OKLAHOMA WORKFORCE DEVELOPMENT CENTER CERTIFICATION COMMENT RESPONSE & RESOLUTIONS FOR OWDI 07-2017

Overall

- Comment: Document, headings, and links are not accessible.
- Response: Made requested changes throughout document to ensure accessibility.

- Comments: Multiple comments received addressed the upcoming 40% training expenditure policy.
- Response: Comments referring to the minimum expenditure policy will be reviewed in the future as that policy is developed. TA will be provided to ensure all requirements can be met.

Comprehensive Center

- Comment: Comment received requesting clarification on access and to which partners. Since partners must provide direct access even if they are not located in the AJC, who dictates how that may be done and is that part of infrastructure cost?
- Response: The law and regulations list who are required partners, if services are delivered in an area. The LWDB is responsible for convening the Partners to coordinate delivery of services, in which part of this is access. Infrastructure guidance is forthcoming.

- Comment: Question received asking if this limits us to looking at environments that Center employees interact with, sometime in the future?
- Response: Question is unclear. However, if technology is part of the center in the sense that job seekers need it, then it must be considered as part of the certification review. With an increase in technological rather than physical access to sites, this is increasingly important.

Affiliate Center

- Comment: Comment received that the section states frequency of program staff's physical presence in the affiliated site will be determined at the local level, but every indication LWDBs have is that those decisions are being made at the central office level of state agencies.
- Response: The physical presence of staff should be determined at the local level. The State may ensure the needs are met, but not determine the staffing presence or structure.

- Comment: Question received that since this refers to affiliated sites, does the requirement for accessible technology still stand?
- Response: Per law, under Section 121, the requirement is for physical and programmatic accessibility of the One-Stop delivery system. This includes all centers (comprehensive, affiliate, and specialized).

- Comment: Comment received that the statements where Wagner/Peyser not being in a stand-alone facility or such doesn't happen in Oklahoma. Comment received that is apparent that this was written with limited knowledge of how the system works in Oklahoma.
- Response: The Law and Regulations are specific about Wagner/Peyser not being a stand alone entity. State policy is written as a one-size fits all, and covers all scenarios to ensure federal compliance. No changes made.

Minimum Certification Criteria

- Comment: Comment received that states responsiveness to the business needs refers to a employer services team which reflects only being concerned about employee recruitment efforts, we serve businesses not employers and if the state imposes a hard figure for training participants, then isn't there a hard percentage to be utilized in serving and meeting the needs of business. They are our customers and our clients are the product of the workforce system. Way off the mark in being able to meet the employer engagement piece as required by the Act.
- Response: OOWD has reviewed the comment above and feel that "relationships with businesses" includes the concerns above. The commenter also makes a suggestion regarding adding a percentage for serving businesses, as per the minimum training requirement for participants. This is extraneous to the center certification policy, but will be reviewed for consideration as a complement to the minimum training requirement policy. LWDBs may also add additional criteria.

- Comment: Comment received that technology tools and resources emphasis was missing.
- Response: Oklahoma Works Access for All criteria references and specific technology tools and resources references were added to existing organizational framework (within Physical Site and Program Access).

- Comment: Comment received that the centers have resource areas not resource rooms. Implies we need to have a separate walled off enclosed space.
- Response: Changed to Areas.

- Comment: Question received asking what training for center staff is required for certification and where money is to cover the cost?
- Response: 20 CFR 679.370 states functions of the LWDB include cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination for enhancing the provision of services to individuals with disabilities and other individuals.

Effectiveness Criteria

- Comment: Comment received that this specifically mentions required partners focus on outcomes and have the capacity to measure attainment of goals and other outcomes.
- Response: Processes should be in place to periodically review partners' outcomes to ensure all partners are working efficiently and effectively in meeting local negotiated performance. Where capacity is lacking, continuous improvement should be sought.

Programmatic Accessibility Criteria

- Comment: Comment received that this is lumped in with programmatic accessibility criteria, when it may be better suited elsewhere.

- Response: Agree this is not completely in line with WIOA language of physically and programmatically accessible to individuals with disabilities. Moved direct linkage requirement to effectiveness category.

- Comment: Comment received requesting additional definition of technology accessibility criteria.
- Response: Agreed that technology accessibility requires additional clarification and definition. Although technology accessibility can fit under both physical and programmatic accessibility, the description may best fit organizationally under programmatic accessibility and also be referenced and reiterated under physical accessibility. The four categories listed here are intended to be overarching organizational categories from 20 CFR 678.305. In a way, they are "lumping together" multiple items for descriptive reasons, but the criteria should spell out all needs to fit these categories (physical, program—and technology—accessibility).

Continuous Improvement Criteria

- Comment: Comment received that requested clarification as to how much latitude locals will have when partners balk at more rigor. An example would be requiring all partners to spend 40% of their funds on training as defined by the state, what happens when the other required partners don't participate?
- Response: 20 CFR 678.800 gives flexibility to the LWDBs to establish additional criteria or set higher standards for services coordination than those set by the State criteria. The law and regulations do not allow LWDBs to set other partner budgets.

- Comment: Comment received that the definition for General Criteria has no unique identifier and are those which are desired **but not mandatory**.   But on page 7 for Certification - maybe awarded if 100% of benchmark criteria and no less than 50% of general. Basically the general criteria are mandatory at least 50% of them. Consider for certification 100% of asterisk benchmarks with options of XX number of general or asterisk.
- Response: Agree that the definition was not complementary to the determination and made the reflected change.

Certification Team

- Comment: Comment received indicates this will be costly to hire an outside evaluator, as this definition limits flexibility on who can certify teams. Also indicates that an outside evaluator will be an additional cost for all partners to share.
- Response: Disagree with the comment that this requires additional costs. The following suggestions are made 1) LWDBs incorporate a self assessment into their local certification processes so that the outside evaluator team can focus the evaluation efforts on what the Center knows they provide. 2) LWDBs in a region, or across regions, develop certification teams to use Center or LWDB staff to certify other LWDB's Centers. 3) LWDBs may request individuals outside the typical workforce development contacts to ensure a Center is easily navigated by a first time customer (business or job seeker) who is unfamiliar with the system or center. 4) some combination of the above for a well-rounded team may be utilized.

Example Process:

- Comment: Question received as to who at the center files the application.
- Response: LWDBs determine the certification process and may allow the Operator, or other designated person or entity to submit the application.

- Comment: Comment received that there should be mention of Access for All earlier in the defined categories.
- Response: Earlier language was added in the previous section.

- Comment: Comment received that the references only discuss comprehensive centers and not affiliate centers.
- Response: Agree this is an omission; requested changes have been made.

- Comment received that "*The core and required partners must share infrastructure cost of the certified comprehensive center regardless of State or Local funding mechanism*" is only partially how it is explained in the Act, the accompanying regulations, and the OMB's Uniform Administrative Guidance. It appears to have caused undue consternation among those partners. Need to better explain that their program has to derive benefit from the cost that they would be paying.
- Response: Further guidance on infrastructure is forthcoming. Although, it is worth noting that comprehensive centers by definition must include the required partners who deliver services in an area, and must have those partners to be certified as such. Partners, then, are required to pay into infrastructure based on *proportionate use and relative benefit received.*

Timeline

- Comment: Question received as to who submits the center certification and to whom?
- Response: As indicated here, the LWDB submits the center certification documentation to the state. The state is clarified to reflect OOWD, the Governor's administrative entity for WIOA.

- Comment: Comment received requesting the timeline be expanded.
- Response: OOWD will continue to work with USDOL on an extension to the proposed timeline. If any extensions are granted, OOWD will notify the local areas and partners.

- Comment: Comment received that LWDBs will not have Board or Executive Approval for the Center Certification by this date due to pre-determined schedules.
- Response: For this first year, extensions may be granted to the certification process policy to accommodate LWDB schedules. However, a timeline must be submitted to OOWD for oversight and approval. The ultimate deadline is not able to be extended at this time, but the milestones to complete the deadline are able to be adjusted as needed.

Attachment A

Comprehensive Center Certification Checklist

- Comment: Comment received that the primary required measure for performance is entered employment, which is lacking from a certified American Job Center.
- Response: Disagree that there are any primary measures for performance, but agrees that entered employment is important. All federal performance measures are weighted equally, including employment rate 2nd and 4th quarter after exit, median earnings 2nd quarter after exit, credential attainment, measurable skills gain, and effectiveness in serving employers. Policy categories include services to participants, employers, and support of performance goals, all of which impact employment. No change was made, but LWDBs may add additional criteria.

- Comment: Comment received that the certification seems to rely primarily on individuals with a disability and many other groups mentioned in the Act seem to be an after thought.
- Response: The Act and Regulations are clear that the One-Stop delivery system must be physically and programmatically accessible. The Center Certification guidance and checklist cover those necessary details.

- Comment: Comment received requesting the requirements be broken down into a more user friendly format. For example, put the basic requirements first in a section, and then list out the standards of excellence in another section.
- Response: The format will be unable to be adjusted at this time. However, with the criteria organized by requirement type, it was developed with the user in mind. Also, to ensure continuous improvement is always sought, the preference is to keep all standards together as a continuous reference for such improvements. As this is a style change, the format will stand.

Criterion 1.8: The one-stop center is operating in a cost-efficient manner

- Comment: Question received asking how this will be determined?
- Response: During certification, the certification team will be privy to documentation to make a determination as to the cost-efficiency of the Center.

Criterion 1.14: The one-stop center strives to increase the number and percentage of all customers receiving skill development and training services

- Comment: Comment received that there is no benchmark for increasing the number and percentage of all customers receiving skill development and training services, and no mention of putting more people in jobs.
- Response: Employment criterion added. No benchmark is offered, but centers should be prepared to demonstrate how they strive to increase these elements.

Criterion 2.1: The one-stop center operates optimum business hours and identifies consistent timeframes outside of regular business hours to accommodate customers' work, child care, or transportation needs. Discussions regarding business hours are conducted periodically with the LWDB and reflected in meeting minutes

- Comment: Comment received with concerns that the LWDB would need to continually discuss hours of operation, when the program staff would have a much better feel and understanding of the need to accommodate other business hours
- Response: Criteria states periodically rather than continually. 20 CFR 679.370 discusses functions of the board which include facilitating access; this does not preclude asking for recommendations from front line staff. 20 CFR 678.305 gives the State WDB authority to evaluate hours of access and will do so through documentation provided for center certification, and regular review by LWDBs.

Criterion 2.4: The one-stop center has skill development and training opportunities for customers at all skill levels and levels of experience

- Comment: Comment received regarding a lack of training opportunities for customers at all skill levels and levels of experience when there is a lack of adequate reporting of success by educational institutions.
- Response: Assisting local providers become and remain eligible is necessary to ensure there are sufficient numbers and types of providers of training services in the local area. It is necessary for

the State and LWDBs to work together to do so. The State will continue to work with providers to provide necessary data.

Criterion 2.7: The one-stop center does not have cumbersome entry requirements that prohibit easy access to education and training that leads to industry-recognized credentials

- Comment: Comment received that the centers do not create cumbersome entry requirements to training, that all comes from directives from the federal and state level.
- Response: The State does not intend to make processes more cumbersome, but works to ensure a quality workforce development system that is responsive to businesses' needs.

Criterion 2.12: Website functionality is user friendly to all customers, including mobile compatibility, accessibility, well-organized information architecture, well-formatted content that is easy to scan, fast load times, compatible with multiple browsers, effective navigation, accessible interface, and has current and working links to resources. Describe how:

- Comment: Comment received: Since LWDB's have had no input into the state mandated electronic system how can a center ensure to meet all of the criteria under 2.12?
- Response: Some of this criteria is set by the state, but some is decided by the LWDB. Concern should also be given to the LWDB websites. The State will work to ensure state systems meet requirements.

Responsiveness to needs of businesses

- Comment: Comment received that participant requirements outweigh business requirements.
- Response: Requirements should not be viewed in terms of quantity, but quality. Additional requirements may be added at the election of the LWDB.

Criterion 3.2: The one-stop center offers a wide range of one-stop center-based services for employers including referral of qualified candidates, on-site recruitment, pre-employment testing, skills verification, and hiring and training subsidies

- Comment: Comment received that since there is no experience in the centers of any of the partner staff on how to interact with the business community how are they going to engage them and create this robust set of services. By the way your list is extremely limited in both scope and knowledge about what services businesses are looking for.
- Response: Centers and Partners should be aware of strengths and weaknesses and continuously seek continuous improvement. Cross training may also be helpful to boost business service capacity.

Criterion 3.7: An employer services team is in place and working cooperatively

- Comment: Comment received that this should be business service team rather than an employer services team. The second is taking people who have been trained to interact and provide services to participants and train them to be effective business services consultants. The way to start would be to require the partners to hire staff with a whole different skill set.
- Response: Agree this would better be reflected as business services instead of employer services.

Criterion 4.5: Adequate parking (including accessible parking) is available for customers who drive to the facility

- Comment: Question received as to what is considered adequate parking.

- Response: Adequate parking guidelines means enough parking for staff and visitors to the center, based on relative demand and transportation usage.

Criterion 4.6: Interior signage results in easy navigation for customers

- Comment: Question received: why would interior signage be a plus item in the certification? I don't know of any customer focus groups that have asked for that and I don't know of any customer survey that indicated such. More importantly would be signage on the resource area computers that included pop-ups of hot jobs, skill development opportunities, etc.
- Response: Signage for resources in a center is important to ensure the site and available resources are able to be navigated. No changes made. The suggestion for pop up signage would be at the election of the LWDB.

Criterion 4.7: Meeting rooms are sufficient to meet partner and/or job seeker and business customer demands

- Comment: Question received as to who determines the adequacy of meeting rooms,
- Response: This will need to be supported by center documentation and communicated to the review team, with TA provided by OOWD as needed, who will determine if the rooms are adequate.

Criterion 4.10: The one-stop is accessible consistent with the Oklahoma Works Workforce Access for All standards.

- Comment: Comment received that the term ramp is unclear and confusing. Are you talking access from the parking lot or ramp into the door? Confusing.
- Response: ADA standards may be consulted for details as to how to ensure access to the building and services. Changes made to reflect compliance with Access for All definitions.

Resource Areas:

- Comment: Question received asking why a resource area is a requirement? This is outdated with little evidence that it is a best practice.
- Response: Evidence for or against is not sufficient. Thus, the criterion will remain.

Criterion 6.4: Internet access and governance

- Comment: Comments received that this is clearer by changing to access and governance.
- Response: Agreed. Changes made.

Criterion 7.2: The one-stop center implements the veteran's preference and priority of service requirements

- Comment: Comment received that extra credit for Veteran's Preference when it is a requirement in the law, doesn't make sense.
- Response: Agreed. Corrected.

Criterion 7.5: The center provides reasonable accommodations in order to avoid discrimination and meet individual's needs, as necessary (e.g.- allowing an individual with cognitive disabilities extra time to complete forms)

- Comment: Comment received that this should be more broad and mention reasonable accommodations rather than modifying procedures.
- Response: Agreed. Change made.

Programmatic Accessibility

- Comment: Comment received that the way this is used here is different from the way it is defined in WIOA.
- Response: This heading serves to include multiple criteria to address access to programs (including accessibility for those with disabilities).

Criterion 8.4: The "Oklahoma Works a proud partner of the American Job Center network" identifier is highly visible inside and outside of the facility

- Comment: Questions received asking why this is located under program accessibility and not physical site, as well as who will pay for this.
- Response: Agree this is misplaced and moved criterion to physical site category.
  LWDBs received WIOA transition funds that may support this function. The State provided logos for use by the partners in the local areas.

Criterion 8.6: Staff at the one-stop center are cross-trained and provided information on all required programs, services, and activities in the one-stop center and have received an orientation to all partner programs and services

- Comment: Comment received that it is assumed that OOWD will provide this training and will be available quickly enough for this certification cycle.
- Response: Cross-training at a center will need to occur locally to ensure center processes and the local MOUs are followed. OOWD is pleased to offer TA where needed, and will note that a state-level cross training on partner programs is desired.

Criterion 8.10: Participant applications and assessment tools do not seek duplicative information for individuals enrolled in multiple programs

- Comment: Question received asking how a LWDB ensures the state mandated electronic systems work as a cohesive system and meets the requirements under this section.
- Response: The State is working to ensure the case management system is in line with the state plan's goals of aligning data and resources. Meanwhile, specific local processes and assessment tools may be modified to reach this goal.

Criterion 8.15: The one-stop center's resources include bilingual materials or an on-demand translation service, if needed

- Comment: Question received asking which languages, and who is responsible for the cost of translation for publications?
- Response: WIOA requires that grant recipients are required to take reasonable steps to ensure meaningful access to programs and activities by limited English proficiency (LEP) individuals. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four functions:
  - the number or proportion of LEP persons eligible to be served or likely to be encountered by the grantee or program
  - the frequency with which LEP individuals come into contact with the program
  - the nature and importance of the program, activity, or service provided by the program to people's lives; and

- o the resources available to the grantee and costs. As indicated above, the intent of this guidance is to find a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens

Criterion 8.17: Phone, real-time Web-based communications or other technology is physically present, enables real-time interaction (e.g., via Skype)
- Comment: Comment received that this statement should include accessibility.
- Response: Agreed. Statement added.

Criterion 9.8: All one-stop center staff have received training on how to use labor market information to help customers identify career pathways, develop in-demand skills and credentials, and find jobs
- Comment: Questions received as to if these are required infrastructure cost or cost of the system.
- Response: This question is best answered when infrastructure is addressed in a separate policy.

Criterion 9.19: The one-stop center has a system and procedures in place to provide professional development in WIOA compliance and customer service
- Comment: Question received as to what happens if a staff member is found deficient in skills and/or core competencies, in reference to *"The one-stop center has a system and procedures in place to assess staff members' skills and core competencies."* Will the One-Stop operator be able to request formal and documented training or require another staff resource for that position?
- Response: After further review, this criterion has been edited to reflect "professional development" until the system partners agree to core competencies throughout the centers.