

STATE OF NEVADA
GOVERNOR'S WORKFORCE DEVELOPMENT BOARD
EXECUTIVE COMMITTEE

Wednesday, March 14, 2018 – 2:00 p.m.

Governor's Office of Workforce Innovation
555 E. Washington Ave. Ste. 4900
Las Vegas, NV 89101

Alternate Location: Some members of the board may be attending the meeting and provide testimony through a simultaneous teleconference conducted at the following location:

Teleconference: 1-888-363-4735 | Access Code 9319340

MINUTES OF MEETING

Present: Dr. Luther Mack (Chair), Marilyn Kirkpatrick, Ryan Cordia, Horatio Lopez, Jim New, Don Soderberg, Bill Stanley, Patrick Sheets, Debbie Banko

Also present: Manny Lamarre (OWINN, Governor's Office), Joan Finlay (OWINN), Andres Feijoo (OWINN) Irene Bustamante Adams, Workforce Connections, Rosa Mendez (DETR)

1. OPENING REMARKS

Chair Dr. Luther Mack Jr. called the meeting to order, welcomed participants and made announcements.

2. ROLL CALL - CONFIRMATION OF A QUORUM

Per direction from Chair Mack, **Andres J. Feijoo** took roll call and confirmed the presence of a quorum.

3. VERIFICATION OF PUBLIC NOTICE POSTING

Andres J. Feijoo affirmed that the agenda and notice of the Governor's Workforce Development Board (GWDB) Executive Committee meeting on March 14, 2018, was posted pursuant to Nevada's Open Meeting Law, NRS 241.020.

4. FIRST PUBLIC COMMENT(S) NOTICE

Chair Mack read the notice into the record as follows: "Members of the public are invited to comment at this time; however, no action may be taken on any matters during public comment until the matter itself has been included on an agenda as an item for possible action. At my discretion, in the interest of time, public comments will be limited to three minutes per person."

Chair Mack invited comments from Carson City, Las Vegas or via telephone. There were no comments.

5. *FOR POSSIBLE ACTION - Approval of GWDB Executive Committee's September 20, 2017 meeting minutes

Chair Mack called for a motion to approve the September 20, 2017, draft minutes of the Executive Committee as amended. One typographical correction was made.

It was moved by Marilyn Kirkpatrick and seconded by Patrick Sheets to approve the September 20, 2017, minutes of the Executive Committee as presented. Motion carried.

6. ***FOR POSSIBLE ACTION - Approval of GWDB Executive Committee’s December 14, 2017 meeting minutes.**

Chair Mack called for a motion to approve the December 14, 2017, draft minutes of the Executive Committee.

It was moved by Marilyn Kirkpatrick and seconded by Patrick Sheets to approve the December 14, 2017, minutes of the Executive Committee as presented. Motion carried.

7. **DISCUSSION / INFORMATIONAL ONLY – WIOA State Plan Modification Plan Context**

Manny Lamarre, Executive Director, Governor’s Office of Workforce Innovation (OWINN) stated that one of the important policy pieces the State Board approves via WIOA is the State Plan (every four years). Every two years, revisions to the State Plan are submitted for approval. The expectation is that the modifications reflect implementation of WIOA, improving areas of the plan impacted by any changes in regulations, guidance and circumstances since the original plan was submitted in 2016. The April 19th Board meeting will include the final revisions for public comment and Board input. For today’s meeting, program administrators will present the specific changes. There have been meetings with the Governance Group to coordinate revisions of the State Plan. The Plan requires what is termed a Final Submitter, which must come at the Governor’s direction to allow one person to be the Final Submitter. Mr. Lamarre will take this role.

Marilyn Kirkpatrick stressed the importance of submitting comments in order to avoid surprises. She asked when the information would be on the website. **Mr. Lamarre** said it is already on the website; he would send out the link at the conclusion of the meeting and provide the timeline for inclusion in any newsletters.

Horatio Lopez inquired as to identification of the delivery provider.

8. ***FOR POSSIBLE ACTION – WIO State Plan Revisions: WIO Title I (Adult, Dislocated Worker and Youth Formula Programs).**

Irene Bustamante Adams, Chief Strategy Officer, Workforce Connections was present on behalf of Jaime Cruz to present the item. Mr. Cruz has submitted minor changes, including additions to Section III(a)(2)(B) on page 64 of the current unified jobs, including spelling out that system integration efforts are not limited to just the three categories listed.

Ms. Kirkpatrick commented that in the past, there has been a reference to public facilities in order to avoid getting into one business or another. She asked whether it makes sense to include some type of intent or whether the focus is to have a public/private partnership. **Ms. Bustamante Adams** said they are looking to have a public/private partnership.

Horatio Lopez inquired as to identification of the delivery provider. **Ms. Bustamante Adams** said it is a combination, including request for proposal and sole source. The sole source is not the recommended method and includes procedural rules. **Horatio Lopez** asked about the timeline for performance evaluation. **Ms. Bustamante Adams** stated that they are done on a quarterly basis through a combination of site visits and review of metrics.

It was moved by Don Soderberg and seconded by Marilyn Kirkpatrick to approve the WIO State Plan Revisions: WIO Title I (Adult, Dislocated Worker and Youth Formula Programs). Motion carried.

9. ***FOR POSSIBLE ACTION – WIO State Plan Revisions: WIO Title II (Adult Education and Family Literacy Act Program).**

Nancy Olsen, Adult Education Program Supervisor, NDE stated that the changes are relatively minor and include updating information. Text that is stricken through indicates that the item has already been accomplished. In addition to much of the information in the section on professional development, there were some required changes. One is updating the authorized representative’s name to reflect the removal of her predecessor and adding her to this section. Another is the General Education Provisions Act, which was required to be addressed in the State Plan. The final revision was to enter the two-year targets for measurable skill gains.

Ms. Kirkpatrick commented that she had asked some time ago that there be a regulation book that will reflect all the ongoing changes, which would be helpful tracking changes and before and afters.

Ms. Olson noted that the yellow highlighted portion is the only new section that had to be added into the Plan. **Mr. Lamarre** added that the intent is to have the full original State Plan with all of the tracked changes sent electronically. Anything that is highlighted in a new color is new language. Anything not highlighted has been previously approved. **Ms. Kirkpatrick** said it would be helpful to also be able to see the original plan. **Mr. Lamarre** said that the final previously approved version is included with changes in color. **Ms. Kirkpatrick** commented that all other boards put a red line through their changes with the new language behind it, which makes the review process easier. **Mr. Lamarre** said that after this meeting, that format is what will be sent out to the Board. **Mr. Patrick Sheets** commented that besides the confusion regarding reviewing the document, he questioned what is being decided here. He does not believe there is a need to decide anything at this point, other than the fact that there is more information to be received and to prepare for the meeting on April 19th. **Mr. Lamarre** explained that before the policies go to the full Board for ratification, they are voted on by the Executive Committee. **Ms. Kirkpatrick** said that the Executive Committee could conceptually agree with potential changes and forward to the Board. Sending no recommendations to the Board will cause more confusion. **Bill Stanley** stated that this is why members of the Executive Committee have from time to time previously stated a willingness to move it to the Board, while reserving rights on final approval.

It was moved by Ryan Cordia and seconded by Patrick Sheets to approve the WIO State Plan Revisions: WIO Title II (Adult Education and Family Literacy Act Program). Motion carried.

10. *FOR POSSIBLE ACTION – WIO State Plan Revisions: WIO Title III (Wagner-Peyser).

Lynda Parvin, Deputy Administrator, Employment Security Division stated that her Division had 45 pages of changes, however the vast majority were changes to the name of the management information system from NJCOS to EmployNV. Substantive changes began on pages 37 and 38, which is where they changed from the previous year's performance to the current year funding streams and performance data for Wagner-Peyser as well as for the Title I program. On page 94, they added the agreed upon performance measure for serving employers. All of the core agencies were contacted and agreed to using the employer penetration rate and the repeat business customer rate for serving employers. On page 101, there was a change to the last sentence, which is a note that until the funding is received from the Department of Labor, the Boards are withholding their ability to change the way the methodology is reviewed. Once they receive the numbers from the Department of Labor, they can figure out how the funds would be allocated. Changes on pages 130 and 131 are merely to update the rapid response program activities. The most significant changes are on pages 251 and 252. This include measures for the Adult Dislocated Worker and Youth and Wagner-Peyser measures. They have been reviewed with the local boards, who have agreed to the new measures. They have not yet been negotiated with the Department of Labor. As per Department of Labor guidance, the first step is to submit the recommended levels of performance in the State Plan modification and then they will come back with modifications. The State Plan may need to be modified again, if they change the measures requested.

It was moved by Don Soderberg and seconded by Patrick Sheets to approve the WIO Title III (Wagner-Peyser). Motion carried.

11. *FOR POSSIBLE ACTION – WIO State Plan Revisions: WIOA Title IV (Vocational Rehabilitation Program).

Shelley Hendren, Administrator, Rehabilitation Division, DETR stated that the changes basically amount to a rewrite of the Rehab Services Portion of the Unified State Plan.

Ms. Kirkpatrick asked for a history of why so many changes were necessary. Ms. Hendren said the guidance received from the Rehab Services Administration (RSA) was that there six major sections that must be modified. The guidance also directed a review of the entire document with changes made as necessary, including any items implemented as it relates to the Workforce Innovation Opportunity Act. The requirement was to do this two years into the four-year State Plan and again at the four-year mark.

Ms. Hendren reviewed the substantive changes as follows:

- Addition of a third party cooperative arrangement with the University Nevada Las Vegas. There are five such arrangements and this is a way to receive a match from cooperating partners to be able to draw federal funds, which would otherwise be relinquished. There are three such agreements with colleges (Career Connect) and two agreements with Clark County School District and Washoe County School District.
- New goals and indicators determined by the Council will take effect in Federal Fiscal Year '19, including:
 - Increase the number of successful employment outcomes
 - Increase participation and successful outcomes for VR Transition services
 - Increase participation in successful outcomes for supported employment consumers
 - Collaborate with other resources to support participants with mental health disabilities to become successfully employed
 - Work with eligible government community partners to maximize utilization of resources and federal funds

Mr. Stanley asked about the Job Expiration and Expectations Program (JEEP) Program with the Clark County School District. **Ms. Hendren** stated that the Clark County School District provides dedicated staff time to serve joint consumers. It provides work experiences, job coaching and soft skills, in order to be able to succeed in a workplace. Students are able to rotate through jobs in three different campus locations over a nine-week period, with their last rotation being at a business in the community.

Mr. Lopez inquired as to performance standards for the program. **Ms. Hendren** confirmed that the performance standards are included in the document. They include core performance measures like all WIOA core partners, as well as performance measures reported to State, DETR, the Legislature and the Governor's Office. There are also performance measures determined jointly with the State Rehabilitation Council. A subcommittee of the Council meets every year with the Division to determine the goals, direction and strategies for the Agency and how to measure those.

Ms. Kirkpatrick noted that in order to be eligible for benefits such as SSI, some disabled workers are limited to the number of hours and salary they can make. **Ms. Hendren** stated that employers and businesses are never expected or required to lower whatever their standards are in terms of production or requirements for employees. The goal is to work with the employees in order to achieve their maximum independence. Some will only be able to work 20 hours per week. They will be assisted in pairing with an employer that needs a 20 hour a week employee who matches their skillset.

Mr. Lopez asked whether they work in concert with organizations such as Opportunity Village. **Ms. Hendren** confirmed that there are many programs with Opportunity Village, including Pathway to Work, Job Discovery I, Job Discovery II. **Mr. Lopez** shared his understanding that Opportunity Village receives a significant amount of commercial work, including government contracts. **Ms. Hendren** commented that there is a requirement in WIOA that the only jobs the Division is able to help its client achieve are competitive and integrated. Some jobs that Opportunity Village is able to provide consumers do not meet that definition. **Ms. Kirkpatrick** stated that this is a contentious discussion, as they compete with the private sector and also pay less wages. The State indicates these individuals can be paid \$2.75 an hour. **Ms. Hendren** said that the only way it is permissible to pay under the minimum wage is through specific requirements in the Fair Labor Standards Act. It is for individuals who are significantly disabled and cannot work at the same production level as someone without a disability. The Vocational Rehabilitation Program does not place anyone into that type of employment. They do the opposite, working with Opportunity Village and individuals to move out of this environment. They are only allowed to place people into competitive, integrative employment.

Mr. Stanley inquired as to the types of disabilities seen in the high school setting. **Ms. Hendren** stated that to be eligible for the program as well as within the school system for special education, any medically documented disability will provide eligibility. This includes students with a diagnosis of ADHD.

Ryan Cordia asked whether the funds are available for any age demographic. **Ms. Hendren** said that anyone eligible to work is served. This includes anyone 16 years of age or older.

It was moved by Don Soderberg and seconded by Patrick Sheets to approve the WIOA State Plan Revisions: WIOA Title IV (Vocational Rehabilitation Program). Motion carried.

12. ***FOR POSSIBLE ACTION – Governor’s Workforce Development Board Strategic Planning Retreat Key Takeaways**

Mr. Lamarre reviewed the results and takeaways from the strategic planning retreat.

Strengths of the Board:

- The personal and professional diversity and talent of board members
- A strong and effective executive director of the Governor’s Office of Workforce Innovation
- The role of the Executive Committee in helping the full board function
- The access Board members have to both government agencies and employers
- The alignment the Board has with key stakeholders
- Working under Governor Sandoval, who set a clear direction for the State and works with the Board rather than against it

Weaknesses of the Board:

- Size of the Board membership is too big to be effective
- The lack of policy content available for discussion and board meetings
- Lack of active engagement and dialogue among Board members at meetings, resulting in rubber-stamping policies
- The lack of clarity in decision making authority
- Alternate year legislative sessions slow down policy changes that need to be made

Recommendations going forward:

- Setting attendance expectations for Board meetings for members – potentially revise the bylaws to require that Board members attend at least two to three Board meetings
- Emphasizing Board members to attend meetings in-person rather than over the phone
 - Potentially revise the bylaws to require in-person meetings
 - Would require a standing committee that can act on behalf of the Board to approve policies
 - May require the formation of a standing committee (or existing Executive Committee) to vote to adopt policy
- Rotating Board meeting locations to other sites throughout Nevada, including local program sites and Reno instead of Carson City – Mr. Lamarre will draft meeting location suggestions with the Board reviewing and prioritizing the list at the April meeting
- Determine whether the Board should meet four times a year as it currently does or twice a year with longer meetings – would still require a standing committee (or existing Executive Committee) to vote to adopt policy
- Have the Executive Committee and Sector Councils update the full Board on activities
- Focus meetings more on statewide workforce development strategy, rather than just on compliance issues
- Develop themes for Board meetings, so there is a specific focus on content
- Divide Board members into subcommittees that focus on a particular area of policy
- Board members should drive policy, not career staff
- More engagement with K-12 and higher education institutions

Ms. Kirkpatrick addressed the potential requirement of having all in-person meetings and stated that she would prefer a hybrid option. She does not want to see the Executive Board be the body that determines all the policies with the others being asked to participate twice a year only to rubber-stamp their decisions. She suggested two in-person meetings and two video conferences. **Chair Mack** stated that he had spoken to the Governor recently, who indicated that he would prefer that the Boards and Committees attend meetings in person. **Mr. Lamarre** said he would draft an update to the bylaws requiring in-person attendance for review and/or approval at the April meeting. He also suggested the possibility of fieldtrip-type meetings, where Board members visit sites of interest in terms of employment programs and divisions.

Mr. Soderberg commented that if appearance at meetings by phone is not allowed, there will be problems achieving a quorum, which makes it challenging to meet the deadlines from the Department of Labor and Department of Education. There may need to be an alternative (something in between the full Board and the Executive Committee) in order to meet these deadlines. **Ms. Kirkpatrick** suggested the following verbiage for the bylaws: "The Board prefers a quorum, however, in the event that the Executive Board has approved it

and there is no quorum at a scheduled meeting, the policy committee is" (indiscernible – multiple simultaneous speaking).

Mr. Stanley discussed the value of inviting the Chairman of each sector council to the full Board meetings, in order to increase their understanding and role in the process. **Debbie Banko** agreed, noting that it is important to understand what the sector councils are doing, their direction and reasons for that direction, even more than the sectors needing to understand what the Board is doing. **Mr. Lamarre** clarified that since Governor Sandoval reauthorized the councils and the boards, this Board collectively created, approved and adopted the duties and responsibilities of the sector councils approximately two years ago. Secondly, those duties and responsibilities are not the same as they had been previously. They are not creating policy and bringing it to the Board for approval. In the Governor's executive order, the sector councils have a specific duty: Identify in-demand occupations, serve as on-the-ground focus group of qualitative data that vets the information and produces the report that goes out to the K-12 and publicly funded workforce system. Their focus is very specific and very tailored to in-demand occupations, skills and credentials. **Mr. Sheets** recommended that as a minimum, perhaps two sector council leads appear at each of the Board meetings throughout the year. **Mr. Lamarre** stated that for the April meeting, he will bring back a draft revision of the sector council responsibilities, which would include reporting to the Board via attendance of the Board's meeting. **Mr. Soderberg** commented that the decision to narrow the work of the sector councils was being discussed prior to the Governor's executive order. It would be helpful to hear from the councils regarding occupational trends.

Mr. Stanley discussed the proposed meeting focus on themes. He suggested a continuing education approach, where administrators of programs attend the Board meeting and provide an overview and update of activity. **Ms. Kirkpatrick** commented that longer meeting time frames of four hours provide significant opportunity for such presentations as well as allow the Board to break into groups and work on specific topics.

It was moved by Marilyn Kirkpatrick and seconded by Bill Stanley to allow Mr. Lamarre to take the Board's direction and bring back the changes at the April 19th meeting. Motion carried.

13. PUBLIC COMMENTS NOTICE (SECOND)

Chair Mack read the statement into the record: "Members of the public are invited to comment at this time; however no action may be taken on any matters during public comment until the matter itself has been included on an agenda as an item for possible action. In my discretion, in the interest of time, public comment will be limited to three minutes per person."

Chair Mack invited comments from Carson City, Las Vegas or via telephone. There were no comments.

14. ADJOURNMENT

The March 14, 2018 meeting was adjourned.

Notice of this meeting was posted on or before 9 a.m. on the third day prior to the meeting on the Internet at:

<http://gov.nv.gov/OWINN/> and
Nevada's Public Notice website at <https://notice.nv.gov/>, as required by NRS 232.2175.

Supporting public material provided to Committee members for this meeting is posted on OWINN's Web site at www.gov.nv.gov/OWINN, and may be requested from the Executive Director's Office at 555 E. Washington Ave, Las Vegas, Nevada or call (702) 486-8080 **on or before the close of business on Wednesday, March 12th, 2018**