

ST. LAWRENCE COUNTY WORKFORCE INVESTMENT BOARD
MEETING MINUTES
September 10, 2014

CALL TO ORDER: Mr. Cooper called to order the regular meeting of the St. Lawrence County Workforce Investment Board at the Human Services Center in Canton at about 8:05 a.m.

Members Present: Jack Backus, Lynn Blevins, Richard Burns, Sue Caswell, Chris Cooper, Rich Daddario, Tom DeRosa, Pam Dority, Ron McDougall, Daphne Pickert, Peter Reiter, Dale Rice, Thomas Sullivan, and Ellie Sullivan-Stripp.

Others Present: Lori Barr – WIA, Dr. Zvi Szafran – SUNY Canton, Alan Beideck – NYS DOL, Larry Fetcie - WIA, Tom Plastino - WIB, Chris Rediehs – SLC DOSS, Penny Scott - WIA, Bob Shepherd – Youth Council Chair, and Dave Sickler – NYS DOL.

COMMENTS/INTRODUCTIONS: Mr. Plastino introduced Dr. Zvi Szafran President of SUNY Canton; introductions went around the room.

PUBLIC COMMENT: There were no public comments at this time.

MINUTES: Mr. Sullivan moved and Mr. McDougall seconded a resolution to accept the June 11, 2014 meeting minutes. Approved unanimously.

WIA/WIOA: Mr. Plastino discussed the transition from WIA (Workforce Investment Act of 1998) to WIOA (Workforce Innovations and Opportunities Act of 2014). The new Act does cover a lot more than the programs that we traditionally work with, i.e., Adult, Dislocated Worker, and Youth programs. The Act requires that DOL, DOE, and Health and Human Services publish draft regulations are published by 1/18/15; these regulations do not have to go into effect until 1/22/16. The effective date of the legislation on 7/1/15. Key points of the legislation follow.

WIB Membership and function. There is some encouragement in the law for local area consolidation, but there is also a provision for automatic re-designation. There is also some confusing wording about regional planning and Mr. Plastino said that he is still unclear what this will mean for the state and for the LWIBs. On the subject of WIB membership, the major change in membership is that there is no longer a requirement that the partners in the One-Stop be represented on the WIB. Most of the requirements for membership and structure remain the same or similar; however, labor, community based organizations, and youth must make up no less than 20% of the Board. A representative of a “Joint Labor Management Partnership”, if one exists in your area, is also required. The legislation eliminates Youth Councils but appears to require that three standing Committees of the Board be created: One-Stop Operations; Youth Committee, Disabilities Committee.

There is very little change in what the Board’s oversight responsibilities will be: preparing and adopting the Local Plan, certifying the One-Stop, putting together the Eligible Provider’s Training List, etc. There is more stress on coordination economic development and employers but it is unclear what this will mean in practice. One of the new performance requirements is that the DOL and DOE develop one or more performance benchmarks during the regulatory process which will specify metrics that will measure achievement on this topic. .

The Local Plan stays in place; it has to coordinate with the State Plan much more intensively than in the past. Mr. Plastino believes the Local Plan will extend for four years, with a year 2 reopener. The only brand new Local Plan requirements that he can see is that LWIBs will have to demonstrate that is adopting new technologies to deliver services that link employers and job seekers.

Metrics: Common Measures have been reduced, reformulated, and systematized but in the end there will not be a huge change. The bigger change is that the Youth Measures will now be the same, with some modifications, as the

Adult/Dislocated Worker requirements. The division between Core and Intensive services has been abolished; now together they are being called Career Services and how that will impact One Stop operations has yet to be determined.

Partners of the One-Stop: The new Act continues the WIA requirements for Partners of the One-Stops have some new ones. For example, a representative from TANF is a statutory partner unless the Governor of the state decides not to require it. There is also a representative from something called "The Second Chance Act". Mr. Plastino is unclear what that is but will get more information about it. The Act adds some other new partners such as representatives from the Social Service Administration and SNAP.

Another provision of the Act appears to allow the Partners of the One-Stops, through their MOU, to use Federal funds to pay for infrastructure costs. Mr. Plastino was unaware that such expenditures were not explicitly authorized in WIA because he thought that infrastructure had been paid for indirectly from WIA funds.

MOU and Operating Agreement requirements pretty much remain the same; even we have not had current MOU or Operating Agreements in three years. Each partner will have to demonstrate how they serve people with special barriers to employment. If the local partners fail to agree to an MOU for the operations of the One-Stop, there are provisions in the new Act that will kick it up to the Governor and the Governor will operate it and some of the LWIA's funds will be eligible for the Governor to use to operate it.

Distribution of Funds: The categories are the same as in WIA but the percentages have changed. There are authorizations for 2015 and for the next five years: Youth – \$820.5million; Adult – \$766 million; Dislocated Worker – \$1.22 million. These are not appropriations just authorizations which mean that these amounts and relative percentages of the total could be changed later.

A major change in the new Act is that the State's "skim", which was 15% five years ago -- and then reduced to 5%, with the other 10% being disbursed among the Workforce Investment Area's like ours -- has now statutorily been changed back to 15%. Mr. Plastino said that it does not appear that there is flexibility in the Act to change this. Therefore, if only because of this, we can be sure that even if the authorizations mentioned above were whatever is appropriated, there will be significant reductions in funding for LWIAs in all states when compared with current funding.

The Act has a provision that Institutionalizes 100% transferability between the Dislocated Worker and Adult programs. A federal waiver will no longer needed if the State Plan adopts this benchmark.

Summary: there are lots of uncertainties -- funding appropriations, actual targets for performance under the revised performance measures, the whole technology use requirement, etc. Mr. Plastino said that he was especially concerned about how the technology deployment language in the Act was deployed because of the antiquities in the County overall IT system would make adopting new IT for WIOA a very difficult process.

Mr. Plastino will be attending three WIOA briefing sessions within the next month and a half and hopes to have better information in time for December's WIB meeting..

Mr. Shepherd reported that the Second Chance Act was signed into law April 9, 2008. It is a program to aid offenders returning to the community after being incarcerated.

Mr. Daddario questioned if WIOA was giving much more control to the Governor than under WIA. Mr. Plastino said that as far as he could see the major addition is that the Governor can elect to break the local deadlock regarding an MOU. If the One-Stop Partners cannot come to agreement on an MOU and Operating Agreement, there is now an option for it to be kicked into the Governor's Office. Mr. Daddario wanted to know if Albany will be able to dictate consolidation to the local boards. Mr. Plastino replied that he believes it was always there under WIA and he believes it to still be the case under WIOA. The new Act does seem to put more stress on encouraging workforce areas to eliminate needless duplication of administrative effort.

A straw in the wind on this topic may be that WIA permitted the distance clients would have to travel to utilize services at the One-Stop as a criterion in setting boundaries for LWIAs. That has been eliminated in WIOA. All the other WIA criteria are continued in WIOA. Since we are the biggest county in NYS, Mr. Plastino believes this has always been the reason why a consolidation of say the whole North Country would put a burden on job seekers that wanted to use One-Stop Centers. The new Act makes him wonder how (and whether) this new feature will work its way down to the local level.

He went on to report that WIOA includes a (for him) confusing pay-for-performance (PFP) provision. This will give the federal government the authorization to allow the states to pay for exemplary achievements. Assuming that PFP funds could be used to use upgraded IT to overcome distances, and pay for infrastructure changes that would make it possible for the One-Stop's customers to be able to utilize information technology to overcome distances, maybe the PFP part of the Act could provide the SLC with an opportunity for a fresh start.

MOU/Operators Agreement: Due to the fact that the SLC MOU/Operators Agreement has lapsed, Mr. Plastino said that he had expected at the last Governance Review that the SLC LWIA would be told that it should quit wasting time and revise/re-execute both documents. And, indeed, we did get such a notice. A few days later Congress passed WIOA. Upon review, Mr. Plastino realized that it would be inappropriate to spend time trying to put a new MOU/Operating Agreement in place by the end of 2014 or early 2015, only to have to redo them a few months later to incorporate any changes mandated by WIOA in such core foundation documents. Therefore, the response he sent to DOL said just that, i.e., he proposed that, since the One Stop was running smoothly, the SLC WIB thought that completion of a new MOU and Operator Agreement should be postponed until it was clear what changes to traditional practices WIOA would require. The response back to us was thank you for your considered proposal and we'll get back to you.

COMMITTEE REPORTS:

Executive Committee: Mr. Cooper reported that the Executive Committee had met and that the Committee had reviewed much of what Mr. Plastino discussed had addressed as well as the resolutions on the agenda.

Youth Council: Mr. Shepherd reported that the Youth Council too had met. The staff had just wrapped up a five week Summer Youth Employment Program. There were 93 TANF/29 WIA participants at the start; the program as usual lost a few to attrition and ended with 107 total. There were 70 worksites, including three or four for-profit businesses, one YCC crew and two job coach crews. We had an opportunity to have 49 youth on extended program through September 23rd and 25-30 that are being considered for year-round services.

STAFF REPORTS:

DSS Commissioner: Mr. Rediehs praised the Summer Youth Employment Program as it provides a good opportunity in tough economic times for young people. The County is starting the process of putting the 2015 budget together. This will be an especially challenging year with a large gap between expenditures and revenue.

Fiscal Manager: Ms. Scott reported that the Summer Youth Employment Program had been implemented within the fiscal constraints that we have to work within. College and BOCES programs are starting up. Because we received less than anticipated in 1st quarter Adult funding, there is a resolution to transfer some funds from Dislocated Worker to Adult to help with some of the shortfall. Auditors will be coming up Friday to audit the NEG/OJT money we received.

Mr. Daddario volunteered for a County-wide Bake Sale Benefit...

Executive Director: Mr. Plastino reported that Dr. Hoffman had resigned, He noted that his successor, Dr. Szafran, was in attendance and had agreed to serve if nominated and appointed. In addition, Kelli Curran has resigned from the WIB; she has not attended a meeting in about a year. Lisa McKeel from BOCES also resigned her position on the WIB due to reorganization at BOCES. BOCES has recommended Dave Evans replace her position to the WIB. If the WIB approves, he will send the names of Dr. Szafran and Mr. Evans to the BOL for approval and may be approved by the next meeting in December.

Mr. Plastino then reported on the SLC WIA's performance on the Common Measurers report for the PY ending on the 30th of June. SLC just barely avoided sanction on one common measure (Dislocated Worker Average Wage entering employment). There is not much we can do regarding wages offered from the private sector. We have asked for the current program year (July 1, 2014 – June 30, 2015) to negotiate a new number; he submitted this request yesterday with the help of Mr. Beideck. As he looked at similar counties around the state, he had discovered that some of these comparable rural WIBs have much lower targets than we do. We wait to hear back on this request.

Mr. Backus mentioned that wages for Farm Labor has gone up. Does this figure get counted toward this percentage? Apparently, if the farmer is exempt from paying taxes, then it doesn't count and it is common for farmers to be exempt. There was much discussion regarding how farming wages are counted toward state statistics. Mr. Plastino wants to look into this further and see how things are done for the farming community.

OLD BUSINESS:

Adopting Open Meetings Law Standard Operating Procedures: Mr. Cooper presented the resolution; it was discussed at the last meeting.

Resolution Adopting Open Meetings Law Standard Operating Procedures: Daddario/McDougall; approved unanimously.

NEW BUSINESS:

Authorizing the Chair to Sign the SLC LWIA Local Plan: Mr. Plastino reported that the notice of the availability of the draft Local Plan appeared in the newspaper 31 or 32 days ago. We had three public hearings on August 25th and no one had attended. There have been no comments. Therefore, unless the WIB has comments or recommends changes the Local Plan presented today, and if the WIB approves, it will be moved to the SLC BOL for approval at their October meeting.

Resolution Authorizing the Chair to Sign the SLC LWIA Local Plan: Daddario/Pickert; approved unanimously.

Recommending two Appointments to the Workforce Investment Board: Mr. Plastino repeated that the Executive Committee had proposed that the WIB nominate Dr. Zvi Szafran and Dave Evans as new members of the WIB. If approved, their information can be sent over to the BOL for its October meeting.

Resolution Recommending Dr. Zvi Szafran: Blevins/McDougall; Abstain - Rice; approved unanimously.

Resolution Recommending Dave Evans: Caswell/Sullivan; approved unanimously.

Authorizing PY 13 & PY 14 Formula Funds Transfers from DW to Adult Programs: Mr. Cooper mentioned that this is the resolution Ms. Scott had referred to earlier in the meeting.

Resolution Authorizing PY 13 & PY 14 Formula Funds Transfers from DW to Adult Programs: McDougall/Caswell; approved unanimously.

Approving Job Description for Assistant to the Executive Director and Authorizing Filling the Position: Mr. Plastino explained this will replace the previous authorization to fill the position Career Center Coordinator. Since the One-Stop has been running well under Ms. Scott and Mr. Fetcie, it has become apparent that there is a need for an employee to help with more general duties in addition to assist Mr. Plastino convert from WIA to WIOA.

Resolution Approving filling the position Assistant to the Executive Director: McDougall/Daddario; approved unanimously.

Mr. Backus, on behalf of the private sector, said that the WIB should extend a thank you to the public sector for their service during the Amish Kidnapping incident. All agreed.

NEXT MEETING:

The next regular WIB meeting will be December 10, 2014 at 8:00 a.m.

EXECUTIVE SESSION: None

ADJOURNMENT: Moved by Mr. McDougall and seconded by Mr. Daddario; the meeting adjourned at 9:20 a.m. by unanimous consent.