

MT SWIB

STATE WORKFORCE INNOVATION BOARD

WIOA COMMITTEE

GoToMeeting® 1:00 – 2:30 PM
Thursday, December 8, 2016
Walt Sullivan Building, Helena, MT

MEMBERS PRESENT: Commissioner Jane Weber (Chair); Casey Blumenthal, Robert Minto, Margaret Bowles, Jim Marks

MEMBERS EXCUSED: Commissioner Mike McGinley, Arlene Templer, Paul Gatzemeier, Paul Hopfauf

STAFF: Shannon Lewis

CALL TO ORDER/ROLL CALL: Chair Weber called the meeting to order at 1:00.

ROLL CALL: Shannon Lewis conducted roll call and established a quorum.

AGENDA: Chair Weber asked for a motion to approve the agenda.

Ms. Blumenthal moved, and Mr. Minto seconded a motion to approve the agenda.

The motion carried.

OCTOBER 26, 2016 MINTUES: Chair Weber asked for a motion to approve the draft meeting minutes from the October 26, 2016 WIOA Committee meeting.

Mr. Hopfauf moved and Mr. Gatzemeier seconded a motion to approve the September 6, 2016 WIOA Committee draft meeting minutes.

The motion carried.

REPORTS:

ONE-STOP OPERATOR APPLICATION:

Shannon Lewis gave an update on the state of Montana's One-Stop Operator Application process. The One-Stop Operator application was successfully released on November 3 and Director Schreiner and Shannon Lewis hosted a webinar on November 10 to give an overview of the One-Stop Operator application. In addition to the webinar, Shannon Lewis fielded questions about the state of Montana's application process from U.S. Department of Labor and the U.S. Department of Labor has since approved the state's application process. Applications are due to Shannon Lewis on January 3, after she receives applications, she will update the WIOA Committee on the volume of applications and work with Chair Weber on scheduling the WIOA Committee to review and score applications in January.

NEW BUSINESS:

WIOA POLICY REVIEW PROCESS:

Shannon Lewis presented a flowchart to the committee outlining the process that a policy moves through within the agency. At this time there are between 40-50 policies that will move through the WIOA Committee for approval before adoption. Shannon Lewis introduced the Committee to Ms. Jennifer Harris, who is the policy analyst working on updating all the WIOA policies. Ms. Harris will be the staff member that will appear before the Committee to present and work through policies. In addition to Ms. Harris, there will always be a subject-matter expert present for more in-depth policy questions that the Committee may have.

In order for the Committee to thoughtfully review all policies before full Committee meetings, Ms. Harris and Shannon Lewis will ensure that the Committee receives policies no less than 10 working days before the next Committee meeting.

Ms. Blumenthal asked that Shannon Lewis remove the duplicate step within the flow chart and Mr. Minto asked that the flow chart be modified to reflect that if the WIOA Committee has significant edits that the policy go back to the policy analyst for modifications and come back to the WIOA Committee.

Mr. Minto moved and Ms. Blumenthal seconded a motion to approve the policy flow chart as amended.

The motion carried.

APPROVAL OF THE ELIGIBLE TRAINING PROVIDER (ETPL) POLICY:

Chair Weber asked that Ms. Harris walk the Committee through the policy section-by-section and that the Committee make motions as they walk through to policy to ensure that motions correspond with the relevant discussion on options provided to the Committee.

Under the Definitions section, the Committee was provided with two options regarding text for the definition of *Program of Training Services*. After much discussion, it was decided that using WIOA funds to support a participant using training services leading to a masters or doctorate degree may not be the best way to spend the state's limited WIOA resources.

Mr. Minto moved and Ms. Blumenthal seconded a motion to approve the definition presented in Option 2 for Program of training Services, which does not allow for WIOA funds to be spent on participants earning a masters or doctorate degree.

The motion carried.

APPROVED LANGUAGE:

Program of Training Services is one or more courses or classes, or a structured regimen which lead to:

1. An industry recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the state involved or the federal government, an associate or baccalaureate degree;
2. Secondary school diploma or its equivalent;

3. Employment; or
4. Measurable skill gains toward a credential or employment.

Under the provider eligibility requirements section, Ms. Harris walked the committee through the options and answered questions about requirements about providers reporting information about tuition and fees. In addition, the committee discussed stacking credentials and the career pathways workforce initiatives included in WIOA. The eligibility and reporting requirements reflected in this section are required reporting by the state of Montana to the U.S. Department of Labor, so providers would need to provide this information at some point while they are providing services and using WIOA funds for participants.

The committee discussed, at length, the use of Social Security Numbers as the identifier for participants in the program. Ms. Harris let the committee know that the state of Montana is required to report employment and wage data to the U.S. Department of Labor on a quarterly basis, and the Social Security Numbers are used by the Montana Department of Labor to calculate the reporting data and it is the personal identifier used in systems throughout the state. In addition, Ms. Harris assured the committee that all personally identifiable information collected by the state of Montana is secured and handled with the highest standards of care.

Ms. Bowles moved and Ms. Blumenthal seconded a motion to approve the language presented in Option 1 for information required by all training providers applying for initial program eligibility to be on the state of Montana's ETPL.

The motion carried.

Mr. Minto voted against the motion

APPROVED LANGUAGE:

1. A description of each program of training services to be offered;
2. Information on cost of attendance; including costs of tuition and fees;
3. Whether the training program leads to an industry recognized certificate or credential, including recognized post-secondary credentials;
4. Whether the certificate or credential can be stacked with other credentials over time as part of a sequence to move an individual along a career pathway or up a career ladder;
5. Whether the provider has developed the training in partnership with a business and if so, which business;
6. Which in-demand industry sectors and occupations best fit with the training program;
7. A description of the prerequisites or skill and knowledge required prior to the commencement of training;
8. Social Security Numbers for all students, regardless of funding source; and
9. The degree to which training programs relate to in-demand industry sectors and occupations in the state.

Ms. Harris discussed options about how and when the training providers may provide Social Security Numbers to the state of Montana in order to be eligible for the ETPL. Initially, the committee thought it could be less burdensome on training providers to submit Social Security Numbers on a quarterly basis, which would allow for providers to be on the ETPL, and have flexibility in how they provide the required data to the state.

Mr. Minto moved and Mr. Marks seconded a motion to allow training providers to submit Social Security Numbers for all students, by program of study, for the previous two calendar years or provide the data elements listed in the Performance and Data Requirements section on a quarterly basis.

The motion failed.

After additional discussion and guidance from Ms. Harris, it was determined that if the committee allowed training providers to provide data quarterly, it would nullify the requirement that all training providers must provide Social Security Numbers for participants upon approval to appear on the ETPL.

Mr. Minto moved and Mr. Marks seconded a motion to require training providers to provide Social Security Numbers for all students, rather than data elements, for all students.

The motion carried.

APPROVED LANGUAGE:

Social Security Numbers must be provided for all students, by program of study, for the previous two calendar years (January 1 through December 31). Training providers that have not been in existence for at least two years will be required to provide student data for the time period available.

Ms. Harris moved the committee through the continued eligibility requirements for training providers to remain on the ETPL. Ms. Harris let the committee know that the state of Montana is required to continually report to the U.S. Department of Labor on the total number of participants in programs, those completing or exiting programs, and completion rates for all participants. Ms. Bowles also let the committee know that program providers are used to collecting and reporting this data, so it isn't inappropriate to ask providers to give this information in order to continue to appear on the ETPL.

Ms. Blumenthal moved and Ms. Bowles seconded a motion to require training providers to provide specific information on program participants in order to remain on the ETPL.

The motion carried.

APPROVED LANGUAGE:

- Applications for continued eligibility must show the training program has the appropriate state licensure to operate a training program. The application must

include the following (in addition to updating the information provided for initial eligibility):

1. The total number of participants enrolled in the program;
2. The total number of participants completing the program;
3. The total number of participants exiting the program;
4. Information on recognized post-secondary credentials received by program participants;
5. Information on the program completion rate for such participants;
6. Description of how the provider will ensure access to training services throughout the state, including rural areas and through the use of technology;
7. Description of how training is provided to individuals who are employed and/or individuals with barriers to employment; and
8. Information reported to state agencies on training programs other than programs within WIOA.

The committee discussed, at length, the exceptions to eligibility requirements for providers to provide training in lieu of the ETPL. The committee was concerned that some providers may try to circumvent the eligibility requirements by going through the SWIB for approval to appear on the ETPL. The committee established that in order to avoid unqualified applicants, the SWIB could develop sufficient criteria for a training provider to appear on the ETPL. The committee asked Ms. Harris to provide some criteria language for the exceptions.

Mr. Minto moved and Ms. Blumenthal seconded a motion to allow the State Workforce Innovation Board to grant exceptions to training providers to use the ETPL where the Board determines there are an insufficient number of training providers in the local area.

The motion carried.

Mr. Minto moved and Ms. Bowles seconded a motion to allow the State Workforce Innovation Board to grant exceptions to community-based organizations or nonprofits to use the ETPL if its primary mission is to serve individuals with barriers to employment and the training results in a certificate or degree.

The motion carried.

Ms. Bowles moved and Ms. Blumenthal seconded a motion to not have or allow pay-for-performance contracts.

The motion carried.

APPROVED LANGUAGE:

Eligible Training Provider Exceptions: There are several exceptions to the required use of the ETPL. In situations covered by these exceptions a contract for services may be used to provide for training in lieu of the ETPL process of eligibility. Exceptions: (. . .)

- Where the State Workforce Innovation Board (SWIB) determines there are an insufficient number of providers in the local area.

- Where the State Workforce Innovation Board (SWIB) determines that a community-based organization or nonprofit whose primary mission is to serve individuals with barriers to employment provides effective training.

The committee discussed reciprocity agreements, which allow for Montana's WIOA funds for participants to participate in training programs in other states. Currently, in order for a participant to use training opportunities in other states the out-of-state training provider must appear on the ETPL and meet Montana's eligibility requirements and a reciprocity agreement must be in place before WIOA funds can be used for the training. There are; however, circumstances where a reciprocity agreement is unable to be in place, and the committee discussed the criteria that would allow an out-of-state provider to use Montana's WIOA funds for training purposes. The committee agreed that if the training is not offered in Montana and if the training provider is in good standing on its state's ETPL, then the training provider is eligible to accept Montana's WIOA funds to train participants.

Mr. Minto moved and Mr. Marks seconded a motion to allow out-of-state providers to use Montana's WIOA funds in the event that a reciprocity agreement is unable to be established if the training program is not offered in Montana and if the training provider is in good standing on that state's ETPL

The motion carried.

APPROVED LANGUAGE:

- In the event that a reciprocity agreement is unable to be established between Montana and another state, WIOA funds may be issued to a training provider in another state when the following conditions are met:
 - The training program the participant is looking to attend is not offered by any eligible training providers in Montana; and
 - The training provider is in good standing on that state's ETPL.

NEXT MEETING DATE:

The WIOA Committee will meet the week of January 23. As the committee continues its work on policy review, the WIOA Committee meetings will be 2-hour meetings.

ADJOURNMENT:

Mr. Minto moved and Mr. Marks seconded a motion to adjourn the meeting.

The motion carried.

Chair Weber adjourned the meeting at 2:30 PM.