

STATE OF NEVADA
GOVERNOR'S WORKFORCE DEVELOPMENT BOARD
EXECUTIVE COMMITTEE

Thursday, June 21, 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: William “Larry” Fagerhaug (Chair), Commissioner Marilyn Kirkpatrick, Ryan Cordia, Don Soderberg, Bill Stanley, Debbie Banko, Robert Cunningham

Absent: Horatio Lopez, Jim New

Also present: Manny Lamarre (OWINN, Governor’s Office), Samantha Hill-Cruz (DETR), Robert A. Whitney (Attorney General’s Office), Mel Evans (Workforce Connections), Joan Finlay (OWINN)

1. OPENING REMARKS

Chair Fagerhaug called the meeting to order, welcomed participants and made announcements. He thanked Governor Sandoval for giving him the opportunity to serve as the new Chair. He also thanked Dr. Luther Mack for his years of service as chairman. He welcomed Robert Cunningham to the Executive Committee. For the record, OWINN’s policy analyst, Andres J. Feijoo, is not in attendance. OWINN’s Executive Director, Manny Lamarre, will be assuming Mr. Feijoo’s duties today.

2. ROLL CALL - CONFIRMATION OF A QUORUM

Per direction from Chair Fagerhaug, Manny Lamarre took roll call and confirmed the presence of a quorum.

3. VERIFICATION OF PUBLIC NOTICE POSTING

Manny Lamarre affirmed that the agenda and notice of the Governor’s Workforce Development Board (GWDB) meeting on June 21, 2018, 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 from Las Vegas or via telephone. There were no comments.

5. *FOR POSSIBLE ACTION - Approval of GWDB Executive Committee’s March 14, 2018 meeting minutes

Chair Fagerhaug called for comments/changes to March 14, 2018, draft minutes of the Executive Committee. There were no changes.

It was moved by Commissioner Marilyn Kirkpatrick and seconded by Don Soderberg to approve the March 14, 2018, minutes of the Executive Committee as presented. Motion carried.

6. ***FOR POSSIBLE ACTION – Nevada State Compliance Policy (SCP) Revisions (WIOA):**
• **6(A): SCP1.0**

Samantha Hill-Cruz (DETR) reviewed the changes. In general, the changes include citation updates, contract information, due to the assumption of responsibilities by OWINN, minor changes requested by the local board, clarifying information added from WIOA as well as grammatical/spelling corrections. SCP 1.0 was a new policy in 2015. The most notable changes fall under Local Board Operations (Quorum). The Board asked that this is clarified by removing item 2, so that only a simple majority of 51 percent of members is required, excluding their vacancies. Additionally, they asked to remove letter C, Mid Term Appointments. This is covered under the Local Workforce Development Board policies. Under Vacancies, they asked that the language be changed from 90 days to 120 days. This refers to how local elected officials' regular meetings are scheduled. She invited questions/concerns.

Commissioner Kirkpatrick asked if the local elected are still included or have been renamed. There are many local elected officials who serve; this fits into how committees are composed. **Bill Stanley** asked whether the Chief Elected Officials are synonymous with what is routinely termed Local Elected Officials (LEOs). **Mel Evans (Workforce Connections)**, stated that the Executive Board is a greater group of individuals who all serve on various committees. LEOs are a separate entity. **Bill Stanley** asked what policy in WIOA describes the LEOs. **Ms. Hill-Cruz** stated that the CEO is synonymous with the LEO. **Don Soderberg** sought clarification that the proposed changes to Policy 1.0 have nothing to do with the LEO board outside of defining the term Chief Elected Official. What it addresses are the boards of the two workforce organizations. **Ms. Hill-Cruz** confirmed this understanding. To Commissioner Kirkpatrick's question, the policy is supposed to outline those that are required to be on the board.

Bill Stanley referred to the section, "Conflict of interest and transparency," and asked for the reasoning for removal of the issue regarding familial relationships. **Ms. Hill-Cruz** stated that the provision was not found in the law. It was asked to be removed. If a further discussion is desired, she can do further investigation on the specifics. **Bill Stanley** said it may not be covered in WIOA, but it is typically good public policy to have some separation.

Don Soderberg stated that the language first came about when WIOA was changing the makeup of the local boards. There was a time when the local boards had numbers of members who were also takers for grants. There should be a very compelling reason to have the language removed, as it served a necessary purpose. **Commissioner Kirkpatrick** said this was discussed during the time of state planning. It was discussed that competition was good in terms of having more than one organization. However, it could take four to five years before this could even be considered. What they do not want is to have several little ones popping up. **Don Soderberg** stated that this is his recollection of the discussion. **Bill Stanley** read from the section, "The Governor shall once every two years certify one local board for each local area in the state." Perhaps it should say, "certify *at least one* local board." For example, what happens if North Las Vegas under WIOA has every opportunity to solicit this Board for their own workforce development board. **Commissioner Kirkpatrick** stated that from her recollection, they could not even meet the WIOA requirements. Other states struggle just to get one, so Nevada is fortunate in this regard. **Mr. Lamarre** stated that the certification is for one local board for each local area. If a new local area is determined, they can still have a board (one area, one board). The area is not defined as only one or the other.

Don Soderberg referenced page 3 of the proposed policy amendment in terms of familial relationships. Some was stricken but not highlighted, and he asked whether there is a particular reason. **Ms. Hill-Cruz** said it is merely a typo. **Mr. Fagerhaug** noted that the same language appears under C(3) later on in the policy (stricken language). He asked whether the same convention would be followed in terms of keeping the language in. **Ms. Hill-Cruz** stated that if this is what the Board would like, they will do so.

Commissioner Kirkpatrick said that if the training and employment guidance letter was left in, they would probably not have to define the acronym. **Bill Stanley** stated that after this point, the acronym is referenced again.

It was moved by Commissioner Marilyn Kirkpatrick and seconded by Bill Stanley to leave in Section E, Conflict of Interest and Transparency of the Relationship. Motion carried.

- **6(B): SCP1.1**

Ms. Hill-Cruz stated that the policy was originally written in 2005 and updated in 2015 and now. Most notably, the changes occur under the section, “Performed Successfully.” The language was changed from 80-100 percent of the negotiated level of performance to 90-100 percent. This coincides with WIOA law. Page 7 includes the addition of a section, “Appointment and Certification of the LWDB,” per WIOA law. **Bill Stanley** referred to page 1 under background. The changes strike, “Training and Employment Guidance letter,” and adds the acronym TEGL. As this is the first time the acronym appears, it seems logical that they would want to keep the definition for its first use. On page 3 of 8 under A(2), once again, there is the same issue with regards to the familial relationship to the third-degree language being struck. He requests that the original language be retained for the reasons discussed earlier. He questioned the language that states the Governor will appoint two boards – one north and one south. There may be a time when there arises and opportunity or need for more than one workforce development board in a geographical area.

It was moved by Commissioner Marilyn Kirkpatrick and seconded by Ryan Cordia to approve Policy 1.1 with the following changes: Leave in under background, “U.S. Department of Labor’s Training and Employment Guidance Letter”, page 3, Section A(2) leave in the language regarding the relationship of the third degree; page 6 of 8, number 3, leave in the language. Motion carried.

7. ***FOR POSSIBLE ACTION – GWDB Bylaws Changes:**

Mr. Lamarre stated that during the January 2018 retreat, there were a variety of discussions around improvements. This included surveys for feedback, with the premise that action would eventually be taken. Key points included the issue of members calling in for meetings. It is notable that the bylaws already include suggested prohibition from allowing members to call in. The second issue addressed attendance. Inserted is a provision that members who miss two regular meetings shall be recommended to be replaced.

Commissioner Kirkpatrick stated that she supports the provision disallowing call-ins, noting that no other boards allow participants to call in. Having a schedule in advance should allow for appropriate attendance planning.

Mr. Lamarre addressed the issue of the sector councils in terms of regular updates. The bylaws provide this suggestion. However, it is not explicitly required. The proposed rule would require that either the chair of each sector council and/or himself or the executive director of OWINN provide an update to the full board. When the Governor reauthorized the sector councils, it made their focus more precise – to identify and work to vet the in-demand occupations, identify the skill sets as an “industry focus group,” to identify industry-recognized credentials. The in-demand occupations, skills and credentials are then vetted through the Council. OWINN then publishes them, and they are used by K-12, the secondary system, and the publicly funded workforce system. There is interest within the full Board to hear these updates. Between now and the full Board meeting, he will send out the bylaws for any additional comments.

8. ***FOR POSSIBLE ACTION – Changing October 18, 2018, GWDB Full Board Meeting Date**

Mr. Lamarre noted that all meetings are scheduled in advance. For the October 18th meeting, the proposal is to change the date to Tuesday, October 16th or Tuesday, October 23rd at 2 p.m. October 18th is the date for the Seventh Annual Governor’s conference on business. **Mr. Cunningham** stated that there may be an advantage to holding the meeting after the Governor’s conference. **Mr. Lamarre** said it depends on whether there are enough people attending the conference and whether there is a debrief component.

It was moved by Bill Stanley and seconded by Ryan Cordia to move the meeting date to October 23rd at 2 p.m. Motion carried.

9. **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 from Las Vegas or via telephone. There were no comments.

Commissioner Kirkpatrick stated that following the WIOA federal legislation, they are making some changes. One such change is that those on (indiscernible) would have to work 30 hours. **Mr. Soderberg** said he has been briefed that it may happen because it would affect Job Connect services and services local boards, however, it is a “might” at this point. **Mr. Lamarre** agreed that it is a toss-up at this point. **Commissioner Kirkpatrick** commented that she is concerned about daycare for many people. **Mr. Lamarre** stated that if there is interest for a discussion, he could reach out to people from NGA to have a discussion on the federal legislation side.

14. **ADJOURNMENT**

The June 21, 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 Monday, June 17th, 2018**