIOA Section 189(h), the U.S. Secretary of Labor is required to ensure that each individual participating in a WIOA program, or receiving any assistance under WIOA Title I, has not violated Section 3 of the Military Selective Service Act. This section requires that every male citizen and every other male residing in the United States must register with Selective Service between their 18th and 26th birthday.

PROCEDURAL GUIDANCE

Military Selective Service registration requirements (males only).

- WIOA requires males to comply with Selective Service registration requirements prior to participation in WIOA funded programs.
- Local areas must ensure that each applicable male that participates in any local program or activity established under WIOA, or receives any assistance or benefit under WIOA, has not knowingly and willfully failed to register. Services must be denied to a male applicant 26 years or older if it is determined that he knowingly and willfully failed to register. However, when it can be determined that the applicant did not knowingly or willfully fail to register, he can be considered for participation.
- Males born on or after January 1, 1960, and at least 18 years of age, who are not in the armed services on active duty, must be registered for the Selective Service. A youth who becomes 18 years of age while participating in a WIOA program must register within 30 days of his 18th birthday. If a youth fails to register within 30 days of his 18th birthdate, WIOA-funded service will discontinue.
- Occasionally, males who were subject to Selective Service registration, but did not register and are now beyond their 26th birth date, apply for assistance from the WIOA program.

Determining whether an individual knowingly and willfully failed to register:

If the individual was required but failed to register with the Selective Service, the service provider that enrolls individuals in WIOA-funded activities is the entity responsible for evaluating the evidence presented by the individual and determining whether the failure to register was knowing and willful.

Documentation evidence presented may include the individual's written explanation and supporting documentation of his circumstances at the time of the required registration and the reason(s) for failure to register. The individual should be encouraged to offer as much evidence, and in as much detail as possible, to support his case.

The following are examples of documentation that may be of assistance in making a determination:

1. Evidence that a male has served honorably in the U.S. Armed Forces such as a Form DD-214 or his Honorable Discharge Certificate.
2. Third Party Affidavits. Affidavits from parents, teachers, employers, doctors and others concerning reasons for not registering may help grantees in making determinations in cases regarding willful and knowing failure to register.

Model Questions - In order to establish consistency regarding the implementation of the requirement, Monterey County Workforce Development Board (MCWDB) will consider the following questions as a model when determining whether a failure to register is knowing and willful. In determining whether the failure was "knowing," authorized organizations should ask:

- Was the individual aware of the requirement to register?
- If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him (e.g. veterans who were discharged before their 26th birthday and were occasionally told that they did not need to register)?
- On which date did the individual first learn that he was required to register? ○ Where did the individual live when he was between the ages of 18 and 26?
- Does the status information letter indicate that Selective Service sent letters to the individual at that address and did not receive a response?

- In determining whether the failure was “willful,” authorized organizations should ask: - Was the failure to register done deliberately and intentionally?
 - Did the individual have the mental capacity to choose whether or not to register and decided not to register?
 - What actions, if any, did the individual take when he learned of the requirement to register?

Finally, a participant’s claim of ignorance (e.g. “I did not know...”) regarding Selective Service registration requirements should not suffice as enough evidence to make a determination if his failure was knowing and willful. Ask him for more evidence to support his claim. If an authorized staff person determines that an individual’s failure to register with the Selective Service was not knowing and willful and the individual is otherwise eligible, services may be provided. However, if the authorized staff person determines that evidence shows that the individual’s failure to register was knowing and willful, WIOA services must be denied. Individuals denied services must be advised of available WIOA grievance procedures and documentation related to evidence presented in determinations on Selective service must be kept in participant files.

INQUIRIES

If you have questions, please contact staff at (831) 796-6434. This policy is posted on the WDB website located at: www.montereycountywdb.org/policies/

CHRIS DONNELLY, Executive Director
Monterey County Workforce Development Board



WIOA – TITLE I POLICY

Effective Date: April 4, 2018
Supersedes WDB Policy #2005-05



Policy # 2018-05

SUPPORTIVE SERVICE POLICY AND GUIDANCE (*DRAFT*)

EXECUTIVE SUMMARY

This policy addresses the use of Workforce Innovation and Opportunity Act (WIOA) Title I funds for supportive services to eligible participants enrolled in the WIOA Adult, Dislocated and Youth programs.

This policy includes documentation requirements to show that the supportive service is allowable, reasonable and not otherwise available to the participant.

This policy is intended to:

- assist participants with important supportive services needs to enable them to fully participate in WIOA services
- allow a streamlined process of approval and reimbursement;
- enable accurate and timely tracking of expenditures;
- be relevant across all funding sources; and
- provide guidelines for staff in working with participants
- includes allowable supportive services and its supporting documentation, which is described in –
 - ✦ Appendix A: Approved Supportive Services Guide of Miscellaneous/Emergency Items. This supportive service items list represents the most common obstacles to a participant's training and/or job search success.

REFERENCES

WIOA Public Law: <https://www.gpo.gov/fdsys/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf>

WIOA Final Regulations: https://www.doleta.gov/wioa/Final_Rules_Resources.cfm

The Monterey County Workforce Development Board is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities

BACKGROUND

WIOA provides supportive service guidelines for WIOA eligible adult and dislocated workers and youth participants. Supportive services are provided to eligible WIOA adults, dislocated workers and youth when the supportive service will assist the participant in helping remove barriers with the intent to help participant reach his/her employment and training goals.

PROCEDURAL GUIDANCE

Supportive Services may be provided to eligible WIOA participants who are:

1. Enrolled in WIOA Career services (Individualized, and Training Services), or
2. Have exited and need post-program supportive services as follow-up services (for up to 12 months after exit) (See SECTION V. Appendix B: Approved Supportive Services in Follow-up) AND
3. Unable to obtain supportive services through other programs providing such services. WIOA supportive services are limited and must be coordinated and leveraged with other community resources. In every instance of providing supportive services, staff must ensure that no other resource exists or that the need is so urgent that referrals to other resources would delay the provision of the support service and create a hardship to the participant.

Supportive Service Outline

Services Available	Total Amount Available
All eligible participants	\$1000

SUPPORTIVE SERVICES REQUIREMENTS

The availability of and referral to supportive services is one of the core services that must be made available to adults and dislocated workers through the America's Job Center delivery system and must be made available to all eligible WIOA participants based on demonstrated need. Under no circumstances should a WIOA enrolled participant be denied supportive services without the documented concurrence of a supervisor or manager.

The following requirements and conditions must be adhered to for any supportive service to be approved. Noncompliance will result in disallowable costs related to the specific supportive service request.

Allowable Supportive Services:

1. The primary criterion for a participant's eligibility to receive supportive service funds is enrollment in a WIOA activity.
2. The scope of services will be limited by the availability of funds and specific cost and time limitations established in this policy . All supportive services are contingent upon available funding and approval.

3. Supportive services shall be provided based on an evaluation of a participant's level of need as outlined in case notes and Individual Employment Plan for participants in the Adult and Dislocated Worker Program and Individual Services Strategy for participants in the Youth Program.
4. Receipts for supportive service requests must be submitted within 30 days of purchase.
5. Supportive services must be requested and approved prior to expending or directing a participant to expend funds and cannot be expended and/or reimbursed prior to enrollment into WIOA, to WDB Fiscal Manager for payment.
6. The dollar amounts listed are not an entitlement and as such, the participant must be in compliance with program requirements, including active participation in WIOA services.
7. Lifetime cap – If a participant exhausts the Supportive Service funds, the participant is no longer eligible for supportive services.

Disallowed Supportive Services:

1. WIOA funds cannot be used to pay fines incurred for breaking the law (i.e. speeding or DUI tickets), penalties (i.e. late fees or DMV penalties) or a down payment or contracted payment on an automobile, real property or interest.
2. The participant claiming a need for supportive services must live in the service delivery area: The locations served are Salinas, Monterey, Marina, King City, Castroville, Sand City, Greenfield, Gonzales, Soledad, and the unincorporated areas of Monterey County.
3. Only under extenuating circumstances will supportive service requests for participants residing outside of the service-delivery area be reviewed and approved by an administrative staff. Detailed case notes by staff will be required to justify providing such a service.

Training Related Supportive Services:

1. Satisfactory performance which is defined as a participant who while in training related activities (this does not include workshops) must adhere to an attendance policy of 100% of the total instructional hours on a monthly basis. **AND**
2. Maintain satisfactory academic progress in their program of training. In the event that satisfactory academic progress does not occur, the participant must understand and agree that they will not be entitled to supportive services.

DOCUMENTATION AND APPROVAL

The following procedures provide the general framework for the supportive service process. Service provider administration may authorize exceptions to these procedures on an individual basis.

Determination of Need:

It is the responsibility of service provider staff to determine if the participant is in need of supportive services. In addition:

1. There has to be justification to support the expenditure. Entry of the appropriate supportive service activity codes must be entered in CalJOBS and detailed case notes must contain information that supports the request.

2. Receipts must be submitted within 30 days of purchase.
3. All supportive service activities and expenditures must be tracked in the supportive service log maintained by the assigned service provider staff.
4. Participants must be in the program for at least 2 months with active participation in WIOA services which includes but not limited to --
 - Currently enrolled in Training related activities
 - Active Job Search: Case Notes need to demonstrate active job search. It is the responsibility of the staff authorizing the supportive service request to determine active job search activities.
 - Staff must confirm attendance and satisfactory performance prior to reimbursement –

Approval Process:

1. Service provider staff will authorize supportive services payments and submit the payment request along with the Final Supportive Service paperwork and necessary back-up documentation for approval to MCWDB Finance Department (Note: Check disbursements usually take up to 30 days after submittal.) Service Provider designated staff will pick up the checks from the MCWDB Finance Dept.
2. MCWDB finance staff will review the request in its entirety, ensuring that all the necessary conditions for approval have been satisfied. In the event that **all** conditions as stated in the Policy are not completed the finance staff will return the request to the respective staff member. Once the request has been approved, an obligation record is created. (Note: The respective staff will be able to continue to request payments for supportive services as long as the cap and overall approved budget has not been exhausted.

Documentation: (see Appendix A for details)

All supportive service requests will need the following supporting documents:

1. Activity codes in CalJOBS
2. Supportive Service Case Note/s
3. Original Receipt/s
4. Other supporting documentation (If applicable)

INQUIRIES

If you have questions please contact staff at (831) 796-6434. This policy is posted on the WDB website located at: www.montereycountywdb.org/policies/

CHRIS DONNELLY, Executive Director
Monterey County Workforce Development Board

Appendix A: Approved Supportive Services Itemized List

Miscellaneous Item Description	Allowable Amount(s)	Required Documentation for Finance (receipts are required for all items)	CalJOBS Activity Codes
Books, Software <ul style="list-style-type: none"> As needed per course syllabus 	Up to \$500		326
California Department of Motor Vehicles <ul style="list-style-type: none"> DMV Printout, Smog check 	Free with CalJOBS Order OR prevailing state fee	<ul style="list-style-type: none"> Three (3) quotes are required for all car repair SUS Requests Valid car registration 	185 (other)
Car Repair <ul style="list-style-type: none"> Emergency Repairs/Replacements Emergency Tire Replacement (only used tires will be approved) 	Up to \$350 Up to \$200		185 (other)
Clothing & Uniforms <ul style="list-style-type: none"> Interview Clothing, Uniforms, Shoes, Work Boots Based on training and job search needs 	Up to \$200 <ul style="list-style-type: none"> Maximum \$75 per interview clothing and shoes 	For participants in ETPL and OJT <ul style="list-style-type: none"> Itemized list of necessary items must be provided by the school These items are deemed necessary for successful completion of the training program and placement 	188
Fingerprinting, Background, and Drug Screening for Employment or Training	Usual and customary fee		185 (other)
Haircuts Once a month	Up to \$30/month, \$150		185 (other)
Identification Birth Certificates, California Driver's License/ID	Prevailing State/County Fee		185 (other)
Immunization For Employment or Training	Prevailing Fee		185 (other)
Tools and Supplies <ul style="list-style-type: none"> For Employment and Training Office Supplies, Ink Cartridges 	Up to \$350 <ul style="list-style-type: none"> Maximum \$150 for tools 	<ul style="list-style-type: none"> Tool reimbursements requires Employer Offer Letter 	188
Professional Development Fees <ul style="list-style-type: none"> Testing, Credentials, Licenses, Certifications 	Prevailing initiation fee. Up to \$500	<ul style="list-style-type: none"> Exam Fees will only be reimbursed after proof of passing and/or Certification of Completion 	186 and 191
Toiletries <ul style="list-style-type: none"> ONLY COVERS THE FOLLOWING: Toothbrush, cap, tooth cleaner, floss, razor, blades, shaving oil/cream, comb and/or hairbrush, 	Up to \$25 per month		185 (other)

shampoo, bar soap, deodorant			
Transportation <ul style="list-style-type: none"> • Monthly Bus Pass, Gasoline Reimbursement • Prevailing public or non-profit transportation rate; gasoline reimbursement equivalent to buss pass rate 	Up to \$200 per month for gasoline reimbursement	<ul style="list-style-type: none"> • Eligible while in training and up to 3 months after training is successfully completed • Gas receipts must be reviewed thoroughly to ensure transportation need and provide case note justification 	181
Medical Services/Vision As required to attending training or to obtain/retain employment	Maximum \$125 for single vision lenses and \$150 for bifocals \$150 Lifetime cap		182

Appendix B: Approved Supportive Services Itemized List

Miscellaneous Item Description	Allowable Amount(s)	Required Documentation for Finance (receipts are required for all items)	CalJOBS Activity Codes
Transportation	\$200	Gasoline/Bus Pass Receipts	F12
Work Related Uniforms/Attire	\$200	Employer Letter/Receipts	F13
Work Related Tools	\$200	Employer Letter/Receipts	F14

MEMORANDUM

TO: WORKFORCE DEVELOPMENT BOARD

FROM: CHRISTOPHER DONNELLY, EXECUTIVE DIRECTOR

SUBJECT: CONCUR WITH THE MARCH 7, 2018 EXECUTIVE COMMITTEE'S RECOMMENDATION TO APPROVE THE REQUEST FOR PROPOSAL SELECTION COMMITTEE'S RECOMMENDATION OF COUNCIL FOR ADULT AND EXPERIENTIAL LEARNING AS THE COASTAL REGION HEALTHCARE PARTNERSHIP PLAN CONTRACTOR, MOVE TO THE WORKFORCE DEVELOPMENT BOARD AND FORWARD TO THE BOARD OF SUPERVISORS FOR FINAL APPROVAL

DATE: APRIL 4, 2018

RECOMMENDATION:

It is recommended that the Monterey County Workforce Development Board concur with the March 7, 2018 Executive Committee's recommendation to approve:

1. Council for Adult and Experiential Learning as the Contractor for the Coastal Region Healthcare Partnership Plan from March 7, 2018 to May 30, 2018.
2. Direct WDB staff to forward a contract with CAEL in the amount of \$75,000 for Professional Services for the HSPP to the Monterey County Board of Supervisors for approval.

BACKGROUND:

On January 26, 2018, the Monterey County Workforce Development Board MCWDB released a Request for Proposals to seek qualified and interested consultants for the Coastal Region Healthcare Sector Partnership Plan, funding for this RFP will be provided by the California workforce Development Board Regional Healthcare Apprentice and Credentialing grant for \$75,000 for the successful applicant.

MCWDB issued this Request for Proposals on behalf of the Coastal Region Workforce Development Boards (Santa Barbara, San Luis Obispo, Santa Cruz and Monterey Counties) to interested and qualified applicants with experience in carrying out regional, sub-regional and local (county) workforce skills analysis including both workforce knowledge and skills needs, workforce development activities (including education and training), industry sector/cluster analysis and occupational analysis based on career pathways/apprenticeships within a targeted industry clusters (Healthcare). The contract term will be March 7, 2018 to May 31, 2018.

RFP Process

Below is the solicitation timeline:

- RFP released January 26, 2018 with a submittal deadline February 20, 2018;
- Three proposals were submitted for evaluation from Chmura Economics, Council for Adults and Experiential Learning and BW Research.
- The four-person Selection Committee convened. The Selection Committee was comprised of workforce development professionals from the Coastal Region, selected based on their experience managing, overseeing, and partnering Sector Based Studies and reports.
- Proposals were evaluated on five criteria, with 100 maximum points possible. Each section's allowable points were distributed across a scale, with higher scores based upon the level of specificity, analysis, and detail provided about the responder's strategies and experience.

RFP Section	Possible Points	Vendor 1	Vendor 2	Vendor 3
The Project Management Plan	10	8.25	8.75	9
Coastal Region Healthcare Sector Analysis	30	25.375	20	16.875
Preparation of a healthcare pre-apprentice and apprentice program concept paper	20	19	16.625	12
Healthcare Sector Partnership Plan	30	25.625	23.75	18.5
Budget	10	9.25	9.5	10
Total Score	100	87.75	85	66.375

Selection Committee Recommendation:

The Selection Committee recommends that Council for Adult and Experiential Learning be awarded the contract for the Healthcare Sector Partnership Plan.

Vendor Qualifications:

With over 50 years of experience in Workforce and Economic Development, CAEL has provided systemic, evidence based, and on the ground strategic consulting and facilitation in more than 150 urban and rural communities.

The consultant’s depth of experience covers the following areas necessary for this project:

- Extensive experience in developing work and economic strategy. Has access to national and cross industry best practices in building sector-driven workforce development plans.
- Experienced in initiating, facilitating, evaluation, and sustaining collaborations.
- Extensive experience in the region, having done work in 2016-2017 with consortia of workforce, economic development and education partners in the Monterey Bay Region.

Has implemented regional sector strategies in healthcare.

Scope of Work: Healthcare Sector Partnership Plan

Stakeholder Identification: Contractor will work with coastal area chambers of commerce, economic development authorities and will use available Labor Market tools (such as: EMSI, JobsEQ and the CA. Employment Development Department Labor Market Information Division) to identify additional healthcare employers, beyond those who have committed to the *Slingshot Project*, who are willing to participate in the coastal area health care planning effort.

Convening Healthcare Sector Partners:

Contractor shall identify, convene and coordinate employers, educational institutions, service providers, and other relevant partners and stakeholders. CRWDB healthcare sector identified partners to develop a Healthcare sector partnership plan (HSPP) for the coastal region workforce development areas; Contractor shall coordinate meetings and perform other support functions, as required, to successfully implement healthcare sector partnerships; and Contractor will utilize productivity and modeling analytical tools.

HealthCare Sector Partnership Plan Development:

- Contractor shall develop a Project Management Plan to include schedules and deliverables for tasks, including timeframes for review with the WDB as well as outlines for deliverable documents, including data collection strategies, for review and approval from the WDB;
- Contractor shall develop a Stakeholder Engagement Plan to identify key stakeholders from partner agencies, local governments, the business community, and healthcare employers to include in the HSPP process;
- Contractor shall conduct a Coastal Region Healthcare Sector Analysis for the Coastal Region. This analysis will serve as the basis for the HSPP; Contractor shall prepare and provide the WDB with a healthcare pre-apprentice and apprentice **program concept** for the coastal region.
- Contractor shall prepare an CRWDB HSPP, based on items 1-4 above to serve as the guiding document for workforce development activities in the healthcare sector in the coastal region.

MEMORANDUM

TO: WORKFORCE DEVELOPMENT BOARD

FROM: CHRISTOPHER DONNELLY, EXECUTIVE DIRECTOR

SUBJECT: CONCUR WITH THE MARCH 7, 2018 EXECUTIVE COMMITTEE'S RECOMMENDATION TO APPROVE SUBMISSION OF A REQUEST TO TRANSFER \$200,000 IN WIOA TITLE I FORMULA FUNDS FROM DISLOCATED WORKER TO ADULT PROGRAMS FROM SECOND ROUND ALLOCATION FOR PROGRAM YEAR 2017-18 TO THE STATE EMPLOYMENT DEVELOPMENT DEPARTMENT FOR APPROVAL

DATE: APRIL 4, 2018

RECOMMENDATION:

It is recommended that the Workforce Development Board concur with the March 7, 2018 Executive Committee's to approve submission of a request to transfer \$200,000 in Workforce Innovation and Opportunity Act (WIOA) Title I formula funds from Dislocated Worker to Adult Programs from Second Round Allocation for Program Year 2017-18 to the State Employment Development Department (EDD) for approval.

INFORMATION:

In order to maximize customer service and provide local Workforce Development Boards (LWDB) with greater flexibility to respond to changes in the local labor markets, the WIOA allows the transfer of funds between Adult and Dislocated Worker Programs. The Dislocated Worker allocation continues to be underutilized and the Adult program continues to see more customers coming in daily that are seeking services for Individual Training Account (ITA) classroom training opportunities. Additionally, this year there was significant carryover of ITAs in process which used up a significant portion of the Adult First Round allocation more quickly than anticipated. Although there has been an increase in the number of WARN and Layoff Notices it is anticipated that moving the \$200,000 will ensure an ample amount of funding remains in the Dislocated Worker allocation.

In order to move funding allocations from one source (Adult) to another (DW) there must also be a transfer to the number of individuals to be served in each allocation.

	2017-18 Allocation <i>2nd Round Transfer Request</i>	
	Adult	DW
Table 1 Participants planned vs. actual		
1. Registered participants carried in	111	33
2. New registered participants	258	200
3. Total registered participants (Line 1 plus 2)	369	233
4. Exits	221	163
5. Registered participants carried out (Line 3 minus 4)	148	70
Table 2 Funding		
Formula Allocation (Round 2)	1,490,841	1,700,742
Prior Adjustments - Plus or Minus (Rescission)	(10,209)	(11,647)
Amount to be Transferred	200,000	(200,000)
Total Funds Available	\$1,680,632	\$1,489,095

Requirements:

- As per EDD Workforce Services Directive #WSD15-23, transfer requests can now be submitted anytime during the two-year life of the funds.
- LWDBs must submit transfer requests in writing to the appropriate State of CA EDD Regional Advisor. All requests must contain the reason(s) for the transfer, including effects on local services and proposed changes to the local plan, if any.
- To complete the transfer request, three documents must be submitted to the State of CA EDD to include the transfer request form, and participant and budget summary plan based on the new transfer amounts.

MEMORANDUM

TO: WORKFORCE DEVELOPMENT BOARD

FROM: CHRISTOPHER DONNELLY, EXECUTIVE DIRECTOR

SUBJECT: PRESENT INFORMATION ON THE JOB CENTER DEVELOPMENT PROGRAM WITH THE VETERANS TRANSITION CENTER OF MONTEREY COUNTY

DATE: APRIL 4, 2018

INFORMATION:

Kurt Schake, Executive Director of the Veterans Transition Center, will provide information about the Job Development Center services provided by the Veterans Transition Center.

Job Development Center:

Increasing skills and helping Veterans become employment-ready is crucial to become active members of the community. Our new expansion will assist 100 Veteran per year, provide training areas, classes, skills assessments, and other tools that will help a Veteran succeed.

Through our VET+PREP! program, VTC currently offers assistance with job placement, quarterly job fairs, job skills training, and skills assessment. Upon entering the program, all Veterans are assessed and are provided with an Individualized Service Plan, taking into consideration their specific skill set, interests, and past employment experience. From there, they are provided with assistance in job interview training, resume writing, and job skills classes. Other services provided by VET+PREP! include basic skills and literacy workshops; remedial education and GED assistance; life skills and financial literacy workshops; classroom and vocational workshops; employment uniform and equipment subsidies; specialized and/or certification courses, and other formal training programs deemed appropriate to benefit the Veteran.

MEMORANDUM

TO: WORKFORCE DEVELOPMENT BOARD

FROM: CHRISTOPHER DONNELLY, EXECUTIVE DIRECTOR

SUBJECT: AUTHORIZE THE EXECUTIVE DIRECTOR TO SIGN FUTURE WIOA AND NON-WIOA FUNDED CONTRACTS, LIMITED TO \$45,000 OR LESS, FOR A TERM OF ONE YEAR, PLUS UP TO 3 ONE-YEAR EXTENSIONS, TO A MAXIMUM OF FOUR (4) YEARS TOTAL SO LONG AS THE \$45,000 CAP IS NOT EXCEEDED

DATE: APRIL 4, 2018

RECOMMENDATION:

It is requested that the Workforce Development Board consider and delegate the following contractual authority to the Executive Director and thereafter obtain the approval of the Chief Elected Official to the delegation:

- Authorize the Executive Director to sign future WIOA and non-WIOA-funded contracts of \$45,000 or less, for a term of one year, plus up to 3 one-year extensions, to a maximum of four (4) years total, so long as the \$45,000 cap is not exceeded. Thus, where an agreement extends for 4 years' total, the maximum amount per year would be limited to \$11,250.

Contracts executed pursuant to this delegation of contracting authority would be subject to prior County Counsel review. The delegation of contracting authority would apply to ministerial contracts only and could be revoked at any time by the WDB. Contracts the Executive Director executed pursuant to delegated authority would be reported to the WDB Executive Committee and the full WDB regularly, at the next available meeting or as soon as practicable.

- If the limited delegation of contracting authority to the Executive Director is approved, submit the delegation to the Chief Elected Official (the Monterey County Board of Supervisors) for its concurrence.

DISCUSSION:

Current Contracting Process and Timing

At present, the Executive Director of the Workforce Development Board identifies vendors of specified services used in the delivery of workforce services to participants. Examples include online job readiness assessment, provision of labor market data, short term (1 or 2 days) leases of premises for job fairs, and utilizing consultants to advise on limited, discrete issues. Many such contracts are for less than \$45,000 and often total significantly less.

To enter into these contracts, the Executive Director locates and identifies vendors and proceeds to negotiate terms. When an agreement has been reached with the vendor, and the vendor has signed a contract, the Executive Director makes a recommendation to approve the contract to the

Executive Committee at the next Executive Committee meeting. The Executive Committee considers whether it, in turn, should recommend to the full WDB that the WDB enter into the contract. Assuming the Executive Committee agrees, it makes a recommendation to the full WDB that it enter into the contract in question at the next full WDB meeting.

Assuming the full WDB approves the proposed contract, the concurrence of the Chief Elected Official of the Monterey County local workforce area is requested. That occurs when, after internal County reviews are completed, the matter is placed on the agenda of the next available Monterey County Board of Supervisors' meeting.

This process can take significant time, during which the delivery of services to participants can be delayed. That is, upon reaching agreement with the vendor, the Executive Director brings a contract to the Executive Committee, generally within a month, at the next scheduled Executive Committee meeting. Because the full WDB meets every other month, an additional wait of another month or more to bring a contract to it for approval is typical.

To be placed on the Board of Supervisors' agenda after approval by the full WDB, preliminary internal approvals from County Counsel, the County Budget Office, and the Assistant County Administrative Officer are required. Thus, the amount of lead time needed to secure a place on the Board of Supervisors' agenda can add an additional month or more to the contract award process.

RECOMMENDATION AND LIMITATIONS:

To enhance rapid and effective deployment of services to participants, it is proposed that the WDB authorize the Executive Director to sign contracts which are modest in amount, and which are limited in duration. The Assistant County Administrative Officer has considered this matter and is in concurrence with this recommendation.

Thus, it is recommended that the contracting authority delegated to the Executive Director be limited to agreements that are no more than \$45,000 in total value. The contracting authority would also be limited to agreements of one year in duration, with a maximum of three extensions of one-year each permitted, so long as the \$45,000 cap is not exceeded. If the Executive Director concludes that contracting with a vendor for particular services should continue in excess of \$45,000, the ordinary contracting process described above would be observed.

The contracting authority delegated to the Executive Director would require the Executive Director to seek legal review from the office of Monterey County Counsel before he signs any contract. It is further recommended that the Executive Director be directed to report on contracts he executed pursuant to delegated authority to both the Executive Committee and to the full WDB at their next regularly scheduled meeting or as soon thereafter as practicable. Finally, it is recommended that the authority delegated to the Executive Director to sign agreements be subject to revocation at any time by the WDB, in its sole discretion.

Type of Contract Subject to Delegation

The delegation of contracting authority to the Executive Director is intended to apply to ministerial contracts, e.g., online job readiness assessment, provision of labor market data, short term (1 or 2 days) leases of premises for job fairs, utilizing consultants to advise on limited, discrete issues and similar. The Executive Committee and the full WDB can determine whether the Executive Director is appropriately exercising delegated authority when the Executive Director reports on contracts he signed at regularly scheduled meetings. As noted above, the recommendation is that the delegated authority be subject to revocation at any time, in the sole judgment of the WDB.

BUSINESS ITEM #2

The recommended delegation of contracting authority is not intended to encompass significant contracts with providers that must be competitively procured pursuant to WIOA requirements (for example, Youth program providers such as Turning Point or One Stop Operators such as ResCare). The recommended delegation of authority to the Executive Director is not intended to encompass contracts with providers that must be competitively procured pursuant to the directives of the State Employment Development Department (for example, Adult and Dislocated Worker program providers).

Nor is the recommended delegation of contracting authority to the Executive Director intended to encompass contracts that, irrespective of amount or duration, carry significant policy implications or involve controversy. Thus, it is recommended that the delegation of contracting authority specify that the Executive Director follow ordinary contracting processes, and bring a contract to the Executive Committee, the full WDB, and the Chief Elected Official (the Board of Supervisors) for approval, irrespective of amount or duration, when it raises broad policy concerns, sets new precedent, or is otherwise a matter best reviewed at all levels of WIOA and non-WIOA program administration.

Benefits

Securing approval for the WDB Executive Director to sign contracts for WIOA and non-WIOA services agreements, subject to the limitations and process described above, will result in efficiencies in time and cost savings as well.

The Monterey County WDB is the fiscal agent for the WIOA Coastal Region and will be executing a variety of agreements with a multitude of providers, many of which are under the suggested financial limit of \$45,000 and which fall within the proposed time limits. If contracting authority is delegated to the Executive Director, as described, it would significantly reduce the administrative burden of managing regional funds and contracts.

If the recommendation is adopted, the Executive Director shall have authority to sign the following types of agreements with a total value of no more than \$45,000:

- Contracts with vendors for specific, limited or one-time services;
- Short-term leases for job fair sites;
- Contracts for provision of labor market data or other data used by the WDB;
- Contracts for provision of online job readiness assessments, online training, or similar participant services;
- Contracts with consultants for assistance with limited, discrete issues
- Contracts needed to fulfill the WDB's duties as the fiscal agent for the WIOA Coastal Region

A delegation of contracting authority is attached to this memorandum for the WDB's consideration.

Fiscal Impact:

Unspecified savings of the administrative costs expended in bringing small, limited duration ministerial agreements to the Executive Committee, to the full WDB, and to the Board of Supervisors for approval.

Next Steps:

If the WDB adopts the recommendation and delegates contracting authority to the Executive Director, Workforce Development Board staff will bring the issue to the Chief Elected Official, the Board of Supervisors, for concurrence at its April 17, 2018 meeting.

DELEGATION OF CONTRACTING AUTHORITY
TO THE EXECUTIVE DIRECTOR OF THE
MONTEREY COUNTY WORKFORCE DEVELOPMENT BOARD

The Monterey County Workforce Development Board (the WDB) hereby delegates contracting authority to its Executive Director, as follows:

- The Executive Director is authorized to sign future WIOA-funded and non-WIOA-funded contracts of \$45,000 or less, for a term of one year, plus up to three (3) one-year extensions, to a maximum of four (4) years total, so long as the \$45,000 cap is not exceeded. Thus, where an agreement extends for 4 years' total, the maximum amount per year would be limited to \$11,250.
- The Executive Director must provide all contracts to be executed pursuant to this delegation of contracting authority to Monterey County Counsel for prior review.
- This delegation of contracting authority to the Executive Director applies to ministerial contracts only, such as:
 - Contracts with vendors for specific, limited or one time services;
 - Short-term leases for job fair sites;
 - Contracts for provision of labor market data or other data used by the WDB;
 - Contracts for provision of online job readiness assessments, online training, or similar participant services;
 - Contracts with consultants for assistance with limited, discrete issues
 - Contracts needed to fulfill the WDB's duties as the fiscal agent for the WIOA Coastal Region
- This delegation of contracting authority to the Executive Director does not apply to the following types of contracts:
 - contracts with providers that must be competitively procured pursuant to WIOA requirements (e.g., Youth Program providers or One-Stop Operators)
 - contracts with providers that must be competitively procured pursuant to the directives of the State Employment Development Department (e.g., Adult and Dislocated Worker program providers)
 - contracts that, irrespective of amount or duration, carry significant policy implications, set important precedent, or involve controversy
- The Executive Director must regularly report on contracts executed pursuant to this delegated authority to the WDB Executive Committee and to the full WDB, at the next available meeting or as soon as practicable.
- The WDB may revoke this delegation of contracting authority to the Executive Director at any time, in its sole discretion.

Date: _____, 2018

On behalf of the
Monterey County Workforce Development Board

Erik Cushman, Chair
Monterey County Workforce Development Board

MEMORANDUM

TO: WORKFORCE DEVELOPMENT BOARD
FROM: CHRISTOPHER DONNELLY, EXECUTIVE DIRECTOR
SUBJECT: APPROVE REVISED WDB POLICY #2018-06 PRIORITY OF SERVICE
DATE: APRIL 4, 2018

RECOMMENDATION:

It is recommended that the Workforce Development Board approve the revised WDB Policy #2018-06.

Revised Policies

1. DRAFT #2018-06: Priority of Service for Adult Programs

Purpose This Policy is to provide guidance regarding Monterey County Workforce Development Board (MCWDB) Priority of Service for WIOA Title I Adult Programs. 20 CFR 680.120, 680.130, and 680.210 and WIOA Section 134(c)(3)(E)

Applicable to: Monterey County WIOA Title I Service Providers and WDB staff

Revision: Prior policy revised to include the following:

- In accordance with the proposed Workforce Innovation and Opportunity Act, Final Rule, effective October 18, 2016, the priority requirements described in this policy do not necessarily mean that only the recipients of public assistance and other low-income individuals can receive WIOA adult funded career and training services.
- This policy stipulates that WIOA Program staff **will also** serve other eligible individuals who are not recipients of public assistance, other low-income, or basic skills deficient after first serving eligible individuals who meet the established priority selection criteria.
- This policy also includes the 4th Priority of Service: Priority shall be given to individuals with family income under 250 percent of the poverty level and for whom it is determined that the individual is in need of and can benefit from services.

ATTACHMENTS:

- a) DRAFT #2018-06: Priority of Service for Adult Programs

PRIORITY OF SERVICE FOR ADULT PROGRAMS POLICY AND GUIDANCE *(DRAFT)*

EXECUTIVE SUMMARY

This Policy is to provide guidance regarding Monterey County Workforce Development Board (MCWDB) Priority of Service for WIOA Title I Adult Programs. With respect to funds allocated to a local area for adult employment and training activities, priority shall be given to recipients of public assistance and other low-income individuals, and individuals who are basic skills deficient for receipt of WIOA career and training services. Local WDBs may establish additional priority groups for priority of service.

WIOA provides for a workforce system that is universally accessible and customer centered, and for training that is job-driven. Per the Workforce Innovation and Opportunity Act; Final Rule, effective October 18, 2016, the priority requirements described in this policy do not necessarily mean that only the recipients of public assistance and other low-income individuals can receive WIOA adult funded career and training services.

Therefore, MCWDB stipulates that WIOA Program staff **will also** serve other eligible individuals who are not recipients of public assistance, other low-income individuals, or basic skills deficient individuals after first serving those who meet the established priority selection criteria.

REFERENCES

Workforce Innovation and Opportunity Act; Final Rule, effective October 18, 2016

20 CFR 680.120, 680.130, and 680.210

WIOA Section 134(c)(3)(E)

Training and Employment Guidance Letters: 3-15; 22-04; 10-09

Protocol for Implementing Priority of Service for Veterans and Eligible Spouses Jobs for Veterans Act, Public Law 107-288

POLICY

Priority of Service

The WIOA adult program is statutorily required to provide priority 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 receiving 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. Individuals with family income under 250 percent of the poverty level and for whom it is determined that the individual is in need of and can benefit from services. Long-term unemployed individuals with a barrier to employment may be enrolled under this priority. Employed individuals enrolled under this priority must have a barrier to self-sufficient employment.

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

Related Definitions

The definitions listed below are for the purposes of implementing adult priority of service

1. **VETERAN** - a person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable, as specified in Title 38 United States Code (USC) 101(2).

Active Service - includes full-time federal service in the National Guard, Coast Guard, or a Reserve component. This definition does not include full-time duty performed strictly for training purposes (i.e., that which often is referred to as "weekend" or "annual" training), nor does it include full-time active duty performed by National Guard personnel who are mobilized by state rather than federal authorities (state mobilizations usually occur in response to events such as natural disasters).

Eligible Spouse - The spouse (including the same-sex spouse) of any of the following:

- a) Any veteran who died of a service-connected disability;
- b) Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
 - a. Missing in action;
 - b. Captured in the line of duty by a hostile force; or
 - c. Forcibly detained or interned in the line of duty by a foreign power.
- c) Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the U.S. Department of Veterans Affairs; or

- d) Any veteran who died while a disability was in existence. A spouse whose eligibility is derived from a living veteran or service member (i.e., categories 2 or 3 above) would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g., if a veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member.

2. 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.

Additional State Criteria used to determine whether an individual is basic skills deficient includes the following:

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

3. LOW INCOME INDIVIDUAL - An individual that meets one of the four criteria:

- a) 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 (CalFresh/Food Stamps), temporary assistance for needy families' program, supplemental security income program, or state or local income-based public assistance.
- b) In a family with total family income that does not exceed the higher of the poverty line or 70 percent of the Lower Living Standard Income Level.
- c) A homeless individual.
- d) 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 described below.

UNDER 250% OF POVERTY - An individual that meets the following criteria:

- a) Family income under 250 % of poverty **AND**
- b) Individual is in need of and can benefit from services **AND**
- c) The service provider staff documents that the individual has a barrier to employment and is able to benefit from WIOA services.

For example: based on 250% of poverty level, the self-sufficiency standard for a family of one is \$38,145 for Monterey County. (Reference: EDD Directive WSD15-1; Table 4 - Metropolitan Areas; Monterey County)

INQUIRIES

If you have questions, please contact staff at (831) 796-6434. This policy is posted on the WDB website located at: www.montereycountywdb.org/policies/

CHRIS DONNELLY, Executive Director
Monterey County Workforce Development Board

MEMORANDUM

TO: WORKFORCE DEVELOPMENT BOARD

FROM: CHRISTOPHER DONNELLY, EXECUTIVE DIRECTOR

SUBJECT: CONSIDER APPROVAL OF RENEWALS AND AMENDMENTS TO PROPOSITION 39 AGREEMENTS WITH SPECIFIED SERVICE PROVIDERS FOR PROVIDING ADDITIONAL SERVICES TO PARTICIPANTS, INCREASING FUNDING, AND EXTENDING AGREEMENT TERMS TO DECEMBER 31, 2018

DATE: APRIL 4, 2018

RECOMMENDATION:

It is recommended that the Monterey County Workforce Development Board (WDB):

1. Approve a renewal of the Agreement between the Monterey County WDB and the Monterey/Santa Cruz Building Trades Council Training and Education Fund for the provision of Proposition 39 Pre-Apprenticeship services and an amendment (No. 1) to the Agreement to:
 - a. Increase total participants trained from 55 to a maximum of 110;
 - b. Increase funds from \$92,056 to \$254,556;
 - c. Extend the Agreement term to December 31, 2018;
 - d. Add the provision of follow-up and placement services to the scope of services; and
2. Approve a renewal of the Memorandum of Understanding (MOU) with the San Benito County WDB for the provision of Proposition 39 Pre-Apprenticeship services and an amendment (No. 2) to the MOU to:
 - a. Increase total participants served from 20 to a maximum of 45;
 - b. Increase funds from \$65,244 to \$105,469;
 - c. Extend the MOU term to December 31, 2018; and
3. Approve a renewal of the Agreement with the Santa Cruz County WDB for the provision of Proposition 39 Pre-Apprenticeship services and to an amendment (No. 2) to the Agreement to:
 - a. Increase total participants served from 25 to a maximum of 50;
 - b. Increase funds from \$99,904 to \$140,129; and
 - c. Extend the Agreement term to December 31, 2018.

BACKGROUND:

On December 21, 2017, the California Workforce Development Board notified the Monterey County WDB that its Proposition 39 Pre-Apprenticeship Program (Prop 39) was selected for additional funding (Round II) in the amount of \$375,000, the term of the grant agreement for providing pre-apprenticeship services was extended to December 31, 2018. The Monterey County WDB is the fiscal agent for the Prop 39 project and as such is responsible for the development of agreements; convening partner meetings; developing outreach and recruitment materials; processing of supportive services and stipends, leading evaluation and implementation of grant activities; and fiscal administration of the grant.

Prop 39 services are provided by the Monterey County WDB via agreements with the Monterey/Santa Cruz Building Trades Council Training and Education Fund and the Workforce Development Boards of San Benito and Santa Cruz counties. The original agreements and

amendments were approved between November 2016 and March 2017 and expired on September 30, 2017.

DISCUSSION:

The scope of work for San Benito County and Santa Cruz County WDBs includes recruitment, enrollment, orientation, and referrals of participants into Multi-Craft Core Curriculum (MC3) training with the Monterey/Santa Cruz Building Trades Council. Participants that are trained in the MC3 curriculum will receive multiple certifications, CPR, OSHA 10 and MC3 that will prepare them for apprenticeships in multiple Trades, thereby building a strong workforce in the three-county region of Monterey, Santa Cruz and San Benito counties. The renewal and amendment to the agreement with the Monterey/Santa Cruz Building Trades Council Training and Education Fund further adds staffing to provide the follow-up and placement support services in apprenticeship programs and direct placement into the trades.

Entity	Additional Funds	Purpose/Service Category
San Benito County WDB	\$40,225	\$39,892 in Personnel Costs \$333 in Staff Travel/Mileage Reimbursements
Santa Cruz County WDB	\$40,225	\$39,892 in Personnel Costs \$333 in Staff Travel/Mileage Reimbursements
Building Trades Council	\$162,500	\$92,000 in Training Personnel Costs \$70,500 in Follow-up & Placement Personnel Costs
Monterey County WDB	\$132,050	\$35,000 in Administrative Costs \$334 in Staff Travel/Mileage Reimbursements \$16,500 in Tools & Supplies for Participants \$80,216 in Stipends for Participants
Total Round II funds	\$375,000	

Fiscal Impact

There is no impact to the WDB's budget or WIOA Title I allocation as these agreements are fully funded by the California Clean Energy Jobs Act (SB 73 – Chapter 29, Statutes of 2013).

Next Steps

Amendments will be placed on the April 24, 2018 agenda of the Monterey County Board of Supervisors for its review and approval.

MEMORANDUM

TO: WORKFORCE DEVELOPMENT BOARD

FROM: CHRISTOPHER DONNELLY, EXECUTIVE DIRECTOR

SUBJECT: UPDATE ON PROGRAM PERFORMANCE FOR THE WIOA ADULT, DISLOCATED WORKER, AND YOUTH PROGRAM, THROUGH FEBRUARY 28, 2018

DATE: APRIL 4, 2018

INFORMATION:

Staff will provide an update on WIOA Adult, Dislocated Worker, and Youth Programs, through February 28, 2018.

HANDOUT:

WIOA Contractor Monthly Performance Program Update

MEMORANDUM

TO: WORKFORCE DEVELOPMENT BOARD
FROM: CHRISTOPHER DONNELLY, EXECUTIVE DIRECTOR
SUBJECT: UPDATE ON ONE-STOP OPERATOR'S 90-DAY PLAN
DATE: APRIL 4, 2018

INFORMATION:

Ms. Stephanie Koontz will provide an update on ResCare's 90-day Plan.

Recruitment of One-Stop Operator

- Interviews currently being conducted
- Projected Start Date: March 26th

Partner Introduction Meeting held on February 15, 2018

- Reviewed One-Stop Operator 101
- Discussed RWS roles and responsibilities
- Brief discussions with SCSEP, Monterey Peninsula College, and Job Corps

Partner Meetings (topics: customer flow, partner referral, information flow to customers, Talent Engagement Function, customer service training)

- Meeting with Department of Social Services – March 5th
- Meeting with EDD - March 8th
- Meeting with DOR – March 26th
- Additional partner meetings being scheduled for end of March

Other Actions Occurring Week of March 5th:

- Resource Room CQI
- Customer Service Observation

Surveys/Reports

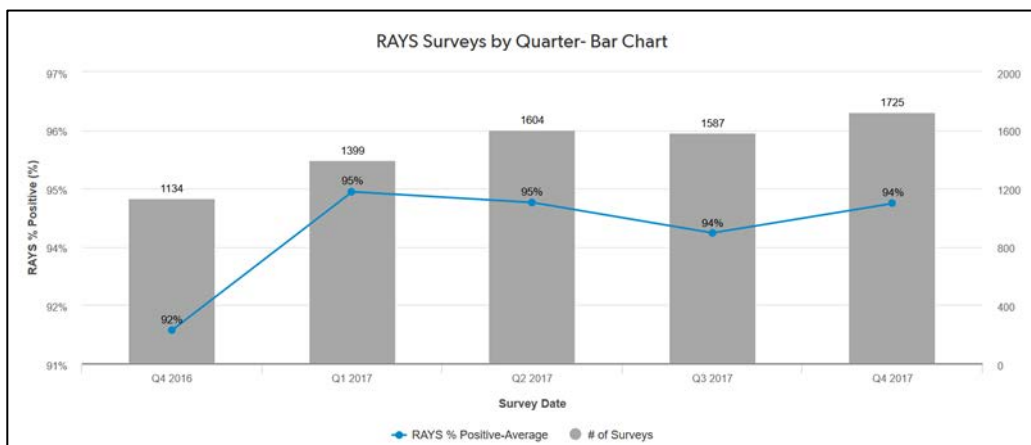
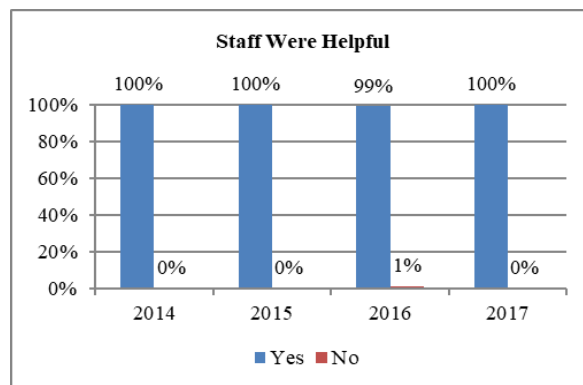
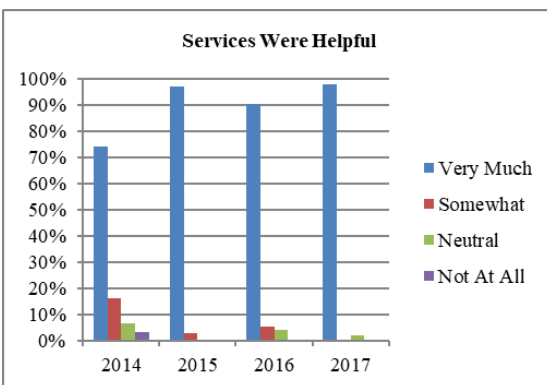
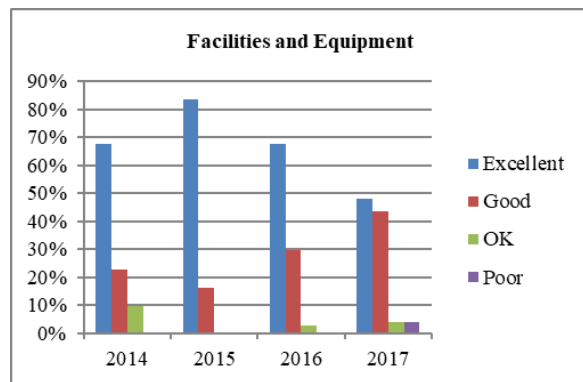
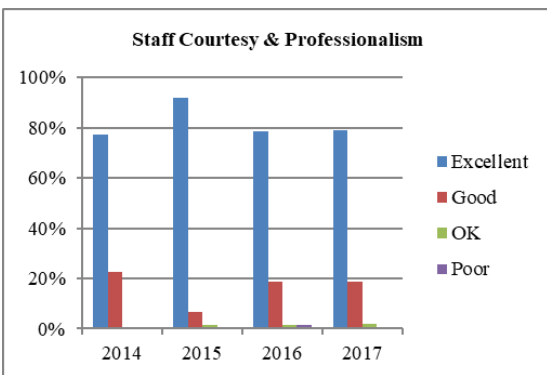
- Below is a customer service survey along with report template that will utilized.

Note: Survey can be completed online, using QR reader, or paper-and-pencil. Surveys completed electronically are collected by ResCare and reports are created for each project and unique center (job seeker selects the State and Center location).

1. Were you greeted in a warm, respectful, and professional manner?
Yes / No
2. How would you rate our Courtesy and Professionalism?
Poor / Needs Work / OK / Good / Excellent
3. How would you rate the facilities and equipment available for your use?
Poor / Needs Work / OK / Good / Excellent

4. How well do you think the services you received today helped or will help you?
Not at All / Very Little / Neutral / Somewhat / Very Much
5. In order to meet your expectations, were various options discussed in order to help meet your needs?
Yes / No
6. Did our Staff help you understand the service process and what your next steps will be?
Yes / No
7. Optional: Please tell us what you feel that we did well and what areas we need to work on.

REPORT EXAMPLES



MEMORANDUM

TO: WORKFORCE DEVELOPMENT BOARD

FROM: CHRISTOPHER DONNELLY, EXECUTIVE DIRECTOR

SUBJECT: UPDATE ON WORKFORCE DEVELOPMENT BOARD'S BUDGET FOR FISCAL YEAR 2017-18, THROUGH FEBRUARY 28, 2018.

DATE: APRIL 4, 2018

INFORMATION:

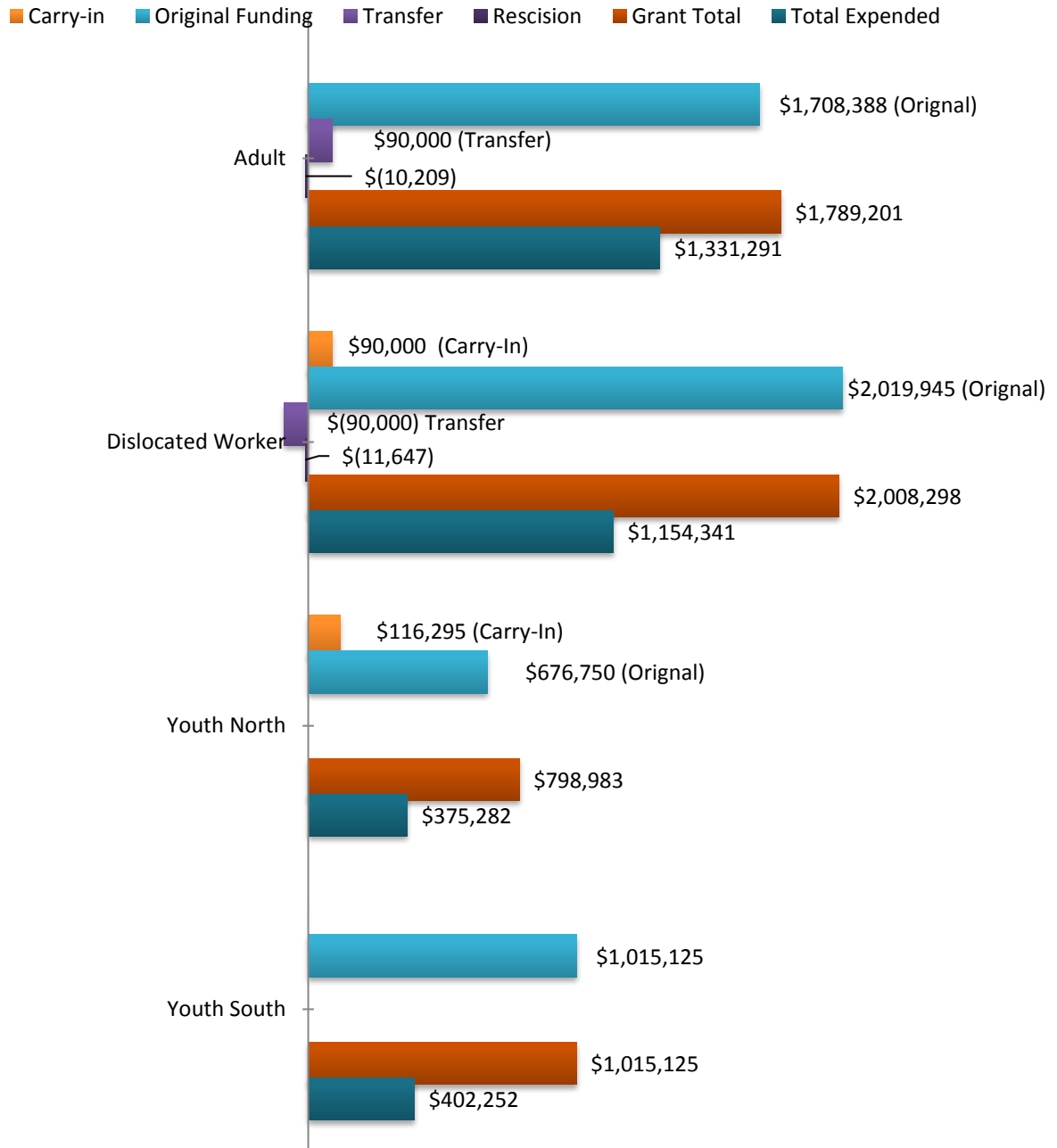
WDB staff will present an update on MCWDB budget through February 28, 2018.

ATTACHMENT:

Allocation Charts

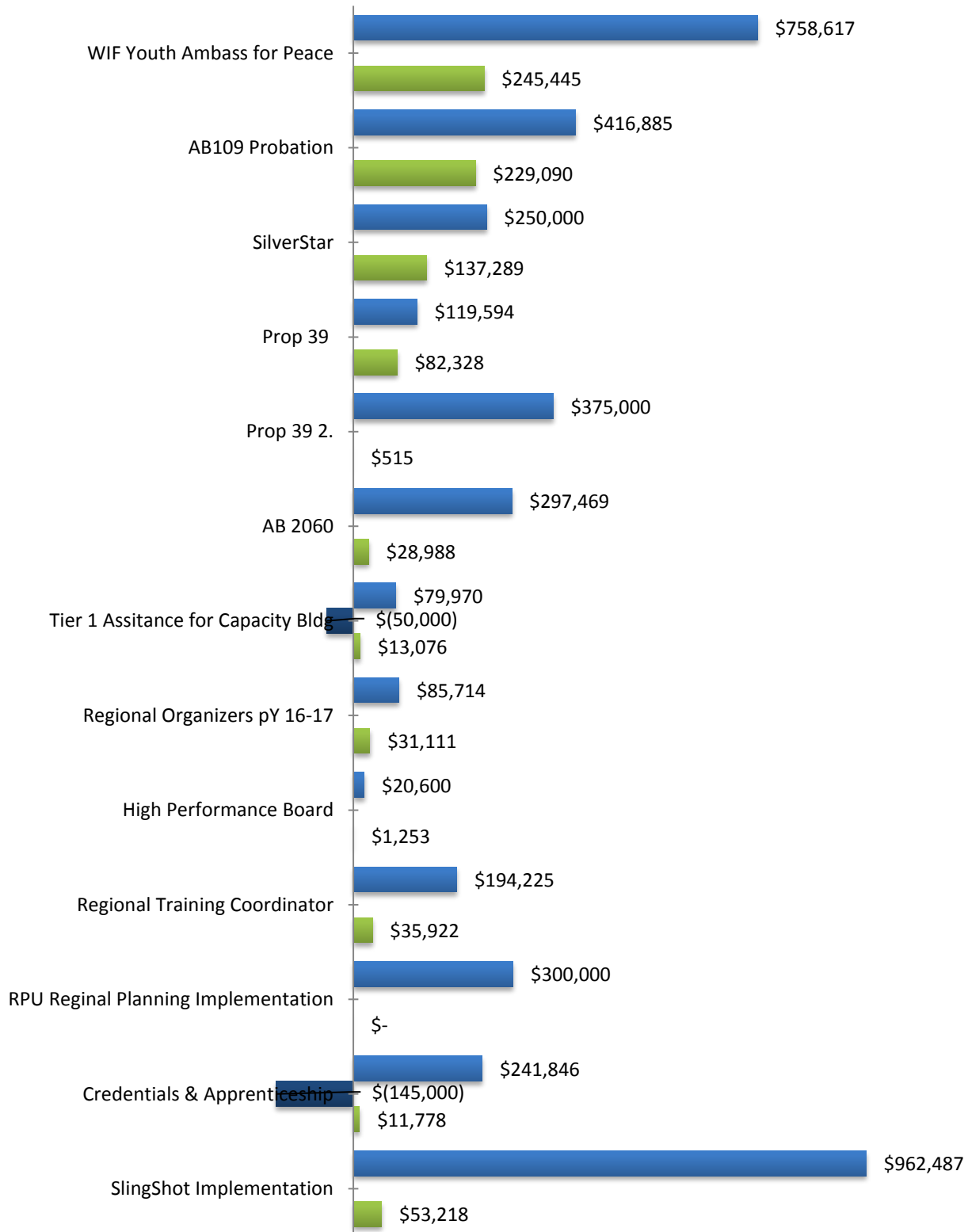
Fiscal Update for WIOA and Non-WIOA Programs

WIOA Formula Funding - FY 2017-18 (through February 28, 2018)



Special Project Grant Funding - FY 2017-18
(through February 28, 2018)

■ Grant Total ■ Rescission ■ Total Expended



MEMORANDUM

TO: WORKFORCE DEVELOPMENT BOARD

FROM: CHRISTOPHER DONNELLY, EXECUTIVE DIRECTOR

SUBJECT: FOLLOW UP DISCUSSION ON 2017-18 WIOA INPUT AND OUTPUT OUTCOMES,
ORIGINALLY PRESENTED AT THE FEBRUARY 7, 2018 WORKFORCE DEVELOPMENT
BOARD MEETING

DATE: APRIL 4, 2018

INFORMATION:

WDB Staff and Executive Committee members will continue discussion on 2017-18 WIOA Input and Output Outcomes.