

# *Tompkins County Workforce Development Board*

## **DRAFT MINUTES**

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*Tuesday, March 28, 2023 | 121 E. Seneca Street, Ithaca, NY 14850*

**Present:** S. Pronti, K. Babuka, K. Cerasaro, S. Cerquone, D. Harrington, C. Malcolm, H. McDaniel, R. Olson, S. Pennell, K. Shanks-Booth, J. Tavares, A. Tunison, D. Vreeland, C. Whitmore, B. Nugent, M. Caci

**Excused:** T. Bruer, J. Matteson, K. Franzese, J. Cometti, K. Kersey, P. Levesque, K. Kephart, T. Tarshus,

**Staff:** C. Sponn, D. Achilles

**Guest:** S. Paczkowski, New York State Department of Labor; C. Walsh, Cannabis Employment and Education Development (CEED) at the New York State Department of Labor; New York State Department of Labor; C. Harris, New York State Department of Labor

### **Call to Order**

Mr. Pronti, Board Chair called the meeting to order at 8:35 a.m.

### **Board Action Items**

#### **Approval of Minutes - October 25, 2022**

It was moved by Ms. McDaniel, seconded by Mr. Tunison, and unanimously adopted by voice vote of members present to approve the minutes of October 25, 2022, as written.

#### **Approval to Contract for 2023 Summer Youth Employment Program (SYEP)**

Mr. Sponn reported the 2023 SYEP RFP had 3 bidders, which were the Office of Employment and Training (OET), Ithaca Youth Bureau (IYB), and CAHill TECH, Inc. The Youth Oversight Committee moved forward to contract with OET and IYB.

It was moved by Ms. Whitmore, seconded by Ms. Vreeland, and unanimously adopted by voice vote of members present to approve to contract for 2023 SYEP.

#### **Approval to Contract for WIOA Youth IS/OS**

Mr. Sponn reported the WIOA Youth IS/OS RFP had 1 bid, which was from the Office of Employment and Training (OET). OET Interim Director, Ms. Caci, met all requirements in the application and Mr. Sponn appreciated the new ideas provided in the application.

It was moved by Ms. Shanks-Booth, seconded by Mr. Tunison, and unanimously adopted by voice vote of members present to approve to contract for WIOA Youth IS/OS.

### **Ratification of Executive Committee's Approval of Needs Related Payments Policy**

Mr. Sponn reported the Needs Related Payments policy had to be updated to contain specific language from NYSDOL. There was a need to clarify Adult and Dislocated Worker language, not clearly defined previously.

It was moved by Ms. McDaniel, seconded by Ms. Shanks-Booth, and unanimously adopted by voice vote of members present to approve the Needs Related Payments Policy.

### **Ratification of Executive Committee's Approval of Supportive Services Policy**

Mr. Sponn reported the Supportive Services Policy was updated to reflect \$5,000 per participant.

Ms. Achilles reported coming out of COVID-19, OET had an excess of funds that needed to be expended. To benefit the participant, the Board approved to increase the limit to \$9,000. OET served 8 or 9 participants in a CDL course with SAGE Truck Driving School and funds were decreasing at a fast pace. To keep the Board Fiscal Budget and County Budget balanced, Ms. Caci had to do a resolution to move funds in Adult and Dislocated Worker to the previous year. Now the expenditure lines are back within normal range, the policy was updated to decrease the funding back to \$5,000.

It was moved by Mr. Tunison, seconded by Ms. McDaniel, and unanimously adopted by voice vote of members present to approve the Supportive Services Policy.

### **Ratification of Executive Committee's Approval of Transitional Jobs Policy**

Mr. Sponn reported the Transitional Jobs Policy was updated to contain specific language from NYSDOL.

It was moved by Ms. Whitmore, seconded by Ms. Vreeland, and unanimously adopted by voice vote of members present to approve the Transitional Jobs Policy.

### **Ratification of Executive Committee's Approval of Dislocated Workers Interpretation Guidance Policy**

Mr. Sponn reported the Dislocated Workers Interpretation Guidance Policy was updated to provide clarification on language related to DW customers and to make the policy less restrictive when categorizing DW customers.

It was moved by Mr. Tunison, seconded by Ms. Cerquone, and unanimously adopted by voice vote of members present to approve the Dislocated Workers Interpretation Guidance Policy.

### **Ratification of Executive Committee's Approval of WIOA Youth Work Experience Policy**

Mr. Sponn reported the WIOA Youth Work Experience Policy living wage language was updated in order to serve more youth. By having at least the state minimum wage and room for negotiation more youth can be served. If living wage is kept less youth will be served since it keeps increasing every year. The point of WDB programs is for disadvantaged youth to acquire skills to further themselves in school and for the future, and this can reduce the likelihood of failing for low-income youth. This exposure is a first step to opportunity and without it, then this first opportunity is hard to find.

It was moved by Mr. Tunison, seconded by Ms. Cerquone, and unanimously adopted by voice vote of members present to approve the WIOA Youth Work Experience Policy.

### **WDB Transparency and Integrity Policy, Transparency and Integrity Policy Acknowledgment Form, and Conflict of Interest Disclosure Statement - Review and Sign**

Mr. Pronti reported to the Board that these forms are for confidentiality of Board information and please return to Ms. Achilles.

### **Industry Briefing - Ms. Walsh, Cannabis Employment and Education Development team at New York State Department of Labor**

Presentation Attached.

### **WDB Director Update**

Mr. Sponn reported the WDB and OET are restructuring into one department. Mr. Sponn has been working to make sure NYSDOL is in agreement with the firewalls needed to be in place - Staff to the Board, Fiscal, One Stop Operator, and Service Providers.

Ms. Nugent reported the restructure has to go through 3 Legislative Committees and a Public Hearing. The plan is to be approved in May.

Ms. Tavares would like a full presentation of the restructure and how it affects the Board.

Ms. McDaniel reported IAED is co-located with the Board and since changes have been made, there is so much more collaboration and partnership with the staff. Ms. McDaniel wanted to say how much hard work Mr. Sponn and Ms. Achilles are doing while being short staffed.

Mr. Sponn reported the bulk of BorgWarner layoffs have not happened and WDB is collaborating with IAED, NYSDOL, and BorgWarner to address any issues that may arise. All organizations are adequately prepared for whatever happens.

Ms. Pennell reported BorgWarner is hiring in all departments. When BorgWarner lays off people, there will be a decrease in numbers originally reported due to staff leaving the organization prior to layoff, moving to other positions, and relocation. This is a reorganization and restructure of BorgWarner.

Mr. Sponn reported the Youth Employment Resource Team is meeting every month and reporting on services for youth. They are creating a report to address the needs of

Tompkins County youth and creating an action plan. Mr. Sponn would like to thank Ms. Basilius for the great work she is doing on the youth side of OET as several individuals have complemented her work.

Mr. Sponn reported that the Health Career Expo and the Manufacturing Expo are scheduled for Fall of 2023 and planning has already begun. Mr. Sponn thanked Ms. Whitmore for her work and leadership in these projects.

Mr. Sponn reported the Board is in collaboration with Ms. Szabo, Director of Workforce Innovation at IAED, on the Direct to Work program. Ms. Szabo is working with participants and referring them to OET for training funding.

Mr. Sponn reported A2D (Arrival to Departure) has been discontinued. Mr. Sponn is working with Visit Ithaca to work on a new training that can be put in place for Hospitality and Tourism. Visit Ithaca will be sending out a survey covering tourism and workplace needs.

Mr. Sponn reported the ERN model is being explored where Career Coaches help entry level employees stay in employment, learn skills, and be connected with the right social services.

Mr. Sponn reported he is collaborating with TST BOCES on developing internships with the County. Mr. Sponn is working with Ms. Cooper at TST BOCES to help youth get different experiences through job shadowing and month long internships. A few department heads already expressed interest and there has been job shadows with Deborah Dawson of the Tompkins County Legislature.

Mr. Sponn reported virtual reality headsets will be coming to the Career Center soon, and it will be a great opportunity for career exposure particularly those from underserved communities. It provides career exposure at a young age and breaks barriers and creates opportunities for those who do not have it in their educational systems and communities.

Mr. Sponn attended the NAWB conference and will discuss takeaways at the next meeting on Tuesday, April 25, 2023.

### **Career Center Update**

Ms. Caci reported the Career Center staff is working on quality of internal programs.

Ms. Caci reported she is in the process of interviewing for the Transitional Workforce Specialist position.

Ms. Caci reported the Career Center is partnering with Ms. Szabo of IAED on Direct to Work.

Mr. Cerasaro reported NYSDOL is working on a program that is called Experience Counts and at this time it's limited to security guard training, including armed guard. Career Center staff will work with prospective veterans that have qualifying military experience and administer the training and proctor the exam at no cost to the veterans.

### **Committee Reports**

### ***Executive Committee***

Mr. Pronti reported the Committee has been discussing the restructure of WDB/OET.

### ***One Stop Operations and Oversight Committee***

Mr. Sponn reported the Committee will be touring the Career Center at their next meeting Tuesday, May 9, 2023.

Mr. Sponn reported Ms. Cerquone is now a member of the One Stop Committee.

Mr. Sponn reported Mr. Forrest left the committee due to having left his employer.

### ***Youth Oversight Committee***

Ms. Shanks-Booth reported the Committee has been working on the WIOA Youth and 2023 SYEP RFPs to move into contracts.

Ms. Shanks-Booth reported two new members will be joining next month and another potential one could join.

### ***Governance and Membership Committee***

Ms. Babuka reported the Committee discussed the Board 2023 Retreat.

Ms. Babuka reported reaching out to Board members whose terms will be expiring in June and Mr. Tunison's appointment to the Board.

Ms. Babuka reported the vacant Treasurer position was discussed.

### ***Services to Individuals with Disabilities***

Mr. Sponn Reported the Committee had a speaker from Catholic Charities and Ms. Stanley of OET is working on an event for community businesses to have a training on disabilities.

The meeting adjourned at 10:03 a.m.



## **Tompkins County Workforce Development Board Needs Related Payments Policy**

### **Purpose**

Needs-related payments provide financial assistance to participants for the purpose of enabling them to participate in training and are a supportive service authorized by WIOA sec. 134(d)(3). Unlike other supportive services, in order to qualify for needs-related payments a participant must be enrolled in training.

Contingent on available funding a stipend of \$125.00\* per week (or actual UI rate, whichever is LESS) will be available to all participants on a bi-weekly basis while in school full time for a maximum of 52 weeks not to exceed \$7,000 if they meet the following:

### ***Adults***

- Unemployed
- do not qualify for, or have ceased to qualify for UI; and
- are enrolled in a program of training services
- family income (based on family-size) does not exceed 250% of the poverty level.

### ***Dislocated Workers***

- Unemployed and
- have ceased to qualify or did not qualify for UI or TAA; and
- were enrolled in a program of training services by the end of the 13<sup>th</sup> week after the most recent layoff that resulted in Dislocated Worker Status; and
- family income (based on family-size) does not exceed 250% of the poverty level.

### **Definition of Unemployed**

According to the Department of Labor, people are classified as unemployed if they do not have a job, have actively looked for work in the prior 4 weeks, and are currently available for work. Actively looking for work may consist of any of the following activities:

- Contacting:
  - An employer directly or having a job interview
  - A public or private employment agency
  - Friends or relatives
  - A school or university employment center
- Submitting resumes or filling out applications
- Placing or answering job advertisements
- Checking union or professional registers
- Some other means of active job search

## **Department of Labor Federal Registrar Supportive Services**

### **§ 680.930 What are needs-related payments?**

Needs-related payments provide financial assistance to participants for the purpose of enabling them to participate in training and are a supportive service authorized by WIOA sec. 134(d)(3). Unlike other supportive services, in order to qualify for needs related payments a participant must be enrolled in training.

### **§ 680.940 What are the eligibility requirements for adults to receive needs related payments?**

Adults must:

- (a) Be unemployed;
- (b) Not qualify for, or have ceased qualifying for, unemployment compensation; and
- (c) Be enrolled in a program of training services under WIOA sec. 134(c)(3).

### **§ 680.950 What are the eligibility requirements for dislocated workers to receive needs-related payments?**

To receive needs-related payments, a dislocated worker must:

- (a) Be unemployed, and:
  - (1) Have ceased to qualify for unemployment compensation or trade readjustment allowance under TAA; and
  - (2) Be enrolled in a program of training services under WIOA sec. 134(c)(3) by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility as a dislocated worker, or, if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months; or
- (b) Be unemployed and did not qualify for unemployment compensation or trade readjustment assistance under TAA and be enrolled in a program of training services under WIOA sec. 134(c)(3).

### **§ 680.960 May needs-related payments be paid while a participant is waiting to start training classes?**

Yes, payments may be provided if the participant has been accepted in a training program that will begin within 30 calendar days. The Governor may authorize local areas to extend the 30- day period to address appropriate circumstances.

### **§ 680.970 How is the level of needs-related payments determined?**

- (a) The payment level for adults must be established by the Local WDB. For statewide projects, the payment level for adults must be established by the State WDB.
- (b) For dislocated workers, payments must not exceed the greater of either of the following levels:
  - (1) The applicable weekly level of the unemployment compensation benefit, for participants who were eligible for unemployment compensation as a result of the qualifying dislocation; or
  - (2) The poverty level for an equivalent period, for participants who did not qualify for unemployment compensation as a result of the qualifying layoff. The weekly payment level must be adjusted to reflect changes in total family income, as determined by Local WDB policies.

### **Clarification to Policy**

**1. Semester breaks of 14 days or less**

Customers eligible for needs-related payments shall be paid for school breaks<sup>1[1]</sup> lasting 14 weekdays or less with no obligation on their part.

**2. Semester breaks of 15 days or more**

Customers eligible for needs-related payments shall be paid for school breaks lasting 15 weekdays or more if they are in compliance with bi-weekly employment-related activities designed and monitored by Workforce Development Specialists.

### ***Important Notes:***

***\*WIOA should be the last option of funding if other programs or providers are available. Denial of other services should be annotated to OSOS.\****

***\*All needs related payments should have an appropriate corresponding comment entered in OSOS. Please make sure that all OSOS fields are updated to meet eligibility requirements. E.g. Work History, Employment status.\****

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<sup>1[1]</sup> School breaks are defined as Spring Break, Winter/Christmas Break, etc. and the period of time between Fall and Spring; Spring and Summer; and Summer and Fall semesters. Under no circumstances will customers be allowed to collect needs-related payments over the summer if they are not attending classes.





**Tompkins County Workforce Development Board  
WIOA Adult/Dislocated Worker  
Supportive Services Policy**

**Purpose**

The purpose of this policy is to establish guidelines for the use of Workforce Innovation and Opportunity Act (WIOA) funds in the provision of supportive services to enable adults and dislocated workers to participate in WIOA activities.

**The goal of Supportive Services is to minimize barriers for adults to enable them to fully participate in workforce development and/or employment activities and opportunities to help them progress along their career pathway.**

**The justification and strategy for providing supportive services must be clearly defined in the adult or dislocated worker's Individualized Employment Plan (IEP).** Actively engaged, enrolled or in good standing WIOA adult and dislocated worker, may receive Supportive Services if funding is available and each participant has met criteria and guidelines set forth in local county policies. There are no specific requirements for when to provide supportive services. They may be provided based on the needs of the adult or dislocated worker as identified in the participant's IEP.

All supportive services are subject to the availability of WIOA funds and are not an entitlement. TCWDB may suspend or withdraw authorization for supportive services at any time and at the sole discretion of TCWDB.

**Allowable Supportive Services are defined in TEGL 19-16.** Services that enable an individual to participate in WIOA activities include, but not limited to:

- Linkages to community services
- Assistance with housing
- Needs-related payments
- Assistance with educational testing
- Reasonable accommodations for adults or dislocated workers with disabilities
- Legal Aid services
- Referrals to health care
- Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear
- Assistance with book fees, school supplies, and other necessary items for students enrolled in postsecondary education classes

- Payments and fees for employment and training-related applications, tests, and certifications

**Any of the above listed Supportive Services may be provided under this policy and will be subject to any further restrictions listed below:**

Supportive services may only be provided to participants who are participating in WIOA enrolled services and who are unable to obtain such supportive services through other programs providing such services and cannot receive supportive services through referrals to partner agencies and other community service providers (e.g, ACCES-VR).

**Reimbursement costs:**

If an enrolled adult or dislocated worker pre-pays a cost that can qualify as a supportive service cost, the participant may be reimbursed those costs.

- a) Stipulation for reimbursement is that the participant must be employed or in training for 30 days before reimbursement can be processed
- b) No reimbursements can be processed without supporting receipts
- c) Must be WIOA enrolled and costs must occur after WIOA participant enrollment.
- d) Reimbursement requests should be for costs in the last 6 months

**Any Combination of Supportive Services will not exceed \$5,000**

**Housing/Child Care costs:**

All community and local agencies that could provide this supportive service should be contacted prior to utilizing WIOA adult or dislocated worker funding (i.e. “all other options exhausted”).

- a) Child care costs can only be paid at a licensed/certified day care provider (not relative/friend, etc.)
- b) Housing can only be paid to commercial hotels/established landlords (not relatives/friend, etc.)
- c) Housing or Child Care assistance will not exceed duration of training.

**Any Combination of Supportive Services will not exceed \$5,000**

**Electronic Devices:**

According to Program guidance Letter #21-02 LWDBs may purchase and distribute Electronic Devices such as laptops, tablets, and smart phones for employment and training program participants using Workforce Innovation and Opportunity Act (WIOA) Title I funds.

Participants must attest they do not own a comparable Electronic Device, or they only own an old inadequate device, and do not have sufficient personal funds to purchase these items, and they are unable to obtain an adequate Electronic Device through another program they are enrolled in or eligible for.

- a) No more than one Electronic Device may be purchased per participant, per lifetime.
- b) Contingent upon the current electronic Devices Policy.

Related items such as, but not limited to replacement charging cables and/or wall plugs, flash drives, printer cables or HDMI cables, cellular or internet service, and software can be purchased under this Supportive Services policy and are not subject to the Electronic Devices policy.

**Any Combination of Supportive Services will not exceed \$5,000**

**Transportation:**

**Gas cards, bus passes, cab fare:** may be given to adult or dislocated worker to assist participant in being able to participate in program activities, training, and employment.

- a) Gas cards/ bus passes are to be utilized as a supplement to overall transportation costs, not to totally subsidize transportation costs of a participant. Adult or dislocated worker is to understand that this is a supplement to assist with transportation costs.
- b) **Gas cards** are distributed and paid at the current federal government rate <https://www.irs.gov/tax-professionals/standard-mileage-rates> . Participant shall receive no more than \$50 in gas cards per day, covering only one full round trip to and from training or placement. Participant will not receive gas cards for days not in programs or training. **Training provider signed attendance sheets are required as supporting documentation.** If a provider cannot sign the attendance sheets, participant must return gas receipt after using the gas card. **No** additional cards will be issued if the participant does not return signed attendance sheet or receipt (which will include the gas card # on the receipt).
- c) **Bus Passes** are purchased on a monthly basis, unless the training is for a shorter length of time. Rate of bus pass purchase will vary depending on the travel needs of that adult or dislocated worker, to be determined with the Staff.
- d) **Uber/Lyft/Taxi expenses** are approved for instances where bus passes are not sufficient for covering transportation needs. (For example, when someone can take a bus to a class

but there are no bus options for the ride home due to location and/or time of day.) Total expense cannot exceed the **\$50/day** cap.

- e) Adult or dislocated workers who become employed may receive gas cards/ bus pass until their first paycheck. Employment and pay schedule will be verified with employer.**

**Any Combination of Supportive Services will not exceed \$5,000**

**Other Transportation Supportive Services:**

- a) Supportive services can include driver training course to assist adult or dislocated worker in gaining driver's license to enable participant to participate in program activities, training, and employment. ITA to be completed for training.
- b) For rural areas and other areas where transportation is limited or non-existent, purchase of a new or used bicycle may be as a means of viable transportation to enable adult or dislocated worker to participate in program activities, training, and employment. For rural distances, bike purchase to cover a radius of 25 miles is reasonable. Cost of the bicycle can't exceed \$250 and will be purchased by the Program.
- c) Other transportation modes or repairs can be funded but requires prior approval by the Workforce Administrator of that adult or dislocated worker contract. Cost of vehicle repairs can't exceed \$1,000.\*
  - All repairs must have an invoice in order to be paid
  - All repairs must be conducted at a state approved repair shop
  - Repairs are only done on vehicles registered to the participating adult or dislocated worker. No repairs will be made on family or friend vehicles, even if that vehicle is the participant's mode of transportation.

**\*Note:** Vehicle repair cap pertains to each training period or training funding request. Therefore, a participant can't repeatedly receive funding assistance for vehicle repair during one training period (unless the total expenses have not yet exceeded \$1,000).

**\*\*Note:** Payments will be made directly to authorized service shops. No retroactive payments will be allowed.

**Any Combination of Supportive Services will not exceed \$5,000**

**NOTE:** Maximum amount cannot exceed over participants lifetime.

**Procedure**

The TCWDB shall require all WIOA service providers and grantees receiving funds from a grant or contract administered by TCWDB to comply with this policy and applicable procedures. It is the responsibility of each service provider to become aware of all applicable regulations and to

monitor personnel and client activities to ensure compliance. TCWDB shall review grantee compliance with this policy during the annual monitoring process.

Counselors should first contact MOA/MOU (Memorandum of Agreement/Understanding) partners or other community agencies in their area who may offer free services before utilizing WIOA Supportive Services funding, and the attempts made should be documented in OSOS comments.

**At a minimum, service providers shall:**

- 1.) document the need for the supportive service and justify issuance of the service in the participant's IEP and in OSOS (including a Comment describing what was provided and why, Achievement Objective and Service)
- 2.) maintain records of documentation that verify the client received the service through an original signature on a receipt form



## **Tompkins County Workforce Development Board Transitional Jobs Policy**

### **I. Overview of Transitional Jobs**

Transitional Jobs is one strategy for individuals to receive workforce preparation funded through the Workforce Innovation and Opportunity Act (WIOA). § 680.195 LWDA may use up to 10% of combined total of adult and dislocated worker allocations for transitional jobs and must be combined with comprehensive career services and support services.

A Transitional Job is one that provides a limited work experience that is subsidized in the public, private, or non-profit sectors for those individuals who are chronically unemployed and/or have a inconsistent work history.

Transitional Jobs are designed to enable an individual to establish a work history, demonstrate work success, and develop the skills that lead to unsubsidized employment.

Transitional Jobs is a practical workforce strategy that uses time-limited, wage-paying jobs that combine real work, skill development, and supportive services, to transition participants to the labor market and to reinforce skills learned in a classroom setting.

### **II. Identification of Potential Businesses**

Businesses eligible as Transitional Job Sites must meet the following criteria:

1. The business must provide information, including their Federal Employer Identification Number, to demonstrate they are a legitimate employer with full-time employees and are conducting their business at an appropriate worksite.
2. The business must comply and agree to follow all local, state and/or federal labor laws to participate in the program, and Is not in violation of any local, state or federal labor laws.
3. The business must provide a working environment, which conforms to federal and state health and safety standards.
4. They may not have relocated, either in whole or in part, if such relocation resulted in the loss of employment for any employee of the company at the original location, until the company has operated at the location for 120 days.
5. An on-site review will be conducted with the business that will function as the worksite. This review will allow staff to see where the participant will be working, meet the trainee's supervisor, and gain a better understanding of the business' facility and operations. The site visit may also determine whether the employment opportunity will afford a viable on-the-job training opportunity.

6. Presently employed workers cannot be fully or partially displaced by a Transitional Job participant, including a partial displacement such as a reduction in hours, wages, or employment benefits.
7. Previous employees and immediate family members of the business may not be placed in a Transitional Job at that site.

### **III. Pre-Award Review**

- Preliminary Review – Transitional Jobs Worksite Agreement

Business Services Rep must have potential employers complete and sign.

- Responsibility Questionnaire - Business Services Rep must have Company complete and sign. Staff will then review responses to Questionnaire for any “yes” responses to the questionnaire. In the event of “Yes” responses to the Questionnaire, Tompkins Workforce Investment Board staff will need to be contacted for determination as to whether the “Yes” responses preclude doing an OJT.

If a business has completed a Responsibility Questionnaire within the past year all that is needed is an attestation that the information presented in the form remains true, accurate and complete. This form is attached.

- Registration with the New York Department of State’s Division of Corporations. This search can be conducted on-line at: [http://www.dos.state.ny.us/corps/bus\\_entity\\_search.html](http://www.dos.state.ny.us/corps/bus_entity_search.html).
- Federal OSHA records. These records are found on-line at: <http://www.osha.gov/pls/imis/establishment.html>. Search under New York State only.
- New York State Department of Labor (NYSDOL) records. Requests for evaluation of this information should be made to [OJTduediligence@labor.ny.gov](mailto:OJTduediligence@labor.ny.gov) using the OJT Due Diligence Request Form. The Subject Area should read “Local Area OJT Due Diligence Request – [Business Name]. The appropriate Regional Business Services Representative (Catherine Leonard) should be listed in the cc line of the requesting email. Upon receipt of the request, NYSDOL will send a confirmation email to the requesting local area. It is strongly recommended that the request be made as early in the process as possible in order to allow for a timely response. NYSDOL will provide a response to due diligence requests via email within three business days from the time confirmation of receipt is provided. Due to the confidential nature of the information in question, NYSDOL will not provide any specifics for the categories of information. Instead, NYSDOL, will provide a response of “Found to be Responsible,” “Issues pending,” Or “Not Found to be Responsible” via email for each entity. The records to be checked will include:
  - Unemployment Insurance records.
  - WARN notices.
  - Open investigations with NYSDOL’s Public Works, Labor Standards and/or Safety and Health Divisions.
  - Workers’ Compensation Insurance and Disability Insurance coverage.

This review provides a snapshot of the organization at the point in time the review takes place. The information reviewed is updated on an annual basis. For this reason, the review is considered valid for one year beginning on the date the review is completed. The organization

must undergo a new due diligence review if it wishes to enter into a new contract. Copies of all documents must be retained in a separate folder for the business. The folder will need to contain all vetting documents including:

- Transitional Jobs Worksite Agreement
- Signed, Completed Responsibility Questionnaire
- Printed Search of New York Department of State's Division of Corporations Website
- Printed Search of Federal OSHA Records website

#### **IV. Identification of Training Candidates**

Transitional Jobs participants must meet the current eligibility criteria as defined by the Workforce Innovation and Opportunity Act under its current definitions. The individual must receive an Employment Plan. The potential trainee should also express an interest in the area of work and the ability and willingness to learn and/or perform the skills outlined in the job description. They must be "chronically unemployed" or have an "inconsistent work history. An individual is considered to be "chronically unemployed" or to "have inconsistent work history" if the individual has sporadic, problematic and inconsistent work histories within the last two or more years prior to engaging in the program, based on factors such as the date of last employment, types of skill and wage levels for past jobs, the number of jobs the individual has held within the past two years, the types of prior employment history (contract, temporary, permanent, etc.).

#### **V. Occupational Requirements**

The following guidelines will determine whether a position may be considered a suitable employment opportunity for Transitional Jobs:

1. A detailed job description must be provided by the business outlining the required skills and education for the position. If necessary, Tompkins Workforce New York staff will assist with the development of the job description using resources such as O\*Net ([www.onetonline.org](http://www.onetonline.org)).
2. Transitional Jobs funding cannot be used to fund commission-based positions.
3. The position must not include political or religious activity.

#### **VI. Composition of the Transitional Jobs Agreement**

The Transitional Jobs agreements will include, among other information, the following components:

1. Business Name, Address, Telephone number and FEIN
2. Contact name and title
3. Supervisor name and title (if different)
4. Job description
5. Start and end dates, hours, and pay
6. Responsibilities of all parties

#### **VII. Duration and Wages**

Participants will be paid living wage for Tomkins County, New York currently at \$15.32/hr and will be employees of Tompkins County for the duration of the agreement.



The maximum length of Transitional Jobs agreement will be 24 weeks or up to 480 hours (whichever is shorter) and the minimum of 20 hours and the maximum hours per week is 35 to 40.

A business may hire the participant upon completion of the transitional job assignment, or before. An On-the-Job Training may be considered for participants offered on-going employment and lacking the necessary skills to perform the job.

### **VIII. Monitoring**

1. Monitoring visits will be made to the work site to assess the participant's progress and insure that the terms and conditions of the agreement are being met. The participant's progress will then be noted in the Comments section of OSOS.
2. Phone and email monitoring may also be conducted throughout the agreement period. This monitoring will preferably occur with both the business representative and the participant. Progress will then be noted in the Comments section of OSOS.
3. A formal Progress Report that evaluates both the Job Specific and Work Maturity skill is required upon completion of the Transitional Job experience if the participant is not hired for on-going employment. It is preferable this report be reviewed by supervisor with participant prior to the experience ending.

### **IX. Exceptions**

1. Transitional Jobs are being offered when funds are available and will be suspended once funds are exhausted. This policy may be changed at any time with little or no notice.



## **Tompkins County Workforce Development Board Dislocated Worker Guidance and Interpretation Policy**

### **Purpose**

To provide guidance on the New York State Department of Labor (NYSDOL) interpretation on the Workforce Innovation and Opportunity Act (WIOA) definition of Dislocated Worker (DW) and recording DWs in the One-Stop Operating System (OSOS).

Tompkins County Workforce Development Board (TCWDB) must develop policy/procedure(s) for identifying DWs under the DW definition who are not profiled as “Likely to Exhaust” or UI Exhaustees, that adheres to this guidance. TCWDB must use the expanded NYSDOL interpretations of DW in this guidance in developing these policies and procedures to ensure all individuals who can qualify as DWs receive WIOA services.

The definition of DW under WIOA Section 3(15) includes five (5) categories of DWs per subsections (A) – (E). Eligibility for the DW program is based on the WIOA definition, but states have some flexibility in how this definition is applied.

This guidance provides the NYSDOL interpretation of the terms and guidelines within each of the WIOA Section 3(15) subsections to expand access to WIOA services for unemployed and underemployed populations and help address the workforce-related impacts of the COVID-19 public health emergency.

As of July 1, 2022, NYSDOL allows the following interpretation of the five (5) WIOA DW categories:

### **A. Category 1 – DW**

- i. Has been terminated or laid off, or who has received notice of termination or layoff, from employment, including separation from active military service (unless dishonorably discharged); **and**
- ii. (1) Is eligible for or has exhausted entitlement to **unemployment compensation**;  
**or**

### ***NYSDOL Interpretation:***

- **“unemployment compensation”** to include any compensation or assistance received under Subtitle A – Unemployment Insurance (UI) provisions of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, and any similar compensation received under subsequent federal law(s). This includes:
  - Pandemic Unemployment Assistance (PUA);
  - Federal Pandemic Unemployment Compensation (FPUC);

- *Pandemic Emergency Unemployment Compensation (PEUC);*
- *Federal-State Extended Benefits (EB); and*
- *Mixed Earner Unemployment Compensation (MEUC).*

*As of January 18, 2021, NYSDOL uses an “hour-based” approach to define how part-time work impacts unemployment benefits, where individuals can work up to seven (7) days per week without losing full unemployment benefits for that week, if the individual is searching for work and meets current hourly or earnings criteria. Therefore, these individuals can also be designated as DWs.*

(2) Has been employed for a **duration sufficient to demonstrate, to the appropriate entity at a Career Center referred to in WIOA Section 121(e), attachment to the workforce**, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; **and**

***NYSDOL Interpretation:***

- ***“duration sufficient to demonstrate...an attachment to the workforce” as any labor performed in any occupation where the employee has worked for two full pay periods or one month, whichever is less.***

*NYSDOL extends this interpretation to also recognize individuals who have accepted stopgap employment in lieu of applying for UI benefits, and can therefore be designated as a DW.*

- iii. Is **unlikely to return to a previous industry or occupation;**

***NYSDOL Interpretation:***

- ***“unlikely to return to a previous industry or occupation” if they have been unemployed since their termination/layoff or is underemployed.***

*An individual collecting UI and exempt from work search because they are a member of a union who receives work through a union hiring hall, on temporary layoff (TLO), or seasonal loss of employment where the employer has given a definite return to work date within eight weeks are **not considered unlikely to return and thus are not a DW.***

*Individuals who are active UI claimants profiled as “Likely to Exhaust Benefits” or UI Exhaustees, are considered to meet the definition of DW and can be designated as such.*

*Participant attestation is sufficient to determine if the individual is unlikely to **“return to a previous industry or occupation.”** Self-attestation must include a “reasonable” explanation of why the individual would be unable to return to the previous occupation. This explanation must include an analysis of Labor Market Information (LMI) data around the economic outlook of the occupation or a personal reason why the individual would be unable to return to a previous occupation.*

*Staff may also utilize “Dislocated Worker (DW) Eligibility Desk Guide and One Stop Operating System (OSOS) and File Requirements” in making a determination on*

*whether someone can be considered “unlikely to return to a previous industry or occupation.”*

### **B. Category 2 – DW Mass Layoff or Closure**

- i. Has been terminated or laid off, or has received a notice of termination or layoff, from employment because of any permanent closure of, or any **substantial layoff** at, a plant, facility, military installation, or enterprise;

#### ***NYSDOL Interpretation:***

- **“substantial layoff”** as the layoff of five (5) people or 10% of that employer’s workforce, whichever is less.
- ii. *Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or*
- iii. *For purposes of eligibility to receive services other than training services described in WIOA Section 134(c)(3), career services described in Section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility or military installation will close;*

### **C. Category 3 – DW Self-Employed**

Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in **the community in which the individual resides** or because of natural disasters, a nationwide public health emergency, or other unforeseen events.

#### ***NYSDOL Interpretation:***

- **“the community in which the individual resides”** as the geographic area in which the individual resides or as the industry, sector, or occupational community not bound by physical location which may be affected by general economic conditions. An individual’s economic community may extend beyond the geographical location of that person and/or their business or source of income. Conditions that affect general economic conditions may include the logistical supply chain or location of product/service delivery.

### **D. Category 4 – DW Displaced Homemaker**

Is an individual who has been providing **unpaid services** to family members in the home and who has been:

- i. Either **(a) dependent on the income** of another **family member** but is **no longer supported by that income; or (b)** Is the dependent spouse of a member of the Armed Forces on active duty and whose family income is **significantly reduced** because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the member; **and**

#### ***NYSDOL Interpretation:***

- **“unpaid services”**: *any service provided without an employer/employee relationship between family members.*

- **“dependent on the income”**: receiving financial or other form of assistance from a family member to meet any basic need (food, shelter, clothing, transportation, or any other need necessary for self-sufficiency) of the individual.
  - **“family member”**: a spouse, dependent child, spouse’s child, daughter-in-law, son-in-law, brother, sister, mother, father, grandparents, grandchild, step-brother, step-sister, step-parents, parents-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, guardian, ward, or domestic partner.
  - **“no longer supported by that income”**: the removal of financial or other form of assistance that is provided to meet any basic need of the individual. This definition is not limited to the removal of the total assistance received by the individual, rather the assistance received per basic need, and may include individuals who work part-time if that work does not cover the individual’s basic need.
  - **“significantly reduced”**: any reduction in family income due to deployment.
- ii. Is either (a) unemployed and is **having trouble** in obtaining or upgrading employment; or (b) **underemployed** and is **having trouble** in obtaining or upgrading employment.

***NYSDOL Interpretation:***

- **“having trouble”**: being unsuccessful in finding employment or upgrading employment, as determined by self-attestation.
- **“underemployed”**: Displaced Homemakers to include, but not be limited to,
  - (1) individuals employed less than full-time who are seeking full-time employment;
  - (2) individuals who are employed in a position that is inadequate with respect to their skills and training;
  - (3) individuals who are employed who meet the definition of a low-income individual in WIOA sec. 3(36);
  - (4) individuals who are employed, but whose current job’s earnings are less than the self-sufficiency wage rate set by the LWDB, or are not sufficient based on their training and experience or compared to their earnings from their previous employment; and
  - (5) individuals who are employed in stopgap employment.

**E. Category 5 – DW Spouse of a Member of the Armed Forces**

- i. Is the spouse of a member of the Armed Forces on active duty, and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; **or**
- ii. Is the spouse of a member of the Armed Forces on active duty and who meets required WIOA criteria.

Under the WIOA regulations at 20 CFR 680.660, service members exiting the military, including, but not limited to, those who receive or are eligible for Unemployment Compensation for Ex-Service members (UCX), generally qualify as DWs. Generally, a separating service member needs a notice of separation, either a DD-214 from the Department of Defense, or other appropriate documentation that shows a separation or imminent separation from the Armed Forces. These documents meet the requirement that the individual has received a notice of termination or layoff, to meet the required DW definition. ETA policy generally dictates that a

separating service member meets the DW requirement that an individual is unlikely to return to his or her previous industry or occupation in the military.

## **II. Additional DW Designations**

In addition, NYSDOL recognizes the following individuals as DWs:

A. Individuals dislocated due to Foreign Trade, including participants in the Trade Adjustment Assistance (TAA) Program who are part of a worker group covered under a certified trade petition, which demonstrates an increase in imports, a shift or acquisition in production, or a loss of sales and/or production which contributed importantly to the worker(s)'s separation or threat of separation (additional information on the TAA program is located in Workforce Development System Technical Advisory (WDS TA) #21-03);

B. Long-term unemployed (LTU) individuals: Individuals who receive Unemployment Compensation benefits for at least 27 weeks and are still unemployed; and

Note: LTU may include those individuals originally designated DWs as part of a National Dislocated Worker Grant (NDWG) and who remain unemployed once they are no longer funded with the NDWG.

C. Underemployed individuals: Individuals who have been determined to be DWs may remain DWs, even after they have obtained employment, if they are:

- i. individuals employed less than full-time who are seeking full-time employment;
- ii. individuals who are employed in a position that is inadequate with respect to their skills and training;
- iii. individuals who are employed who meet the definition of a low-income individual in WIOA sec. 3(36);
- iv. individuals who are employed, but whose current job's earnings are less than the self-sufficiency wage rate set by the LWDB, or are not sufficient based on their training and experience or compared to their earnings from their previous employment; and
- v. individuals who are employed in stopgap employment.

## **Recording DWs in OSOS**

The One-Stop Operating System (OSOS) translates DWs identified in WIOA Section 3 (15) subsections (A) – (E) and those dislocated due to foreign trade into categories as follows:

- (A) – Category 1 – Dislocated Worker;
- (B) – Category 2 – Mass layoff or closure;
- (C) – Category 3 – Self-employed;
- (D) – Category 4 – Displaced homemaker;
- (E) – Category 5 – Dislocated due to Foreign Trade (includes TAA participants); and
- (F) – Category 6 – Spouse of a member of the Armed Forces.

*Created: 9/29/2022; Revised: 10/25/2022; Board Approval: Pending*

*LTU and underemployed individuals, other than those designated as Displaced Homemakers, should be recorded into OSOS under Category 1 – Dislocated Worker.*



## **Tompkins County Workforce Development Board WIOA Youth Work Experience Policy**

### **Purpose**

The purpose of this policy is to define eligibility, assignment, documentation, duration, and salary for Work Experiences assigned to youth enrolled in the WIOA Youth Program. Work Experiences can be paid or unpaid and are assigned to help job-ready youth learn soft skills such as attendance, teamwork, initiative, etc., as well as job related skills they can use to progress towards their career goals.

### **Background**

***At least 20% of the program year's Youth Fund (net of Admin portion) must be spent in Youth Work Experience as set by WIOA Section 129 (c)(4).*** Allowable Work Experience expenses include the following (per TEGL 8-15):

- Wages and Stipends paid for participation in a work experience;
- Staff time working to identify and develop a work experience opportunity, including staff time spent working with employers to identify and develop a work experience opportunity;
- Staff time working with employers to ensure a successful work experience, including staff time spent managing the work experience;
- Staff time spent evaluating the work experience;
- Participant work experience orientation sessions;
- Employer work experience orientation sessions;
- Classroom training or the required academic education component directly related to the work experience;
- Incentive payments directly tied to the completion of the work experience; and
- Employability skills/job readiness training to prepare youth for a work experience.

***All other expenses not defined as above will not be allowable work experience expenses. Supportive*** services are a separate program element and cannot be counted toward the work experience expenditure requirement even if the supportive services assist the youth in participating in the work experience (per TEGL 21-16).

### **Policy**

#### ***Eligibility:***

***All youth assessed as eligible youth under WIOA Section 129(a)(1) and enrolled in the WIOA Youth program will be eligible for Youth Work Experience.*** Youth are



required to develop a **career pathway** before beginning a **Work Experience**. If a youth is unsure of their career goal(s), they should complete further career exploration through Career Zone, O\*Net Interest Profiler, use of Labor Market Information, etc. and/or through Job Shadow experience(s) before beginning a Work Experience.

*Note: Job Shadows can be completed in a couple of hours to a couple of days to expose youth to different careers they are interested in but are not sure that they want to pursue. Job Shadows are **unpaid**, and youth can complete as many as necessary to determine their career pathway.*

A youth's career pathway should be clearly defined in their **Individual Service Strategy (ISS)** before beginning a Work Experience.

### **Definition of the Work Experience:**

According to the Federal Register Vol 81, no. 161-681.600, Work Experiences:

- Are a planned, structured learning experience that takes place in a workplace for a limited period of time.
- May be paid or unpaid, as appropriate.
- May take place in the private for-profit sector, the non-profit sector, or the public sector.
- Provide the youth participant with opportunities for career exploration and skill development.
- Must include academic and occupational education. The educational component may occur concurrently or sequentially with the work experience. Further academic and occupational education may occur inside or outside the workplace.

### **Labor Standards:**

Labor Standards apply in any Work Experience where an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable State law, exists. Funds provided for work experiences may not be used to directly or indirectly aid in the filling of a job opening that is vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.

### **Types of Work Experience:**

Work experiences are meant to be short-term, planned, structured job-related learning experiences. The types of Work Experience for eligible youth include the following categories:

1. Summer Employment opportunities and other employment opportunities available throughout the school year;
2. Pre-apprenticeship programs;
3. Internships and job shadowing; and
4. On-the-job training (OJT) opportunities as defined in WIOA sec. 3(44) and in §680.700 of the same chapter.

### **Reasons for Work Experience:**

1. Assessment (determine youth's readiness, skills needed, interests, etc.) *Note: Work Experience(s) for assessment purposes should be brief (i.e. job shadow, career exploration) and may occur as often as needed. It is recommended that a single Work*

*Experience for assessment purposes last no longer than 4 weeks maximum.*

2. Skill Gain (i.e. soft or hard skills needed for the youth's identified career pathway)
3. Reference Gain (i.e. development of work history)
4. Potential for **unsubsidized** employment/hire upon completion of the Work Experience

### **Duration of the Work Experience:**

As Work Experience are meant to be short-term, planned, structured job-related learning experiences, there will be a maximum hour limit set for a youth's lifetime. This should be clearly communicated with the youth and with the worksites before a work experience begins. The TCWDB has set local limit that each youth is allotted **up to a total of 480 hours (i.e. 12 weeks of full time work) of paid Work Experience** during their enrollment in the WIOA youth program **provided funding is available**. *Note: Any unpaid work experiences such as job shadowing does not detract from the 480 hours.*

### **Administrative Override:**

There may be instances where a youth will need more than 480 hours of **paid** work experience support (i.e. youth with disabilities requiring extensive job coaching). Staff must submit thorough documentation of support for why additional hours are needed for this youth, with a timeline for how many additional hours are needed, not to be extended "indefinitely". The purpose of the work experience is to transition to unsubsidized work; therefore, a detailed plan of transition must be in place for any youth determined to need an extension of hours. The use of an Administrative Override is pending on funding availability, to be determined on a case-by-case basis.

### **Education/Training Component:**

At least one **education/training component** must be incorporated into the Work Experience as defined in TEGl 21-16: "workforce preparation activities, basic academic skills, and hands-on occupational skills training are to be taught within the same time frame and connected to training in a specific occupation, occupational cluster, or career pathway". Therefore, the **education/training** component(s) should:

- directly relate to the Work Experience and assist the youth with their career goals;
- be clearly defined in the youth's ISS **before** the youth starts a Work Experience;
- occur inside or outside the workplace; and
- occur either concurrently or sequentially with the Work Experience.

In keeping with best practice regarding youth development and learning theory, it is recommended that the education/training component **occur concurrently** with the Work Experience and **occur inside the workplace**.

*Note: HSE Classes and general Work Readiness Workshops can not count as the education/training component unless it specifically relates the work experience/needs of the youth to obtain their career goal(s) and is documented as such in the youth's ISS and in OSOS Comments.*

### **Fiscal Management:**

**Youth will earn at least the NYS minimum wage and agreed amount in contract.**

Youth counselors are responsible for collecting youth's timesheets, submitting to their fiscal departments, and putting a copy of the timesheet in the youth's paper file. Each youth counselor's fiscal department will control payroll and produce checks, and the youth counselor is responsible for delivering checks to youth.

**WIOA Youth priority on Work Experience:** WIOA places a priority on providing valuable work experiences to youth and has set a **20% minimum budget expenditure** to go towards the Work Experience. Youth counselors should communicate with their fiscal department and/or direct Supervisor to track if they are spending **at least 20% of their budget on Work Experience**, and to make sure they know how much money is left to spend on Work Experience throughout the fiscal year. TEGL 23-14 states that this **20% minimum** is calculated based on *overall* non-administrative local area youth funds and is not applied separately for In School Youth (ISY) and Out of School Youth (OSY).

**Procedure**

**1. Assess eligibility** of youth under WIOA Section 129(a)(1). Once eligibility in the WIOA Youth program is established, all youth must complete:

- an Objective Assessment (following TCWDB Objective Assessment Policy guidelines); and
- an ISS which clearly outlines a youths' career pathway (if career pathway is unknown, refer to Eligibility section above for career exploration options).

2. Staff must **document** the assignment of a Work Experience in OSOS as a Service provided (use Achievement Objective tab in the Customer Module, Services Window, Services Tab), and further document in OSOS Comments the Work Experience location, **start date**, job duties, education/training component, correlation with career pathway, progress and **end date**. Any updates to the youth's ISS should be updated in OSOS as well. *For further directive, staff should please refer to the "411 on WIOA Title I Youth Program Services" (Nov. 2019 updated) document.*

3. A Work Experience assignment should correlate with the youth's career pathway, take any disabilities/limitations into consideration, and be age appropriate (comply with labor laws).

4. Employers providing Work Experiences should complete a **Worksite Agreement** and copies should be kept in the youth's paper file for access during monitoring procedures. Each worksite should have at least one designated **Worksite Supervisor** who the youth report to, signs timesheets, and provides updates/evaluation feedback to the youth counselor.

**5. Worksite Supervisors** and **Youth** must both sign a completed **Job Training Outline** which specifies the youth's work experience goals, academic and occupational education components that will be incorporated, and a detailed work description (hourly wage rate, number of hours to be worked per week, start and end date, general work duties, etc.).

6. Copies of timesheets should be kept in the youth's paper file along with copies of any payroll documents.

7. Youth counselors are to maintain **routine communication** with Worksite Supervisors to:

- Determine what new skills the youth has learned;
- Obtain feedback from the worksite supervisor;
- Ensure the youth is complying with their assigned work schedule;
- Determine if the worksite is a good fit for the youth; and
- Determine how long the youth is expected to remain at the worksite.

*If it is determined that the youth is not a good fit for the worksite, or if the youth redefines their career pathway, the youth may be reassigned to a **new** Work Experience. Youth counselors and/or Worksite Supervisors have the right to end a youth's Work Experience early due to any misconduct on the youth's part.*

**8. Evaluation** forms should be given to all Worksite Supervisors to complete on a routine basis (attaching the evaluation form to the youth's timesheet is an effective method to encourage evaluation completion). Questions/Comments sections can be general or tailored specifically to address specific concerns/barriers with the youth's progress.

**9. Site Visits** should be conducted on a routine basis and can be **scheduled** in advance to ensure the Worksite Supervisor and youth will be available or can be **unannounced** as the Youth counselor sees fit.

10. It is the responsibility of the Youth counselor to meet the needs of the Business (worksite) and maintain a successful working relationship while tracking youth's progress and providing WIOA-based **Supportive Services** and activities to the youth as needed for their success.

**11. Education/Training Component:** see section above re: incorporation of concurrent or sequential education/training component; documentation in ISS and OSOS Comments must clearly outline the connection of the education/training component to the youth's identified career pathway.

12. The Worksite Supervisor and the youth should be notified **at least 1 week prior to the youth's final day of work**. Youth should be encouraged to speak with their Supervisor about continuing employment or obtaining a professional job reference to aid in their job search. The **end date** of the youth's Work Experience should be noted in both the youth's ISS and in the OSOS Services Tab and Comments section.

13. Updated record should be kept ensuring youth does not surpass their maximum lifetime allotment of **480 hours of paid work experience** (exceptions to maximum hours apply in the event of an Administrative Override occurring; however, detailed records must still be maintained).



## **Workforce Development Board Transparency and Integrity Policy**

The purpose of the policy is to prevent the personal interest of board and committee members from interfering with their duties, or result in personal financial, professional, or political gain on the part of such persons at the expense of other stakeholders. It is also in place to prevent board and committee members from using confidential information to their (or an affiliated party's or relative's) advantage. Workforce boards must also provide a level of stewardship and oversight with respect to the use of federal workforce system funds in a manner that preserves public trust.

### **CONFIDENTIALITY**

In order to protect confidential information to be disclosed during a meeting, board and committee members agree to:

1. Hold the confidential information received in strict confidence and to exercise a reasonable degree of care to prevent disclosure to others.
2. Not disclose either directly or indirectly the confidential information to others.

### **CONFLICT OF INTEREST**

Board and committee members also should not take any official action if the following applies:

- Their own financial interests, or the financial interests of immediate family members, business partners, private employers, or organizations for which they serve as an officer, director, partner, or trustee conflicts.
- Any other circumstance, or in appearance, make it difficult to exercise independent, objective judgment, or perform effectively.
- Their organization stands to benefit from a contract, transaction, or situation.
- The subject of discussion is a contract, transaction, or situation in which there may be a perceived or actual conflict of interest. However, they may be present to provide clarifying information in such a discussion or debate unless objected to by any present board or committee member.
- In a position to make decisions about spending resources– who also stands to benefit from that decision – has a duty to disclose

If one of these matters comes up for consideration at a committee meeting, the member should leave the room during the discussion, and make sure the minutes of the meeting reflect their recusal.

### **TEGL No. 35-10, TRANSPARENCY AND INTEGRITY IN WORKFORCE INVESTMENT BOARD DECISIONS**

The intent of TEGl No. 35-10 was to communicate ETA's expectation that state and local workforce boards and officials will make decisions with transparency and integrity and in a manner consistent with all conflict of interest requirements. Members are required to abide by following Federal laws and regulations:

- *"Sunshine provision" regulations* (20 CFR 661.307) require local boards to conduct business in an open manner and, upon request, to make board activities available to the public, including the development of specific policies and minutes of formal board meetings.
- *Uniform Administration Requirements* for procurement (29 CFR 97.36 and 29 CFR 95.42) set the standards, including those for conflict of interest that all Federal grantees (both government and non-government) must follow. These requirements, codified in the Code of Federal Regulations, describe specific instances that constitute a conflict of interest, characteristics to be considered when making awards to contractors, and the procedural requirements for procurement protests.
- *Conflict of interest regulations* for those entities receiving WIA Title I funds [20 CFR 667.200(a)(4)] specifically mandate that a LWIB member or Youth Council member must neither cast a vote, nor participate in decision-making, on the provision of services by that member or any organization which that member directly represents. The LWIB member or Youth Council member also must not cast a vote, nor participate in decision-making, on any matter that would provide direct financial benefit to that member or a member of his/her immediate family.
- *The Hatch Act and its regulations* (5 CFR 151) restricts political activity of individuals principally employed by state and local executive agencies and who work in connection with programs financed in whole or in part by Federal grants or loans. Among other things, covered state and local employees may not use their official authority or influence to interfere with or affect the results of an election or nomination; or directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

The full text of TEGl No. 35-10 can be found here:

[http://wdr.doleta.gov/directives/attach/TEGL/TEGL\\_35-10-Acc.pdf](http://wdr.doleta.gov/directives/attach/TEGL/TEGL_35-10-Acc.pdf)

Additionally, local workforce boards are also governed in their decision-making by relevant state and local statutes, regulations and policies that include, but are not limited to:

- New York State General Construction Law (GCL) §41
- Open meetings Law (Public Officers Law (POL), Article 7)

Alleged Violations to the Hatch Act will be recorded by Tompkins County Workforce Investment Board Staff and reported to the Tompkins County Compliance Officer. The Tompkins County Compliance Officer will contact the U.S. Office of Special Counsel to request an Advisory Opinion.

Allegations of violations to the Conflict of Interest regulations will be recorded and referred to the Tompkins County Ethics Advisory Board to investigate and report on the alleged violation. Penalties may include removal from the Board, loss, or disqualification from contracts.



Workforce  
Development  
Board

Revised: July 29, 2022  
Executive Committee Approval:

## Transparency and Integrity Policy Acknowledgement Form

I acknowledge that I have received a copy of the Tompkins County Workforce Development Board's Transparency and Integrity in Workforce Development Board Decisions Policy, which describes confidentiality, conflict of interest, and TEGl No. 35-10. I understand that I should consult the Workforce Development Board if I have questions.

I understand and agree that I will read and comply with the policies contained in this policy and any revisions.

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Name (Printed)

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Signature

---

Date





# Workforce Development Board

## Conflict of Interest Disclosure Statement

I understand that it is the policy of Tompkins County Workforce Development Board (TCWDB) that Officers, Board Members, Committee Members, and other key personnel will annually disclose all potential and actual conflicts of interest even if they are questionable. I hereby state that I, or members of my immediate family\*, have the following affiliations or interests and have taken part in the following transactions, that, when considered in conjunction with my position with or relation to TCWDB might possibly constitute a conflict of interest. **(Check “None” where applicable)**

**1. Outside Interests:** Identify all entities, including corporations, partnerships, companies, and unincorporated business enterprises, with which you or an immediate member of your family hold directly or indirectly, a position as an owner, employee, officer, director or trustee in any outside concern from which the individual has reason to believe TCWDB secures goods or services; or which compete directly or indirectly with TCWDB in the purchase or sale of property or property rights, interests or services.

None

Name of Entity	Position	Percentage of Ownership
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

If a vendor of TCWDB, include disclosure of amount billed to TCWDB over the last two fiscal years.

None

**2. Investments:** List and describe with respect to yourself or your immediate family, all investments that might be within the category of material financial interest, described as such financial interest which represents in excess of 5% of the total outstanding equity securities of an outside concern.

None

**3. Outside Activities:** Identify any outside activities of yourself, or your immediate family, which render directive, managerial, or consultative services to any outside concern that does business with, or competes with services of TCWDB.

None

\*For purpose of definition: Immediate family means any person related within the first degree of affinity (marriage) or consanguinity (blood) to the person involved.

**4. Consultant Services:** Identify any relationship (financial or otherwise) with any company or organization which furnishes consulting or professional services to TCWDB.

**None**

**5. Inside Information:** By signature below, I certify that neither I nor any member of my immediate family have disclosed or used information relating to TCWDB business for the personal profit or advantage of myself or any member of my immediate family.

**6. Gifts and Gratuities:** I certify that neither I nor any member of my immediate family has accepted gifts, gratuities, or entertainment that might influence my judgment or actions concerning business of TCWDB, except as listed below. (This does not include the acceptance of items of nominal or minor value that are clearly tokens of respect or friendship and not related to any particular transaction or activity.)

**None**

I hereby agree to report to the Chairperson of the Board any change in the responses to each of the foregoing statements which may result from changes in circumstances before completion of my next disclosure statement.

_____	_____	_____
Date	Name (Printed)	Signature

**Renewal:**

_____	_____	_____
Date	Name (Printed)	Signature

_____	_____	_____
Date	Name (Printed)	Signature

\*For purpose of definition: Immediate family means any person related within the first degree of affinity (marriage) or consanguinity (blood) to the person involved.

**WE ARE YOUR DOL**



**CANNABIS WORKFORCE 101**

**Tompkins County WDB**

*March 28, 2023*

**Content based on information available as of March 2023**

# **NYSDOL OVERVIEW**

- **95 Career Centers Across NY**
- **Serve 500,000 job seeking customers per year**
- **Serve 30,000 businesses per year**

# **CEED – Your Cannabis Resource at NYSDOL**

- Help build out an equitable workforce in the cannabis industry
- Highlight opportunity in the emerging adult-use market
- Identify education programs in cannabis
- Educate the cannabis industry on NYSDOL labor standards and best practices

# WHAT IS CANNABIS?

- Adult-Use Cannabis
- Medical Cannabis
- Hemp
- Cannabinoid Hemp

The background features a soft-focus image of laboratory glassware on the left and cannabis leaves on the right. The text is centered in a bold, dark blue font.

# **STATUS OF NY's CANNABIS INDUSTRY**

# OCM OVERVIEW

Regulatory and licensing agency for cannabis

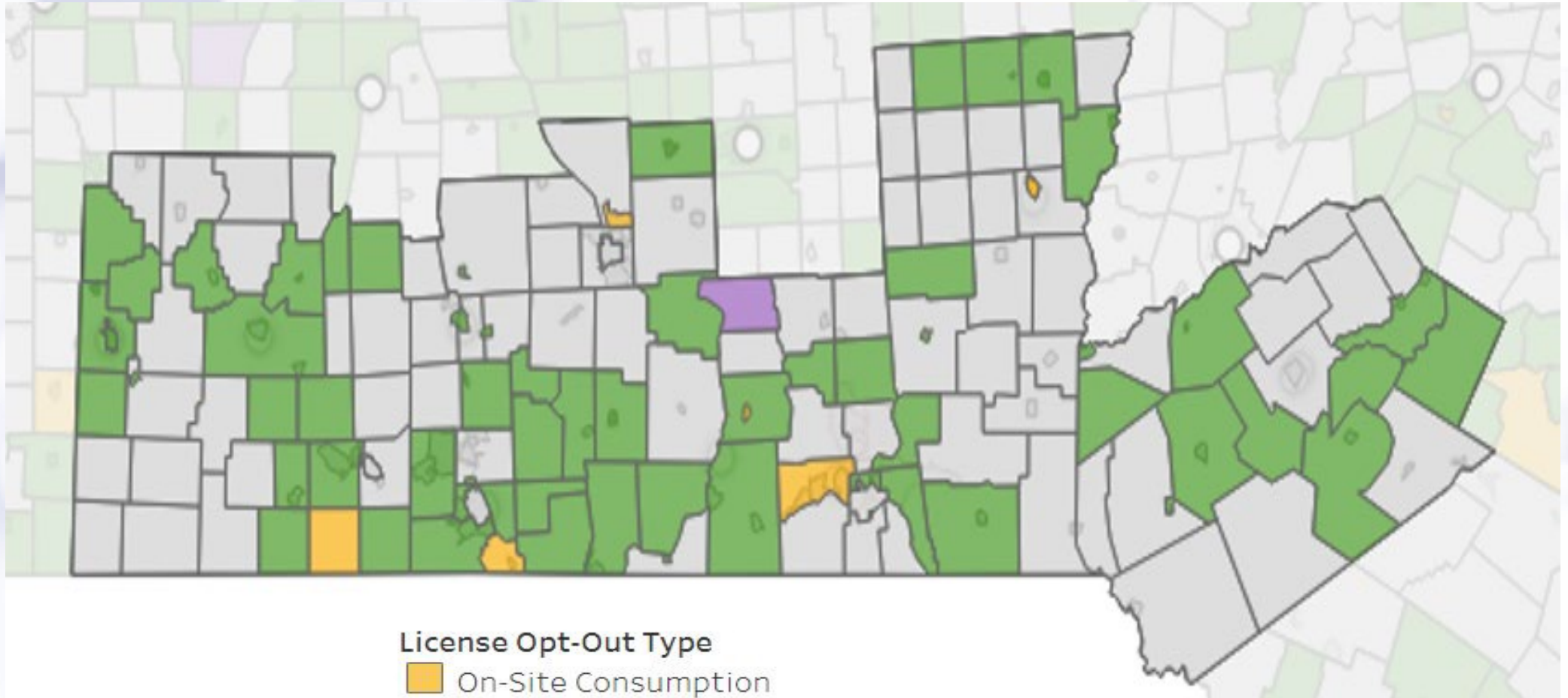
- Medical Cannabis
- Adult-Use Cannabis
- Cannabinoid Hemp



# ADULT-USE LICENSE TYPES CREATED BY MRTA

- Cultivation
- Nursery
- Processing (Extraction, Manufacturing/Infusion)
- Retail Dispensing
- Distribution
- On-Site Consumption
- Delivery
- Microbusinesses
- Cooperatives
- Registered Organization (Vertically Integrated)
- Testing Laboratories/Sampling Firms (Permit)

# SOUTHERN TIER OPT-IN/OPT-OUT



## License Opt-Out Type

- On-Site Consumption
- Retail Dispensary
- Retail Dispensary; On-Site Consumption
- Null

# WHERE ARE WE NOW: CONDITIONAL LICENSES

Governor Hochul signed legislation creating Conditional Adult-use Cannabis Cultivator and Processor licenses.

The conditional license holders must participate in a social equity mentorship program and provide a sustainability plan as conditions for licensure.

- Cultivator: 280 Granted
- Processor: 40 Granted
- Dispensary (CAURD): 66

# PEOPLE INTERESTED IN LICENSES

People who are interested in Adult-Use licenses:

- OCM's website for info as it becomes available.

**CANNABIS.NY.gov**



# CANNABIS JOBS OVERVIEW

The legal adult-use cannabis program in New York State is expected to create thousands of new jobs.

- There are a variety of career paths along the seed-to-sale lifecycle of cannabis
- There are many transferrable skills applicable to jobs in this emerging market
- As full-scale licensing opens, New York anticipates steady job growth as companies come online

# TYPES OF JOBS IN THE EMERGING MARKET

- **Cultivation** - growing, harvesting, trimming
- **Nursery** - breeding seeds and growing immature plants
- **Extraction** - extraction of cannabis oil from cannabis plants
- **Manufacturing & Infusion** - creation and packaging of cannabis-infused products (edibles, vapes, etc.)
- **Retail Dispensing** - sales, marketing, retail, customer service

# TYPES OF JOBS IN THE EMERGING MARKET

- **Distribution** - sales, delivery, customer service
- **On-Site Consumption** - sales, hospitality
- **Delivery** - delivery, customer service
- **Testing Laboratories and Sampling Firms** - QA testing, customer service
- **Ancillary** - vital roles in the running of businesses
- **Public Service** - OCM, other NYS agencies

# WHAT CANNABIS SKILLS DO YOU ALREADY HAVE?

- **Cultivation** - good agricultural practices, plant science, equipment maintenance
- **Nursery** - good agricultural practices, breeding, cultivation
- **Extraction** - good manufacturing practices, plant science, equipment maintenance
- **Manufacturing & Infusion** - good manufacturing practices, plant science, safe food handling, equipment maintenance
- **Retail Dispensing** - sales, customer service, marketing, cannabis uses, security, public health



# JOB SEEKERS INTERESTED IN THE CANNABIS INDUSTRY

While past experience in cannabis is a plus, it is **not required** for most positions in the industry.

Someone **does not** have to be a cannabis user to work in this industry.

# EXPUNGEMENT

Charges that have been expunged:

- Will not appear or show up on a criminal history background check
- Cannot be used against an individual when applying for housing, student loans, or a job
- Will not be found by law enforcement unless you are applying for a gun license or a job in law enforcement
- Do not have to be listed on a job or school application that asks if you've been convicted of or arrested

# TRANSFERRABLE SKILLS FROM THE LEGACY MARKET

The key is to highlight the knowledge and skills that will appeal to positions in the regulated market without disclosing that a crime was committed.

- Knowledge of cultivation/processing/strains
- Awareness of rules and regulations
- Cost accounting experience
- Business development
- Customer service
- Marketing skills

# NY CANNABIS CURRENT JOB POSTINGS

## **Businesses Currently Hiring**

- Conditional Adult-Use Cannabis Businesses
- Medical Cannabis Operators
- Ancillary Businesses Ramping Up

## **Job Posting Location**

- Online Job Boards (JobZone, Indeed, LinkedIn)
- Individual Company Websites
- [Statejobs.ny.gov](https://statejobs.ny.gov)

# CANNABIS WAGE INFO

## Extraction

Extraction Technician

Range: \$45K - \$90K/yr

Extraction Manager

Range: \$65K - \$90K/yr

Director of Extraction

Range: \$90K - \$140K/yr

## Infusion

Production Technician

Range: \$16 - \$23/hr

Edibles Specialist

Range: \$45K - \$75K/yr

Production Supervisor

Range: \$75K - \$110K/yr

## Retail

Budtender

Range: \$17 - \$28/hr

Assistant Manger

Range: \$50-70K/yr

General Manager

Range: \$65K - \$100K/yr

Director of Retail

\$100K - \$130K/yr

# **NYSDOL CAREER CENTERS**

- Career counseling
- Job search assistance
- Workshops: resume writing, networking, interviewing, and more
- Veterans services
- Access to computers, phones and faxes you can use for your job search

# **BUSINESS SERVICES FOR LICENSED CANNABIS BUSINESSES**

- Posting jobs
- Career Fairs/custom recruiting
- Skill matching with jobseekers
- Navigating tax credits
- Review labor regulations

# CANNABIS AT WORK

- While it is legal for adults 21 years or older to consume cannabis, employers can still enforce policies that prohibit use and possession on the job
- Employers are not required to commit any act that would cause them to violate federal law or lose federal funding
- NYSDOL has issued guidance 201-D “Cannabis and the Workplace” for employers and employees
  - <https://dol.ny.gov/system/files/documents/2021/10/p420-cannabisfaq-10-08-21.pdf>



# LABOR LAW VIOLATIONS

If you feel you have experienced or witnessed a violation of labor laws or worker rights, you can file a complaint directly with:

- NYSDOL Division of Labor Standards
- The United States Department of Labor by calling 1-866-4-USA-DOL.

Check out our website: [www.dol.ny.gov](http://www.dol.ny.gov)

Follow NYS Department of Labor on social media

Reach out to Labor Standards at [LSAsk@labor.ny.gov](mailto:LSAsk@labor.ny.gov)

# CANNABIS EDUCATION

- Employer training
- Community colleges
- SUNY or CUNY
- Private college and universities

**[dol.ny.gov/cannabis-workforce-development](https://dol.ny.gov/cannabis-workforce-development)**

# TRAINING SUPPORT

Funding may be available for ancillary skills training that would be transferrable into the cannabis industry.

**WE ARE YOUR DOL**



**Cannabis Employment and Education Development (CEED)**

[CEED@labor.ny.gov](mailto:CEED@labor.ny.gov)

[dol.ny.gov/cannabis-workforce-development](https://dol.ny.gov/cannabis-workforce-development)