

MONTANA RESPONSE to USDOL/ETA ENHANCED DESK MONITORING REVIEW - 2021

Finding #1: SWIB Membership

The SWIB, which functions as the State Workforce Development Board, did not meet membership requirements in two areas: labor organizations and the minimum of 20 percent workforce representation. The SWIB has one labor organization in its 26-member state board, of which four or 16.6 percent represent workforce. This gives Montana's workforce less input into the State's workforce development strategies than WIOA intends.

RESOLUTION:

MDLI is actively working with the Governor's Office to help facilitate the filling of outstanding/vacant SWIB member positions. A Board Chair was nominated and appointed in July 2021 and remaining vacancies all have nominations submitted which are currently being processed. There are many Governor-appointed roles that require the attention of a new State Executive, however MDLI will continue to keep SWIB appointments as close to the top of that list as possible.

Finding #2: SWIB By-laws

The SWIB's by-laws did not include a process to notify the Governor of workforce development board (WDB) vacancies. Not having the aforementioned process in the SWIB by-laws results in not appointing members promptly and the lack of representation and input within a category as intended by WIOA. The State is in the process of revisiting its SWIB by-laws and plans to have them approved at its SWIB meeting in September 2021.

RESOLUTION:

The Montana SWIB did not meet in September 2021. But draft by-law language has been drafted to be presented at the SWIB meeting in December 2021. The by-law language is as follows:

"Upon notice of a member's resignation, and 30-days prior to a member's expiration, the SWIB director shall notify the Governor's board and appointment staff of the change to ensure a timely appointment of a new member."

This language shall be Section 202.5 in the Montana SWIB by-laws. Once the December 2021 meeting takes place, Montana DLI will submit a copy of the updated by-laws to USDOL – ETA.

Finding #3: Regions

The SWIB did not identify regions, establish a policy and procedure to identify regions, or develop a regional plan. The State is in the process to establish a policy and procedure to

identify its State as a single planning region in the upcoming state plan modification process; the state plan modification will also serve as its regional plan.

RESOLUTION:

MDLI has developed a draft policy to establish the state as one region for planning purposes. The draft policy is attached to this response. This policy will be presented to the Montana SWIB in December 2021 for final approval. Once this policy is approved, the WIOA State Plan will be updated in March 2022 to establish this region and the State Plan will serve as the Regional Plan going forward.

Finding #4: MOU with Native American Programs

The SWIB did not enter into an MOU with six of the required WIOA sec 166 grantees. There are eight sec. 166 grantees in the State, or which the SWIB only established an MOU with two. ETA sent the sec. 166 grantees notification of the WIOA requirements and the SWIB expects to establish an MOU with the additional six grantees before the end of the calendar year 2021.

RESOLUTION:

MDLI has made initial outreach to all six Native American programs. One partner program has reached back out and has asked for more information, which, MDLI has provided. MDLI has not been able to make contact with the other five programs and has asked USDOL/ETA to intervene and help set up calls with the partners to implement the required MOU's. As soon as these MOU's are implemented, MDLI will provide a copy to USDOL.

Finding #5: WIOA Grievance Procedures

MDLI service providers did not provide participants and other interested parties information on the State's WIOA grievance and complaint procedures. By not providing a recourse for participants and other interested parties to express concerns, service providers do not provide access to grievance and complaint rights guaranteed under WIOA title I.

RESOLUTION:

MDLI has a Complaint Policy developed to inform the process for participants and other interested parties who file a complaint or grievance under WIOA title 1. As noted, MDLI had not previously distributed this information to the participants or interested parties, but only provided information on EEO complaints. MDLI has developed a poster to be posted prominently in each workforce center to notify any interested party of their rights to file a complaint or grievance under WIOA title 1. In addition, each workforce center will have a point of contact to take complaints and pass along to the appropriate individual at MDLI and/or USDOL. Finally, MDLI has posted a notice of interested parties rights to file a complaint or grievance on the Montana WIOA website at <https://wsd.dli.mt.gov/wioa/>.

The poster is currently in graphic review design and a copy will be provided to USDOL as soon as it is finished. We anticipate this to be prior to November 30, 2021.

Finding #6: NDWG Performance Reporting

MDLI did not record reportable individual services for its NDWG participants in its management information system (MIS). Staff gather or documented measurable skills gains and demographic data, and provided services; however, the data was not entered into the MIS:

- Participant 2200978010: lack of MSG, yet case notes reflected the receipt of semester grades.
- Participant 2201028428: demographic data was missing, yet the WIOA application contained the data.
- Participant 2201028428: participation period was missing, yet the participant was determined eligible and received services.

RESOLUTION:

MDLI recorded all missing information in the MIS system as noted in the finding. MDLI will provide technical assistance to service providers to remind them of the importance of timely data entry. Timely data entry, within seven (7) working days, is part of MDLI's Quality Control Operational Guidance provided to all service providers. In addition, MDLI's reporting analyst will do quarterly data reviews to watch for anomalies and untimely data entry. Finally, MDLI's monitoring unit will review files and communicate missed data entries and remind staff to ensure data entry is completed thoroughly and timely in the future.

Area of Concern #1: WIOA Performance Outcomes

Performance in the Youth and Wagner-Peyser programs fell below the overall performance threshold of 90 percent of the adjusted goals for PY 2018 and PY 2019. Additionally, the youth credential attainment performance measure fell below the 50 percent threshold in PY 2019.

RESOLUTION:

MDLI held one-on-one technical assistance sessions with all youth program providers. Those sessions reviewed and discussed the several performance areas to identify any gaps, provide an opportunity to clarify and/or have deeper discussions around the MSG and credential requirements from a program and reporting perspective. The topics covered included:

- Understanding of EFL gains
- All aspects of MSGs including types, reporting, identification of training opportunities where MSGs can be taken, benchmarks such as knowledge-based exams, and occupational skills and credentials gained as MSGs, etc.;
- Identifying strategies to prevent or address participants withdrawing from the program;

- Review of source documentation
- Distinguishing the period of performance vs. PIRL participation start and end dates

As a result of these one-on-one sessions, our reporting lead reports that for the most recent rolling 4 QTR report on MSGs, providers performance has increased from 16.4% to 30.3%. This is a result of clarification on MSGs and providers re-visiting their participants files.

Area of Concern #2: Youth Policy

MDLI's WIOA title I Youth Program Policy, dated November 11, 2017, requires out-of-school youth (OSY) to complete a TABE assessment as part of the intake process. This policy also requires the youth service providers to refer OSY to the Adult Basic Education (ABE) providers for the TABE assessment.

RESOLUTION:

MDLI is currently working with Office of Public Instruction's Adult Basic Education office and other interested partners to review and update the Memorandum of Understanding to ensure continued coordination and clarity in the roles and responsibilities of the WIOA agency youth program partners that will guide our processes and ensure they best fit the State of Montana's public workforce development system expectations.

Area of Concern #3: NDWG Enrollments and Disbursements

MDLI enrollments and disbursements are low, when compared to the time elapsed in the NDWG's period of performance. As of June 30, 2021, MDLI only enrolled five of its 155 projected participant goals, and disbursed \$154,227 or 26 percent of the awarded \$582,750, with 55 percent of the time elapsed in the grant. This is primarily due to slow grant start-up.

MDLI is at risk of not meeting its goals.

RESOLUTION:

In terms of the slow enrollments for this grant, Montana is experiencing similar trends as other states have nationwide in terms of; continuing extensions of unemployment insurance benefits (PAU, EPAU, etc.) at least through end of June of 2021, in Montana; concerns in regard to exposure to the COVID-19 pandemic in certain business and lack of mask and social distancing requirements; lack of accessible childcare for those wanting to return to the workforce; and many other valid reasons.

However, MDLI continues to work with the communications department for updates to all external social media outlets for information on NDWG services and virtual on-line courses and services being offered. With the announcement of some recent business closures statewide, service providers have been reminded of the basic eligibility requirements for the NDWG, which runs through June 30, 2022. This included:

- Eligibility -Anyone who lost their job due to COVID-19 or any dislocated worker
- Enrollment - The process is the same as enrolling in DW
- Case management and approval of funding - This process is the same as the DW program

Area of Concern #4: NDWG Policies

- MDLI uses its WIOA title 1 policies and procedures for the NDWG. MDLI's Performance Measures and Monitoring policies state in the "scope" section that the policy applies to the NDWG program; the policies identified by MDLI for this grant, including the Dislocated Worker Program policy and the Supportive Service policy do not include NDWG in the scope section.

RESOLUTION:

MDLI has updated all WIOA title 1 policies that impact NDWG grants to include NDGW in the scope section to ensure there is no confusion that these policies apply to all NDGW grants. The list of policies updated include:

- Credentials
- Customized Training
- Data Validation
- Dislocated Worker
- Dislocated Worker WEX
- General Eligibility Determination
- ITA
- OJT
- Performance Measures
- Program Participation and Exit
- Rapid Response
- Supportive Services
- Wage and Supplemental Data

These policies can be found by visiting MDLI's policy website at: <https://wsd.dli.mt.gov/wsd-policy>