

STATE OF NEVADA
GOVERNOR'S WORKFORCE DEVELOPMENT BOARD
EXECUTIVE COMMITTEE

Governor's Workforce Development Board (GWDB)
Friday, September 9, 2016 – 10:00 a.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 – Director's Conference Room
Las Vegas, NV 89104

MINUTES OF MEETING

- Present:** Dr. Luther Mack (Chair), Marilyn Kirkpatrick, Horatio Lopez, Jim New, Mike Raponi, Bill Stanley, Don Soderberg
- Absent:** Debbie Banko, Patrick Sheets
- Also present:** Kristine Nelson (DETR), Carlene Johnson (DETR), Lynda Parven (DETR Deputy Administrator, Employment Security), John Thurman (Nevadaworks), Beth Wicks (Nevadaworks), Milt Stewart (Nevadaworks), Manny Lamarre (OWINN, Governor's office), and Samantha Hill-Cruz (DETR)

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 (GWDB) meeting on September 9, 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 July 13, 2016 draft minutes of the Executive Committee as submitted. There was one grammatical correction.

It was moved by Mr. Raponi and seconded by Mr. New to approve the July 13, 2016 draft minutes as corrected. Motion carried.

6. *** FOR POSSIBLE ACTION – Nevadaworks’ Local Plan – Approval of the Northern Local Workforce Development Board’s Local Plan**

Lynda Parven (DETR Deputy Administrator, Employment Security) stated that Agenda Item 6 for Nevadaworks’ Local Plan meets the requirements of the ACT (WIOA) and is alignment with the State Plan.

It was moved by Mr. New and seconded by Mr. Raponi to approve the northern Local Workforce Development Board’s Local Plan.

Discussion:

Mike Raponi made two corrections, the first on page 6, second paragraph to read “During the 2014/15 school year.” Secondly, where it is stated that 38 students dropped out of school every day, it should read “every school day.”

Horatio Lopez asked how many subcontractors or consultants are in place to facilitate the Local Plan in northern Nevada. **John Thurman, Nevadaworks** estimated that there are 17 adult dislocated worker and youth service providers throughout the 13 counties in northern Nevada.

Marilyn Kirkpatrick asked whether the list of service providers is posted. **Mr. Raponi** replied that the list of service providers with their contact information and services available is on the website.

It was moved by Mr. New and seconded by Mr. Raponi to approve the amended motion to approve the northern Local Workforce Development Board’s Local Plan as corrected. Motion carried.

7. ***FOR POSSIBLE ACTION – Workforce Connections’ Local Plan – Approval of the Southern Local Workforce Development Board’s Local Plan**

Lynda Parven stated that Agenda Item 7 for Workforce Connections’ Local Plan meets the requirements of the ACT (WIOA) and is alignment with Nevada’s Unified State Plan.

Mike Raponi stated that the MOU is currently with the Deputy Attorney General and technically has not been finalized. It is anticipated to be finalized and is currently under joint review. **Lynda Parven** pointed out that the attachment lists it as a draft MOU.

Jim New asked whether there are any anticipated issues, in view of the fact that a vote of approval refers to a draft version. **Mr. Raponi** replied that he anticipates no issues; however he will follow up with the Deputy Attorney General regarding the status of the process. All of the involved agencies have vetted and approved the Local Plan.

It was moved by Mr. New to approve the southern Local Workforce Development Board’s Local Plan contingent upon approval of the MOU.

Discussion:

Ms. Kirkpatrick stated that she was unaccustomed to passing a motion preemptively, in the hopes that the final plan will be approved as written. There are concerns regarding abiding by the open meeting law requirements. **Ms. Nelson** stated that if this committee approves the Local Plan, it still goes to the State Board’s meeting on October 20th for ratification. This particular plan still must be approved by the local elected officials, which will occur on the 13th. This committee would be approving the plan contingent upon the local elected officials’ approval in either case. If there are changes or the MOU is not settled at that point, the plan will not be ratified at the State Board meeting. If changes are made by the local elected officials, the approval would change from a ratification to a review and then approval by the full State Board, rather than just the ratification.

Ms. Kirkpatrick seconded. Motion carried.

8. ***FOR POSSIBLE ACTION/DISCUSSION – Nevada State Compliance Policy Revisions (WIOA)**

Ms. Parven reviewed the State Compliance Policy Revisions.

8(A) Policy 1.14: Details the requirements for on-the-job (OJT) training and customized training, which are strongly encouraged under WIOA.

Bill Stanley referred to the OJT section regarding apprenticeship programs. He asked how many registered programs there are and how many individuals are actually being placed into a registered apprenticeship program through the youth outreach programs. **Ms. Parven** stated that this information was not on hand, but she would provide it subsequent to the meeting.

Mr. Stanley asked what other OJT programs are offered in the State. **Ms. Parven** stated that OJT is offered through the providers of the WIOA Title I contract; there are contracts with various businesses throughout the State. **Mr. Stanley** requested statistics in this area also.

Ms. Kirkpatrick asked whether OJT students are tracked to ensure that training has actually led to a full-time job. **Ms. Parven** confirmed that the policy includes tracking of retention for four quarters. Businesses are also not required to report the field in which a person is working when they report their wages. Therefore, there is currently no mechanism to track whether a worker is working in the field in which for which they received training. **Don Soderberg** suggested a more expansive briefing on the scope of OJT and apprenticeships.

Mr. Stanley stated that many of the state apprentice board apprenticeships are not driven by a single employer but multi-employer groups through trust funds. The compliance policy most often refers to an employer in single form. The multi-employer groups are operated under and funded by trust funds and regulated by the Nevada Apprenticeship Committee. He expressed concern now that DETR is contributing towards the cost of OJT training programs that it be allowed to take some credit for this. **Mr. New** noted that the Executive Committee and the GWDB have responsibility for apprenticeship; however, the governance rests with the Labor Commissioner's Office with the State Apprenticeship Council. He agreed with Mr. Soderberg that it would be helpful for this Board to spend time discussing the complexities of the apprenticeship approval process and funding processes. In addition, it may wish to recommend changes during the upcoming legislative session.

Carlene Johnson (DETR) added that registered apprenticeship and OJT will be covered in a separate state compliance policy, as it is a much more complex process. Policy 1.14 is specific to regular OJT or customized training. Registered apprenticeship will be covered in much greater detail in an alternative state compliance policy, which is scheduled to be included for the next Executive Committee meeting.

Mr. Thurman clarified that the four quarter tracking begins after the individual has completed all training, including OJT and finished with all services provided under Title I.

Mr. Raponi asked for Mr. New's clarification on comments on apprentice governance. **Mr. New** replied that the State Apprenticeship Council is organized under the Labor Commissioner's Office, whereas this Workforce Development Board has apprenticeship representation as well. He questioned whether the understaffed Labor Commissioner's Office should continue to organize the State Apprenticeship Council.

Ms. Kirkpatrick inquired whether OJT dollars could be used for administrative data collection and suggested possibly using interns to track information. She further suggested a future meeting where all Executive Committee members could participate in person to discuss these issues. There was consensus for the desire for a more comprehensive conversation.

It was moved by Mr. Stanley and seconded by Mr. Lopez to approve State Compliance Policy 1.14. Motion carried.

8(B) Policy 1.4: In regards to the one-stop delivery system. This policy was approved by the GWDB on July 21st, 2016. One change was made to the bottom of page 5 and the top of page 6, which adds a sentence regarding an appeal process.

It was moved by Mr. New and seconded by Mr. Raponi to approve State Compliance Policy 1.14.

Discussion:

Mr. Lopez asked that more information on entrepreneurship business startups be provided at an upcoming meeting. **Ms. Parven** agreed to do so.

Motion carried.

8(B) Policy 2.4: Details the requirements for use expenditures under WIOA. Major changes under WIOA require that 75 percent of youth funds be spent on out of school youth and that 20 percent of young funds are required to provide work experience. A typo on the last page of the policy will be corrected.

Mr. Stanley referred to career pathways and pre-apprenticeship programs on page 1 under background and asked whether they include an OJT component. **Ms. Johnson** replied that this is correct. For the youth population, there are work experiences not necessarily tied to employment at the end, as most youth do not have a concrete plan for career choices. Through completion of work experience and pre-apprenticeship programs, they are better able to determine a career path choice.

Mr. Soderberg referred to page 6 and noted that the federal system has money passing through DETR's hands to local boards. In this section, there is a new concept, where local boards are allowed to spend 10 percent of the funds on their own. In a sense, this is an experimental process, and the local boards will be watched closely to determine if the money is being spent wisely and effectively. **Mike Raponi** asked whether the 10 percent reflects true administrative-related costs or whether some goes to the programmatic side to monitor local provider programs. **Ms. Parven** clarified that the 10 percent has nothing to do with cost. It is an amount that can be provided in services directly by the board versus a provider. It is not reflective of administrative costs versus program costs. **Mr. Stanley** asked how this affects the funding formula for in-school, out-of-school youth with the 80/20 split. **Ms. Parven** replied that this does not affect those formula totals. These funds must serve out-of-school youth and do not impact the split.

It was moved by Mr. New and seconded by Ms. Kirkpatrick to approve State Compliance Policy 2.4 as corrected. Motion carried.

9. *FOR POSSIBLE ACTION/DISCUSSION – Governor's Workforce Development Board Bylaws Revision

Manny Lamarre (Director, Governor's Office for Workforce Innovation (OWINN)), addressed the proposed revisions to the Governor's Workforce Development Board Bylaws. An example of the revisions is the change from Governor's Workforce Investment Board to Governor's Workforce Development Board. Other changes include citations of WIOA and WIA, further defining of Section 3.3 in reference to the definition of a quorum as well as updates with Executive Order 2016-08, which establish the Executive Committee as well as the revision of the Industry Sector Councils via Executive Order.

Ms. Kirkpatrick asked whether there is an expiration date on the Executive Order and whether such expiration would affect the Bylaws. **Mr. Lamarre** explained that the Executive Order goes through June, 2017. The Governor has stated that there is a budgetary Bill Draft Request (BDR) to establish OWINN as a permanent office, which ensures that the work and support for the Industry Sector Councils continues.

Mr. New referred to page 6, Section 3.3 referencing GWIB and as a housekeeping suggestion, this be replaced with state board for purposes of consistency. He also clarified that the membership for the Executive Committee clearly outlines representation from higher education and the K-12 system. However, in looking at the membership for the broader state board, it does not identify representation specifically from these two groups. There is a catch-all category for membership of the broad state board that says "any other representation that the Governor may deem necessary." The assumption is the Governor is free to appoint representation from higher education and K-12; however the membership on the Executive Committee seems to tie the Governor's hands by requiring him to appoint from higher education and K-12. **Mr. Raponi** agreed and suggested the need for clarification. He referred to the language under Section 2.1 and noted that it is dictated by WIOA. In terms of Executive Committee membership, he referred to number 7, "Other representation the Governor may deem necessary," or under 6, "Representatives of state government."

Ms. Kirkpatrick stated that in targeting in-school and out-of-school youth, a representative from education must be included. Apprenticeship programs typically go through higher education at some point. Higher education also serves on the sector councils. Membership of the WIOA Board is dictated by the Act. **Mr. Stanley** referred to Section 4.1.2, noting that it states, “5. One member presenting higher education,” and “6. One member representing either K-12 or local workforce training program.” Under Section 2, it refers to representation of business and workforce. Clearly, the current composition includes two individuals on the Executive Board with some involvement in apprenticeship training. **Mr. New** stated that there is a disconnect between the two sections. He added that Mr. Raponi provides a solution to the dilemma, by pointing out the reference to state employees, as K-12 and higher education could both be considered state employees. **Mr. Raponi** said that a decision should be made as to whether K-12 needs to be represented on the Executive Committee and the Board. It was discussed that there is currently one member from higher education on the state board and the Executive Board. **Ms. Kirkpatrick** added that they also serve on the sector councils.

Ms. Nelson clarified the sources of the memberships are outlined by WIOA. The sources for the Executive Committee membership arise from Executive Order 2016-08. Mr. Raponi stated that career and technical education at the secondary level must be aligned to the post-secondary level as well as the priorities on OWINN. As such, the bylaws should specify a representative from K-12, as this would be within the scope of the Executive Order. He stated his understanding of federal acts is that there are not prohibitions for a state to exceed requirements so long as the requirements in the act are met. **Ms. Kirkpatrick** suggested waiting for an upcoming legislative bill before spending significant time revising the current bylaws, which will carry through the legislative session. **Mr. Soderberg** agreed with Ms. Kirkpatrick, adding that he was not interested in revising the bylaws in any way that would constrain the current or any future governor’s discretion. He suggested passing the by-laws as written.

It was moved by Ms. Kirkpatrick and seconded by Mr. Stanley to accept the Governor’s Workforce Development Board Bylaws Revision. Motion carried.

10. DISCUSSION – DETR Director Updates

Mr. Soderberg stated that DETR is working on an RFP to have an industry expert evaluate local areas for the local boards, which currently consists of north and south. The expert would be asked to provide advice on suggested changes.

11. 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.

Chair Mack invited comments from Carson City, Las Vegas or via telephone. There were none.

12. ADJOURNMENT

The September 9, 2016 meeting was adjourned.