

Tompkins County Workforce Development Board

One Stop Operations and Oversight Committee

MINUTES

Tuesday, July 27, 2022 | WDB Conference Room

Present: K. Franzese, D. Harrington, K. Kersey

Excused: P. Levesque, B. Forrest

Staff: D. Lovelace, C. Sponn, R. Avila (remote)

Guests: S. Paczkowski

Call to Order

Chairwomen, Ms. Franzese called the meeting to order at 8:32 a.m.

Approval of Policies

- Transitional Jobs Policy
Approved by unanimous vote - Moved by: D. Harrington Seconded by: K. Kersey
- ITA Policy
Approved by unanimous vote - Moved by: K. Kersey Seconded by: D. Harrington
- Supportive Services Policy
Approved by unanimous vote - Moved by: D. Harrington Seconded by: K. Kersey

Adjournment

Ms. Franzese adjourned the meeting at 8:39 a.m.

The next meeting is scheduled for September 13, 2022

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 an 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.

- 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 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).
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 Tompkins 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.

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Tompkins County Workforce Development Board Individual Training Account Policy

I. Training Services

A. Overview

Section 134(c)3 of the Workforce Innovation and Opportunity Act identifies training services that can be provided to adults and dislocated workers who:

1. Have been provided an initial assessment and have been found to be in need of Career Development Services.
2. After a comprehensive assessment, including Barriers to Employment (e.g., Language, Transportation, Child Care, Elder Care, Mental, Physical and Developmental Disabilities, Work Place Accommodations, etc.), have been determined to:
 - i. be unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through the career services described in Section 134(c)(2)(A)(xii) of the Workforce Innovation and Opportunity Act (see attachment A)
 - ii. be in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment
 - iii. have the skills and qualifications to participate in the selected program of training services
3. Select programs that are directly linked to employment opportunities and the local demand occupations list.
4. Are unable to obtain other grant assistance for such services, including Federal Pell Grants or require assistance beyond the assistance made available under other grant assistance programs, including Federal Pell Grants. Training Services may be provided to an individual who otherwise meets the requirements of this policy while an application for a Federal Pell Grant is pending (NYS TAP, if awarded to participant, shall be used to pay training cost prior to WIOA funding), except that if such individual is subsequently awarded a Federal Pell Grant, appropriate reimbursement shall be made from the Federal Pell Grant to the Tompkins Workforce Development Board.

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B. Types of Training Services [Section 134(b)(3)D]

1. Occupational skills training, including training for nontraditional employment
2. On-the-job training (OJT)
3. Incumbent worker training in accordance with subsection (d)(4)
4. Programs that combine workplace training with related instruction
5. Training programs provided by the private sector
6. Skill upgrading and retraining
7. Entrepreneurial training
8. Job readiness training provided in combination with other services
9. Transitional jobs in accordance with subsection (d)(5)
10. Adult education and literacy activities provided in combination with other services
11. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training

C. Individual Training Accounts (ITAs)

Training services offered through eligible providers must be offered through the use of individual training accounts or vouchers provided to eligible individuals through the Tompkins Workforce New York Career Center.

II. Local Policy

- A. The Tompkins County Workforce Development Board has established the following limits for funding.

<p>Training Costs include:</p> <ul style="list-style-type: none">• Tuition• Fees• Required Training Expenses• Supportive Services• Types of Training Services, including On-the-Job Training (OJT) <p>Maximum funding cap for <u>Fees & Required Training Expenses</u> is \$2,000 of the total \$5,000 funding cap. These expenses include:</p> <ul style="list-style-type: none">• Miscellaneous Fees (Including immunizations)• Required Equipment• Required Supplies• Certification Testing	<p>Funding cap not to exceed \$5,000</p>
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*To support participants in training, supportive services are provided. These supportive services include transportation, mileage reimbursement, bus pass or childcare. Please refer to *Supportive Services Policy* for provisions of these services.

** Maximum amount cannot exceed over participants lifetime.

Note: This policy will be reviewed on an annual basis and is subject to change.

- B. Training may not exceed two years in length.
- C. The Tompkins Workforce New York Career Center must ensure that training services provided with funding available for adults and dislocated workers are directly linked to occupations in demand in the local area. The Board may also approve training services for occupations determined to be in sections of the economy that have a high potential for sustained demand or growth in the local area. Any exceptions to this policy must be well documented and approved by the Director of the Tompkins County Workforce Development Board. Potential trainees should **not** contact the WDB for the approval of individual requests. It is the responsibility of the board to approve providers and course offerings in demand occupations, not individual participants; that is the responsibility of the Career Center staff.
- D. The Board encourages consumer choice with the understanding that the training is in a demand occupation, the provider must be on the approved list, the training is within the cap allocated or the customer has identified additional funding. It is the responsibility of the Career Center staff to assist the customer with seeking other funding sources (Pell, TAP, loans) to meet their needs. Loans should only be for ITA costs that exceed the policy limit.

III. Customer Approval Procedures

- A. Upon completion of assessment, registration, Individual Employment Plan, elements of Section I (A) 1-4 of this policy, priority of service has been determined and funding is available training can be initiated.
- B. Staff person reviews "Training Account Plan" which forms the basis for customer request for training.
- C. Staff and customer review the eligible provider list to assure provider and offering are approved. If customer chooses a provider not yet approved, see procedure explained in Section IV of this policy.
- D. Once training and provider are selected, staff person reviews demand occupation list for appropriateness of approval.

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- E. Staff reviews Training Contract and creates Training Plan with customer.
- F. Staff completes Authorization for Training and Supportive Services and requests review from OET Director.
- G. After Director signs, staff reserve funds by placing amount, authorization #, name of trainee, name of provider, customer eligibility for DW or Adult funding, on WIOA Authorization spreadsheet located in Workforce folder on network or provides signed authorization to Employment and Training Clerk.

IV. Training Provider Approval

- A. In order to be eligible for approval by the Tompkins County Workforce Development Board, the provider must be registered on the NYS Provider Network at <https://applications.labor.ny.gov/ETPL/> and follow directions for “Eligible Training Providers.”
- B. Once entered, Tompkins County Workforce Development Board will receive notification of request for approval. Staff will review for completeness and relevance to demand occupations list.

V. Demand Occupations

- A. Demand Occupations approved for Tompkins County can be found at <https://dol.ny.gov/lmi-workforce-planning>

Demand Occupations are updated yearly.

VI. Priority for Training Services

- A. Priority for training services is identified in attached Priority of Service Policy.

VII. Self Sufficiency

- A. The WIOA Adult self-sufficiency definition is individual earnings of 250% of the poverty level. Updated Poverty Guidelines can be found at <https://dol.ny.gov/system/files/documents/2021/03/poverty-guidelines.pdf>

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ATTACHMENT A

PUBLIC LAW 113-128-JULY 22, 2014

128 STAT. 1527

(xi) assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under this Act;

(xii) services, if determined to be appropriate in order for an individual to obtain or retain employment, that consist of-

(I) comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include-

(aa) diagnostic testing and use of other assessment tools; and

(bb) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;

(II) development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals, including providing information on eligible providers of training services pursuant to paragraph (3)(F)(ii), and career pathways to attain career objectives;

(III) group counseling;

(IV) individual counseling;

(V) career planning;

(VI) short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training;

(VII) internships and work experiences that are linked to careers;

(VIII) workforce preparation activities;

(IX) financial literacy services, such as the activities described in section 129(b)(2)(D);

(X) out-of-area job search assistance and relocation assistance; or

(XI) English language acquisition and integrated education and training programs; and

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(xiii) Follow up services, including counseling Time period. regarding the workplace, for participants in workforce investment activities authorized under this subtitle who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate.

(B) USE OF PREVIOUS ASSESSMENTS.-A one-stop operator or one-stop partner shall not be required to conduct a new interview, evaluation, or assessment of a participant under subparagraph (A)(xii) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent interview, evaluation, or assessment of the participant conducted pursuant to another education or training program.

(C) DELIVERY OF SERVICES.- The career services described in subparagraph (A) shall be provided through the one-stop delivery system-

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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

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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").

- e) Child care costs can only be paid at a licensed/certified day care provider (not relative/friend, etc.)
- f) Housing can only be paid to commercial hotels/established landlords (not relatives/friend, etc.)
- g) 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

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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.

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- 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.

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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