



# Monterey County Economic Development Department Workforce Development Board (WDB)

Erik Cushman, WDB Chair

## EXECUTIVE COMMITTEE

MBEST, 3180 Imjin Road, Conference Room A, Marina, CA  
**Wednesday, October 19, 2016, 8:00 am**

**Executive Committee Members:**

*Erik Cushman, Chair*

- Paula Calvetti
- Cesar Lara
- Mary Ann Leffel
- Dr. Willard Lewallen
- Dave Potter

## AGENDA

<b>CALL TO ORDER/INTRODUCTIONS:</b>	Erik Cushman, <i>Chair</i>
<b>CHANGES TO AGENDA:</b>	
<b>PUBLIC COMMENT:</b>	
<b>ANNOUNCEMENTS:</b>	
<b>CONSENT CALENDAR:</b>	Erik Cushman
1. <b>ACTION:</b> Approve minutes from September 21, 2016 meeting.	Erik Cushman
<b>DISCUSSION OR REVIEW OF BUSINESS CALENDAR ACTION ITEMS:</b>	Erik Cushman
1. <b>ACTION:</b> Review and consider submitting comments from the WDB on Employment Development Department Draft Directive - Selection of AJCC Operators and Career Services Providers due October 21, 2016.	Joyce Aldrich
2. <b>ACTION:</b> Review and consider support of 2017 Sustainable Hospitality Management Symposium in February 2017 in the amount of \$5,000.	Joyce Aldrich
<b>SUBCOMMITTEE MEETINGS:</b> Oversight: 11/10/16, MBEST Executive: 11/16/2016, MBEST Business: 12/13/2016, MBEST	Erik Cushman
<b>WDB RETREAT:</b> 12/7/16, TBD	
<b>ADJOURNMENT:</b>	Erik Cushman
<p>To request information, please contact the Monterey County Workforce Development Board (WDB) staff at (831) 796-6434 or visit our website at <a href="http://www.montereycountywdb.org">www.montereycountywdb.org</a>.</p> <p>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.</p>	

**Monterey County  
Workforce Development  
Board (WDB)**

**Joyce Aldrich,**  
*WDB Executive Director*

730 La Guardia Street, 2<sup>nd</sup> Fl  
Salinas, CA 93905  
(831) 759-6644  
[www.montereycountywdb.org](http://www.montereycountywdb.org)

**UNADOPTED**

Monterey County Workforce Development Board  
**Executive Committee**  
MBEST, 3180 Imjin Road, Conference Room A, Marina, Ca  
**Wednesday, September 21, 2016**

**Members Present:** Erik Cushman (Chair), Paula Calvetti, Cesar Lara, and Dr. Willard Lewallen

**Members Absent:** Mary Ann Leffel and Dave Potter

**Staff Present:** Joyce Aldrich, Marleen Bush, Flor Galvan and Ruben Trujillo

**Others Present:** Nick Chiulos

**Call to Order/Introductions:** Mr. Cushman called the meeting to order at 8:12 a.m. and asked for introductions. A quorum was established.

**Changes to Agenda:** Ms. Aldrich reported that an additional item came in after the agenda was sent out and asked that it be added to the Business Calendar Action items as #8, Request to transfer \$200,000 in WIOA Title I Formula Funds from Dislocated Worker to Adult Programs.

**Motion:** Mr. Lara motioned to add item to Agenda.

**Second:** Ms. Calvetti

**Approved unanimously by those in attendance**

**Public Comment/Testimonial:** None.

**Consent Calendar:**

**1. Action: Approve minutes from July 20, 2016 meeting.**

**Motion:** Mr. Lara motioned to approve the action item.

**Second:** Ms. Calvetti

**Approved unanimously by those in attendance**

**Discussion or Review of Business Calendar Actions Items:**

**1. ACTION: Consider and approve supporting Hartnell College's Measure T, Facilities Bond Measures.** Dr. Lewallen reported that Measure T would allow completion of projects that would be beneficial to students throughout the County. The Measure would also decrease overcrowding in classes in various programs.

**Motion:** Mr. Lara motioned to approve the action item as stated.

**Second:** Ms. Calvetti

**Abstention:** Dr. Lewallen

**Approved by those in attendance**

**2. ACTION: Review and recommend an amendment to WDB and Program Services Budget for FY 2016-17 and forward to full board for approval prior to submitting to Board of Supervisors.** Mrs. Aldrich reported that the action was brought before the full Board in June and approved however as the WDB continues to make the transition into WIOA and away from program service operations it is necessary that management information as a system needs to be solid and strong. The position of Sr. DISC was previously placed under OET however with technology and MIS being more critical under the new legislation and as the WDB has additional regional partners, the WDB needs to confirm that the system has the support and ability to handle all the additional work. Assigning the Sr. DISC to the WDB will help to address the needs of the system overall.

**Motion:** Dr. Lewallen motioned to approve the action item as stated.

**Second:** Mr. Lara

**Approved unanimously by those in attendance**

**3. ACTION: Review and consider amendments to the Bylaws related to Workforce Innovation and Opportunity Act (WIOA) regulations, and forward to the Board of Supervisors for final approval.** Mrs. Aldrich reported that on August 29, 2016 the Final Rule of the WIOA came out and

changes to local WDB's needed to be altered. The proposed amendments included updating citations, changing requirements of Standing Youth Committee to Ad-hoc committee and designating responsibility of youth initiatives and strategies to other committees.

**Motion:** Mr. Lara motioned to approve the action item as stated.

**Second:** Ms. Calvetti

**Approved unanimously by those in attendance**

- 4. ACTION: Review and recommend staff to solicit for a consultant to offer Technical Assistance to develop Scope of Work for One Stop Operator RFP and Youth Program Services RFP and submit to CAO's office to contract with entity for such Technical Assistance.** Mr. Chiulos reported that under new federal regulations, the One-Stop Operator and Youth Program services must be competitively solicited. This request would authorize the CAO's office to seek a qualified entity or individual to assist the Contracts and Purchasing Department with the RFP process and to complete the scope of work. He reported that County Counsel has been assisting with the clarification of the regulations and this process.

**Motion:** Mr. Lara motioned to approve the action as stated.

**Second:** Ms. Calvetti

**Approved unanimously by those in attendance**

- 5. Discuss Workforce Development Board's Retreat on October 19, 2016.** Mrs. Aldrich reported that the location of the Retreat will be held at Tanimura & Antle Administration Building. A tour of T&A's new employee apartments will be held at the conclusion of the Retreat. She reported that she will be facilitating the retreat along with the assistant director of Work to Future. She also reported the focus will be on what the WDB needs to do as a local entity given the new WIOA requirements as well as future projects. Mr. Cushman asked that people/providers who are connected to out of school youth be brought in to provide presentations.

- 6. Review and discuss the DRAFT WDB Agenda for the October 5, 2016.** Mrs. Aldrich reported that BW Research will provide an Asset Mapping presentation. She also reported that discussion will be held on the Annual Report along with WDB member composition. Dr. Lewallen asked that discussion be held on the Strong Workforce Initiative for Community Colleges.

#### **7. DIRECTOR'S REPORT**

- *CWA Meeting of the Minds Conference update.* Mr. Cushman reported that the presentation of "Code for America" was very informative and fascinating. He asked that we ask that they provide a presentation to the Board.
- *WIOA Final Regulations.* Mrs. Aldrich provided information on the newest update of the Final Regulations.

- 8. Action: Consider and approve submission of a request to transfer \$200,000 in WIOA Title I formula funds from Dislocated Worker to Adult Programs from First Allocation for fiscal year 2016-17 to the State Employment Development Department for approval.** Mrs. Aldrich reported that this request occurs during the round 2 allocation however the WDB is requesting it be completed during round 1 as well as round 2. She reported that staff continue to be challenged when assessing if individuals coming in should be placed in the dislocated worker or adult allocation. She reported that most times the individuals are placed in the adult allocation which causes the adult allocation to be charged heavily in case management and training opportunities.

**Motion:** Mr. Lara motioned to approve the action item as stated.

**Second:** Ms. Calvetti

**Approved unanimously by those in attendance**

**Adjournment:** Mr. Cushman adjourned the meeting at 9:35 a.m.

---

# MEMORANDUM

---

**TO:** WORKFORCE DEVELOPMENT BOARD EXECUTIVE COMMITTEE

**FROM:** JOYCE ALDRICH, EXECUTIVE DIRECTOR

**SUBJECT:** REVIEW AND CONSIDER SUBMITTING COMMENTS FROM THE WDB ON EMPLOYMENT DEVELOPMENT DEPARTMENT DRAFT DIRECTIVE - SELECTION OF AJCC OPERATORS AND CAREER SERVICES PROVIDERS DUE OCTOBER 21, 2016

**DATE:** OCTOBER 19, 2016

---

**RECOMMENDATION:**

It is recommended that the Monterey County Workforce Development Board Executive Committee review and consider submitting comments from the WDB to the State Workforce Development Board and Employment Development Department (EDD) regarding its Draft Directive on selection of Adult/Dislocated Worker Career Services Providers. Comments are due October 21, 2016.

**BACKGROUND:**

The Draft Directive was issued in draft to give the Workforce Development Community the opportunity to review and comment prior to final issuance. Any comments must be submitted no later than Friday, October 21, 2016. All comments received within the comment period will be considered before issuing the Final Directive.

The policy is intended to provide guidance and establish the procedures regarding the selection of America's Job Center of California (AJCC) Operators and Workforce Innovation and Opportunity Act (WIOA) Title I Adult and Dislocated Worker Career Services Providers. The Draft Directive, when it becomes final, by its terms indicates it is intended to be binding on local Workforce Development Boards; it is not merely advisory. The Draft Directive, when final, will apply to all Local Workforce Development Boards (Local Boards), and will become effective on date of issuance.

America's Job Center of California (AJCC) locations are the core of California's workforce system. Title I Adult and Dislocated Worker Career Services Providers play a critical role in ensuring that AJCCs are serving as an all-inclusive access point to education and training programs for a wide range of customers. The Draft Directive raises the following questions, which the Executive Committee may wish to address in comments submitted to EDD:

- First, under the Draft Directive, are Local Boards required to competitively select Adult/Dislocated Worker career services providers?
  
- Second, under the Draft Directive, are Local Boards required to seek the approval of the Governor if they use, for example, county departments or divisions to provide Adult/Dislocated Worker career services?

These issues are discussed below.

1. Competitive Selection of Adult/Dislocated Worker Career Services Providers

The Directive is internally inconsistent in that it states that competitive selection of Adult/Dislocated Worker career services providers is voluntary and is mandatory. To the extent it requires competitive selection of Adult/Dislocated Career Services Providers, it arguably conflicts with WIOA.

On page 3 of the Directive at the top, it states:

Local Boards must conduct an open and competitive process in order to select their AJCC Operators as stated in WIOA Section 121 (d)(2)(A). Although not required, Local Boards are also strongly encouraged to use a competitive process to select their Adult and Dislocated Worker Career Services Providers as stated in WIOA Section 107 (d) (10) (D). Undergoing a competitive process promotes efficiency and effectiveness of the AJCC Operator and Adult and Dislocated Worker Career Services Providers by regularly examining performance and costs. (Underline added)

The emphasized language indicates that competitive selection of Adult/Dislocated Worker career service providers is voluntary, which is correct, because competitive selection of providers of these types of services is not required by WIOA.

In contrast, on page 7 of 8, the Draft Directive states:

Local Boards are responsible for identifying eligible Adult and Dislocated Worker Career Services Providers. The WUIOA Section 107 (d) (10) (D) states that if the AJCC Operator does not provide the Adult and Dislocated Worker Career Services described in Section 134 (c) (2), the Local Board must identify eligible providers of those Adult and Dislocated Worker Career Services in the Local Area by awarding contracts. Procurement of Adult and Dislocated Career Services Providers must follow the appropriate competitive selection process based on local procurement policies and the policies and principles of competitive selection process based on local procurement policies and principles of competitive procurement specified in Uniform Guidance Section 200.318-200.326. (Underline added.)

The underlined language makes competitive selection of Adult/Dislocated Worker career service providers mandatory. It directly contradicts the language on page 3 making this selection voluntary, as WIOA does. If the Draft Directive becomes final in this form, it would require Local Boards to issue RFPs and similar for these providers, even though WIOA does not require competitive selection.

Because the Draft Directive seemingly conflicts with WIOA, the Executive Committee may wish to consider submitting comments to EDD urging that the following edit be made to the Draft Directive and that it issue in final form as follows:

Local Boards are responsible for identifying eligible Adult and Dislocated Worker Career Services Providers. The WUIOA Section 107 (d) (10) (D) states that if the AJCC Operator does not provide the Adult and Dislocated Worker Career Services described in Section 134 (c) (2), the Local Board must identify eligible providers of those Adult and Dislocated Worker Career Services in the Local Area by awarding contracts.

With this edit, the Draft Directive would be made consistent with WIOA. It would state that Local Boards have the option to—but are not required to—competitively select Adult/Dislocated Worker career service providers. That Local Boards retain this discretion, for these types of providers, is arguably what is intended by WIOA.

2. Governor's approval for use of County Departments/Divisions to provide Adult/Dislocated Worker career services

As it presently reads, the Draft Directive does not require Local Boards to seek the Governor's approval of their decision to utilize County departments and divisions to provide Adult/Dislocated Worker career services. That said, the Draft Directive could benefit from language making this fact very clear.

On Page 7 of 8, the Draft Directive states:

A Local Board or administrative entity may be designated as an Adult and Dislocated Worker Career Services Provider only with the approval of the CEO and the Governor (WIOA Section 107(g) [2] and Title 20 CFR 679.410[b]). Approval under this provision would serve as the agreement by the Governor and would exempt the Local Board from selecting Adult and Dislocated Worker Career Service Providers through a competitive process by allowing them to fulfill the role themselves. In line with the time period of selecting of AJCC Operators, if a Local Board received approval to provide Adult and Dislocated Worker Career Services that approval will be valid for a maximum of four years, after which time another request must be submitted.

If a Local Board or administrative entity wants to provide Adult and Dislocated Worker Career Services, the local CEO must submit the Request for Approval to be Adult and Dislocated Worker Career Services Provider application and the required supporting documentation to the State Board by March 1, 2017... (Underline added.)

Thus, the question is raised whether a county department or division, such as the Monterey County Office for Employment Training (OET), is an "administrative entity" that provides Adult/Dislocated Worker career services, and Governor's approval is therefore required. The answer is no, Governor's approval is not required for use of county divisions such as OET to provide these services.

The answer is found in the definition of “administrative entity.” In the Draft Directive, page 4, an “administrative entity” is defined, “for purposes of this directive” as “A unit of local government, corporation, or agency designated by a Chief elected official (CEO) to oversee and administer WIOA in the Local Area.”

OET does not meet this definition of ‘administrative entity’ because it has not been designated by the CEO – the Monterey County Board of Supervisors – to be responsible for oversight and administration of WIOA for the Monterey County local workforce area. This is similar to many local workforce areas where a county department or division provides some portion of WIOA services but does not play the broad oversight and administrative role described by the definition in the Draft Directive. Thus, the Draft Directive in its present form would not require the Governor’s approval for OET to provide specified, limited WIOA services for the Monterey County Workforce Development Board.

That said, it could be helpful to Local Boards if the definition of “administrative entity” set forth in the Draft Directive were clarified to make this very clear. The Executive Committee may wish to consider submitting comments to EDD that add language to the definition of “administrative entity,” on page 4, as follows:

*Administrative entity* – a unit of local government, corporation, or agency designated by a Chief Elected Official (CEO) to oversee and administer WIOA in the Local Area. Units of local government that provide only a portion of WIOA services are not included within the definition of an “administrative entity.”

**ATTACHMENTS:**

Draft Directive Selection of AJCC Operators and Career Services Providers

## **SELECTION OF AJCC OPERATORS AND CAREER SERVICES PROVIDERS**

---

### **GENERAL INSTRUCTIONS**

The attached directive is being issued in draft to give the Workforce Development Community the opportunity to review and comment prior to final issuance.

Submit any comments by email or mail no later than Friday, October 21, 2016.

All comments received within the comment period will be considered before issuing the final directive. Commenters will not be responded to individually. Rather, a summary of comments will be included with the final directive.

**Comments received after the specified due date will not be considered.**

---

**Email**      [MelissaM.Williams@edd.ca.gov](mailto:MelissaM.Williams@edd.ca.gov)

Include "Draft Directive Comments" in the e-mail subject line.

**Mail**      Employment Development Department  
Attn.: Melissa Williams/Policy Unit  
P.O. Box 826880 / MIC 50  
Sacramento, CA 94280-0001

---

If you have any questions, contact Melissa Williams at 916-654-0205.

## SELECTION OF AJCC OPERATORS AND CAREER SERVICES PROVIDERS

### EXECUTIVE SUMMARY

This policy provides guidance and establishes the procedures regarding the selection of America's Job Center of California<sup>SM</sup> (AJCC) Operators and Workforce Innovation and Opportunity Act (WIOA) Title I Adult and Dislocated Worker Career Services Providers. This policy applies to all Local Workforce Development Boards (Local Boards), and is effective on date of issuance.

This policy contains some state-imposed requirements. All state-imposed requirements are indicated by ***bold, italic*** type.

Retain this directive until further notice.

### REFERENCES

- WIOA (Public Law 113-128)
- Title 2 Code of Federal Regulations (CFR) Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)
- Title 2 CFR Part 2900: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Department of Labor Exceptions)
- Title 20 *Code of Federal Regulations* (CFR) Workforce Innovation and Opportunity Act; Final Rule (WIOA DOL Final Rule)
- Title 34 *Code of Federal Regulations* (CFR) WIOA, Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions (WIOA Joint Final Rule)
- United States Government Accountability Office (GAO) Publication GAO-14-704G: Standards for Internal Control in the Federal Government (September 10, 2014)

### BACKGROUND

America's Job Center of California<sup>SM</sup> (AJCC) locations are the core of California's workforce system. The AJCC Operators and Title I Adult and Dislocated Worker Career Services Providers play a critical role in ensuring that AJCCs are serving as an all-inclusive access point to education and training programs for a wide range of customers.

Local Boards must conduct an open and competitive process in order to select their AJCC Operators as stated in WIOA Section 121(d)(2)(A). Although not required, Local Boards are also strongly encouraged to use a competitive process to select their Adult and Dislocated Worker Career Services Providers as stated in WIOA Section 107(d)(10)(D). Undergoing a competitive process promotes efficiency and effectiveness of the AJCC Operator and Adult and Dislocated Worker Career Services Providers by regularly examining performance and costs.

## POLICY AND PROCEDURES

---

The AJCC Operators and the Adult and Dislocated Worker Career Services Providers fulfill two distinct and separate roles within the local AJCC system. These roles may be filled by the same entity or different entities based on what the Local Board determines best for meeting the needs of its customers and demographic area, but, these must be clearly articulated as part of the competitive procurement and selection process.

In California, AJCC Operators are only responsible for coordinating service delivery among all AJCC partners and service providers within the Local Workforce Development Area (Local Area). By having the AJCC Operator act as the local service delivery coordinator, it allows Local Boards to focus on strategic planning and developing partnerships at the local and regional level.

### Roles and Responsibilities

The role of the AJCC Operator is limited to:

- Coordinating the service delivery of required AJCC partners and service providers.
- Ensuring the implementation of partner responsibilities and contributions agreed upon in Memorandums of Understanding - Phase I and Phase II.

The role of the Adult and Dislocated Worker Career Services Provider includes:

- Providing basic career services including but not limited to participant intake, orientations, initial assessments, employment services, referrals to other partners and services.
- Providing individualized career services including but not limited to comprehensive and specialized assessments, case management, individual employment plans, career planning, and vocational counseling.
- Managing the daily operations in coordination with local fiscal agents for the lease, utilities, and other property activities in support of AJCC premises.
- Managing the hours of operation for AJCCs.

The responsibilities of both the AJCC Operator and Adult and Dislocated Worker Career Services Provider include:

- Reporting to Local Boards on operations, performance, and continuous improvement recommendations.
- Implementing policies established by Local Boards.
- Adhering to all applicable federal and state guidance.

To further support regional planning efforts, Local Boards may also choose to regionally select an AJCC Operator or Adult and Dislocated Worker Career Services Provider if operational conditions make it feasible. Selecting one AJCC Operator or Adult and Dislocated Worker Career Services Provider for all of the Local Boards in a Regional Planning Unit may help align, coordinate, and integrate programs and services on a regional basis. However, please note that there are certain restrictions Local Boards must adhere to when defining the AJCC Operator role. Within the defined roles and responsibilities, the AJCC Operator may not perform any of the following:

- Convene system stakeholders to assist in the development of the local plan.
- Prepare and submit local plans.
- Be responsible for oversight of itself.
- Manage or significantly participate in the competitive selection process for AJCC operators.
- Select or terminate AJCC Operators, Adult and Dislocated Worker Career Services Providers, and Youth Service Providers.
- Negotiate local performance accountability measures.
- Develop and submit budget for activities of the Local Board in the Local Area.

If the entity serving as the AJCC Operator also serves in a different capacity within the AJCC service delivery system (e.g. Local Board support), it may perform some or all of the functions listed above only when acting in its other role as long as there are clearly established firewalls and conflict of interest policies and procedures in place that conform with Title 20 CFR Section 679.430 (Title 20 CFR Section 678.620).

## Definitions

For the purposes of this directive, the following definitions apply:

*Conflict of Interest* – An employee, officer, agent, or any member of the organization that has interest in a financial gain or tangible benefit and who participates in the selection, award, or administration of a contract supported by a federal award (Uniform Guidance Section 200.318[c][1]).

*Firewall* – An established policy or procedure that acts as a barrier or protection against an undesirable influence, outcome, or authority. Examples of firewalls include but are not limited to organizational arrangements that provide clear separation of duties and responsibilities, reporting hierarchy of managers and staff that provide clear separation between job duties and responsibilities, and conflict of interest/confidentiality/disclosure agreements.

*Administrative entity* – a unit of local government, corporation, or agency designated by a Chief Elected Official (CEO) to oversee and administer WIOA in the Local Area.

*Internal Control* – A process designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

- Effectiveness and efficiency of operations.
- Reliability of reporting for internal and external use.

- Compliance with applicable laws and regulations.

(Uniform Guidance Section 200.61)

### **Competitive Process for Selection of AJCC Operator**

Local Boards must select their AJCC Operator through a competitive process at least once every four years (WIOA Section 121[d][2][A]). As part of that competitive process, Local Boards are required to clearly articulate the expected role(s) and responsibilities of the AJCC Operator (Title 20 CFR Section 678.620[a]).

AJCC Operators may be a single public, private, or non-profit entity or consortium of entities. However, if a consortium of entities consists of AJCC partners, it must include a minimum of three of the required AJCC partners listed in WIOA Section 121(b)(1).

The types of entities eligible to be an AJCC Operator include (WIOA Section 121[d][2][B]):

- An institution of higher education
- An employment service state agency established under the Wagner-Peyser Act
- A community-based organization, nonprofit organization, or workforce intermediary
- A private for-profit entity
- A government agency
- Another interested organization or entity, which may include a local chamber of commerce or other business organization, or a labor organization

Local Boards must ensure that, in carrying out WIOA programs and activities, AJCC Operators adhere to the following (Title 20 CFR Section 678.600):

- Disclose any potential conflicts of interest arising from the relations of the AJCC operator with particular training service providers or other service providers in accordance with Uniform Guidance Section 200.318.
- Do not establish practices that create disincentives to providing services to individuals with barriers to employment who may require longer-term services, such as intensive employment, training, and education services.
- Comply with federal regulations and procurement policies relating to the calculation and use of profits as outlined in Uniform Guidance.
- Adhere to any applicable firewalls or internal controls.

When selecting an AJCC Operator, Local Boards are required to fully adhere to the federal procurement standards outlined in Uniform Guidance Section 200.318-200.326, as well as their local procurement policies.

Although the intent of WIOA is for all Local Boards to procure their AJCC Operators through a full and open competitive process, the Uniform Guidance allows for very limited instances in which alternate procurement methods may be allowed, if substantial justification is provided.

The following are allowable procurement processes under Uniform Guidance:

1. Sealed Bid - Uniform Guidance Section 200.320(c)
2. Competitive Proposals - Uniform Guidance Section 200.320(d)
3. Sole Source - Uniform Guidance Section 200.320(f):
  - a) The AJCC operator services are only available from a single source.
  - b) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
  - c) After solicitation from a number of sources, competition is determined to be inadequate.

Whichever procurement method is used, Local Boards must retain extensive written documentation of the procurement process from beginning to end. Local Boards must also make available to the public, through electronic means and open meetings, information regarding their selection of AJCC Operators (WIOA Section 107[e]).

If a Local Board or administrative entity wishes to participate in the competitive process then the appropriate internal control, conflict of interest, and firewall policies must be put in place and adhered to throughout the duration of the procurement process. This includes, but is not limited to, the requirement that solicitation and scoring be managed by a fair and impartial third party who is free of any conflict of interest (real or perceived). In other words, Local Board staff or the agency that employs such staff cannot in any way be involved with or connected to the development of the solicitation, the facilitation of the scoring process, or the scoring of proposals.

All AJCC Operators must be in place and operating in the AJCCs no later than July 1, 2017 (Title 20 CFR Section 678.635).

### Request for Approval to be AJCC Operator

If a Local Board or administrative entity competes to serve as the AJCC Operator and is chosen through an appropriate procurement process, they may be designated as an AJCC Operator only with the agreement of the CEO and the Governor [WIOA 107(g)(2)]. In order to be considered by the Governor for designation as an AJCC Operator, the CEO must submit a Request for Approval to be AJCC Operator application (Attachment 1) along with the required supporting documentation to the State Board **by March 1, 2017**, through one of the following methods:

Mail:	California Workforce Development Board P.O. Box 826880 Sacramento, CA 94280-0001
Overnight Mail/ Hand Deliver:	California Workforce Development Board 800 Capitol Mall, Suite 1022 Sacramento, CA 95814



The local CEO will be notified in writing by May 1, 2017, regarding the approval or denial of the proposed Request for Approval. If approved, the designation will be effective immediately upon approval.

### **Title I Adult and Dislocated Worker Career Service Providers**

Local Boards are responsible for identifying eligible Adult and Dislocated Worker Career Services Providers. The WIOA Section 107(d)(10)(D) states that if the AJCC Operator does not provide the Adult and Dislocated Worker Career Services described in Section 134(c)(2), the Local Board must identify eligible providers of those Adult and Dislocated Worker Career Services in the Local Area by awarding contracts. Procurement of Adult and Dislocated Worker Career Services Providers must follow the appropriate competitive selection process based on local procurement policies and the policies and principles of competitive procurement specified in Uniform Guidance Section 200.318-200.326.

All Adult and Dislocated Worker Career Services Providers must be in place and operating in the AJCCs no later than July 1, 2017.

### **Request for Approval to be Adult and Dislocated Worker Career Services Provider**

A Local Board or administrative entity may be designated as an Adult and Dislocated Worker Career Services Provider only with the approval of the CEO and the Governor (WIOA Section 107[g][2] and Title 20 CFR 679.410[b]). Approval under this provision would serve as the agreement by the Governor and would exempt the Local Board from selecting Adult and Dislocated Worker Career Service Providers through a competitive process by allowing them to fulfill the role themselves. In line with the time period of selecting of AJCC Operators, if a Local Board receives approval to provide Adult and Dislocated Worker Career Services that approval will be valid for a maximum of four years, after which time another request must be submitted.

If a Local Board or administrative entity wants to provide Adult and Dislocated Worker Career Services, the local CEO must submit the Request for Approval to be Adult and Dislocated Worker Career Services Provider application (Attachment 2) and the required supporting documentation to the State Board by March 1, 2017, through one of the following methods:

Mail: California Workforce Development Board  
P.O. Box 826880  
Sacramento, CA 94280-0001

Overnight Mail/  
Hand Deliver: California Workforce Development Board  
800 Capitol Mall, Suite 1022  
Sacramento, CA 95814

The local CEO will be notified in writing by May 1, 2017, regarding the status his/her request. If approved, the designation will be effective immediately upon approval.

**ACTION**

D

---

---

Please bring this directive to the attention of the Local Board and other relevant parties.

**INQUIRIES**

---

---

If you have any questions, contact you assigned [Regional Advisor](#) at 916-654-7799.

R

/S/ JOSÉ LUIS MÁRQUEZ, Chief  
Central Office Workforce Services Division

Attachments are available on the internet:

1. [Request for Approval to be America's Job Center of California<sup>SM</sup> Operator](#)
2. [Request for Approval to be Adult and Dislocated Worker Career Services Provider](#)

A

F

T

---

---

# MEMORANDUM

---

---

**TO:** WORKFORCE DEVELOPMENT BOARD EXECUTIVE COMMITTEE

**FROM:** JOYCE ALDRICH, EXECUTIVE DIRECTOR

**SUBJECT:** REVIEW AND CONSIDER SUPPORT OF 2017 SUSTAINABLE HOSPITALITY MANAGEMENT SYMPOSIUM IN FEBRUARY 2017 IN THE AMOUNT OF \$5,000

**DATE:** OCTOBER 19, 2016

---

**RECOMMENDATION:**

It is recommended that the Monterey County Workforce Development Board Executive Committee review and consider support of 2017 Sustainable Hospitality Management Symposium in February 2017 in the amount of \$5,000.

**INFORMATION:**

At the meeting of the Monterey Peninsula Chamber Economic Vitality Committee in September, meeting members reviewed the draft Sustainable Hospitality Management Symposium proposal the College of Business and the Sustainable Hospitality Management Program in the College of Business at CSUMB presented. During the member discussion, it became clear that workforce and training will be a significant goal of the Symposium.

Over the last four years, the MCWDB has recognized Hospitality and tourism as one of the counties priority industry sectors. More recently, the MCWDB engaged in a Human Centered Design concept putting business in the center of our design. The business sector chosen for that engagement was Hospitality and tourism. Creating not only sustainability, but growth in this industry, encouraging living wage careers through the development of eco-tourism and eco-recreation responds to the work the MCWDB supports.

**DISCUSSION:**

The California State University, Monterey Bay is seeking sponsorship support from the MCWDB in the amount of \$5,000. It will support the Monterey Bay Regional Sustainable Hospitality Management Symposium for mutually beneficial sustainable hospitality, eco-tourism and eco-recreation development in the region and the development of the workforce to sustain and grow. The symposium is led and organized by the College of Business at CSUMB, in collaboration with area educational and workforce development institutions and is aimed at broader involvement and partnerships from the hospitality industry and workforce. The attached submission offers greater detail on the goals of the symposium from the committee.

**FISCAL, PROGRAM, IMPACTS:**

The College of Business and the Sustainable Hospitality Management Program in the College of Business at CSUMB are seeking sponsorship support from the MCWDB in the amount of \$5,000. The MCWDB has funding available within the 6032 line item, Administration/WDB Conferences.

**ATTACHMENTS:**

Letter dated October 3, 2016 from Dr. Shyam Kamath, Dean, College of Business, CSUMB



**CALIFORNIA STATE UNIVERSITY, MONTEREY BAY**  
100 Campus Center, Seaside, California 93955-8001  
College of Business  
(831) 582-5218 • FAX (831) 582-4251

Date: October 3, 2016

TO: Ms. Joyce Aldrich, WDB Agency Executive Director, Monterey County Administrative Office, 168 W. Alisal Street, 3rd Floor, Salinas, CA 93901

FROM: Dr. Shyam Kamath, Dean, College of Business and Dr. John Avella, Executive Director, Sustainable Hospitality Management Programs, College of Business, California State University, Monterey Bay, 100 Campus Center, Seaside, CA 93955

RE: Funding for Monterey Bay Region Sustainable Hospitality Management Symposium, February 22 and 23, 2017

The College of Business and the Sustainable Hospitality Management Program in the College of Business at California State University, Monterey Bay is requesting support from the Monterey County Workforce Development Board in the amount of \$5,000 that will support the Monterey Bay Region Sustainable Hospitality Management Symposium for mutually beneficial sustainable hospitality, eco-tourism and eco-recreation development in the Monterey Bay Region and the development of the workforce to sustain and grow such a sustainable focus. The Symposium will be held in the City of Monterey on February 23 and 24. The goals of the symposium are:

Goal #1: To embed the culture of sustainable hospitality development in the Monterey Bay Region hospitality industry

Goal #2: To frame the opportunities for eco-tourism and eco-recreation development in Monterey Bay Region

Goal #3: To raise the visibility and impact of the Monterey Bay Region hospitality industry with policy makers, investors and developers in US & abroad

Goal #4: To raise the visibility and impact of the CSUMB Sustainable Hospitality Management Program

Goal #5: To enable public-private partnerships in the Monterey Bay Region hospitality industry

Goal #6: To attract investment in to the Monterey Bay Region hospitality industry

Goal #7: To understand and initiate the workforce development and training necessary to develop a vibrant sustainable hospitality industry in the Monterey Bay Region

The symposium will involve a partnership between the Monterey County, Santa Cruz County and San Benito County tourism industry as well as the Government of California and the Government of Costa Rica and will target hospitality and tourism

industry companies and organizations; senior California Government officials and policy makers; tri-county government officials and policy makers; educational institutions and workforce training and development organizations; trade association and development organization executives and officials; as well as investors and developers interested in making the Monterey Bay Region a hub for sustainable hospitality development, eco-tourism and eco-recreation. The former President of Costa Rica and current Chairman of the Carbon 21 initiative as well as senior Costa Rican government officials, sustainable hospitality facility owners and managers; sustainable hospitality management trainers and educators, green developers and responsible investors will be attending the symposium to dialog with their American counterparts to build a sustainable hospitality management industry and workforce in the region.

The symposium is led and organized by the College of Business at California State University, Monterey Bay in collaboration with other Monterey Bay area educational and workforce development institutions and is aimed at developing public private partnerships that will develop the sustainable hospitality management industry and workforce in the Monterey Bay Region.

A handwritten signature in black ink, appearing to read 'Shyam J. Kamath', is centered on the page.

Shyam J. Kamath, Ph.D.  
Dean and Professor of Global Business and Economics, College of Business  
CSU, Monterey Bay  
Tel. 1-831-582-3547  
Cell 1-925-683-4220