



WorkSource Atlanta
Local Workforce Development Board (LWDB)
DRFAT_Meeting Minutes: Wednesday, November 16, 2016
11:30 AM – 1:00 PM
818 Pollard Blvd., SW, Room 240

Board Members Present:
(Quorum Present)

Kevin Amick, IATSE
Cassandra Lee Austin, Delta Airlines
Karen Bremer, Georgia Restaurant Association
Catherine Buell, Atlanta Housing Authority
Tamika Conde, AARP
Blenda DeBerry, Jon'Ric International
Lolita Browning Jackson, Georgia Power
Nancy A. Flake Johnson, Urban League of Greater Atlanta, Inc.
Mike Kenig, Holder Construction
Dr. Eloisa Klementich, Invest Atlanta
Amy Lancaster, Metra Atlanta Chamber
Alex McKenzie, IFS Securities (Treasurer)
Annie Matthews, Atlanta Job Corps
Dr. Michael Maze, Atlanta Public Schools
Louis Partain, IUPAT
Michael Robertson, Technology Association of Georgia
Michael Romesburg, CVS Caremark (Chair)
Theora Powell, Georgia Vocational Rehabilitation Services
Kelly Temple, United Way

Board Members Absent:

Yendelela N. Anderson, AT & T (Vice-Chair)
Tabatha Burks, Georgia Department of Labor
Daniel Graham, Cox Communications
Patricia Horton, Georgia Hospital Association
Curtis Howard, Amalgamated Transit Union
Linda Cannon, Cannon-Austin Productions
Ryan Glover, Bounce TV
Terri Morton, Bank of America
Scott Selig, Selig Enterprises (Secretary)
Dr. Alvetta P. Thomas, Atlanta Technical College

Guests:

Mattie Goss, Atlanta Technical College (for Dr. Alvetta P. Thomas)
Linda Rouse, Georgia Department of Labor (for Tabatha Burks)

AWDA Staff: Melissa Mullinax, Interim Executive Director (by phone)
Tammy Lipsey, Director of Operations
Karen Simmons, Director of Accounting and Finance
Phillip Olaleye, Director of Performance Management
Lillie Madali, Deputy Director of Operations
Amit Khanduri, Manager of Business Relations
Rebecca Birkett, Program Director for YouthBuild
Kristina Garcia-Buñuel, Legislative Analyst and Board Liaison

City of Atlanta Dept. Staff: Susan Garrett, Senior Assistant City Attorney
Sirlathra Joiner, Information Technology Specialist

Call to Order: Chair Michael Romesburg called the meeting to order at 11:43 am.

Adoption of the Agenda: The Chair asked for a motion to approve the agenda. The motion was made, properly seconded, and unanimously approved.

Adoption of the Minutes: The Chair asked for a motion to approve minutes for the September 22, 2016 meeting. A motion was made, properly seconded, and unanimously approved.

Action Item: **Customized Training (Policy Letter #15-04_ Revised)**
Amit Khanduri, Business Relations Manager
To ensure compliance with the Workforce Innovation and Opportunity Act of 2014, U.S. Department of Labor regulations, and Georgia Department of Economic Development, Workforce Division policies and procedures, the Board was asked to consider the following revisions to the Customized Training policy:

“Customized training provides up to 50 percent reimbursement of the training cost associated with a potential new hire. This reimbursement compensates for the employer’s extraordinary costs of training that individual. Common types of training are introduction to new technologies, production or service procedures, and upgrading to new jobs that require additional skills and workplace literacy. Customized training is designed to meet the special requirements of an employer, or group of employers, and is conducted with a commitment by the employer to hire an individual upon successful completion of the training. Such training allows for a tailored program that is designed primarily for the potential new hire who does not have the related education, training, or work experience required for the job.

Customized training programs should be inclusive of all legitimate costs to the business that are necessary to provide customized training. The cost may include: cost of instruction (staff/instructor time), costs of curriculum development, training materials and books. The purchase of equipment, administration, and renovation of facilities are not allowable. The costs do not include employee wages during training.

Additionally, the following criteria should be considered when determining the level of reimbursement for the employer: number of employees participating in the training; wages and benefit to the employee before training and wages and benefit to the employee after the training; ability of training to increase

competitiveness of participant; and existence of other training opportunities provided by the employer.

Customized training contracts must include a requirement that employers will complete reimbursement invoices in order to receive training cost payments.

A customized training contract should address the maximum allowable costs of training, employer commitment to fund, length of training, description of occupations, skills and competencies to be provided and learned, performance outcomes, definition of successful outcomes, provision for recapture of overpayments, provision for termination for lack of funds, provision for failure of the employer to comply with employment requirement, and provision for maintaining records for WSA/AWDA, state, and federal monitoring.

An assessment of the needs of the employer, the job description, job competencies, worker skills and skills gaps should be conducted to determine the length of training. This information should be utilized to develop a training plan. Depending on the length of training, an assessment of competencies should also be conducted during training. This form(s) must be maintained in the participant's file.

The IEP shall be updated accordingly to reflect participation in customized skills training.

Training services are directly linked to occupations that are in demand in the local and/or regional area or have the high potential of sustained demand or growth in the local and/or regional area.

Training may not assist the employer in relocating business and causing loss of jobs in area. The employer may not have relocated to area within 120 days if relocation caused loss of jobs at original location.

The employer or an intermediary may provide the training.

Training should be for a specified length of time, allowing the participant to become proficient in the necessary occupational skills and the needs of the employer. Such training may take place at the worksite or in a classroom.

The training results in a credential.”

The Chair asked for a motion to adopt the revised Customized Training Policy (#15-04). The motion was made, properly seconded, and unanimously approved.

Action Item:

Work Experience (Policy Letter #16-02)

Amit Khanduri, Business Relations Manager

To ensure compliance with the Workforce Innovation and Opportunity Act of 2014, U.S. Department of Labor regulations, and Georgia Department of Economic Development, Workforce Division policies and procedures, the Board was asked to consider the following Work Experience policy:

“An internship or WEX for WIOA adults and dislocated worker program participants is defined as a planned, structured, time-limited learning experience that takes place in a workplace. A WEX may be paid or unpaid, as appropriate and may be provided in the private for-profit, non-profit, or public sectors.

For WIOA youth program participants, work experience is similarly defined with the additional requirement that youth work experiences must include academic and occupational education. The educational component may occur concurrently or sequentially with the WEX and may occur inside or outside the work site. Types of youth work experience programs include the following: summer employment opportunities and other employment opportunities available throughout the school year; pre-apprenticeship programs; internships and job shadowing; and on-the-job training opportunities as defined in 20 C.F.R. 680.700.

WIOA includes a major focus on providing youth with work experience opportunities. WIOA prioritizes work experiences with the requirement that local areas must spend a minimum of 20 percent of local area funds on WIOA youth work experiences.

Work Experience enables participants to explore career options and gain exposure to the working world and its requirements and expectations. The program is not intended to serve as an ‘extended interview’ or a direct incentive to hire a participant who has most or all of the skills the employer wants.

Work Experience activities shall be designed to enhance the employability of individuals through the development of good work habits and basic work skills. WEXs are not designed to benefit the employer, although the employer may, to a limited extent, benefit from the activities performed by the participant. For example, individuals placed in a WEX are generally considered trainees, and should not take on roles in which the employer depends on the trainee’s productivity to maintain or advance the profit margin or performance of the company or agency.

Work Experience activities are a contractual exchange between WSA/AWDA, the WEX employer, and the WEX participant. A WEX is not designed to replace an existing employee or position. Wages are provided by WSA/AWDA and paid directly to the participant. Labor standards apply in any WEX where an employee/employer relationship exists, as defined by the Fair Labor Standards Act. Employers are not monetarily compensated.

Participant Eligibility: All WEX participants must meet program eligibility requirements, be enrolled into the respective WIOA program, and have received an assessment resulting in the development of an Individual Service Strategy (ISS) or Individual Employability Plan (IEP) that documents the participant’s need for and benefit from a WEX.

Employer Eligibility: The WEX employer must: be licensed to operate in the State of Georgia and provide their Federal Employer Identification Number (FEIN); not illegally discriminate in training or hiring practices because of race, color, sex, national origin, religion, physical or mental disability, political beliefs or affiliations

or age; not terminate the employment of any of their current employees or otherwise reduce its workforce fully or partially (such as reduction in hours or benefits) with the intention of filling the vacancy with a WEX participant or as the result of having a WEX participant; not allow the WEX activity to result in the infringement of promotional opportunities of their current employees; not allow the participant to be involved in the construction, operation, or maintenance of any part of any facility that is used, or to be used, for religious instruction or as a place for religious worship.

Timeframe: The length of training will be for a period of no more than twelve (12) weeks at a maximum of forty (40) hours per week. The Executive Director must approve any extension and the reason for the extension must be documented.

Work Experience Agreements: Since the WEX is intended to provide participants with an opportunity to obtain new skills or enhance their marketability with the goal of obtaining competitive employment, the tasks the participant will perform, and the skills to be taught, are detailed in the Participant Learning Plan ("PLP") which is based upon the ISS or IEP, an evaluation of educational and work-related goals, and is part of the final WEX agreement. This includes a thorough evaluation of the participant, employer by WSA/AWDA staff to ensure maximum compatibility and potential for successful outcomes. And. The PLP should directly correlate with the provided work experience opportunity. Staff are required to complete a WEX Agreement with each worksite that is utilized. A signed copy of the Agreement shall be provided to all parties to ensure that the expectations are fully understood. At a minimum, Agreements shall include the following elements: names and contact information for all parties; the names and titles of all employer staff that are authorized to sign the timecard for the Work Experience participant(s); the participant's Work Experience start and end date; responsibilities and expectations of the participant, the worksite employer, and WSA/AWDA; the job title, pay, duties, and goals for each Work Experience participant; a statement informing the worksite that they may be subject to worksite monitoring by both state and local representatives, as well as regular visitations by WSA/AWDA staff to check on the progress of the work experience participants; other information relevant to the specific Work Experience activity; and, signatures and dates from site supervisor and WSA/AWDA staff.

Work Experience participants will be provided a copy of the WEX Agreement, containing the following information: employer worksite; address; supervisor; telephone number; job title and duties; first day of work; scheduled number of work hours each week (*hours may be modified by the worksite after work begins, pending the approval of the participant and WSA/AWDA*); scheduled end date; wage.

The participant, worksite supervisor, and appropriate WSA/AWDA staff person will sign and date the agreement, serving as approval and notification of the agreement. A copy of the agreement will be provided to all parties."

The Chair asked for a motion to adopt the Work Experience Policy (#16-02). The motion was made, properly seconded, and unanimously approved.

Action Item:

**Eligible Training Provider (Policy Letter #16-03)
Tammy Lipsey, Director of Operations**

To ensure compliance with the Workforce Innovation and Opportunity Act of 2014, U.S. Department of Labor regulations, and Georgia Department of Economic Development, Workforce Division policies and procedures, the Board was asked to consider the following Eligible Training Provider List policy:

“The Workforce Innovation and Opportunity Act requires Governors through the Georgia Department of Economic Development, Workforce Division (“WFD”) to establish eligibility criteria, information requirements, and procedures regarding the eligibility of training providers for the provision of training services in local areas throughout the State.

The workforce development system established under WIOA emphasizes informed consumer choices, job-driven training, provider performance, and continuous improvement. The quality and selection of providers and training services programs is vital to achieving these core principles. The State and Local Board’s Eligible Training Provider Lists (“ETPL”) and the related eligibility procedures ensure the accountability, quality, and labor-market relevance of training services programs that receive funds through WIOA.

Per WFD, WorkSource Atlanta/Atlanta Workforce Development Agency’s (“WSA/AWDA”) responsibilities include: determining initial eligibility of entities providing training programs and considering the possible termination of providers due to submission of inaccurate eligibility and performance information or a substantial violation of WIOA requirements; working with WFD to ensure sufficient numbers and types of providers of training services exist, including providers with expertise in assisting adults in need of adult education and literacy activities; ensuring the dissemination and use of the State ETPL, including formats accessible to individuals with disabilities; requiring additional criteria and information from providers to become eligible in that local area, if desirable; setting higher levels of performance than those required by WFD as criteria for local programs to become or remain eligible to provide services in the local area, if desirable; requiring customer choice of training providers per 20 C.F.R. § 680.340; and, ensuring and assisting customers in researching additional funding sources for training.

Eligible Training Provider Requirements: Eligible Training Providers (“ETP”) are entities that make available programs which are eligible to receive WIOA funds for adults and dislocated worker participants who enroll in training programs through Individual Training Accounts (“ITA” or “ITAs”). ITAs may also be utilized for WIOA youth funds to provide training for older, out-of-school youth ages 18-24. To be eligible to receive training funds, the ETP shall be one of the following: post-secondary education institutions that provide a program which leads to a postsecondary credential; entities that carry out programs registered through the National Apprenticeship Act (Registered Apprenticeship programs); other public or private training providers, which may include: community-based organizations, joint labor-management organizations, pre-apprenticeship programs and occupational/technical training; eligible providers of adult education/literacy activities, if combined with skills training; local Workforce Development Boards

(LWDBs), if they meet the conditions of WIOA sec. 107(g)(1). *Registered Apprenticeship programs are exempt from the ETPL application process.*

Eligible Training Services Programs: A training services program is defined as one or more courses or classes or a structured regimen that leads to: an industry recognized certificate or credential; a certificate of completion of a registered apprenticeship; a license recognized by the state or federal government; an associate or baccalaureate degree; a secondary school diploma or its equivalent; employment or measureable skill gains toward such a credential or employment.

Not all allowable types of training services are subject to the requirements of the training provider provisions.

Contracts for services may be utilized instead of ITAs only when one or more of the following five exceptions apply and the the consumer choice requirements of 20 C.F.R. § 680.340 have fulfilled: the services provided are on-the-job training, customized training, incumbent worker training, transitional employment, internships, paid or unpaid work experience; WSA/AWDA determines that there is an insufficient number of eligible providers in the local area to accomplish the purposes of a system of ITAs. The determination process must include a 30- day public comment period and be described in the local plan; WSA/AWDA determines that there is a training program of demonstrated effectiveness offered in the area by a community-based organization or another private organization to serve individuals with barriers to employment. Criteria must be developed (as noted in 20 C.F.R. § 680.320) to be used in determining demonstrated effectiveness, particularly as it applies to individuals with barriers to employment; WSA/AWDA determines that it would be most appropriate to contract with an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations, provided that the contract does not limit customer choice; WSA/AWDA is considering entering into a pay-for-performance contract that must be consistent with 20 C.F.R. § 683.510; WSA/AWDA has submitted a request to WFD for a waiver, such that he proposed request is made available to ETPs and the general public for public comment for no less than 30 days. The request, including public comments must include: evidence that there are an insufficient number of ETPs of such a program of training services to meet local demand; information that the Board meets the requirements for an eligible training provider under WIOA, Section 122; and information that training will prepare participants for an in-demand industry sector or occupation in the local area.

Initial Eligibility for New Training Providers or New Programs: eligible training providers may receive initial eligibility for only one year for an ETP-specific program; programs, not ETPs, are approved for ITAs, therefore, potential ETPs must submit an application for each course of study or program; eligible training providers submitting initial eligibility applications should submit training program applications directly to WSA/AWDA if they are located within the corporate limits of the City of Atlanta and all training program applications will be reviewed and evaluated by WSA/AWDA staff and presented to the Board; if the program application is approved by the Board, it will be submitted to WFD for review, approval, and placement on the State ETPL and once approved by WFD for

placement on the State ETPL, an approved program is available to all Georgia LWDBs and cooperative States.”

The Chair asked for a motion to adopt the Eligible Training Provider Policy (#16-03). The motion was made, properly seconded, and unanimously approved.

Action Item:

Incumbent Worker Training (Policy Letter #16-04)

Amit Khanduri, Business Relations Manager

To ensure compliance with the Workforce Innovation and Opportunity Act of 2014, U.S. Department of Labor regulations, and Georgia Department of Economic Development, Workforce Division policies and procedures, the Board was asked to consider the following Incumbent Worker Training policy:

“Incumbent Worker Training is a form of work-based training that is designed to ensure that employees of a company are able to acquire the skills necessary to retain employment and advance within the company, thus creating backfill opportunities for the employer, or to provide the skills necessary to avert a layoff. It is designed to either assist workers in obtaining the skills necessary to retain employment or to avert layoffs and must increase both a participant’s and a company’s competitiveness.

Incumbent Worker Training must be designed: to be between employees and employers with an established relationship in which all individuals receiving training have been employed by the company for at least six months at the time of the training; to improve the skills of the existing workforce (It is encouraged that this training lead to an industry recognized credential); and, to mitigate the impact of a layoff if utilized as a part of a layoff aversion strategy.

Local areas may utilize up to 20% of their Adult and Dislocated funds for IWT.

Employer Eligibility: WorkSource Atlanta/Atlanta Workforce development Agency will determine the eligibility of an employer for IWT by taking into consideration the following criteria: the characteristics of the participants; the ability of the training to increase the competitiveness of the participant and the employer; and other factors that may be considered appropriate include, but are not limited to: number of employees participating in the training; wages and benefit to the employee before the training and the wages and benefit to the employee after the training; and existence of other training opportunities provided by the employer.

Employer Non-Federal Share: Employers deemed eligible must also provide a portion of the training costs as a non-federal share. This contribution may be in the form of wages of a participant while attending a training program or a direct percentage of the costs of training.

The employer share must be tracked and recorded on monthly FSRs. The portion of the non-federal share an employer must contribute is dependent upon the size of the employer as follows: for employers with fewer than 50 employees: 10% of the training costs; for employers with 51 to 100 employees: 25% of the training costs; for employers with greater than 100 employees: 50% of the training costs.

Incumbent Worker Training Contract Requirements: Any firm, employer, or industry that has received payments under previous contracts and has exhibited a pattern of failure to provide IWT participants continued, long-term employment as regular employees with wages and working conditions at the same level and to the same extent as similarly situated employees is ineligible to enter into further WIOA IWT contracts.

Incumbent Worker Training is provided based on a formal, written contract with the employer or group of employers that is signed prior to the initiation of training with a copy given to the employer(s). An IWT contract must be limited to the period of time required for a participant to become proficient in the skills for which the training is being provided. In determining the appropriate length of the IWT agreement, consideration should be given to the skill requirements of the occupation, and the academic and occupational skill level of the participant.

In determining an employer's viability for IWT contracts, WSA/AWDA will consider the employer's past history with IWT, OJT, and/or CT contracts, financial stability, layoffs, relocation and labor disputes, as well as the occupational and industry outlook.

Incumbent Worker Training contracts will not be written to provide skills for seasonal, temporary, or intermittent employment.

Funds shall not be provided to reimburse IWT costs when the participant was referred and hired through a private employment agency and was required to pay a referral and placement fee.

No training may be provided in agencies providing workers on a temporary basis to employers for which the agency receives compensation from the employer. There are many types of staffing agencies that provide a variety of services to employers including outplacement, managed services, and outsourcing. Outsourcing is a contractual agreement between an employer and an external third-party provider whereby the employer transfers responsibility and management for certain human resource services, benefit or training-related functions or services to the external provider. Outsourcing is different from these other types of staffing firm models because it is not a temporary situation for the employee.

Contracts must include: employer must commit to retain the participant as a full-time employee with the same wages, benefits, hours, and conditions; hourly wage of the participant. Note: WIOA funds shall not be used for overtime wages, holidays, sick leave, or vacations; length of training required; description of the occupations involved, skill(s) and competencies to be provided and earned, assessment and identification of the participant's skills gap; performance outcome requirements; provision addressing termination for lack of funds or recapture of funds, lack of participant attendance, or failure of employer to comply with initial or upgraded employment requirements; and provision for maintaining and providing records for monitoring and review."

The Chair asked for a motion to adopt the Incumbent Worker Training Policy (#16-04). A motion to adopt was made on condition that staff verify Section III, Subparagraph A complies with current WFD policy. The motion was made, properly seconded, and unanimously approved. Staff subsequently verified that said section does comply with WFD policy. Notice was sent to all Board members via email on November 22, 2016.

Treasurer's Report:

Alex McKenzie, Board Treasurer and Finance Committee Chair
Karen Simmons, Director of Accounting and Finance

The Board was provided an update on Q4 FY16 budget as shown below.

WIOA/WIA Grants	7/1/16-9/30/16	%
Salaries & Fringe Benefits	\$ 1,031,746	
Program Expenses	\$ 1,103,348	
Operating Expenses	\$ 91,360	
Total Expenditures	\$ 2,226,454	90%
Other Federal Grants:		
Salaries & Fringe Benefits	\$ 160,404	
Program Expenses	\$ 25,115	
Operating Expenses	\$ 976	
Total Expenditures	\$ 186,495	8%
Non-Federal Funding		
Salaries & Fringe Benefits	\$ 28,471	
Program Expenses	\$ 24,286	
Operating Expenses	\$ -	
Total Expenditures	\$ 52,757	2%
Total	\$ 2,465,706	100%

The FY16 budget, as adopted by the Board on July 6, 2016 (through the Executive Committee) is shown below.

WIOA/WIA Grants	7/1/15-6/30/16	%
Salaries & Fringe Benefits	\$ 2,972,403	
Program Expenses	\$ 2,600,340	
Operating Expenses	\$ 1,061,519	
Total Expenditures	\$ 6,634,262	74%
Other Federal Grants:		
Salaries & Fringe Benefits	\$ 819,675	
Program Expenses	\$ 383,579	
Operating Expenses	\$ 44,264	
Total Expenditures	\$ 1,247,518	14%
Non-Federal Funding		
Salaries & Fringe Benefits	\$ 124,091	
Program Expenses	\$ 873,083	
Operating Expenses	\$ 100,116	
Total Expenditures	\$ 1,097,290	12%
Total	\$ 8,979,070	100%