



Area Chairs and Operations & Performance

Committee Meeting

1385 South State Street, SLC

Room 157

October 14, 2010

10:00 AM

AGENDA PACKET

- 1. Agenda**
- 2. Minutes**
 - a. July 8, 2010 Chairs and Operations & Performance Meeting**
 - b. September 8, 2010 Area Chairs Conference Call**
- 3. WorkKeys**
- 4. Committee Consolidation**
- 5. WIA Report**
- 6. Training Providers Report**
- 7. Workforce Service Areas Statutory Amendments (19 pages)**
- 8. Advisory Group Guidelines**
- 9. Guiding Principles**



**State Council on Workforce Services
Area Chairs and Operations & Performance Committees
Joint Meeting**

October 14, 2010

Department of Workforce Services
1385 South State Street, Salt Lake City, UT
1st Floor – Room 157
10:00a.m. – 11:45 a.m.

AGENDA

- I. Welcome and Call to OrderJoe Christopher
- II. Approval of Minutes
 - a. July 8, 2010 – Chairs and Operations & Performance
 - b. September 8, 2010 - Chairs
- III. Chairs’ RemarksJoe Christopher
- IV. Committees Consolidation (Action Item).....Diane Lovell
- V. WIA Report & Training Provider Approval (Action Item).....Jolyn Bevan
- VI. ESA Targeted Industries and OccupationsChairs & Area Directors
- VII. Area Council Transition & Advisory Group Guidelines Paul Jackson
- VIII. Other Business

Adjourn

*Notice: Reasonable arrangements for persons with disabilities will be made if requested.
Please contact Diane Lovell at (801) 526-9231 or dianelovell@utah.gov.*

**State Council on Workforce Services
Area Chairs and Operations & Performance Committees
Joint Meeting
July 8, 2010
Minutes w/2 Attachments**

Members Attending: Joe Christopher (Western), Rebecca Little (Wasatch Front South), Randy Welsh (Wasatch Front North), Ken Davey (Southeastern), Randall Bennett (Uintah Basin), Gifford Briggs (Mountainland), Sandy Phillips (Western)

Staff: Connie Laws, Cassy Hahn, Susan Wright, Randy Hopkins, Shelly Ivie, Bob Gilbert, Julie Lay, Brent Newren, Diane Lovell, Lorri Economy, Jan Thompson, Karla Aguirre, Sarah Brenna, Mary Gehman-Smith

Guests: Melissa Smith (CAP of Utah), Susan Thackeray, UVU

Welcome and Call to Order

Joe Christopher called the meeting to order and introductions were made. Joe requested that a letter dated June 30, 2010 from Randall Bennett-Uintah Basin to Kristen Cox be part of the record, along with a similar letter from him and Sandy Phillips-Western Area Council. The letters contain recommendations about the proposed Advisory Group model. Both Kristen Cox and Jon Pierpont support the recommendations contained in the letters. Further recommendations may be sent to Jon Pierpont or Diane Lovell.

Going forward, Joes asked members to bring copies of agenda materials with them. This will prevent waste.

Approval of Minutes

Joe Christopher called for:

- Approval of the April 8, 2010 meeting Minutes. Rebecca Little motioned to accept the Minutes as written, Randy Welsh seconded the motion and the motion carried;
- Approval of the June 23, 2010 Conference Call meeting Minutes. Randall Bennett motioned to accept the Minutes as written. Gifford Briggs seconded the motion and the motion carried.

State Workforce Services Plan Update

At the April State Council Meeting, the State Workforce Services Plan was approved for extension through June 30, 2011. Sarah Brenna distributed a matrix of the WIA SFY 2011 Economic Service Area fund allocations. This matrix is for information only and the final amounts will be determined by August. Sarah indicated that there have been concerns regarding the approval of out-of-state schools as training providers, and at this

point, DWS is recommended the current process remain in place. Currently, only 23 customers are attending schools out of state and of this number, the number participating online was unknown. DWS is involved in a project aimed at exploring better ways to support the new-targeted industries and assess whether adequate training opportunities are available.

WorkKeys

Karla Aguirre reported DWS has purchased WorkKeys - a job skills assessment system measuring “real world” foundational skills that are critical to job success. This will be offered to our DWS supported customers and will be available in all One-Stops in September. A marketing plan to engage employers will be developed. Karla called for volunteers to participate on a marketing workgroup with DWS to help identify what employers would like to hear about WorkKeys. Rebecca Little, Randy Welsh, Melissa Smith and Susan Thackeray volunteered.

Economic Service Area Plans Update

Western Central and Southwest – Joe Christopher

Primary accomplishment: participation in the Milford Renewable Energy Center;
Challenges: Training staff, the cultural changes they have and developing community partnerships. Training will be an ongoing demand driven issue. They feel they will be able to help with developing the new structure and a grant writing subgroup. They have a number of educational hiring groups.

Key barriers: None have been identified.

Targeted Industries: Health Care, Manufacturing, and Construction has taken a major hit. Renewable energy and geo thermal are also targeted.

Wasatch Front South – Rebecca Little

Primary accomplishments: Utilizing Jim Robson, DWS Economist, in making recommendations on which sectors to target. They reviewed the training provider’s list and identified gaps, and are working with specialists to identify large employers. The Area is also creating forms with SL and Granite School Districts.

Challenges: Dealing with the current economy.

Key barriers: The State Council can help with monitoring and identifying training gaps, identifying new providers and partnering with Education. Council and subcommittees will continue to approve training providers and identify gaps and better training outcomes.

Other key barriers: Adjusting priority points, quick & timely availability of funds, support for policy change, coordinating the grants when they cross regions and supporting future waivers which may be needed.

Targeted Industries: Healthcare and Financial Industries. Workforce Development Specialists have been paired with industry sectors and they are working to establish industry advisory groups.

Wasatch Front North - Randy Welsh

Primary accomplishments: 96 TANF customers received GEDs or high school diplomas.
Goals: Learn and better understand demands of the region for employers, continue to assist customers to obtain GED and high school diplomas, assist Unemployment Insurance claimants get back to work faster.
Targeted Industries: Health care, aerospace

Mountainland - Gifford Briggs

Primary accomplishments: created a brochure for high school seniors on how to interview and successfully apply for a job, provided prizes from the Council for the winning design. A big change in customer demographics must be addressed as a result Summit County's population characteristics and the addition of Juab County to the Economic Service Area.

Mountainland is developing strategies to engage job seekers, including UI claimants, volunteer opportunities, strategic targeting with partners and meeting workforce requirements. The Council wants to identify employers and get them involved in an advisory group. They need to get key partners on these advisory groups to impact local targeted industries, and develop community pathways to keep members abreast of what is going on. They would like other chairs to share information.

Key Barrier: State Council can assist with sharing success and resources with other Councils and helping to assist with the industry advisory group process.

Targeted industries: Healthcare, hospitality and construction. They want to find what the needs will be once the big construction project begins. They are planning to participate on local ATC advisory Boards.

Bear River

Targeted Industries: Renewable energy, hospitality. Developing a GED adult education program for TANF customers and will use social media options to facilitate workforce development and to facilitate customer and employer connections.

Southeastern - Ken Davey

They have begun the process of implementing the demand driven response, working with Energy Solutions. They have 200 workers removing tailing piles and is the largest employer in the region. They received stimulus funds and retraining will need to take place in the next year or two.

Challenges: Complete the shift toward the demand driven base. They need to notify employers that this type of service will be available.

Targeted Industries: Mining, Health care, with a hospital in San Juan County and another coming into Grand County. Energy Efficient construction is being developed. Their plan is to keep developing relationships with other employers in the area.

Help from the State Council: There will be times when ESA needs to move forward and legislative requirements and department policies make this difficult.

Uintah Basin - Randall Bennett

Uintah Basin has been set up very well in line with industry, education and DWS. One big issue is the healthcare grant as DOL did not award this grant in the State of Utah. An Energy Task Force has been established.

Targeted Industries: Energy is their driving economic development industry in the basin. The Natural Gas project has been established. A station has been established in Vernal. They are working on maintaining the oil industry; they would like to gear up on their hospitality and tourism. They are positioned to have an area advisory group.

Challenges: Collaborations in getting the right people around the table at the right time.

Castle Country - Shelly Ivie

Collaboration has taken a lot of effort. In Eastern Utah, three areas share a lot of the same issues. Staff Development is an area of focus.

Targeted Industries: Emerging industries include energy efficient services, conversions to vehicles, and exploration of development.

Areas that are crucial: Developing partnerships with industry and economic leaders. Carbon and Emery County have been recognized nationally.

Overview of Regional Council Transition

Paul Jackson presented a slide show, outlining the proposed industry advisory group process and expectations. He reported there are currently eight seats on the State Council for Regional Council Chairs. If the proposed legislation to change the Regional Council system is adopted, there will be nine seats on the State Council – one for a private sector representative from each ESA. The ad hoc committees may begin forming now. Melissa Smith stated identifying a smaller list of occupations should be part of the process.

Paul iterated that as we move forward, we need flexibility and communication will be key. He suggested the Chairs should meet more frequently and stay connected.

Paul will revise the slideshow and send to Diane who will send it out and then schedule a conference call.

The meeting adjourned at 11:45 a.m.

Utah State Workforce Investment Board
Council Chairs Conference Call
Minutes
8 September 2010

NOTES

Participating: Jon Pierpont, James Whitaker, Diane Lovell, Paul Jackson, Joe Christopher, Shelly Ivie, Sandy Phillips, Susan Wright, Randy Hopkins, Randy Welsh, Cassy Hahn, Steve Leyba, Brent Newren, Julie Lay, Lorri Economy, Jan Thompson, Bob Gilbert, Randall Bennett, Ken Davey, Kristen Donoviel, Rebecca Little, Bruce Rigby,

Excused: Gifford Briggs

Paul opened the meeting, welcomed everyone and reiterated the focus of the State Council - to prepare people for work and to help get them jobs. He commended the Chairs for their service and contributions and acknowledged the staff for their ongoing efforts. He mentioned that over 250 people are involved statewide.

Joe Christopher also welcomed those participating. Speaking for the Central/Southwest Service Areas, their concerns are with the ongoing restructuring of the existing Area Councils and the cost of in-person meeting vs conference calls.

Action update from 8 July 2010 meeting

Diane reported that DWS has been looking at the various models for advisory boards or groups across the nation. She has developed a draft guidance document outlining how to form and staff an advisory council, etc. Diane, along with a staff workgroup will hone the draft guidance and then send it out for review. A critical piece to keep in mind is a process to keep everyone informed on progress. Efficiencies relative to time and resources will be emphasized as we move ahead.

Paul asked if that type of information is of value and appropriate to meet the concerns. Joe indicated yes, with reservations about the state council make-up and future appointments.

Diane continued her report on the costs of in-person vs teleconferenced meetings. The approximate cost per State Council meeting is \$1500. The average conference call (based on 30 people participating for 4 hours) is \$1000. Savings by participating via conf call are negligible vs benefits of meeting in-person. The intent at this time is to continue holding meetings in person, utilizing electronic/technical resources as needed and appropriate.

A conference call etiquette document was also distributed.

ESA Updates: Plans for connecting with Target Industries and Council Projects

Paul reported that he has had an opportunity to visit most of the ESA councils across the state and that plans for connecting to targeted industries are exciting. He referred to the targeted industries matrix that was compiled in July. The matrix reflects the targeted industries identified by the ESA's at that time. Paul would like to see an updated, more in-depth matrix reflecting the top 10 or less targeted occupations for each ESA. He then asked the Chairs and ESA Directors to provide highlights of their area plans, targeted occupations and how they are connecting with industry and academic (education) partners.

Wasatch Front North - Randy Welsh & Randy Hopkins

- Focusing on tourism, health and energy
- An Executive Committee has been formed
- There has been a lot of talk about the UI SAS funding available and the development opportunities. They have also discussed what to do with the money
- They are meeting with Job Corps
- Randy met with Craig Bott regarding interest in making Ogden the recreation capitol of Utah
- Looking into a partnership with the city of Ogden, whereby the city purchases distressed homes and DWS helps to supply workers to remodel properties for re-sale
- Grow Utah Ventures (outdoor products) wants to develop an advisory council to assist businesses and make prize monies available

- WFN has an ongoing High School Dropout Prevention project. Randy is working with Ogden schools and the Mayor to get families involved

Bear River – Bruce Rigby & Kristen Donoviel

- Focusing on the hospitality industry in the area.
- Bear River has attempted to keep their advisory council as intact as possible
- Currently reaching out to employers, trying to learn what their workforce education needs are. They are working with industry, employers and local community colleges
- Involved with the Back-to-Work initiative
- Connecting with Rich County Economic Development
- Forming a Youth Council

Wasatch Front South – Rebecca Little & Steve Leyba

- They are working with 9 separate industries beyond the three listed as targeted industries on the matrix
- Steve is assigning a development specialist to select ten major companies within each industry and work with them to gain an understanding of what they need
- Looking at educational needs and gaps, then will package information in such a way that staff have a clear idea of what employers are looking for and where the opportunities lie.
- Partnering with SLCC and plan to out-station a full-time Dislocated Worker specialist at SLCC
- Will focus on filling advisory/ council vacancies with representatives from target industries
- CAP has expressed concerns that ESA's aren't required to include CAP or customer representatives on the advisory groups

Mountainland – Brent Newren

- Health is an industry target and in the process of refining targeted industries
- Gathering info from employers on their needs. Also focus on matching their requirements.
- Attempting to keep council members active and engaged
- Involved in mediated job development and the Back to Work program

SouthWest/Central – Joe Christopher, Sandy Phillips & Jan Thompson

- Working on Back to Work and Targeted industries and looking at educational opportunities
- Working with Work and Family Life to look at rural counties that have not had involvement in after-school programs
- UCAP is their third project – in early stages. They are trying to identify a particular industry or occupation??
- Working with AOG members to try to bring in more diversity to their advisory group
- Spending time in meetings to unify the members. There has been a lot of good discussion
- Youth Council piece

Southeastern, Uintah Basin and Castle Country – Randall Bennett, Ken Davey & Shelly Ivie

- Working on Back to Work Program for UI recipients.
- Another project is focusing on HS/GED completion.
- Working with Economic Development
- Planning a Job Seeker workshop on Drug awareness – they hope to provide a comprehensive look at the far-reaching disadvantages

Paul noted the progression of activities from councils to targeted industries and occupations. He suggested each ESA identify the top 10 occupations relevant in their service areas related to their targeted industries. This may make it easier to focus efforts, particularly when targeted occupations cross ESA boundaries. He would like to have the information by the October meeting. **ACTION:** Diane will send assignment via email with realistic due dates. Service Area/targeted industry overlap will be discussed at the October meeting.

Committee Structure – Proposal to Combine Chairs and Op & Performance The last two State Council (SWIB) meetings have combined the Chairs and Operations & Performance Committees. Paul would like to put forth a proposal to officially combine those two groups at the October meeting. As we think about the transition from councils to advisory groups, the State Workforce Investment Board (SWIB) needs to be very responsive. It

is important to be appropriately represented, while avoiding duplication. Paul welcomed and encouraged input and comment from the members regarding the proposal.

October Chairs and Operations & Performance Committee Meeting Agenda

Joe Christopher led the discussion and draft agenda topics agreed upon include:

- ESA Plans and Targeted Occupations
- Committee Structure Proposal
- Industry Advisory Groups – Progress
- In-person vs conference calls report

ACTION: Diane will send out a draft agenda.

State Council (SWIB) Meeting Agenda

A presentation by USHE Commissioner Sederburg on Utah's Plans for Higher Education, a K-16 Alliance update and the Salt Lake Chamber's Prosperity 2020 are agenda items under consideration.

Rebecca Little asked how the SWIB can help with ESAs. Can we consider making time for that discussion at the next meeting, including how communication between ESAs can be better facilitated. This will be essential as we move forward.

Paul agreed, noting it is essential for the SWIB to support the ESAs.

Meeting adjourned.



STATE WORKFORCE INVESTMENT BOARD REPORT

Chairs and Ops & Performance Committee AGENDA ITEM No. III

Meeting Date: October 14, 2010
Subject: WorkKeys
From: Amber Johnston

RECOMMENDATION

This report is for the Board's information. No action is required.

BACKGROUND

Department of Workforce Services (DWS) purchased WorkKeys assessment licenses to use in employment centers in all nine service areas through June 2011, meeting one of the identified deliverables in the State Plan. WorkKeys is also a supporting element of the State Energy Sector Partnership (SESP) Grant and the Digital Arts Initiative.

The WorkKeys assessment will provide testing in three foundational areas: Reading for Information, Applied Mathematics, and Locating Information which are basic skills required in today's workforce. There is an option to use the Talent assessment for customers to measure workplace behaviors and attitudes. All assessments are designed to help identify examinee strengths and weaknesses in order to ensure success in the workplace.

A remediation component will be available for all job seekers tested through DWS who need to enhance their scores to be competitive in the current market. A remediation provider is being determined through a competitive Request for Proposal (RFP) process and that contract should be in place by November. The remediation element is an essential part of the WorkKeys assessment process. Through remediation, we are able to offer our job seekers support to increase the foundational skills employers are seeking.

All Service Area Directors recognized the value of allowing time for both the assessment and remediation components to be rolled out concurrently. DWS staff will be trained from October-November and prepared to administer tests and provide remediation to job seekers supported through DWS mediated services as early as November 2010.

Before the end of October, a workgroup will meet to identify ways to educate and engage area employers to accept the WorkKeys credential. The workgroup includes the following State Council members; Rebecca Little, Melissa Smith and Randy Welsh. Susan Thackeray, Utah Valley University and a Workforce Development Specialist from all service areas will also participate on the workgroup.

FISCAL IMPACT

DWS provided funding to make the WorkKeys assessment and remediation components available for fiscal year 2010-2011. Data will be evaluated in March 2011. Based on that information a recommendation will be made to identify the need for funding in the following year.

ATTACHMENT(S)



STATE WORKFORCE INVESTMENT BOARD

REPORT

AGENDA ITEM No. IV

Meeting Date: October 14, 2010
Subject: Committee Consolidation
From: Paul Jackson and Diane Lovell

RECOMMENDATION

The Area Council Chairs Committee and the Operations & Performance Committee be consolidated.

BACKGROUND

The State Workforce Investment Board (SWIB) or State Council currently has three active standing committees – the Youth Council, the Chairs Committee and the Operations and Performance Committee; and one inactive standing committee – Online Services & Marketing Committee. The role and current membership of each acting committee are reflected on the attached summary.

Because the roles of the Chairs Committee and the Operations & Performance Committee are closely aligned, we are proposing the committees be consolidated into one committee - the Operations & Performance Committee. Currently the Operations & Performance holds primary policy responsibility for the one-stop system, state plan review, training provider review and performance monitoring. The Area Council Chairs Committee reviews and assesses area training plans and industry needs, ensures connection to area economic development activities, supports the one stop system and shares best practices.

As you know, the Chairs and Operations & Performance Committees have met together for the last several meetings and the dialogue and information exchange has been productive. Looking forward to the transition of the Area Councils, the Area Council Chairs will be replaced with “Area or ESA Representatives” on the SWIB. The area representatives will be private sector leaders and will continue to function as integral members of the board on the proposed Operations & Performance Committee. In the meantime, the Chairs may continue to meet and conference on matters as needed.

Shawn Potter, the former Chair of the Operations & Performance Committee indicated his support of the proposed committees' consolidation.

We believe this action will contribute to the Board's overall effectiveness and reduce duplication. Going forward, the SWIB or State Council will continue to assess its governance structure and may consider additional options for committees and/or task forces as the need arises.

FISCAL IMPACT

It is anticipated the consolidation will result in less duplication and improved SWIB efficiency.

ATTACHMENT(S)

SWIB Committees Roles

SWIB Committee Roles & Membership

Oct 2010

Area Council Chairs	Membership consists of the Chairs of each Area Council.	
<ul style="list-style-type: none"> • Prepares Annual Report • Reviews area training plans and industry needs • May review grant applications • Works to support area projects • Ensures connections to economic development and other local workforce initiatives • Develops workforce partnerships • Supports the one stop system • Shares best practices 	Joe Christopher, Chair Sandy Phillips Gifford Briggs Rebecca Little Bruce Rigby Randy Welsh Randall Bennett Ken Davey	
Operations & Performance	Membership determined by interest and expertise	
<ul style="list-style-type: none"> • Prepares Annual Report • Reviews state plan • Reviews incentive grant applications • Identification of training providers • Coordination with public partners, i.e. education, voc rehab and human services (building partnerships) • Develops continuous improvement & state performance measures • Evaluates program performance • Commenting on USOE's Carl Perkins Plan 	Shawn Potter, Chair (resigned 10-10) Rich Thorn Bill Crim Melissa Smith	
Youth Council	Membership representation determined by federal statute	
<ul style="list-style-type: none"> • State Youth Council is required by statute • Functions as a committee of the State Council or SWIB • Coordination of youth activities • Review youth elements of state plan • Recommend providers of WIA youth services • Fiscal and programmatic oversight 	Marie Christman, Chair Chuck Krivanek Kate Alleman Robert DePoe Jared Ferguson Rich Parks Melissa Freigang Robyn Wright Lynette Robinson Juan Pelaez Jill Goodman Mike Beacco Cecil Robinson Marty Kelly Mike Glenn Paul Otto Tom Darais Patti VanWagoner	
SWIB Members not assigned to a Committee	Connie Nielsen Richard Kingery Stanley Ellington Larry Shumway Mark Madsen Dr. David Sundwall Don Salazar James Judd Spencer Eccles Don Uchida	



STATE WORKFORCE INVESTMENT BOARD REPORT

Chairs and Ops & Performance Committee AGENDA ITEM No. V

Meeting Date: October 14,2010
Subject: WIA
From: Jolyn Bevan & Rachael Stewart

RECOMMENDATION

This report is for the Board's information. No action is required.

BACKGROUND

Budget:

Total WIA available funds for SFY2011 are \$16,315,992 divided as follows:

Adult: \$3,633,345

Dislocated Worker: \$3,599,437

Rapid Response: \$1,153,192

Youth: \$5,115,425

Statewide Activity: \$2,814,592

The WIA Adult, Dislocated Worker and Youth funds have been allocated to the Economic Service Areas (ESA's) by a percentage formula. With the new model of ESA's we don't have enough data yet on how the allocation is working and not working to make projections. We are allowing Area Directors who are over more then one area to move money between their areas and Area Directors can work together if money is needed is a specific ESA.

Performance Outcomes:

The PY09 WIA Annual Report was sent to DOL on October 1, 2010. Utah has met and/or exceeded all negotiated Performance Outcome Measures for PY09. See below for attached report.

FISCAL IMPACT

non-applicable

ATTACHMENT(S)

WIA Performance Measures – PY09

Utah Quarterly WIA I-B Performance Measures for WIA Enrollments
 DOL Report Quarter: **PY09 Q4**
 Report Date: 9/30/10

Exceeds Planned Level
 Falls Planned Level (<80%)

Measure	Utah PY09 Planned Levels *	Report Period		Outcomes						Unas-igned
		StartDate	EndDate	Utah	Central	East	Moun-tainland	North	West	
		7/1/2008	6/30/2009	68%	68%	59%	74%	69%	61%	
Adult Entered Employment	69%	7/1/2008	6/30/2009	80%	78%	80%	83%	84%	73%	100%
Adult Employment Retention	86%	1/1/2008	12/31/2008	\$ 12,064	\$ 11,535	\$ 11,127	\$ 12,639	\$ 13,151	\$ 11,000	100%
Adult Average Earnings	\$ 12,300	1/1/2008	12/31/2008	80%	78%	84%	81%	84%	74%	\$ 11,628
DW Entered Employment	87%	7/1/2008	6/30/2009	86%	81%	81%	97%	89%	73%	
DW Employment Retention	92%	1/1/2008	12/31/2008	\$ 14,401	\$ 13,568	\$ 16,833	\$ 14,266	\$ 15,387	\$ 12,425	
DW Average Earnings	\$ 15,700	1/1/2008	12/31/2008	55%	61%	58%	56%	49%	42%	
Youth Placement in Emp or Ed	66%	7/1/2008	6/30/2009	65%	71%	55%	80%	52%	58%	
Youth Attain Degree or Certif	38%	7/1/2008	6/30/2009	32%	42%	22%	37%	32%	11%	
Youth Literacy or Numeracy Gain	27%	4/1/2009	3/31/2010	6183	2693	425	639	1856	512	58
Total Adult Participants		4/1/2009	3/31/2010	2470	1002	102	291	925	145	5
Total DW Participants		4/1/2009	3/31/2010	1928	554	223	215	716	216	4
Total Youth Participants		1/1/2009	12/31/2009	3453	1812	322	249	760	309	1
Total Adult Exiters		1/1/2009	12/31/2009	772	383	34	71	227	57	1
Total DW Exiters		1/1/2009	12/31/2009	691	236	77	62	203	111	2



STATE WORKFORCE INVESTMENT BOARD REPORT

Chairs and Ops & Performance AGENDA ITEM No. V

Meeting Date: October 14, 2010
Subject: Approved Training Provider
From: Tara Connolly

RECOMMENDATION

The State Workforce Investment Board approve the training providers on the attached matrix. After approval, they will be added to the DWS list of approved providers.

BACKGROUND

The federal Workforce Investment Act requires SWIB approval of skills training providers used for WIA customer training. The only schools that are automatically on the approved list and cannot be removed are Title IV schools (those governed by the US Department of Education) and Applied Technology Colleges in Utah.

The following requirements are verified prior to submitting the training provider to the SWIB for approval.

1. One year in business.
2. Consumer Protection registration.
3. Approval by the appropriate licensing body (DOPL, Dept of Health, Real Estate Board etc.).
4. Refund Policy that meets the minimum standard required by Utah law.
5. Grievance Procedure that addresses the process for how the provider will handle complaints.

Items that are not used in the approval process because they violate WIA regulations or DWS policy.

1. Cost of training.
2. Performance of training provider (Utah has a waiver not to verify. Data is gathered as information for the customer only).
3. Occupation in demand – Employment Counselors negotiate training based on Service Area Occupations in Demand list, but the approved provider list must have a significant number of training providers with a wide variety of training choices.

Recertification:

Every year training providers are asked to provide proof of the approval requirements (1-5 above). If a provider does not submit the information or is no longer meeting the requirements they are removed from the approved training provider list.

- In January 2009, there were 91 approved providers.
- By January 2010, there were 13 removed from the list and 36 more approved for a total of 114 approved providers.
- By the end of September 2010, there were 4 removed from the list and 14 more approved for a total of 124 approved providers.

FISCAL IMPACT

Non-applicable

ATTACHMENT(S)

Training Providers.

Training Provider Applicants – Recommended for Approval
October 14, 2010

Training Provider	Yrs in Business	Completion Rates	Wage at Placement	Certificate %	Program, Program Costs and other comments
Prime Cut Academy 341 East Main St Vernal UT 84078	5	87%	\$12.50/hour	85%	Cosmetology - \$9,800
		100%	\$12.50/hour	100%	Nail Technician - \$2,500
School of Natural Healing, The 188 S Main PO Box 412 Springville UT 84663	57	68%		NA	Master Herbalist - \$6,690 or \$5,125 (online coursework only)
Nursing Education Center PO Box 1135 Bountiful UT 84011	7	98%	\$10/ hour	90%	CNA - \$385
Assist to Succeed 281 South Main Centerville UT 84014	2	85%	\$10 – 13/hour	100%	Dental Assisting - \$3,995

1 **DEPARTMENT OF WORKFORCE SERVICES' REGIONAL**
2 **WORKFORCE SERVICE AREAS AMENDMENTS**
3 2011 GENERAL SESSION
4 STATE OF UTAH

6 **LONG TITLE**

7 **General Description:**

8 This bill modifies provisions of the Utah Workforce Services Code related to Regional
9 Workforce Services Areas.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ replaces regional workforce service areas and councils with economic service areas
- 13 within the Department of Workforce Services;
- 14 ▶ provides that the department's executive director has jurisdiction over each
- 15 economic service area;
- 16 ▶ modifies the composition of the State Council on Workforce Services;
- 17 ▶ provides that economic service area directors shall develop economic service area
- 18 plans;
- 19 ▶ provides for advisory groups to assist economic service area directors;
- 20 ▶ provides that services previously provided at regional workforce service areas shall
- 21 be provided in economic service areas through their employment centers; and
- 22 ▶ makes certain technical changes.

23 **Monies Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

- 29 **35A-1-102**, as last amended by Laws of Utah 2002, Chapter 58
- 30 **35A-1-201**, as last amended by Laws of Utah 2002, Chapter 176
- 31 **35A-1-202**, as last amended by Laws of Utah 2005, Chapter 81

- 32 **35A-1-203**, as last amended by Laws of Utah 1997, Chapter 375
 33 **35A-1-206**, as last amended by Laws of Utah 2010, Chapter 286
 34 **35A-1-207**, as last amended by Laws of Utah 1997, Chapter 375
 35 **35A-2-101**, as last amended by Laws of Utah 2000, Chapter 318
 36 **35A-2-102**, as last amended by Laws of Utah 1997, Chapter 375
 37 **35A-2-103**, as last amended by Laws of Utah 2010, Chapter 286
 38 **35A-2-201**, as last amended by Laws of Utah 1998, Chapter 1
 39 **35A-2-202**, as last amended by Laws of Utah 1999, Chapter 21
 40 **35A-2-203**, as last amended by Laws of Utah 1998, Chapter 1
 41 **35A-3-115**, as last amended by Laws of Utah 2010, Chapters 277 and 278

42

43 *Be it enacted by the Legislature of the state of Utah:*

44 Section 1. Section **35A-1-102** is amended to read:

45 **35A-1-102. Definitions.**

46 Unless otherwise specified, as used in this title:

47 (1) "Client" means an individual who the department has determined to be eligible for
 48 services or benefits under:

49 (a) Chapter 3, Employment Support Act; and

50 (b) Chapter 5, Training and Workforce Improvement Act.

51 ~~[(2) "Consortium of counties" means an organization composed of all the counties
 52 within a regional workforce services area designated under Section 35A-2-101:]~~

53 ~~[(a) in which representatives of county government consisting of county
 54 commissioners, county council members, county executives, or county mayors jointly comply
 55 with this title in working with the executive director of the department regarding regional
 56 workforce services areas; and]~~

57 ~~[(b) (i) that existed as of July 1, 1997; or]~~

58 ~~[(ii) that is created on or after July 1, 1997, with the approval of the executive director.]~~

59 ~~[(3)]~~ (2) "Department" means the Department of Workforce Services created in Section
 60 35A-1-103.

61 (3) "Economic service area" means an economic service area established in accordance
 62 with Chapter 2, Economic Service Areas.

63 (4) "Employment assistance" means services or benefits provided by the department
64 under:

- 65 (a) Chapter 3, Employment Support Act; and
- 66 (b) Chapter 5, Training and Workforce Improvement Act.

67 (5) "Employment center" is a location in [~~a regional workforce services~~] an economic
68 service area where the services provided by [~~a regional workforce services~~] an economic
69 service area under Section 35A-2-201 may be accessed by a client.

70 (6) "Employment counselor" means an individual responsible for developing an
71 employment plan and coordinating the services and benefits under this title in accordance with
72 Chapter 2, [~~Regional Workforce Services~~] Economic Service Areas.

73 (7) "Employment plan" means a written agreement between the department and a client
74 that describes:

- 75 (a) the relationship between the department and the client;
- 76 (b) the obligations of the department and the client; and
- 77 (c) the result if an obligation is not fulfilled by the department or the client.

78 (8) "Executive director" means the executive director of the department appointed
79 under Section 35A-1-201.

80 (9) "Public assistance" means:

- 81 (a) services or benefits provided under Chapter 3, Employment Support Act;
- 82 (b) medical assistance provided under Title 26, Chapter 18, Medical Assistance Act;
- 83 (c) foster care maintenance payments provided from the General Fund or under Title
84 IV-E of the Social Security Act;

85 (d) food stamps; and

86 (e) any other public funds expended for the benefit of a person in need of financial,
87 medical, food, housing, or related assistance.

88 [~~(10) "Regional workforce services area" means a regional workforce services area~~
89 ~~established in accordance with Chapter 2, Regional Workforce Services Areas.~~]

90 [(++)] (10) "Stabilization" means addressing the basic living, family care, and social or
91 psychological needs of the client so that the client may take advantage of training or
92 employment opportunities provided under this title or through other agencies or institutions.

93 Section 2. Section 35A-1-201 is amended to read:

94 **35A-1-201. Executive director -- Appointment -- Removal -- Compensation --**
95 **Qualifications -- Responsibilities -- Deputy directors -- Reports.**

96 (1) (a) The chief administrative officer of the department is the executive director, who
97 ~~[shall be]~~ is appointed by the governor with the consent of the Senate.

98 (b) The executive director serves at the pleasure of the governor.

99 (c) The executive director shall receive a salary established by the governor within the
100 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

101 (d) The executive director shall be experienced in administration, management, and
102 coordination of complex organizations.

103 (2) The executive director shall:

104 (a) administer and supervise the department in compliance with Title 67, Chapter 19,
105 Utah State Personnel Management Act;

106 (b) supervise and coordinate between the ~~[regional workforce services]~~ economic
107 service areas and ~~[regional]~~ directors created under Chapter 2, ~~[Regional Workforce Services]~~
108 Economic Service Areas;

109 (c) coordinate policies and program activities conducted through the divisions and
110 ~~[regional workforce services]~~ economic service areas of the department;

111 (d) approve the proposed budget of each division, the Workforce Appeals Board, and
112 each ~~[regional workforce services]~~ economic service area within the department;

113 (e) approve all applications for federal grants or assistance in support of any
114 department program; and

115 (f) fulfill such other duties as assigned by the Legislature or as assigned by the
116 governor that are not inconsistent with this title.

117 (3) The executive director may appoint deputy or assistant directors to assist the
118 executive director in carrying out the department's responsibilities.

119 (4) (a) The executive director shall report annually to the Legislature and the governor
120 concerning the operations of the department and the programs that the department administers.

121 (b) If federal law requires that a report to the governor or Legislature be given
122 concerning the department or a program administered by the department, the executive director
123 or the executive director's designee shall make that report.

124 (5) The executive director shall at least annually provide for the sharing of information

125 between the advisory councils established under this title.

126 Section 3. Section 35A-1-202 is amended to read:

127 **35A-1-202. Divisions -- Creation -- Duties -- Workforce Appeals Board, councils,**
128 **Child Care Advisory Committee, and economic services areas.**

129 (1) There is created within the department the following divisions:

130 (a) the Employment Development Division to administer the development and
131 implementation of employment assistance programs that are:

132 (i) related to the operations of the department; and

133 (ii) consistent with federal and state law;

134 (b) to administer those services that are not delivered through the [~~regional workforce~~
135 ~~services~~] economic service areas:

136 (i) the Workforce Development and Information Division; and

137 (ii) the Unemployment Insurance Division; and

138 (c) the Division of Adjudication to adjudicate claims or actions in accordance with this
139 title.

140 (2) In addition to the divisions created under this section, within the department are the
141 following:

142 (a) the Workforce Appeals Board created in Section 35A-1-205;

143 (b) the State Council on Workforce Services created in Section 35A-1-206;

144 (c) the Employment Advisory Council created in Section 35A-4-502;

145 (d) the Child Care Advisory Committee created in Section 35A-3-205; and

146 (e) the [~~regional workforce services areas and councils~~] economic service areas created
147 in accordance with Chapter 2, [~~Regional Workforce Services~~] Economic Service Areas.

148 Section 4. Section 35A-1-203 is amended to read:

149 **35A-1-203. Executive director -- Jurisdiction over division and economic service**
150 **area directors -- No jurisdiction over Workforce Appeals Board -- Authority.**

151 (1) The executive director has administrative jurisdiction over each division and
152 [~~regional workforce services~~] economic service area.

153 (2) To effectuate greater statewide efficiency and local flexibility in the
154 implementation of programs, the executive director shall coordinate with the directors of the
155 divisions and the directors of the [~~regional workforce services~~] economic service areas.

156 ~~[(3) The executive director shall consult with the applicable consortium of counties in~~
157 ~~developing management systems, administrative processes, and jurisdictions of the regional~~
158 ~~workforce services area. The management systems, administrative processes, and jurisdictions~~
159 ~~shall comply with Title 67, Chapter 19, Utah State Personnel Management Act.]~~

160 ~~[(4)] (3)~~ To effectuate greater efficiency and economy in the operations of the
161 department, the executive director may:

162 (a) make changes in personnel and service functions in the divisions and ~~[regional~~
163 ~~workforce services]~~ economic service areas under the executive director’s administrative
164 jurisdiction; and

165 (b) authorize designees to perform appropriate responsibilities.

166 ~~[(5)] (4)~~ (a) The executive director has no jurisdiction over the Workforce Appeals
167 Board except as provided in Subsection ~~[(5)] (4)~~(b).

168 (b) The executive director shall:

169 (i) approve the budget of the Workforce Appeals Board;

170 (ii) provide the necessary staff support to the Workforce Appeals Board; and

171 (iii) make rules necessary for the operations of the Workforce Appeals Board and the
172 efficiency of the adjudicative process as a whole in accordance with Section 35A-1-303.

173 ~~[(6)] (5)~~ To facilitate management of the department, the executive director may
174 establish offices necessary to implement this title or to perform functions such as budgeting,
175 planning, data processing, and personnel administration.

176 Section 5. Section **35A-1-206** is amended to read:

177 **35A-1-206. State Council on Workforce Services -- Appointment -- Membership**
178 **-- Terms of members -- Compensation.**

179 (1) There is created a State Council on Workforce Services that shall:

180 (a) perform the activities described in Subsection (8);

181 (b) advise on issues requested by the department and the Legislature; and

182 (c) make recommendations to the department regarding:

183 (i) the implementation of Chapters 2, ~~[Regional Workforce Services]~~ Economic
184 Service Areas, 3, Employment Support Act, and 5, Training and Workforce Improvement Act;
185 and

186 (ii) the coordination of apprenticeship training.

- 187 (2) (a) The council shall consist of the following voting members:
188 [~~(i) each chair of a regional workforce services council appointed under Section~~
189 ~~35A-2-103;~~]
190 (i) a private sector representative from each economic service area as designated by the
191 economic service area director;
192 (ii) the superintendent of public instruction or the superintendent's designee;
193 (iii) the commissioner of higher education or the commissioner's designee; and
194 (iv) the following members appointed by the governor in consultation with the
195 executive director:
196 (A) four representatives of small employers as defined by rule by the department;
197 (B) four representatives of large employers as defined by rule by the department;
198 (C) four representatives of employees or employee organizations, including at least one
199 representative from nominees suggested by public employees organizations;
200 (D) two representatives of the clients served under this title including
201 community-based organizations;
202 (E) a representative of veterans in the state; ~~[and]~~
203 (F) the executive director of the Utah State Office of Rehabilitation~~[-]; and~~
204 (G) the Applied Technology College president.
205 (b) The following shall serve as nonvoting ex officio members of the council:
206 (i) the executive director or the executive director's designee;
207 (ii) a legislator appointed by the governor from nominations of the speaker of the
208 House of Representatives and president of the Senate;
209 (iii) the executive director of the Department of Human Services;
210 (iv) the director of the Governor's Office of Economic Development or the director's
211 designee; and
212 (v) the executive director of the Department of Health.
213 (3) (a) The governor shall appoint one nongovernmental member from the council [~~to~~
214 ~~be] as the chair of the council.~~
215 (b) The chair shall serve at the pleasure of the governor.
216 (4) (a) A member appointed by the governor shall serve a term of four years and may
217 be reappointed to one additional term.

218 (b) A member shall continue to serve until the member's successor has been appointed
219 and qualified.

220 (c) Except as provided in Subsection (4)(d), as terms of council members expire, the
221 governor shall appoint each new member or reappointed member to a four-year term.

222 (d) Notwithstanding the requirements of Subsection (4)(c), the governor shall, at the
223 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
224 council members are staggered so that approximately one half of the council is appointed every
225 two years.

226 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
227 appointed for the unexpired term.

228 (5) A majority of the voting members constitutes a quorum for the transaction of
229 business.

230 (6) A member may not receive compensation or benefits for the member's service, but
231 may receive per diem and travel expenses in accordance with:

232 (a) Section 63A-3-106;

233 (b) Section 63A-3-107; and

234 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
235 63A-3-107.

236 (7) The department shall provide staff and administrative support to the council at the
237 direction of the executive director.

238 (8) The council shall:

239 (a) develop a state workforce services plan in accordance with Section 35A-1-207;

240 (b) review [~~regional workforce services~~] economic service area plans to certify
241 consistency with state policy guidelines;

242 [~~(c) work cooperatively with regional councils on workforce services to oversee
243 regional workforce services area operations and to ensure that services are being delivered in
244 accordance with regional workforce services plans;~~]

245 [~~(d) oversee the department's provision of technical assistance to the regional
246 workforce services areas;~~]

247 [~~(e) evaluate program performance, customer satisfaction, and other indicators to
248 identify program strengths and weaknesses;~~]

249 ~~[(f) based on the evaluation conducted under Subsection (8)(e) develop plans to~~
250 ~~improve program outcomes;]~~

251 ~~[(g)]~~ (c) improve the understanding and visibility of state workforce services efforts
252 through external and internal marketing strategies;

253 ~~[(h)]~~ (d) make an annual report of accomplishments to the governor and the Legislature
254 related to the activities of the department;

255 ~~[(i)]~~ (e) issue other studies, reports, or documents the council considers advisable that
256 are not required under Subsection (8)~~[(h)]~~(d);

257 ~~[(j)]~~ (f) coordinate the planning and delivery of workforce development services with
258 public education, higher education, vocational rehabilitation, and human services; and

259 ~~[(k)]~~ (g) perform other responsibilities within the scope of workforce services as
260 requested by:

261 (i) the Legislature;

262 (ii) the governor; or

263 (iii) the executive director.

264 Section 6. Section **35A-1-207** is amended to read:

265 **35A-1-207. State workforce services plan -- Economic service area plans.**

266 (1) The State Council on Workforce Services shall annually develop a state workforce
267 services plan that shall include:

268 (a) projected analysis of the workforce needs of employers and clients;

269 (b) policy standards in programs and process when required by statute or considered
270 necessary by the council that ensure statewide program consistency among ~~[regional workforce~~
271 ~~services]~~ economic service areas;

272 (c) state outcome-based standards for measuring program performance to ensure
273 equitable service to all clients;

274 (d) state oversight systems to review ~~[regional]~~ economic service area compliance with
275 state policies;

276 (e) elements of ~~[regional workforce services]~~ economic service area plans that relate to
277 statewide initiatives and programs;

278 (f) strategies to ensure program responsiveness, universal access, unified case
279 management;

280 (g) strategies to eliminate unnecessary barriers to access services; and
 281 (h) strategies to provide assistance to employees facing employment dislocation and
 282 their employers.

283 (2) ~~(a) [Regional councils on workforce services]~~ Economic service area directors shall
 284 annually develop ~~[a regional workforce services]~~ an economic service area plan to be followed
 285 ~~[by the regional director]~~ in administering services.

286 ~~(b)~~ The plan shall include:

287 ~~[(a)]~~ (i) a projected analysis of the ~~[regional]~~ economic service area workforce needs of
 288 employers and clients;

289 ~~[(b)]~~ (ii) assurances that state policy standards will be incorporated into the ~~[regional~~
 290 ~~workforce services]~~ economic service area design;

291 ~~[(c) a regional]~~ (iii) an economic service area budget outlining administration and
 292 customer support and services expenditures;

293 ~~[(d)]~~ (iv) the location of employment centers and staff levels to deliver services;

294 ~~[(e)]~~ (v) the services to be provided including assessment and support services, job
 295 training options, job placement, and employer outreach;

296 ~~[(f)]~~ (vi) identification of targeted occupations for which training will be approved;

297 ~~[(g) regional]~~ (vii) economic service area outcome-based performance standards that
 298 ensure equitable services to all clients;

299 ~~[(h) regional]~~ (viii) economic service area oversight processes that include a process to
 300 evaluate program effectiveness and develop plans to improve programs;

301 ~~[(i)]~~ (ix) internal and external marketing strategies to improve the understanding and
 302 visibility of ~~[regional workforce service]~~ economic service area efforts;

303 ~~[(j)]~~ (x) coordination of apprenticeship training; and

304 ~~[(k)]~~ (xi) strategies to provide assistance to employees facing employment dislocation
 305 and their employers.

306 ~~[(3) For purposes of this section, outcome measures shall:]~~

307 ~~[(a) be based on:]~~

308 ~~[(i) clients;]~~

309 ~~[(ii) quality of service; and]~~

310 ~~[(iii) successful resolution of issues that result in long-term employment for potential]~~

- 311 ~~employees and a qualified workforce for employers; and]~~
 312 ~~[(b) include;]~~
 313 ~~[(i) unemployment rates;]~~
 314 ~~[(ii) placement rates;]~~
 315 ~~[(iii) number of employees placed that are still employed after 12 months; and]~~
 316 ~~[(iv) changes in participation in employment assistance programs;]~~
 317 ~~[(4) In targeting occupations under Subsection (2)(f), the council shall consider:]~~
 318 ~~[(a) wages;]~~
 319 ~~[(b) benefits;]~~
 320 ~~[(c) the full range of potential employee or employer needs;]~~
 321 ~~[(d) economic development initiatives; and]~~
 322 ~~[(e) any other issues the council considers appropriate.]~~

323 Section 7. Section **35A-2-101** is amended to read:

324 **CHAPTER 2. ECONOMIC SERVICE AREAS**

325 **35A-2-101. Economic service areas -- Creation.**

- 326 (1) (a) The executive director [~~jointly with the Utah Association of Counties~~] shall
 327 establish [~~regional workforce services~~] economic service areas to furnish the services described
 328 in Section 35A-2-201.
- 329 (b) In establishing [~~regional workforce services~~] economic service areas, the executive
 330 director [~~and the Utah Association of Counties~~] shall seek input from:
- 331 (i) state and local government agencies and departments;
 332 (ii) the groups representing public employees;
 333 (iii) employers, business, education, and other entities affected by the structure of the
 334 [~~regional workforce services~~] economic service areas; and
 335 (iv) the general public.
- 336 (2) In establishing the [~~regional workforce services~~] economic service areas, the
 337 executive director [~~and the Utah Association of Counties~~] shall consider:
- 338 (a) areas comprised of multiple counties;
 339 (b) the alignment of transportation and other infrastructure or services;
 340 (c) the interdependence of the economy within a geographic area;
 341 (d) the ability to develop regional marketing and economic development programs;

- 342 (e) the labor market areas;
- 343 (f) the population of the area, as established in the most recent estimate by the Utah
- 344 Population Estimates Committee;
- 345 (g) the number of individuals in the previous year receiving:
- 346 (i) services under Chapter 3, Employment Support Act; and
- 347 (ii) benefits under Chapter 4, Employment Security Act; and
- 348 (h) other factors that relate to the management of the programs administered or that
- 349 relate to the delivery of services provided under this title.

350 Section 8. Section **35A-2-102** is amended to read:

351 **35A-2-102. Directors of economic service areas -- Appointment.**

352 (1) The chief officer of each [~~regional workforce services~~] economic service area shall

353 be a director, who [~~shall serve~~] serves as the executive and administrative head of the [~~regional~~

354 ~~workforce services~~] economic service area.

355 (2) A director:

356 (a) shall be appointed [~~jointly~~] by the executive director [~~and all regional councils on~~

357 ~~workforce services established in the regional workforce services area under Section~~

358 ~~35A-2-103~~]; and

359 (b) may be removed from that position at the will of the executive director.

360 (3) [~~A~~] An economic service director [~~of a regional workforce services area~~] shall be

361 experienced in administration and possess [~~such~~] additional qualifications as determined by the

362 executive director, and as provided by law.

363 (4) The director shall [~~:(a)~~] report [~~annually to all regional councils on workforce~~

364 ~~services established in the regional workforce services area under Section 35A-2-103~~

365 ~~concerning~~] on a regular basis to the State Council on Workforce Services on the delivery of

366 services in the [~~regional workforce services~~] economic service area[~~;~~ and].

367 [~~(b) work with the council established in the regional workforce services area under~~

368 ~~Section 35A-2-103 in developing the regional plan as outlined in Subsection 35A-1-207(2)~~

369 ~~on:~~]

370 [(i) ~~regional planning priorities;~~]

371 [(ii) ~~training priorities;~~ and]

372 [(iii) ~~locations of employment centers.~~]

373 Section 9. Section **35A-2-103** is amended to read:

374 **35A-2-103. Advisory groups -- Creation.**

375 (1) The ~~[executive]~~ economic service area director ~~[shall jointly with all of the~~
376 ~~consortium of counties in the regional workforce services area;]~~ may establish one or more
377 ~~[regional councils on workforce services]~~ advisory groups in each ~~[regional workforce~~
378 ~~services]~~ economic service area.

379 (2) An advisory group established under Subsection (1) shall advise the economic
380 service area director as needed on:

381 (a) the economic service area's planning priorities;

382 (b) training priorities; and

383 (c) development of the economic service area plan.

384 ~~[(2) A regional council on workforce services shall:]~~

385 ~~[(a) perform the functions described in Subsection (10);]~~

386 ~~[(b) work with the regional director, the department, the consortium of counties, and~~
387 ~~the State Council on Workforce Services on issues requested by the director of the regional~~
388 ~~workforce services area or the department; and]~~

389 ~~[(c) make recommendations to the regional workforce services area and department~~
390 ~~regarding:]~~

391 ~~[(i) the implementation of Chapters 2, Regional Workforce Services Areas, 3,~~
392 ~~Employment Support Act, and 5, Training and Workforce Improvement Act; and]~~

393 ~~[(ii) coordination of apprenticeship training;]~~

394 ~~[(3) Unless otherwise specified in this Subsection (3), members of a regional council~~
395 ~~on workforce services shall be appointed by the consortium of counties that covers the same~~
396 ~~geographic area as the regional council in the regional workforce services area, in consultation~~
397 ~~with the regional director; and shall consist of the following:]~~

398 ~~[(a) the voting members who are:]~~

399 ~~[(i) eight representatives of private sector small employers as defined by rule by the~~
400 ~~department;]~~

401 ~~[(ii) eight representatives of private sector large employers as defined by rule by the~~
402 ~~department;]~~

403 ~~[(iii) two representatives of employees, including employee organizations and~~

404 including at least one representative from nominees suggested by public employees
405 organizations in the region;]

406 [(iv) two representatives of clients, including community-based organizations;]
407 [(v) one representative from organized labor not representing public employees;]
408 [(vi) three representatives of county government consisting of county commissioners;
409 county council members, county executives, or county mayors from the counties in the regional
410 workforce services area;]

411 [(vii) a representative of public education appointed jointly by the school district
412 superintendents in the region;]

413 [(viii) a representative of higher education appointed jointly by the presidents of the
414 institutions of higher education in the region;]

415 [(ix) a representative of veterans;]
416 [(x) a representative of the Office of Rehabilitation; and]
417 [(xi) an individual who works for or is a member of an economic development board
418 or committee of the state or one of its political subdivisions; and]

419 [(b) ex officio nonvoting members who are:]

420 [(i) a representative of applied technology;]
421 [(ii) a representative of the Department of Human Services; and]
422 [(iii) a representative of the Department of Health;]

423 [(4) The director of the regional workforce services area shall be a nonvoting ex officio
424 member of the council and provide any necessary staff support for the council.]

425 [(5) (a) The consortium of counties in the regional workforce services area that
426 appoints the council shall, in consultation with the regional director, appoint a member of the
427 council to be the chair of the council to serve no more than two one-year terms.]

428 [(b) The chair shall be a representative of private sector employers.]

429 [(6) (a) (i) Except as provided in Subsection (6)(a)(ii), as terms of council members
430 expire, the consortium of counties in the regional workforce services area that appoints the
431 council shall, in consultation with the regional director, appoint each new member or
432 reappointed member to a four-year term.]

433 [(ii) Notwithstanding the requirements of Subsection (6)(a)(i), the consortium of
434 counties in the regional workforce services area that appoints the council shall, in consultation

435 with the regional director, at the time of appointment or reappointment, adjust the length of
436 terms to ensure that the terms of council members are staggered so that approximately one half
437 of the council is appointed every two years.]

438 [(iii) When a vacancy occurs in the membership for any reason, the replacement shall
439 be appointed for the unexpired term.]

440 [(b) At the expiration of the term of a council member or if a vacancy occurs on the
441 council, the consortium of counties in the regional workforce services area shall appoint a
442 replacement to the council, in consultation with the regional director.]

443 [(c) A member shall continue to serve as a member until the member's successor has
444 been appointed and qualified.]

445 [(d) A member is eligible for reappointment.]

446 [(e) The consortium of counties in the regional workforce services area that appoints
447 the council shall appoint, in consultation with the regional director, an individual to replace a
448 council member for the remainder of the term of the council member being replaced if the
449 council member:]

450 [(i) ceases to be representative as designated by the original appointment; or]

451 [(ii) fails to attend three council meetings, if each of the three absences are not excused
452 by the chair prior to or during the meeting:]

453 [(7) (a) A majority of the voting members constitutes a quorum for the transaction of
454 business:]

455 [(b) Notwithstanding Subsection (7)(a), a majority of the private sector representatives
456 shall be present for business to be transacted:]

457 [(8) A member may not receive compensation or benefits for the member's service, but
458 may receive per diem and travel expenses in accordance with:]

459 [(a) Section 63A-3-106;]

460 [(b) Section 63A-3-107; and]

461 [(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
462 63A-3-107.]

463 [(9) The regional council shall annually provide the consortium of counties that
464 appoints the council a written report that shall include the information concerning the elements
465 of the regional plan described in Subsection 35A-2-102(4)(b).]

- 466 ~~[(10) The regional councils on workforce services shall:]~~
 467 ~~[(a) determine the locations of employment centers in accordance with Section~~
 468 ~~35A-2-203;]~~
 469 ~~[(b) develop a regional workforce services plan in accordance with Section~~
 470 ~~35A-1-207;]~~
 471 ~~[(c) develop training priorities for the region;]~~
 472 ~~[(d) work cooperatively with the State Council on Workforce Services to oversee~~
 473 ~~regional workforce services areas operations and to ensure that services are being delivered in~~
 474 ~~accordance with regional workforce services plans;]~~
 475 ~~[(e) address concerns within the regional workforce services area related to~~
 476 ~~apprenticeship training coordination;]~~
 477 ~~[(f) coordinate the planning and delivery of workforce development services with~~
 478 ~~public education, higher education, vocational rehabilitation, and human services; and]~~
 479 ~~[(g) report annually to the State Council on Workforce Services.]~~

480 Section 10. Section 35A-2-201 is amended to read:

481 **35A-2-201. Services provided in economic service areas.**

- 482 (1) ~~[Regional workforce services]~~ Economic service areas shall:
 483 (a) through ~~[its]~~ their employment centers, be the primary provider of services and
 484 support under Chapter 3, Employment Support Act;
 485 (b) broker or contract for services or training under Chapter 5, Training and Workforce
 486 Improvement Act; and
 487 (c) serve as ~~[a]~~ regional ~~[clearinghouse]~~ clearinghouses of information concerning
 488 workforce development and services and support available under this title.
 489 (2) (a) In providing, brokering, or contracting for the services or training described in
 490 Subsection (1)(b), the ~~[regional]~~ economic service area director ~~[of a regional workforce~~
 491 ~~services area]~~, in consultation with the executive director, shall ensure that the ~~[regional~~
 492 ~~workforce services]~~ economic service area provides, brokers, or contracts for services and
 493 training that meets the needs of the special needs population in the ~~[regional workforce~~
 494 ~~services]~~ economic service area.
 495 (b) For purposes of Subsection (2)(a), "special needs population" means individuals
 496 who have special employment needs based on factors including race, gender, age, economic

497 status, education, language skills, and work history.

498 Section 11. Section 35A-2-202 is amended to read:

499 **35A-2-202. Employment counselors -- Specialization -- Employment plan.**

500 (1) ~~[At] One or more employment counselors shall be employed at~~ each employment
501 center of ~~[a regional workforce services]~~ an economic service area established under Section
502 35A-2-101 ~~[there shall be employed one or more employment counselors].~~

503 (2) A client shall be assigned one employment counselor unless a client:

504 (a) needs only limited services under this title for which expedited procedures are
505 appropriate; or

506 (b) receives diversion assistance under Section 35A-3-303.

507 (3) An employment counselor shall:

508 (a) develop an employment plan jointly with the client; and

509 (b) coordinate any services provided, brokered, or contracted for by the department to
510 that client.

511 (4) The employment counselor assigned to a client may be selected because of the
512 employment counselor's experience or knowledge in the benefits or services available under the
513 title that best meet the specific needs of the client and the employment counselor's skills in
514 working with groups of clients to develop plans leading to self-sufficiency.

515 (5) (a) An employment counselor shall be:

516 (i) trained in the requirements of and benefits or services provided through
517 employment centers in at least one of the following:

518 (A) Chapter 3, Employment Support Act; and

519 (B) Chapter 5, Training and Workforce Improvement Act;

520 (ii) capable of:

521 (A) conducting an effective assessment;

522 (B) negotiating an employment plan; and

523 (C) providing the necessary encouragement and support to a client; and

524 (iii) knowledgeable of:

525 (A) department policies;

526 (B) relevant law;

527 (C) current labor market conditions;

528 (D) education and training programs for adults; and

529 (E) services and supports available in the community.

530 (b) At the discretion of the director of [~~a regional workforce services~~] an economic
531 service area, an employment counselor may receive special training in the requirements of or
532 providing services under the statutes listed in Subsection (5)(a)(i).

533 (6) (a) A client employment plan may include:

534 (i) services and support necessary for stabilization;

535 (ii) assessment and training; and

536 (iii) placement.

537 (b) The client employment plan shall consider the job opportunities available to the
538 client based on the job market.

539 (c) The client employment plan shall be outcome-focused.

540 (7) If a client seeks cash assistance under Chapter 3, Employment Support Act, the
541 assignment of an employment counselor and the creation and implementation of an
542 employment plan shall be consistent with Section 35A-3-304.

543 Section 12. Section **35A-2-203** is amended to read:

544 **35A-2-203. Employment centers.**

545 (1) In each county within [~~a regional workforce services~~] an economic service area, the
546 [~~regional council on workforce services~~] executive director shall:

547 (a) designate the location of one or more employment centers, as defined in Section
548 35A-1-102, in which the services are provided by the department; or

549 (b) coordinate with the department to establish access to the services provided by the
550 department by means other than an employment center.

551 (2) An employment center shall provide a comprehensive program of employment
552 services including job placement, job development, stabilization, assessment, and job training
553 through its employment counselors as part of a system of unified case management.

554 (3) The department may make services that are provided through employment centers
555 under this section accessible through electronic linkage.

556 Section 13. Section **35A-3-115** is amended to read:

557 **35A-3-115. Public Employment Offices -- Agreements with other authorities --**
558 **Federal system accepted -- Appropriation.**

559 (1) (a) The division shall establish and maintain free public employment offices in a
560 manner and in ~~such~~ places as may be necessary for the proper administration of this chapter
561 and for the purposes of performing the functions as are within the purview of the Act of
562 Congress entitled "An act to provide for the establishment of a national employment system
563 and for co-operation with the states in the promotion of such system, and for other purposes,"
564 approved June 6, 1933, 48 Stat. 113; U. S. Code, Title 29, Section 49 (c) as amended,
565 hereinafter referred to as the "Wagner-Peyser Act."

566 (b) The division shall consult with ~~regional councils on workforce services~~ the
567 directors of economic service areas when determining the location of public employment
568 offices.

569 (c) ~~★~~ The division may locate a public employment office ~~may be located~~ in
570 connection with or as an integrated part of an employment center established under Section
571 35A-2-203.

572 (2) (a) The provisions of the Wagner-Peyser Act, 29 U.S.C. 49-49c, 49g, 49h, 49k, and
573 557, are accepted by this state.

574 (b) The department is designated and constitutes the agency of this state for the
575 purposes of the act.

576 (3) (a) For the purpose of establishing and maintaining free public employment offices,
577 and promoting the use of their facilities, the division may enter into agreements with the
578 railroad retirement board, or any other agency of the United States, or of this or any other state,
579 charged with the administration of any law whose purposes are reasonably related to the
580 purposes of this chapter.

581 (b) As a part of an agreement entered into under Subsection (3)(a), the division may
582 accept money, services, or quarters as a contribution to the maintenance of the state system of
583 public employment offices or as reimbursement for services performed.

Suggested Guidelines for ESA Advisory Groups as per Paul Jackson

for Discussion & Review

Over the past several months I have had the opportunity to attend most of the Area Council meetings and to talk to the members and Chairs regarding our transition to ESA Advisory Groups. A few themes and issues have surfaced and I would like to see us all work together and continue to move forward in a proactive and positive manner. What follows for your consideration and discussion are some of the issues I have heard and my initial response to each issue.

Current Issues and Suggested Responses

Issue #1 – Approach to filling current vacancies on Area Councils

As you have openings on your Area Council, this is an opportunity to identify those in your community that have a connection with a targeted industry, education or other community partner. Think in the longer term and advise the candidates identified of the fact that councils are in transition and their expertise and “service” may be needed into the next fiscal year, albeit in an advisory member capacity. As you have vacancies, be clear with everyone as to the specific needs/skills you need so they better understand how everything fits. Each ESA Director, Area Chair and advisory group leader should understand and be able to state, ‘here is where we are’ and have a plan for ‘here is where we are going.’ Such a plan will provide guidance and clarity of how best to fill any vacancies.

Issue #2 – Situations where current members of the Area Councils and/or committees are not fully engaged

Some members have indicated that they are not clear as to what the purpose or direction of the council is. This is where it is critical in every meeting to clearly identify and state “where you are at today – and what the plan/direction is.” Directors and Area Chairs should be able to state with confidence the purpose of the Council and/or advisory groups and to clearly articulate the primary objectives of your current plan. If there is a lack of clarity – ask questions until everyone is on the same page and has the same understanding. We are all in this together and we will find the solutions together.

Issue #3 – Some council members may feel more comfortable holding back until all the final details are resolved. Others, take the position that it is better to move forward even in times of uncertainty and do something.

Recognizing that everyone is different in personality and in their comfort zone, there are always going to be differences. The key is that we understand the forum for sharing ideas and questions. All questions are relevant and voices should be heard during the appointed time. Where something is ‘non-

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negotiable' it should be stated and not debated (unless we are told that it can be debated). Once a decision is made it becomes our responsibility as State and Area Council members to be clear and to support the decision.

Issue #4 – Each member of the Council and/or advisory group (business, education, labor, public, community partner) comes to meetings wearing two or more hats

They volunteer because they have either a passion for or vested interest in workforce development. Each of these reasons is valid and must be understood. It is important that Leadership knows and understands how those present stand on each issue. We need to provide those present the opportunity of clarifying their role on issues and stating what role they represent as they state a position. To maintain the council's or advisory group's credibility, it is very important that each person understand that when asked to vote they are voting as a member of 'that' body and should not allow their personal or other conflicts to cloud any issue.

Issue #5 – Current Member assessments

With this transition it is important that each ESA Director and Chair evaluate each current member of their council. The purpose here is to ensure that you have the right skills and the right representation for your workforce development plan. Volunteers understand that the needs of any organization change. They also realize and appreciate that as organizational needs and objectives change, the membership may also need to change. It may be helpful for the Director and Chair to meet with each member and discuss their concerns, expectations for continued participation and to directly and personally answer any questions they may have.

Issue #6 – Area Council involvement in DWS operations

There are times when those who volunteer feel that they are too engaged in operations. For your Advisory Groups and Committees keep their specific focus very narrow. Make sure they understand how what they have been charged with links into the bigger picture. Having short-term projects is easier to manage than multi-year initiatives. Where longer-term initiatives are critical and necessary, make sure you have those engaged who have a passion for what is involved and where the effort has to go.

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Draft Guiding Principles - For Discussion

The State Workforce Investment Board (SWIB) aka State Council works in concert with Department of Workforce Services, supporting its Mission, Vision, Goals and Objectives.

- 1) State Workforce Investment Board supports the DWS Demand Driven approach to providing services to both employers and job seekers. Under the Demand Driven approach, employers are our primary customers.
- 2) The SWIB and DWS must understand the key workforce needs of business and industry, both now and in the future.
- 3) Workforce partnerships must be formed between business, local government, education, community partners and economic development organizations to address key identified needs. Solid partnerships are keys to success.
- 4) Its important for the SWIB and its partners to adopt a common set of workforce development goals.
- 5) Training resources should focus on occupations that prepare unemployed workers for good jobs now and in the future
- 6) Economic Service Area Representation (ESA) and participation is vital to the success of the SWIB.
- 7) The SWIB supports ESA flexibility and accountability
- 8) ESA's may identify different local training priorities but should work together to support training at a standard level.

Future considerations ?