

**Governor's Council for Workforce and Economic Development**  
**WORKFORCE SYSTEMS OVERSIGHT COMMITTEE**  
**Minutes of Meeting**

**Date:** September 8, 2017  
**Time:** 2:30 P.M.  
**Place:** Oklahoma State University – Oklahoma City, BT 300

**Members Present:** Richard McPherson, John Hawkins, Ken Doke, Donnalla Miller, and Valerie Thompson.

**Staff:** Erin Risley-Baird, Jeane Burruss, and Linda Emrich.

**Welcome**

Co-chair John Hawkins opened the meeting and welcomed everyone.

**Approval of Minutes**

A motion was made by Ken Doke to approve the August 11, 2017 meeting minutes. Donnalla Miller seconded the motion. There was no further discussion and the motion carried unanimously.

**Policy Discussion – Possible Action for Approval**

- Grievance Policy – Erin Risley-Baird said that our legal counsel took a look at the Grievance policy and added two small items.
  - Adding an advance request for materials in the hearing phase and that materials have to be requested 7 days in advance so that both parties have the opportunity to look at them.
  - The chair of the Grievance Panel 7 days prior will send out a letter with the procedure that will be followed during the hearing. These are both 7 calendar days.

The policies they reviewed did not have the above elements added to them, so the WSOC can vote to approve the policy contingent on the two elements being added to the policy or the WSOC can wait until the next meeting to consider the Grievance policy. Ken Doke made a motion to approve the Grievance policy with the contingency that the two elements are added. Valerie Thompson seconded the motion. No further discussion. The motion passed unanimously.

- Rapid Response Policy – Erin said that the Rapid Response policy hadn't been updated since OESC and Commerce. This is an update with the new WIOA law. It establishes the relationship that we already have for Rapid Response in the state of Oklahoma and there are no changes in what we are doing. It is just codifying it into a policy that's updated. Richard McPherson said that OESC is very intricately involved with the Rapid Response process and he thinks we have one of the best Rapid Response processes in the country. One because it is locally based and driven and a lot more responsive to employer's needs and separating employees when we do have those layoffs. In some states their plans are more centrally located like at the state capitol and not as responsive as our model. Erin added that OESC reviewed the policy also. Ken Doke made a motion

to approve the Rapid Response policy. Donnalla Miller seconded the motion. No further discussion. The motion carried unanimously.

- Eligible Training Policy (ETPL) – Erin stated that the first ETPL policy was released a year ago. The policy needed some revisions. This is not a Change 1 because there were enough considerable changes to warrant a new policy. This is about training providers getting on the ETPL, it is more clear in terms of the procedures in order for them to do so. It also had input from the State Regents for Higher Education who is helping us collect data to ensure that more eligible training providers can be on the list so we worked with them on some of the performance measures in this policy. It is a much better representation of how this policy should work. It is also an appeal policy, so if an eligible training provider does not get on the list or does not meet performance, this is what they have to go through in order to have a due process in order for us to review that.

John Hawkins asked if we were going to hold the providers accountable moving forward? Erin replied yes, in the next coming months, DOL is planning on issuing some more guidance in terms of performance. She said we are in a two-year test period. In fact, we just got notice that our ETP annual report for the state that is required by law, DOL is not making us do it this year because none of the measures are quite up and running. So once we have an idea of what the baseline performance should be and where as a state we want to raise the bar for performances, that will come back to this committee and likely add it as a change 1 to this policy or maybe as a separate performance policy. For right now, this is just about operational and how to get on the list and how to use our case management system to get on the list. We will be working with WSOC to set a bar as to where our funds should go in terms of what is the return on investment that we receive as a state. John Hawkins asked about going across borders like Texas or Arkansas for providers. Erin said the Law allows for interstate use if a provider is on another state's ETPL, the state can elect to use that provider. Right now we have that as the baseline for what is allowable now and as we collect the data in the performance, we can make more data-driven decisions on whether or not that is a good path for the state. Erin said that right now we don't have enough collected yet with the new parameters to tell us if that is actually helping our economy. Further discussion.

Ken Duke made a motion to approve the Eligible Training Provider List policy. Richard McPherson seconded the motion. No further discussion. The motion carried unanimously.

- Limited English Proficiency (LEP) Policy – Erin stated that the Oklahoma Office of Workforce Development recently hired a State-Level Equal Opportunity Officer. At the last WSOC meeting, the committee approved an Equal Opportunity policy. This is a follow-up to that policy to put us in compliance with the Dept. of Labor / Civil Rights Center (CRC). Richard McPherson asked if there was an assessment tool and Erin said not yet, but one is being developed. This policy is setting the guidelines and all of the monitoring tools and assessment tools will be created as a follow-up. Richard asked also about adequate notice an LEP individual must be given about the existence of interpretation and translation services and that they are available free of charge. He wanted to know what is the definition of "adequate". Erin said that she personally didn't

know the answer to that but Lindsey Workman, the State EO Officer, would let him know. Ken Doke asked what the assessment tool will look like? Erin said that the CRC is ramping up its training and monitoring tools, etc. Their first training for the state-level EO officers will be in December. Richard said in the past clients had to self-identify. Erin said that if this policy is approved, then we will have to do a change 1 in the near future to clarify these two instances – 1) if they have the ability to give them advance notice; and 2) if they come in and giving us adequate time to identify our resources to help these individuals.

Ken Doke made a motion to approve the Limited English Proficiency policy contingent on adding a provision of self-identifying of LEP in a One-Stop center. Make a note of identifying efficiencies of skills in language interpretation. John Hawkins seconded the motion. No further discussion. The motion carried unanimously.

### **Two-Year Board Certification**

Jeane Burruss said that everyone submitted their documentation on time and their membership was correct. Industry sectors in their areas have been appropriately distributed, there is a separation between some of the roles on the boards, and everyone is in compliance and ready to be certified. As a reminder, the Western Board was just formed as a new area and the Central Area combined with the East Central Area last year, so their board certification won't be ready for re-certification until next year. Boards to be certified are: Eastern, Northeast, South Central, Southern, and Tulsa.

A motion was made by Valerie Thompson to certify the five boards, Eastern, Northeast, South Central, Southern, and Tulsa. Ken Doke seconded the motion. No further discussion. The motion carried unanimously.

### **Update on MOU, Center Certification, One-Stop Operator Procurement, and Local/Regional Plans**

- One-Stop Operator Procurement – This is a new provision under WIOA to competitively procure a one-stop operator. Erin reported that all areas did a competitive procurement and now we are in the monitoring/compliance phase to make sure it was all done properly. DOL began a desk monitoring a couple of weeks ago and they elected to monitor the Southern and Tulsa areas procurement, contracts and policies. There were some minor areas of improvement or adjustments but no red flags. We will be checking the other areas so make sure they make changes to any of those same types of improvements/adjustments that DOL found.
- Center Certification – That policy went out on June 30, 2017, and according to the WIOA law, all centers had to be certified by July 1, 2017. DOL offered us an extension for Center Certification, but they did not give us a timeline. We elected to have all of the centers to be certified by September 30, 2017. Some of our areas are well on their way to doing that and some have had some hang-ups. We have requested a few areas to send us a formal request for an extension. We still have two areas that need to submit a formal request for an extension.
- MOU – We've had some difficulty with getting the MOUs executed. As part of the extensions that DOL gave us, the MOUs were not an extension. MOUs were due July 1. MOUs have been done for the past several years, so it is nothing new but there are some

areas that are having some challenges completing their MOUs. The issue early on is that the new MOUs under WIOA require that infrastructure be part of it, but DOL gave an extension on the infrastructure piece of it so that does not have to be done with the current MOUs, but does need to be done later on down the road. We did our best as states to argue with DOL to align all of the extensions because MOUs interact with Center Certification which interacts with infrastructure. But they would only give us the extension on Center Certification and infrastructure. So MOUs still have to be done by July 1. Most of the areas have secured their MOUs. We hired an outside mediator to help get some of those done and identify some issues, but we are looking at one or two areas that are challenged in completing their MOUs. Erin's question to the WSOC is that at some point we may really need to consider what sanctions will be for not completing something that is not brand new but is something that has been done for a long time, and whether the state needs to provide more technical assistance or that we are just not getting cooperation from some of the local areas. Regarding the IFA, Erin added that we know that funding is part of the issue here, but all of the MOUs have to be reviewed again after the funding piece is added. So at that time, if the funding changes, you can change your MOU. The funding piece is critical but it doesn't prevent the MOUs from being accomplished at this time. The concern that Erin has is that there is one area that has about 35 outstanding MOUs, and for us to use state resources and pay an outside consultant to help with what seems to be an egregious level of MOUs, it's not one or two outstanding partners, it's multiple. She doesn't feel comfortable using state resources to fund what should be done as a requirement of a local area.

John Hawkins recommended that since the MOUs will need to be changed after the funding piece is added, that we let the area know that they should go ahead and sign them so we can proceed with this and get the funding determined. The second MOU with the IFA included will be the one that is binding. Ken Doke asked if this should be taken a step further and issue sanctions of some sort? Erin said she is happy to start with a letter issued to their board to issue to their partners to try to get participation to sign. At this time the board itself is not willing to sign their own MOU. Richard McPherson said that perhaps the board is not as informed as it should be about the issue. Erin said the state agencies have all signed MOUs with other areas, so that is not the problem. John said to add in the letter that "in the event that you choose not to sign the MOU(s), there is a potential for some sanctions that could be imposed on you for not complying". The WSOC suggested that Erin send a formal letter from the WSOC/Governor's Council to the board chair, CLEO, and director and copying to the board members, outlining ramifications or sanctions if they do not sign the MOU(s). It was decided to send a first letter giving a deadline and if that isn't met, then come back with a second letter if they don't comply. John suggested October 1<sup>st</sup> as a deadline.

Local/Regional Plans – Jeane Burruss said that all of the plans have been received and approved. Technical assistance has been given for the Eastern, Tulsa, and South Central Areas and they are ready to submit their revisions. The Northeast regional plan technical assistance will be given at their regional board meeting. Western is still working on theirs. Erin stated that once all are done, OOWD will ask the WSOC to ratify the plans.

## **Old Business**

None.

**New Business**

Erin said the Department of Rehabilitation Services has been working on an Access For All certificate as a recognition factor to display in the Centers for those areas who have really been working hard towards this. There are two certifications available - 1) physical for the facility and 2) for technology. This is not up for a vote, but OOWD just wanted to make the WSOC aware and to showcase the good work that is being done.

**Next Meeting**

The next meeting will be October 13, 2017, at 2:00 p.m.

**Adjournment**

The meeting adjourned at approximately 3:30 p.m.

*Respectfully submitted,  
Linda Emrich*