

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

**Thursday, April 21, 2016 – 2:00 p.m.**

**Department of Employment, Training and Rehabilitation  
500 E. Third Street – SAO Auditorium  
Carson City, NV 89713**

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

**Department of Employment, Training and Rehabilitation  
2800 E. St. Louis Avenue – #C  
Las Vegas, NV 89104**

**MINUTES OF MEETING**

**Members Present:** Luther W. Mack (Chair), Debbie Banko; Dana Bennett, Stewart “Mac” Bybee, Jo Cato, Jolene Dalluhn, Dave Ellis, Steve Fisher, Larry Harvey, Shelley Hendren, Cory Hunt, Commissioner Marilyn Kirkpatrick, Todd Koch, Horacio Lopez, Jim New, Michael Raponi, Senator Michael Roberson, Patrick Sheets, Bill Stanley, Assemblyman Stephen Silberkraus, Don Soderberg, Alan Walker, William Welch, Kris Wells and Mike Willden

**Members Absent:** Councilman Oscar Delgado

**Also present:** Kristine Nelson (DETR), Dale Erquiaga (Chief Strategy Officer, Office of Governor Brian Sandoval), Grant Nielson, Ardell Galbreth, Workforce Connections Executive Director, Dennis Perea, DETR/ Deputy Director

**1. OPENING REMARKS**

**Chair Luther W. Mack** called the meeting to order, welcomed participants and made announcements.

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

Per direction from Chair Mack, **Kristine Nelson** took roll call and confirmed the presence of a quorum.

**3. VERIFICATION OF PUBLIC NOTICE POSTING**

**Kristine Nelson** affirmed that the agenda and notice of the Governor's Workforce Development Board meeting on April 21, 2016 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 none.

**5. \*APPROVAL OF MINUTES**

**Chair Mack** called for a motion to approve the January 21, 2016 draft minutes of the Board as submitted.

**It was moved by William Stanley and seconded by Horacio Lopez to approve the January 21, 2016 draft minutes. Motion carried.**

6. **\*APPROVAL OF MINUTES**

**Chair Mack** called for a motion to approve the February 18, 2016 draft minutes of the Board as submitted.

**It was moved by William Stanley and seconded by Jo Cato to approve the February 18, 2016 draft minutes. Motion carried.**

7. **INFORMATIONAL/DISCUSSION – Changes to Nevada’s Workforce Development System: Executive Order No. 2016-08 – Order Regarding Workforce Development, the Establishment of the Office of Workforce Innovations (OWINN)**

**Dale Erquiaga, Chief Strategy Officer, Office of Governor Brian Sandoval** addressed a Governor’s Executive Order, which makes substantive changes to Nevada’s Workforce Development System. Governor Sandoval embarked on a review of workforce development and postsecondary education following the 2015 legislative session. Mr. Erquiaga had previously served as Nevada’s Superintendent of Public Instruction with responsibility for K-12 education. The Governor then asked him to take on two tasks: Develop a strategic planning framework for the cabinet in general and very specifically to connect K-12 educational work with workforce development and postsecondary education. This will address the skills gap, in that not enough students are continuing their education after high school. As the economy diversifies, this skill gap worsens. The State Board must play a larger role than it has in the past. In response, the Governor issued Executive Order 2016-08.

The Executive Order orders the following:

- Creates this Executive Committee to streamline the activities of the larger Workforce Development Board
- Reorganizes/realigns economic sector councils, particularly toward adding sector councils in construction and retail services
- Creates the Office of Workforce Innovation (OWINN). OWINN will be funded for the next 15 months using federal Governor’s reserve dollars from WIO grants

A small staff will assist with career pathways, serving sector councils, this Board and the Executive Committee.

The major players included in this coordination effort include:

- DETR
- State Department of Education
- State System of Higher Education
- Department of Health and Human Services

Other players include:

- Office of Economic Development
- Office of Science, Innovation and Technology
- Department of Veteran’s Service
- Local workforce boards
- Nonprofit community
- Private businesses
- Labor organizations

8. **\*FOR ACTION – Ratification: The Establishment of the GWDB’s Executive Committee – Rules of Practice**

**Mr. Erquiaga** stated that the Governor wanted to make it clear to this body that the Executive Committee would be bound by rules of practice. They are not a substitute for the State Board. They are empowered to take certain actions in the period between Board meetings. Their actions are subject to Board ratification. They are not allowed to spend money without Board authorization. Creation of the Executive Committee will allow more frequent meetings without requiring the attendance of the full Board. The draft rules of practice were presented.

**It was moved by William Stanley and seconded by Jo Cato to approve the Rules of Practice as submitted. Motion carried.**

9. \* **FOR ACTION – Ratification: Restructuring of the GWDB’s Industry Sectors Council**

**Mr. Erquiaga** stated that sector councils are required by state law. The Governor asked DETR and the Office of Economic Development to rethink the model and to focus the sector council membership on two things. They must be labor and business representatives primarily, with higher education also reflected. They must be thought leaders in their industry, participating in human resources, skilled resources and human capital management for emerging and foundational industries in the State. The membership of the councils has been reconfigured. There will also be a reconfiguring of how the councils are used, to include very specific charges.

The Economic Forum is comprised of state economic leaders, who must digest information presented to them by specific government staff offices and then set or project the revenues to be used in balancing the State budget. This body meets in May and December and the forecasts are binding. The Governor asked that a similar model be used to create sector councils. The sector councils will serve as think tanks with the task of forecasting. The resulting information will be disseminated to all the entities identified in the law, who either receive funding or engage in this type of work. Over time, it is anticipated that this will enhance the unified WIOA plan and make the system more cohesive.

**Mr. Erquiaga** referenced the new recommendations to establish sector councils in the established industries identified for this Board. A couple of slots remain to be determined. He requested that the Board establish each council through a group motion. There has been significant feedback from the Executive Committee regarding the need to include workers, which is a voice that has not been reflected in previous councils.

**Mr. Stanley** asked about the appropriateness of establishing a construction council, as discussed during the Executive Committee session earlier in the month. **Mr. Erquiaga** referred to the agenda item and reviewed that it addresses ratification and restructuring of the GWDB industry sector councils. He suggested that the Board post establishment of the new councils as an agenda item at a future meeting.

In response to a question from Marilyn Kirkpatrick, **Mr. Erquiaga** confirmed that the Board has the ability to add individuals to the roster lists for sector councils in addition to adding council sectors.

**It was moved by William Stanley and seconded by Horacio Lopez to establish the councils as submitted by staff with the promise that the to-be-determined councils will be added at a later time. Motion carried.**

**It was moved by William Stanley and seconded by Marilyn Kirkpatrick to agendaize for a future GWDB meeting the entertainment of the addition of additional sector councils, including construction and retail.**

**Discussion:**

**Mike Raponi** suggested that this Board and the Executive Committee establish a clear process for identifying and adding industry sectors, to include strategic analysis and data analysis. **Ms. Kirkpatrick** voiced agreement. **Cory Hunt** stated that the Executive Committee should have the authority to expand or shrink sector councils as necessary. In addition, he suggested that the Executive Committee enact policies that consider primary versus secondary employment.

**Mr. Stanley** restated his motion.

**It was moved by William Stanley and seconded by Marilyn Kirkpatrick to allow the Executive Council the flexibility to determine which sector councils need to be established within the State. Motion carried.**

10. \* **FOR POSSIBLE ACTION – Revision of State Compliance Policy No 1.5: WIOA Memorandum of Understanding (Revision of Existing Policy)**

**Grant Nielson** addressed four policies.

State Compliance Policy 1.5 provides instruction to local workforce development areas and provides memorandums of understanding, as required by law. These address two phases, the services portion of the policy and the resource sharing agreement. A critical element of the MOU is how resources are shared within

the one-stop system in order to provide funding to cover operations. Both phases have deadline requirements, with the first being June 30, 2016 for creation of the services portion. The resources sharing agreement is due one year later.

**Shelley Hendren** referred to page two and suggested a change in terms from “objectives” to “goals” in reference to access, alignment, quality and outcomes. The policy references a requirement to review the MOU every three years. She suggested an interval of every four years, to allow it to coincide with the legislative session. **Mr. Nielson** replied that the three-year term is required by law.

**It was moved by Marilyn Kirkpatrick and seconded by Horacio Lopez to approve the revisions to State Compliance Policy 1.5.**

**Discussion:**

**Ms. Kirkpatrick** noted the absence of the term, “re-entry.” **Mr. Hunt** stated that the policy had been modeled directly to the WIOA legislation and draft regulations. In the MOU section, the re-entry partners are not considered a one-stop partner, which is why they were not included. He was not opposed to including this in a separate policy, if the Board wishes.

**Ms. Kirkpatrick** stated that she had been working independently with the Department of Labor and there is a one-stop (indiscernible) that has been put within many of the juvenile and adult jail facilities. There is a grant of up to \$500,000 to get the program up and running. They may not be a partner today, but this does not limit discussion on a future partnership. **Mr. Nielson** stated that policy only gives direction to local areas to create a local MOU. It does not prevent other partners from entering the MOU.

**Mr. Stanley** asked whether local participants are brought into the conversation about what the content of the MOU is or whether the content of the MOU is driven by the WIOA Act. **Don Soderberg** stated that it is a combination of both. There are certain standards within the WIOA act that the MOUs must abide by. Much of the detail will be negotiated by the various partners and the two local boards.

**Mr. Willden** referred to the last page of Mr. Galbreth’s communiqué, which references other suggestions regarding resources and integration and asked whether these had been addressed. **Mr. Nielson** stated that the suggestion was to replace the word “collaboration” with “integrations,” as not every part of the system is required by law to be integrated. The costs for such a requirement would be substantial.

**Ms. Kirkpatrick** referred to the suggestion of adding “and resources,” after funds, surmising that this was possibly in reference to transportation that is sometimes integral for individuals in training and other programs. She stressed the importance of transportation resources. **Mr. Nielson** replied that the terms “cost” and “funds” are used specifically in the Act and regulation to address an issue that came out of the Workforce Investment Act. Many people in the one-stop system wanted to pay for the system cost with other services. He referred to the specific language in the Act, which states, “Therefore, under WIOA, each required partner must contribute a portion of their cash and/or in-kind contributions fairly evaluated toward maintaining the one-stop system.”

**Ardell Galbreth, Executive Director** for Workforce Connections Southern Nevada Workforce Development Board addressed the rationale for use of the word “resources.” He explained that the term “funds” is more or less limited to cash, whereas resources goes far beyond, to include transportation, housing and other types of in-kind support and services.

**Ms. Kirkpatrick** restated the motion.

**It was moved by Marilyn Kirkpatrick and seconded by Horacio Lopez to approve the revisions to State Compliance Policy 1.5 with the replacement of the term “objectives” to “goals.” Motion carried.**

**11. \* FOR POSSIBLE ACTION – Revision of State Compliance Policy No. 1.6: Eligibility for Adult and Dislocated Worker Employment and Training Activities (Revision of Existing Policy)**

**Mr. Nielson** stated that State Compliance Policy 1.6 addresses how to determine eligibility for the Adult and Dislocated Worker Program under WIOA. For the adult program, participants must be 18 years old and be authorized to be employed in the State. Males born on or after January 1, 1960, must register for selective service. The dislocated program includes the adult program requirements and also adds within 36 months, the

individual must have been terminated, laid off or reviewed a notification of termination or layoff from a job or have exhausted entitlement to unemployment. Others included in the policy include: Displaced homemaker, spouse of an armed forces active duty member who has experienced a loss of employment or change in duty station. The policy also discusses what documentation the Department of Labor requires in order to prove these items that are required for those served in the program.

**Ms. Kirkpatrick** posed two questions: (1) How will enforcement occur as it relates to information contained in the file? **Mr. Nielson** replied that monitoring provisions are contained within another policy. A team of individuals is responsible for monitoring the workforce providers. The federal monitors then review this work under their own monitoring process.

(2) Will the underemployed be able to use this as a resource for obtaining required documentation that might otherwise require payment of fees? **Mr. Nielson** stated that he was unaware of any document that requires payment. **Ms. Kirkpatrick** cited examples, including arrest records, tax returns and social security cards. **Mr. Nielson** commented that the document contained in the policy is required by the government for participation. However, as an example, there are a number of ways for an individual to prove his date of birth and only one method is required by the policy.

**Mr. Galbreth** stated that the program has the ability to support expenses such as costs for birth certificates or necessary security cards. This includes transportation to and from the location where certification and/or documentation is obtained.

**Mr. New** referred to the policy as well as the recommendations from the two local boards. However, it was difficult to determine whether there is an amended version of a prior policy. **Mr. Nielson** replied that this revised version reflects changes made after the comments were received. After discussion regarding requirements to present a Social Security card, **Mr. Galbreth** stated that those who refuse to provide their Social Security number will not be turned away and will continue to be served. He added that there are very few cases where an individual refuses to provide their number.

**Mr. Stanley** referred to the 36-month limitation requirement and expressed concerns, in that in the construction industry, some individuals have been out of work for an extended period. **Mr. Soderberg** stated that 36 months may be appropriate under normal conditions, however at present, the State is emerging from a severe recession with an unprecedented duration. He suggested that the time limitation requirement be extended to 48 to 60 months. **Mr. Nielson** replied that there is no "magic number," and that the 36-month limit was reached as a result of a survey of states. He added that those who do not meet the 36-month requirement will still be eligible for the adult program, which has all the same services available. **Mr. Stanley** asked why any time frame was necessary, if the individual would be eligible for either program. **Mr. Nielson** explained that they come from different funding streams. Local boards have the ability to transfer 100 percent between programs.

**Mr. Galbreth** clarified that if dislocated workers are processed or served under the adult program, there is a possibility that they may have to be put in a priority of services and may then be moved down in the "food chain," in order to receive these types of services. This was the impetus behind the suggestion that 36 months should not be the guiding limitation.

**It was moved by Don Soderberg and seconded by Debbie Banko to approve the revisions to State Compliance Policy 1.6, amending the 36-month limitation to 60 months.**

**Discussion:**

**Ms. Hendren** referred to page 6 of 10 and suggested that the three references to LWIB be changed to (indiscernible). She then referred to page 5 under definitions, attachment to the workforce, the verbiage, "Can be demonstrated by full-time employment of 30 hours a week or more." She asked if this came from statute or regulation.

**Mr. Nielson** replied that this is a State definition pulled from another State program. **Ms. Hendren** noted that individuals with disabilities often do not work fulltime, however, this does not mean that they are not attached to the workforce and in need of employment. **Mr. Nielson** clarified that they would still be eligible for the other program.

**Mike Rapooni** stated that the policy was issued November, 2009 under WIOA, was revised in March and is currently going through another revision. **Mr. Nielson** replied that the current work represents a complete rewrite.

**Ms. Banko** asked how authorization to work will be verified if Social Security numbers are not required. **Mr. Nielson** replied that there are a number of ways to address that and multiple ways to approve authorization to work, including presentation of a document from List A and List B. He added that lack of a Social Security number is rare.

**Mr. Soderberg** restated his motion to include Ms. Hendren's suggested change in reference to LWIB on page 6 of 10.

**Motion carried.**

**12. \* FOR POSSIBLE ACTION – Revision of State Compliance Policy No. 2.1: Eligibility for Youth Services (Revision of Existing Policy)**

**Mr. Nielson** explained that this is the youth counterpart to 1.6, which addresses in school and out of school youth program eligibility.

In school youth are defined as youth ages 14 to 21, who is a low income individual and has one or more of the following barriers:

- Basic skills deficient
- English language learning
- Offender or ex-offender
- Homeless individual
- Individual who is pregnant or parenting
- Individual with a disability
- Individual who requires additional assistance to enter or complete an educational program or to hold and secure employment

Out of school youth are defined as 16 to 24 years old with one or more of the following criteria:

- Dropout from school
- Have received a diploma, but are either basic skills deficient or an English language learner
- An individual subject to the juvenile or adult justice system
- Homeless individual
- Pregnant or parenting individual
- Individual with a disability
- Low income individual

The remainder of the policy discusses data collection requirements and requirements for data element validation. It provides definitions to assist local workforce development boards in dealing with youth eligibility.

**It was moved by Horacio Lopez and seconded by Marilyn Kirkpatrick to approve the revisions to State Compliance Policy 2.1. Motion carried.**

**13. \* FOR POSSIBLE ACTION – New State Compliance Policy No. 5.9: State Compliance Policy Creation and Update Procedure (New Policy)**

**Mr. Nielson** stated that Policy 5.9 outlines the guidelines for changes to policy and when to issue technical assistance, versus policy. It provides staff with the ability to make non-substantive changes, such as typographical errors.

**It was moved by Jo Cato and seconded by Marilyn Kirkpatrick to approve the revisions to State Compliance Policy 5.9. Motion carried.**

14. **INFORMATION/DISCUSSION – DETR Workforce Investment Support Services: Technical Assistance Guide (T.A.G.) for Eligible Training Providers List (ETPL) Procedures**

**Mr. Nielson** stated that this agenda item addresses the Technical Assistance Guide (TAG), which was provided to local areas. Guidance is provided on how to implement the Eligible Training Provider List (ETPL). The ETPL is a list of training providers available to the adult and dislocated worker programs for training individuals throughout the State.

15. **INFORMATION/DISCUSSION – WIOA Unified State Plan: Problem Statement**

**Dennis Perea, DETR Deputy Director** stated that there was a request from the Governor's Office to come up with a problem statement for the Workforce Development System. The Governor's group that was established to write the plan for WIOA is actively discussing this now. It will come before the full Board at some point. He noted its importance, noting the volume of funding streams come from the federal government. The idea of the problem statement is the creation of asset maps, which identify funding streams and assets in the system. The Governance Group would certainly take direction from this Board as to what should be looked at in terms of problem statement and the direction of resources in the future.

16. **INFORMATIONAL ITEMS/REPORTS**

- a. **DETR Research and Analysis Bureau's Economic updates**
- b. **GWDB Industry Sector Council reports and updates**
- c. **Workforce Connections -- Southern LWDB's quarterly report and updates**
- d. **Nevadaworks -- Northern LWDB's quarterly report and updates**
- e. **WIOA Analysis of Expenditures for SFY 15/6**

*(The submitted written reports for items 7(a) through (e) are provided in lieu of oral presentation)*

17. **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." He invited comments from Carson City, Las Vegas or on the telephone. There were none.

18. **ADJOURNMENT**

**The April 21, 2016 meeting was adjourned.**