

**STATE OF NEVADA**  
**GOVERNOR'S WORKFORCE DEVELOPMENT BOARD**  
**EXECUTIVE COMMITTEE**

**Monday, March 30, 2020 - 2:00 p.m.**

**Teleconference Only**  
**1-888-363-4735**  
**Access code 9319340**

**MINUTES OF MEETING**

**Present:** William "Larry" Fagerhaug (Chair), Ann Silver, Hugh Anderson, Robert Cunningham, Dr. Tiffany Tyler-Garner

**Absent:** Marilyn Kirkpatrick, Jim New, Bill Stanley, Ryan Cordia,

**Also present:** Craig Von Collenberg, (OWINN) Robert Whitney, (DAG) Andres Feijoo, (OWINN) Joan Finlay (OWINN), Jaime Cruz (Workforce Connections)

**1. CALL TO ORDER - OPENING REMARKS**

**Chair Fagerhaug** called the meeting to order and welcomed participants.

**2. ROLL CALL - CONFIRMATION OF A QUORUM**

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

**3. VERIFICATION OF PUBLIC NOTICE POSTING**

**Mr. Feijoo** affirmed that the agenda and notice of the Governor's Workforce Development Board (GWDB) meeting on March 30, 2020 was posted pursuant to Nevada's Open Meeting Law, NRS 241.020.

**4. FIRST PUBLIC COMMENT(S) NOTICE**

**Chair Fagerhaug** 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 Fagerhaug** invited comments. Dr. Tiffany Tyler-Garner thanked members of the Governors Workforce Board, who have provided support to address workforce and employer needs in the state as a result of the pandemic. She encouraged the board to explore options to continue partnering, particularly around the upcoming recovery period.

**5. \*FOR POSSIBLE ACTION - Approval of GWDB Executive Committee's September 18, 2019 meeting minutes**

**Chair Fagerhaug** called for comments/changes to September 18, 2019 draft minutes of the Executive Committee. There were no changes.

**It was moved by Dr. Tiffany Tyler-Garner and seconded by Ann Silver to approve the September 18, 2019 minutes of the Executive Committee as presented. Motion carried.**

## 6. \*FOR POSSIBLE ACTION – Changes to GWDB Bylaws

- **Section 3.2**

**Mr. Feijoo** stated that the strict in-person attendance policy for board meetings pushed by the previous Chair sometimes made it difficult to achieve a quorum. The proposed change allows for exceptions due to inclement weather and personal hardships which may preclude in-person attendance. In those cases, a participant would be permitted to attend via phone. Mr. Feijoo quoted the updated language as follows:

*“State board members are expected to attend all meetings in person. State board members may not call in to the meetings unless extenuating circumstances such as inclement weather or personal hardship preclude their in-person attendance. In these circumstances, the board member must notify the board liaison and/or Board Chair of their intention to attend the meeting via phone.”*

**Ann Silver** asked for clarification on whether this provision applies as a group-related circumstance or a personal circumstance of the individual. She also asked whether this only applies to inclement weather. **Chair Fagerhaug** stated his interpretation that it applies to extenuating circumstances, with inclement weather being used as an example of a personal hardship. **Craig von Collenberg** suggested that the language be modified slightly to state, “At the discretion of the Chair.” **Ms. Silver** said this clarification would be helpful. Discussion ensued rewriting of the section to include the suggested language. After discussion, the additional language was modified to state, “Approval of this request will be at the discretion of the Chair and/or the Chair’s designee.”

**It was moved by Ann Silver and seconded by Robert Cunningham to approve Section 3.2 as amended. Motion carried.**

- **Sections 3.3 and 4.1.3**

**Mr. Feijoo** stated that the full Board meeting scheduled for October, 2019 did not occur, because at the time, it was believed there was not a quorum and the meeting had to be postponed. The bylaws currently state that a quorum must be based on total members of the board (33 members). Upon consultation with the Deputy Attorney General, Mr. Whitney, it was determined that a quorum based on current membership would be acceptable. While full membership is 33 members, when all positions are full, current membership consists of a total of 33 members, minus any existing vacancies. Having the quorum based on current membership will make it easier to achieve a quorum. The revisions reflect this proposed change.

**Dr. Tyler-Garner** stated that while she agrees with the change, she posed a scenario where only a small number of attending members are able to vote and pass important policies and actions. **Mr. Feijoo** stated that according to WIOA, a certain percentage of the board must be represented by a certain group of people. For example, a majority of the Board must be represented by people who represent the business community. Another percentage are for workforce and labor, followed by core programs and the legislature. The figures are based on total membership, with at least 51 percent of the 33 members (or 17) business representatives in order to meet the requirement under WIOA. **Mr. Von Collenberg** shared Dr. Tyler-Garner’s concern. It maybe helpful to have a minimum number that must constitute the quorum (i.e., a quorum based on the current membership, with a minimum of a specific number).

**Dr. Tyler-Garner** suggested possible language that requires representation from at least two of the three stakeholder groups for action or approval. **Chair Fagerhaug** referred to language already contained in the section and suggested it may be sufficient as is: “*Current membership positions required by WIOA...*” **Mr. Whitney** stated from Dr. Tyler-Garner’s comments, there may be a way to add clarity. As it stands currently, Section 3.3 is a little ambiguous. **Chair Fagerhaug** suggested including another sentence such as, “*The current membership would have to appropriately represent the given constituencies of the Board, as required by WIOA.*” **Mr. Whitney** said this is an excellent

idea for clarification, pursuant to wordsmithing. **Mr. Von Collenberg** said that for some categories of representation such as state legislature, there is currently one person appointed. He asked whether the absence of this one person would nullify the quorum. **Mr. Feijoo** suggested that the Board approve the proposed changes and allow he and the Deputy Attorney General to come up with appropriate additional clarifying language. **Ms. Silver** stated her recommendation that the Chair allow Mr. Feijoo and the Deputy Attorney General to clarify the language to satisfy the concerns of the Board. **Mr. Von Collenberg** said that he supports approval pending review by the Deputy Attorney General and OWINN.

**Mr. Feijoo** asked whether the approved changes to these sections can be presented to the full Board at their next meeting or whether the Executive Committee would have to review and approve the clarifying language before it goes to the full Board. **Chair Fagerhaug** stated his understanding that changes to the bylaws, once approved by the Executive Committee, must be reviewed with the full Board for their edification. He is not certain whether approval is required from the full Board. **Mr. Feijoo** agreed. **Mr. Whitney** said that this comports with his understanding as well.

**It was moved by Robert Cunningham and seconded by Dr. Tiffany Tyler-Garner to approve Sections 3.3 and 4.1.3 pending clarifying language changes by the Deputy Attorney General and OWINN. Motion carried.**

- **Section 3.4**

**Mr. Feijoo** stated that Sections 3.3 on quorum and 3.4, which deals with voting rights, contain conflicting language regarding the use of proxy votes. Section 3.3 does not allow proxy votes, while Section 3.4 does allow them, stating that voting members may designate an alternate to represent them at a meeting. Upon consultation with the Deputy Attorney General, it was determined that proxy votes are not appropriate for the Board. Under NRS 241.025, a designee of a member of a public body is not allowed unless “the designation is expressly authorized for the legal authority pursuant to which a public body was created.” In looking at NRS 232.935, which created the full Board and Executive Order 2016-08, which outlines the duties and composition of the full Board, these do not include language that allows for proxy votes. He recommended striking the language in Section 3.4, which allows for proxy votes and allowing the language in Section 3.3 to stand on its own as recommended. **Dr. Tyler-Garner** asked whether it allows electronic votes. **Mr. Whitney** stated that there are requirements for a public meeting in order to legally vote in compliance with NRS 241.

**It was moved by Ann Silver and seconded by Hugh Anderson to approve Section 3.4 as amended, including striking the language in Section 3.4, which allows for proxy votes and allowing the language in Section 3.3 to stand on its own. Motion carried.**

- **Section 4.1.4**

**Mr. Feijoo** addressed the vagueness of this Executive Committee duties section. Language was added from Executive order 2016-08, which created the Executive Committee and from the Executive Committee’s rules of practice, which the full Board approved in April, 2016. The new language should strike the right balance, indicating that the Committee will evaluate reports from OWINN and make recommendations on how Workforce Development funds should be allocated, but also broad enough that the Executive Committee in general helps to expedite the work of the State Board and take on any other task considered proper under the purview and direction of the State Board.

**It was moved by Dr. Tiffany Tyler-Garner and seconded by Ann Silver to approve Section 4.1.4 as written. Motion carried.**

- **Section 5.1**

**Mr. Feijoo** stated that at the meeting in December, 2019, a Board Member asked that changes to the bylaws go through the Executive Committee first before going to the full Board. As stated currently, the Bylaws do not specifically clarify this provision. Language was added to provide this clarity.

**It was moved by Hugh Anderson and seconded by Ann Silver to approve Section 5.1 as written. Motion carried.**

7. **\*FOR POSSIBLE ACTION – GWDB Update**

- **Nevada State Plan**

**Mr. Von Collenberg** stated that the Unified State Plan was submitted today for federal review. None of the changes made since the last GWDB meeting substantially affected the outcomes, vision, or direction for the State. There a number of revisions and changes in language, but nothing overly substantial which would have changed the intent. The final plan will be up for review on the OWINN website shortly. He recognized Andres Feijoo for his extensive work on this project. Approval or other answer is anticipated within 90 days.

**Ms. Silver** referenced State Compliance Policy (SCP) 1.2 and asked how the Northern Nevadaworks Board could have gone forward with a competitive RFP process when the State Plan had not yet been completed or approved. **Mr. Von Collenberg** said he does not have an immediate answer to the question, but would be happy to look into it. **Ms. Silver** recognized many starts and stops on the State Plan. If the money flows down from the Governor to the Workforce Board, Workforce Connections and Nevadaworks, it is unclear how Nevadaworks could go forward with an RFP process when the State Plan had not yet been completed or approved. This action preceded the pandemic situation by several weeks. **Mr. Von Collenberg** stated that he was unsure with the RFP process, the funds being put out to the public were part of the newest round that would be under this State Plan or a previous one. He invited Jaime Cruz to comment. **Ms. Silver** commented that she does not know that any of this constituted a breach of the State Compliance Policy. However, the understanding is that state and local plans would be in place prior to distribution of very limited WIOA funds.

**Jaime Cruz** stated that in a perfect world all these things line up. Workforce Connections entered an RFP process in November of 2018, because it needed to procure funds to be in place July of 2019. Procurement must occur several months before contracts are executed. The funds Workforce Connections was utilizing beginning in July of 2019 were not part of what will be covered under the new State Plan. Theoretically, the new State Plan would have been provided previously, so that the funds used July 1st could be planned for and procured before the end of March of the same year. It is impossible to plan, procure and execute contracts within three months. **Ms. Silver** stated that it is incumbent upon the Board to create a State Plan, which provides the direction referred to by Mr. Cruz. It is a breach of the State Compliance Policy when local boards are distributing grant money which may not follow the State Plan. In the future, the Board must be timely, must make its meetings as long as need be, to articulate and implement the State Plan. **Mr. Von Collenberg** said this point is well taken. He proposed forming a subcommittee of the Board focused on the planning process and the State Plan. They should be looking at the two-year revision now. The next State Plan should be more of a combined State Plan, rather than unified. **Ms. Silver** agreed wholeheartedly.

- **Governor's Workforce Vision**

**Mr. Von Collenberg** stated that prior to the COVID-19 crisis, the Governor formed six subcabinet groups to work on priorities, goals and strategies for the State in various areas. Dr. Tyler-Garner and he sit on some of the groups. Mr. Von Collenberg participates in the Transforming Education Group and the Expanding Economic Opportunity and Growing a Skilled Workforce groups. Unfortunately, much of the work accomplished has been derailed by the current state of affairs. The Economic and Workforce Subcabinet focused heavily on what the Governor's Workforce Development Board did with its vision statement and borrowed from the vision statement in developing the priority statement

for the subcabinet. **Dr. Tyler-Garner** said she is encouraged by the collaboration and coordination that has taken place and also acknowledged the significant challenges presented by the current pandemic. **Mr. Von Collenberg** commented that the Governor is focused on a family and child-centered government, which supports the family as a whole and supports children through their entire educational process. In the past, there has been a focus on in-demand occupations. This should include exploration of the skills aligned with these in-demand occupations, to ensure that they are addressing the actual skills required. This includes talking to employers to determine needed skills. This should then be addressed within the entire educational spectrum. Other important skills are social/emotional and involve teamwork and problem-solving. **Dr. Tyler-Garner** commended Mr. Von Collenberg for his efforts in assisting one of the groups to adopt a version of the vision articulated during the strategic planning session, “Work, earn and live well.” Group discussions included effects of the benefits cliff. It is important to cultivate an understanding that many academic skills are also work skills in and of themselves. **Ms. Silver** commented that the current crisis will reframe thoughts about workforce development and life skills. The world may be reshaped, with less emphasis on in-demand industries and more on employer-cited deficiencies. **Chair Fagerhaug** agreed that crises tend to bring about change in unexpected ways.

- **GWDB Vacancies**

**Mr. Von Collenberg** reviewed vacancies, including Nevada State Assembly, one more representative of local government and five business representatives. A recent resignation was received from Hannah Pence. Another representative is needed from the workforce labor field. There are a total of eight vacancies. One of the challenges is transitioning the work towards more action and less talk. It is difficult to attract participation with a Board that takes little action. In response to a question from **Dr. Tyler-Garner**, **Mr. Von Collenberg** stated that exit interviews are not currently conducted with resigning Board members. However, it would be a good idea to develop a questionnaire to gather feedback.

- **GWDB Board Director Position**

**Mr. Von Collenberg** stated that WIOA allows for this position and this is currently being explored. Some changes need to be made in NRS, because the Workforce Development Board is still listed in NRS as the Workforce Investment Board and is still shown under DETR, as opposed to OWINN. A draft bill will be needed to address this issue. Having someone dedicated to working on the vision, mission and outcomes of the board would be a game changer. The position would assure that the Board, sector councils and any subcommittees are working effectively and can devote its time to acting on behalf of these groups. **Ms. Silver** said this is great news. **Dr. Tyler-Garner** asked about the job description and details regarding the areas not being addressed at this time. **Mr. Von Collenberg** stated that he would put together a summary of goals and job description.

- **Workforce Asset Map**

**Mr. Von Collenberg** stated that as part of its goals, OWINN is currently working on a comprehensive asset map of the workforce entities within the State. One portion of the map would incorporate an organizational chart-type structure within the state, including all entities involved in workforce development. It would provide a snapshot of who is doing what in the State. **Chair Fagerhaug** commented that each year on the Board, there has been the need for such an asset map. It is helpful to have complete and continuous clarification. **Dr. Tyler-Garner** agreed with the Chair’s comments and supports the effort. This will be an invaluable tool, particularly looking at coordination of resources across entities. It will be helpful to articulate in one place an overview of programs and resources as well as performance and eligibility. This will provide a clearer sense of available resources. It will also help to identify potential gaps. **Ms. Silver** agreed with Dr. Tyler-Garner’s comments, particularly in terms of deliverables and accountability of the organizations providing these services.

**Mr. Von Collenberg** said they would also like to develop a funding stream map, which shows the flow of the WIOA funds, state and private funds. The will provide a better sense of better alignment, elimination of duplication and streamline the workforce in the State. **Mr. Feijoo** stated that he appreciates the discussion. Asset maps have been done in the past. The one completed two to three years ago focused on NDE, HHS and DETR. Obviously those will be included in this map as well. It is hoped that even more information will be included on the map to provide a more comprehensive view.

- **GWDB Subcommittees**

**Mr. Von Collenberg** stated that as the State Plan has been submitted, the time has come to look at the idea of forming subcommittees. Subcommittees will be the best way to accomplish goals. Suggestions include: Governance, including online dashboards to track outcomes; and formation of a subcommittee to work on the State Plan. He asked Board Members to begin to contemplate desired outcomes of the Board and how these could be addressed via subcommittee. **Chair Fagerhaug** asked whether subcommittees have been formed in the past. **Mr. Von Collenberg** stated from his understanding, when the Board was known as the Workforce Investment Board, some subcommittees did exist. He cannot speak to their effectiveness. He suggested that they start from scratch as a new initiative.

- **Possible Summer Retreat**

**Mr. Von Collenberg** stated that given the current situation, a retreat may not be possible. However, there have been discussions. It may need to be rescheduled for the fall or next spring. Getting everyone together for a strategic session can be effective, but it must be done right. **Dr. Tyler-Garner** said she sees the value of a retreat and suggested meeting by Zoom in the event that social distancing remains in place. Perhaps the retreat could include the topic of the formation of the subcommittees. There may also be a need for committees whose focus is on recovery, job quality and system integration. **Mr. Von Collenberg** concurred, suggesting that the April meeting could include assignment of subcommittees around the suggested topics. The subcommittees could then report out and strategize during the retreat, even if held via Zoom. **Dr. Tyler-Garner** made another committee suggestion based just on performance. A system integration committee might ensure participation and maintenance of all 17 partners, as opposed to a heavy focus merely on Title 1 administration. **Mr. Von Collenberg** said this is a great point and there is a need to expand to look at the full WIOA spectrum.

**Chair Fagerhaug** commented that historically, there has been great success and progress made during retreats. He would support an aggressive schedule for organization of a fall retreat. **Dr. Tyler-Garner** stressed the importance of a dashboard, which serves as a monitoring indicator statewide. This may be a potential function of a performance committee. In addition, it may be helpful to dedicate time during the quarterly Board meetings to address the work product and reporting of particular subcommittees. **Mr. Von Collenberg** agreed with the approach to potentially reshape the full Board meetings to center around what the subcommittees are doing and what level of support they require. **Dr. Tyler-Garner** suggested the potential for work to ensue between this time and the retreat by the Executive Committee to outline the vision. The upcoming meeting could become a platform for launching such plan. **Mr. Von Collenberg** said that he would like the April, 2020 meeting to include the finalization of which subcommittees will be formed, followed by the subsequent assignment of individuals to them. The subcommittees could meet between that time and the fall retreat to develop their plans and present at that time. **Ms. Silver** agreed that this would expedite the process.

- **April 2020 Meeting Topics**

**Mr. Von Collenberg** stated that formation of the subcommittees will be a significant topic of discussion. **Mr. Feijoo** noted that the bylaws currently require in-person attendance for meetings. It is uncertain whether the lockdown will still be in place in two and a half weeks. The question is whether the meeting should convene as planned. **Dr. Tyler-Garner** suggested that they be flexible to allow meeting via videoconference or telephonically. She also cautioned against meeting simply

for the sake of meeting. It would be helpful to say that the Board has convened to discuss the current situation and ramifications of going from the lowest unemployment rate since 1976 to the current state of affairs where workers literally cannot leave their homes. The Board realizes that its role is to set vision, policies and priorities around workforce development.

**Mr. Von Collenberg** asked **Chair Fagerhaug** about the potentiality of a virtually hosted April meeting. **Chair Fagerhaug** stated his opinion that under the circumstances, there is a State mandate against large meetings. As such, the next meeting would be appropriate for Zoom. **Mr. Feijoo** said he would work on organizing this after discussion with the Deputy Attorney General.

#### **8. PUBLIC COMMENTS NOTICE (SECOND)**

**Chair Fagerhaug** 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 Fagerhaug** invited comments. There were none.

#### **14. ADJOURNMENT**

**The March 30th, 2020 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:**

[owinn.nv.gov/GWDB/GWDB\\_Workforce\\_Meetings/](http://owinn.nv.gov/GWDB/GWDB_Workforce_Meetings/) and  
[Nevada’s Public Notice website at https://notice.nv.gov/](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.owinn.nv.gov/GWDB/GWDB\\_Workforce\\_Meeting/](http://www.owinn.nv.gov/GWDB/GWDB_Workforce_Meeting/), 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 Tuesday, March 24th, 2020**