



ALEXANDRIA / ARLINGTON REGIONAL
Workforce Council

EXECUTIVE COMMITTEE MEETING AGENDA
May 19, 2017
8:30 am to 9:30 am

Welcome Message

Daniel Gomez

LWDA 12 Update

David Remick

- One-Stop Operations Update
- Local Plan Update & Public Comments
- Local Policy Review
- June Meeting Agenda

Next Steps/Adjourn

Daniel Gomez



ALEXANDRIA / ARLINGTON REGIONAL

Workforce Council

May 10, 2017

Mr. George Taratsas
Administrator, Federal Workforce Programs
Workforce Development Services
Virginia Community College System
300 Arboretum Place, Suite 200
Richmond, VA 23236

RE: Response to VCCS Identified Deficiencies from LWDA 12 WIOA Plan

Mr. Taratsas:

Per your request, below please find the Alexandria/Arlington Regional Workforce Council's document addressing the deficiencies identified by your office regarding our WIOA Plan.

A. Local Strategic Planning Elements (VWL 16-01, Change 1, pgs. 4-5):

1. The following elements were unclear or incompletely addressed; provide additional clarity/depth in the description:
 1. Strengths and weaknesses of the region's workforce investment activities. No need was expressed for additional resources and services for Hard-to-Serve populations (e.g., Youth and Offenders)

The Alexandria/Arlington Regional Workforce Council defines "Hard-to-Serve" populations as special participant groups that face multiple barriers to employment who are one or more of the following:

- Adult and youth ex- offenders;
- Basic skills deficient individuals
- Homeless individuals;
- Lack of educational and/or occupational skills attainment;
- Living with a disability;
- Long-term unemployed;
- Low-income workers earning wages below self-sufficiency;
- Older workers;
- Poor work history and/or lack of work experience;
- Pregnant and parenting youth;
- Public assistance recipients (TANF, SNAP, SSI, Medicaid, etc.);
- Runaway youth;
- Youth in, or previously in, foster care.

The Council, along with the two American Job Centers, Alexandria Workforce Development Center and Arlington Employment Center, are part of our jurisdictions' Continuums of Care. The Centers provide various resources and services for Hard-to-Serve populations, including:

- Resources to support the workforce development needs of these populations with services including a variety of skill-development workshops (interviewing, resume writing, Federal job application assistance, social media, and basic computer skills), WIOA/VIEW/TANF/SNAPET programs, refugee services, referrals to public school adult education/ESL programs, Social Security Employment Networks, and staffed Resource Centers.
- Direct referrals to each jurisdiction's Department of Human Services to receive housing, financial, medical, and crisis assistance services. The Departments of Human Services also refer job seekers to the two American Job Centers.
- Direct referrals to community-based organizations that provide food, shelter, job-training, and re-entry support services. The community-based organizations also refer job seekers to the two American Job Centers.

While the communities of Alexandria and Arlington provide a wealth of resources to support the Hard-to-Serve populations, the region's primary need is for employers to provide work experience/internships and to hire individuals from this special populations group. The region's Business Services representatives will continue to reach out to area employers to create hiring events and work experience opportunities for this populations to access. These Business Service activities are funded through local tax revenue.

B. Local Workforce Development System Elements (VWL 16-01, Change 1, pgs. 6-10):

1. The following elements were unclear or incompletely addressed; provide additional clarity/depth in the description:
 - a. Youth Services Provided – add detail in describing service strategies

Each participant receiving services from the WIOA Youth Program through the Alexandria/Arlington American Job Centers will work with program staff to create an Individual Service Strategy (ISS) for their program participation. ISS plans are a collaboratively built document that details participant need for training, education and support service assistance. It details the goals that they have for their time in the program, and their anticipated need throughout, based on objective assessments completed. ISS plans are updated when any changes occur, and reflect the needs of the participant as they meet the needs of the workforce. The ISS will identify and document:

- The educational goal(s) of the participant;
- The employment goal(s) of the participant including non-traditional employment goals, if applicable;
- Appropriate achievement objectives for the participant;
- Appropriate services to be delivered and justification for the services to be provided;
- Any referral(s) to other services/programs and justification for such services needed, but not available in the Alexandria/Arlington's American Job Centers.

All services delivered to WIOA Youth should be detailed in the ISS plan, along with justification and resources needed. All expenditures should be tied to goals in the ISS plan, demonstrate completion of performance metrics, and show the related participant level of need.

- b. Adult & Dislocated Worker Services Provided - add definition of hard-to-serve populations with additional barriers to employment

The Alexandria/Arlington Regional Workforce Council defines “Hard-to-Serve” populations as special participant groups that face multiple barriers to employment who are one or more of the following:

- Adult and youth ex- offenders;
- Basic skills deficient individuals
- Homeless individuals;
- Lack of educational and/or occupational skills attainment;
- Living with a disability;
- Long-term unemployed;
- Low-income workers earning wages below self-sufficiency;
- Older workers;
- Poor work history and/or lack of work experience;
- Pregnant and parenting youth;
- Public assistance recipients (TANF, SNAP, SSI, Medicaid, etc.);
- Runaway youth;
- Youth in, or previously in, foster care.

- c. Collaboration with Adult Education and Literacy - be more specific

Alexandria City Public School and Arlington Public School run the WIOA Title II Adult Education and Literacy programs for the Alexandria/Arlington Workforce Development Region. These programs support the development of the region’s workforce by providing foundational education necessary for employment. Services include adult literacy, workplace adult education and literacy, family literacy instruction, English language acquisition instruction, integrated English literacy and civics education and activities, workforce preparation activities, and integrated education and training. WIOA Title I Youth and Adult participants are referred to WIOA Title II programs as determined by their Individual Service Strategy (ISS) plans.

While there are tuition fees associated with these services, the school systems collaborate with the two American Job Centers, as well as their Departments of Human Services, to subsidize participation for those youth and adults in need of financial support. The school systems, Departments of Human Services, and American Job Centers have formalized points of contact to provide for a seamless referral processes and follow-up activities to ensure positive outcomes of co-enrolled participants. When appropriate, these partners also identify and coordinate outreach efforts to shared customers.

- d. The Fiscal Agent - add methods and strategies used to ensure timely expenditure of WIOA funds

Arlington County Government, the fiscal agent for the Alexandria/Arlington Regional Workforce Council, prepares a preliminary annual budget for the regional allocation of WIOA Title I funds provided by the Virginia Community College System. The Regional Workforce Council Executive Director, in collaboration with the fiscal agent, uses a LEO approved jurisdictional re-allocation

formula to determine the final WIOA Administrative funding levels for each American Job Center, as well as allowable carry-over funding limits and other Federal and state imposed funding allocation limits (ex. 40% Adult/Dislocated Worker Expenditure on Training Requirement).

The WIOA Title I budget is reviewed and adopted by the Alexandria/Arlington Regional Workforce Council. The Executive Director sends the approved WIOA Title I budget, along with links to relevant Federal, state, and local policies, to the American Job Center Directors. The Directors include the WIOA Title I budget within their operating budgets which are produced by their jurisdictional Departments of Human Services. These budgets are funded primarily through local tax revenue, as well as state and Federal grant funds. WIOA Title I funds comprise less than 20% of the American Job Center operating budgets.

On the second Friday of each month, the Regional Workforce Council Executive Director, in collaboration with the fiscal agent, reviews WIOA Title I monthly expenditure/obligation and performance reports to monitor spending and output activity. The Executive Director then shares his analysis of year-to-date cash flow and program activity with the American Job Center Directors to ensure timely expenditure of WIOA Title I funds and compliance to negotiate performance goals. The Executive Director periodically updates the Alexandria/Arlington Regional Workforce Council on year-to-date progress for their input.

- e. Clarify the supportive service provision for your region, pgs. 65 and 67 seem to be different

The supportive service provision for the Alexandria/Arlington region is determined by the Alexandria/Arlington Regional Workforce Council's Supportive Services/Needs Related Payments Policy, found here <https://workforcecouncil.arlingtonva.us/policies/>. This policy was used to draft the response found on pages 64-67 of the LWDA 12 WIOA Plan. There is no inconsistency between page 65 and 67. Please provide additional details regarding this request.

- f. Stated compliance with WIOA Section 188, but not how on pg. 21 (except for computer technology access and provision of Ticket to Work services on pg. 59)

Both American Job Centers participate in the Social Security Administration's Ticket to Work Employment Network. As two of the Commonwealth's highly-used Employment Networks, the Centers, in partnership with the Virginia Department of Aging and Rehabilitative Services, have increased opportunities for persons with disabilities (PWD) to obtain training, employment, vocational rehabilitation, and other support services. Each Center employs a certified Disability Employment Counselor to support the employment and training activities of PWD.

Disability Employment staff, along with each jurisdiction's ADA Compliance staff work with the American Job Centers to ensure that physical space and programming comply with Federal, state, and local laws. When a PWD requests an accommodation to access any and all Center programs, staff work with Disability Employment/ADA Compliance staff to secure the resource. If the resource cannot be secured internally, the Center will procure the resource from an approved third-party vendor.

C. Attachments (VWL 16-0, Change 1, pgs. 10-11):

1. Please provide the following documents, which are missing from the Plan:
 - a. Grievance Policy (non-EO)

The Alexandria/Arlington Regional Workforce Council will be amending its EO Grievance Policy to include procedures for accepting non-EO grievances. The revised policy can be found in Attachment A of this document and will be approved by the Council during its June 8, 2017 meeting.

E. Plan Development; Activities Aligned with Combined Plan Goals and Priorities; and Activities Aligned with Special Emphasis Areas (VWL 16-01, Change 1, pgs. 3-4):

1. Per review of your Local Plan, it did not appear to be in alignment with the Virginia Combined State Plan regarding Goals and “Special Emphasis Areas” as per page 3 of the VWL 16-01, Change 1 Requirements for Workforce Innovation and Opportunity (WIOA) Local Workforce Development Area Plans. We ask that you include a separate section to address the required elements more clearly.
 - a. More clearly state the priorities that the Board will choose to focus on during the program period and provide specific details about how programming will result in achievement of the priorities identified. It would have been more informative to address co-location, common screening and assessment, affirmative referrals, business services teams, and credential attainment

The Alexandria/Arlington Regional Workforce Council adopted the Commonwealth’s priorities and customized each for implementation in LWDA 12, as follows:

Goals	Strategies
<i>Increase business engagement in order to deliver value to our stakeholders.</i>	<p>Our American Job Centers will be empowered to more effectively identify, engage and serve unemployed/underemployed job seekers and businesses by:</p> <ul style="list-style-type: none"> • Through co-location, Business Services Team’s effort can reach all Workforce System Partner customers. • Through common screening/assessment/affirmative referrals, Business Service Teams can target employer outreach based on the interests of registered job seekers. • Through in-demand credential attainment, employers will have access to candidates who match their education requirements.
<i>Achieve measurable skills development in our job seeking customers in the form of workforce credentials that matter to business.</i>	<p>Increased and deeper engagement with labor market information and businesses will bolster awareness of regionally relevant credentials and inform collaboration across partners, as well as investments in training.</p>

Goals	Strategies
	<ul style="list-style-type: none"> • Through co-location, disseminate relevant labor market information to all Workforce System partner customers. • Through screening/assessment/affirmative referrals, move jobseekers onto appropriate career pathways that lead to in-demand industry credentials. • Through Business Services Teams, engage employers to better understand their skill and credential needs. • Through credential attainment, deliver skilled and credentialed candidates to employers with openings.
<p><i>Fill jobs in demand occupations that show promise for long-term growth in industries that are strategic to Alexandria City's and Arlington County's economy and strengthen our region.</i></p>	<p>By continuing to focus on Alexandria City's and Arlington County's regional target sectors for economic development, as we have through our Comprehensive Economic Development Strategy, regional Workforce System Partners are directly working towards closing supply gaps in industries poised for growth.</p> <ul style="list-style-type: none"> • Through co-location, disseminate regional target sectors to all Workforce System partner customers. • Through screening/assessment/affirmative referrals, move jobseekers into appropriate long-term growth industries. • Through Business Services Teams, focus a portion of their activity on developing job orders for the in-demand occupations in the region's long-term growth industries. • Through credential attainment, deliver skilled and credentialed candidates to target sector employers.
<p><i>Help individuals, including individuals with barriers, gain access to the middle class and demonstrate career progression.</i></p>	<p>Labor market information and Northern Virginia Community College's career pathway tools will support career guidance that, when combined with the information from the Business Services Team, leads to middle class opportunities.</p> <ul style="list-style-type: none"> • Through co-location, disseminate Northern Virginia Community College's Career Pathways tools to all Workforce System partner customers.

Goals	Strategies
	<ul style="list-style-type: none"> • Through screening/assessment/affirmative referrals, move jobseekers onto appropriate career pathways that lead to the middle class. • Through Business Services Teams, focus a portion of their activity on developing job orders that pay middle-income wages. • Through credential attainment, place job seekers on their pathway to the middle class.
<p><i>Ensure that workforce system public investments generate a quality return to Alexandria City, Arlington County, and the customers we serve.</i></p>	<p>By more effectively serving businesses and jobseekers, the region's Workforce System Partners will be collectively working to support economic growth and advancing prosperous communities.</p> <ul style="list-style-type: none"> • Through co-location, work towards all Workforce System Partners: <ul style="list-style-type: none"> ○ Paying their fair share of American Job Center costs; ○ Increasing their year-over-year programmatic results; ○ Moving their customers onto a pathway towards economic independence.

The WIOA Local was developed jointly by the members of the Regional Workforce Council's Executive and One-Stop Operations Committees. Members of these committees include:

Executive Committee:

- 2 Adult Basic Education and Secondary Career Technical Members;
- 4 Business Community/Economic Development Members;
- 1 Community Based Organization Member;
- 1 Human Services Member;
- 1 Laborers' International Union of North America Local 11 Member.

One-Stop Operations Committee:

- 1 Alexandria City Department of Community and Human Services Member;
- 1 Alexandria City Public School - Adult Basic Education and Secondary Career Technical Education Member;
- 1 Arlington County Department of Human Services Member;
- 1 Arlington Public School - Adult Basic Education and Secondary Career Technical Education Member;
- 1 Northern Virginia Community College Member;

- 1 Virginia Department for Aging and Rehabilitative Services/Virginia Department for the Blind and Vision Impaired Member;
- 1 Virginia Department of Labor and Industry Member;
- 1 Virginia Employment Commission Member.

b. Provide more description and definitions as it relates to the inter-agency collaborations.

Inter-agency collaborations are facilitated during quarterly One-Stop Operations Committee meetings. Members of this committee include local education and workforce services program leaders of the following agencies:

- 1 Alexandria City Department of Community and Human Services Member;
- 1 Alexandria City Public School - Adult Basic Education and Secondary Career Technical Education Member;
- 1 Arlington County Department of Human Services Member;
- 1 Arlington Public School - Adult Basic Education and Secondary Career Technical Education Member;
- 1 Northern Virginia Community College Member;
- 1 Virginia Department for Aging and Rehabilitative Services/Virginia Department for the Blind and Vision Impaired Member;
- 1 Virginia Department of Labor and Industry Member;
- 1 Virginia Employment Commission Member.

These meetings will be used to facilitate inter-agency collaborations by:

- Unifying the region's Workforce System Partners under a common agenda and shared outcomes;
- Making relevant LMI accessible and actionable;
- Supporting professional development for workforce system staff;
- Disseminating (quarterly) a list of high-demand occupations that support target sectors in the Alexandria/Arlington and Washington metropolitan regions;
- Delivering career pathway tools that are aligned with priority occupations that are specific to the Alexandria/Arlington and the Washington metropolitan regions, as developed by Northern Virginia Community College;
- Seeking opportunities for improving the referral process between Workforce System Partners;
- Seeking opportunities for continuous improvement process;
- Identifying additional funding needs that the Regional Workforce Council can support through participating in grant competitions.

The Workforce System Partners will also use these quarterly One-Stop Operations Committee to ensure that they have a common understanding of system issues and their underlying causes, establish a shared vocabulary, and develop shared measures beyond WIOA that gauge success of Partners' collective contributions. As examples the partners can develop a shared formula for calculating Return on Investment, a common customer satisfaction survey, and economic independence metrics.

Finally, the partners will also use the committee meetings to review, and plan the usage of, Northern Virginia Community College's Career Pathways tools. These interactive maps and charts

will present the region's in-demand occupations and credentials overlaid with the College's non-credit course information and the Public Schools' Career and Technical Education/Adult Education curriculum. The first of these tools will focus on in-demand Information Technology occupations and will be followed by healthcare occupations.

F. Additional Recommendations Include:

1. Please make corrective edits to the following statements/areas:

- a. Change high school "degree" to high school "diploma"

Completed.

- b. Review the market analysis for grammatical errors and also correct those sections which were copied into the remainder of the plan

Completed.

If you have any questions, please contact me at dremick@arlingtonv.us or 703.228.1412.

Sincerely,

David Remick
Executive Director

ATTACHMENT A

EQUAL OPPORTUNITY/NONDISCRIMINATION/GENERAL GRIEVANCE POLICY

REFERENCE

- Workforce Innovation and Opportunity Act (WIOA) Title I
- 29 CFR Part 37

POLICY

It is the policy of the Alexandria/Arlington Regional Workforce Council to provide equal opportunity to all WIOA program applicants and participants without regard to race, color, religion, gender, national origin, age, disability, or political affiliation or belief. Any person alleging discrimination under the Workforce Innovation and Opportunity Act has the option of filing his or her written complaint with the Alexandria/Arlington Regional Workforce Council EO Officer:

David Remick
Executive Director & EO Officer
Alexandria/Arlington Regional Workforce Council
2100 Washington Blvd.
First Floor
Arlington, VA 22204
dremick@arlingtonva.us

Please note: any person with a general, non-discriminatory grievance may also file a written complaint to the Alexandria/Arlington Regional Workforce Council EO Officer. All non-discriminatory grievance complaints will follow the procedures outlined in this policy, unless specified otherwise.

Determining Jurisdiction

The first step in processing a complaint is to determine if it is within the Alexandria/Arlington Regional Workforce Council's jurisdiction – that is, if the Alexandria/Arlington Regional Workforce Council has the legal authority to accept the complaint for investigation. There are three considerations that determine jurisdiction – basis, timeliness, and whether the respondent is a recipient of DOL funds.

- **Basis:** For discriminatory grievances, the Alexandria/Arlington Regional Workforce Council can accept and investigate only those complaints that allege discrimination on the basis of race, color, religion, national origin, gender, political affiliation or belief, age, or disability because of citizenship or participation in WIOA. For all other grievances, the Council can accept and investigate only those complaints that occur when using WIOA Title I funded services.
- **Timeliness:** The Alexandria/Arlington Regional Workforce Council will accept and investigate a complaint only if it is filed within 180 days of the alleged violation.
- **Recipient of WIOA Funds:** The Alexandria/Arlington Regional Workforce Council can accept and investigate only those complaints in which the respondent – the program or activity against which the complaint is filed – is a program or activity funded in whole or in part by WIOA funds.

Notifying the Respondent and the Complainant

Once it is determined that a complaint is within the Alexandria/Arlington Regional Workforce Council's jurisdiction, the complaint is investigated by the Alexandria/Arlington Regional Workforce Council's EO Officer. The EO Officer sends the respondent (the administrator or manager of the program/activity receiving funds) notice, which informs him or her that the Alexandria/Arlington Regional Workforce Council has accepted the complaint and includes:

- The complainant's name,
- A brief description of the allegation,
- A description of the information or documentation needed for the investigation, and time in which it is to be submitted,
- A reminder to the respondent that any form of retaliation or intimidation against the complainant because he or she has filed a complaint is prohibited, and
- The name and telephone number of the Alexandria/Arlington Regional Workforce Council's EO Officer assigned to the case.

A copy of the complaint may be provided to the respondent if it is requested. The EO Officer also sends the complainant a similar notification letter. Both the respondent and the complainant are encouraged to informally resolve the complaint prior to the issuance of a determination. This process could take up to 30 days to complete.

Data Collection

A complaint can be investigated in two ways: through analysis of data relevant to the investigation and/or through an on-site investigation. Data needed to determine the merits of the allegations in the complaint should be identified. A written list of questions is forwarded to the respondent, complainant, and other parties such as witnesses. Some questions will require a written response, some will request records, and others will require documentation. The EO Officer analyzes the data and, if it is sufficient, a determination as to whether or not discrimination occurred may be issued without an on-site investigation. This process could take up to 30 days to complete.

The On-Site Investigation

The EO Officer conducts the complaint investigation at the site of the alleged violation when:

- The issues are complicated;
- After reviewing the data collected, it is determined that several witnesses must be interviewed or many records reviewed; or
- The Alexandria/Arlington Regional Workforce Council's EO Officer has received several complaints against the same respondent.

Before arriving on-site, the EO Officer contacts the respondent to establish a date and time for the on-site investigation, to identify records and other documents to be made available for review, and to identify individuals to be interviewed. This should be regarded as an initial information request. As the investigation proceeds, the EO Officer may identify additional information requirement or interviewees. The respondent should identify a person responsible for coordinating the on-site investigation. Once on-site, and before meeting with the respondent, the EO Officer meets with the complainant to review the complaint and to obtain any additional information not contained in the complaint or case file.

The opening conference is held at the respondent's facility; the EO Officer meets with the respondent and/or respondent's representatives to:

- Describe the complaint being investigated, including the specific allegation(s) and issue(s) under investigation and the Alexandria/Arlington Regional Workforce Council's authority to investigate them;
- Confirm arrangements made by the respondent to assure the EO Officer privacy, including setting aside a private area for the EO Officer to conduct interviews and review documents;
- Confirm the interview schedule of individuals named in the complaint, as well as other witnesses; and
- Schedule other meetings, such as the orientation meeting for information collection and the exit interview.

Normally, the EO Officer does not discuss the merits of the complaint during the opening conference.

Gathering Evidence

In an on-site investigation, the EO Officer gathers evidence by interviewing and by reviewing records. Initially, the EO Officer interviews the official(s) representing the respondent and the person(s) named in the complaint. Information obtained includes:

- The respondent's account of the facts,
- Additional persons the respondent wishes interviewed and the matters on which each witness can be expected to provide information,
- Documentation that the respondent wishes reviewed.

The EO Officer also interviews witnesses – that is, all individuals named either by the complainant or the respondent as witnesses. As the investigation progresses, the EO Officer may identify additional individuals who should be interviewed. In addition to conducting interviews, the EO Officer gathers information by reviewing records and other documents, beginning with those initially requested. As the investigation progresses, the EO Officer may require additional records. When the records required are voluminous or complex, the EO Officer may hold a meeting with the staff responsible for keeping records to:

- Acquaint the EO Officer with the respondent's information system,
- Acquaint the respondent with the EO Officer's information needs,
- Assign specific document or information request to the appropriate person.

Types of Evidence

In general, evidence falls into five categories:

- Direct evidence is evidence of the actual, subjective intent of the person(s) charged with discrimination. It may take the form of an admission of discriminatory purpose, although this will rarely occur. You will most often find such an admission during an interview, when a person is explaining or justifying his or her actions. Direct evidence encompasses more than admissions: it also includes any facts tending to establish the subjective motives of persons involved in the alleged discrimination.
- Circumstantial evidence includes facts from which one may infer intent or discriminatory motive. Circumstantial evidence proves intent by using objectively observable data. It does not, however, prove anything directly about actual subjective intent – for example, historical information on how members of the protected group have been treated by the respondent and similar complaints.
- Comparative evidence is that which identifies difference(s) in treatment of similarly situated individuals based on their race, sex, or other protected basis. For example, this might involve comparing the quality and quantity of services provided a group of the same race with services provided to a group of a different race. If there is no adequate non-racial explanation for the differences, it is reasonable to infer that race may be a factor.
- Statistical evidence is most often used to demonstrate the adverse effect of a procedure, policy, rule, or selection criteria. The evidence will have to show that a substantial disparate impact exists, and that it is not due to chance. Such evidence may include EO data reports and monitoring reports.
- For non-discriminatory grievances, direct evidence of the actual, subjective intent of the offender(s).

The Exit Conference

When the on-site investigation has been completed, within 30 days the EO Officer will hold an exit conference with the respondent to clarify the information obtained during the on-site investigation or to

request additional information. The EO Officer expresses no opinion about the information collected during the on-site investigation and makes no analysis or conclusions about the issues.

Administrative Closures

Pre-investigative administrative closures occur prior to the initiation of the investigation. A pre-determination administrative closure is one which occurs between the initiation of an investigation and before an investigative report is drafted. Investigations may not be administratively closed if they imply or involve class issues, which have not been corrected for all members of the class. Investigations that are not class involved may be administratively closed if one or more of the following conditions exist – that is, if the complainant:

- Refused to cooperate in the investigation;
- Cannot be located;
- Is deceased;
- Withdraws the complaint in writing; or
- Was fully resolved through mediation or conciliation.

If the complainant can be located, he or she must be notified in writing that the complaint is being administratively closed and explain the reason for the decision.

Analysis of Evidence (for discriminatory grievances only)

Disparate Treatment

To determine if it is reasonable to believe that discrimination based on disparate treatment occurred a three-phase analytical process will be used. This process is as follows:

PHASE 1: PRIMA FACIE

This phase is a determination as to whether there is sufficient evidence to raise an inference of discrimination. An inference *does not prove* discrimination; rather, it allows you to go on to the next analytical set(s) – determining whether the inference is correct.

An inference of discrimination based on disparate treatment can be established when an eligible/qualified individual shows that he or she was treated differently because of a prohibited factor. In the case of systemic or pattern-or-practice discrimination and inference of discrimination may be established by showing that individuals or groups are treated differently based on race, sex, or some other prohibited factor.

The Supreme Court created a template for establishing a case by inference based on disparate treatment. The elements of a prima facie case may vary depending on the facts of the complaint, but such elements often include the following:

1. The aggrieved person was a member of a protected class;
2. This person applied for, and was eligible for federally assisted program or applied and was qualified for employment;
3. Was denied services or employment despite being eligible/qualified; and
4. After this denial, the respondent selected applicants for services or provided employment to persons not in the complainant's group with similar eligibility or qualifications.

PHASE 2: REBUTTAL

The second phase is the respondent's opportunity to defend itself. If there is sufficient evidence to establish a prima facie case, the investigator must determine if the respondent can articulate a "legitimate, nondiscriminatory reason" for the challenged action.

PHASE 3: PRETEXT

Once the respondent has articulated a reason for the disparate treatment, the investigator must examine the respondent's reasons and evidence relevant to the complaint. Where facts are in dispute, the investigator should attempt to corroborate the facts independently. If the respondent's defense is not based on a legitimate requirement, the investigator may show that the rebuttal evidence presented by the respondent was a "pretext" for discrimination.

Types of evidence that may be helpful in proving pretext are:

- The respondent failed to follow its own rules, policies, and procedures;
- The respondent acted inconsistently with its own stated, legitimate nondiscriminatory reason;
- Evidence obtained in the investigation contradicts the nondiscriminatory reasons; or
- The reason offered now was not offered to support the challenged decision at the time it occurred, suggesting the reason was offered as an afterthought.

Disparate Impact

The model for proving discrimination based on disparate impact is different from the disparate treatment model because the underlying theory is different. Rather than seeking to prove that the service or training provider had a discriminatory motive, you are seeking to prove that a policy, requirement, or practice has a *disproportionate effect* on a particular group or groups. Indications of disparate impact are most likely to arise in the context of a compliance review.

Adverse Impact

The investigator will need to develop evidence that can be tested for adverse impact by making a comparison of the effects of the policy, requirement, or practice in question on members of the complainant's protected class with persons not in the protected class. The evidence in an investigation of a case involving disparate impact will likely include both *statistical* and *comparative* evidence (see "Types of Evidence").

The first step is determining whether there is disproportionate representation of protected class members participating in the program in question (for example, four percent of participants in a training program are female, while fifty percent of the applicants are female). In this case, the investigator will want to look at the application process and other aspects of program administration to determine if there is evidence that a policy or practice is causing the disparity. If there is a statistically significant disparity between the representation of protected class members remaining after application of the challenged policy or requirement when compared with the representation of persons not in the protected class, a *prima facie* case has been established.

After determining that the numbers show significant differences, the next step is to determine what caused the disparities. The investigator must identify which policy, requirement or practice accounts for the adverse impact. That requires focus on the points in the decision making process where some applicants become participants and others do not. (For example, identifying which requirements or practices have the result of screening out more women applicants than you would expect to be screened out, given the number of women applicants.)

Business Necessity

Identifying the requirements or practices that have the adverse impact *does not prove* disparate impact discrimination. A determination must be made as to whether the requirement that has the adverse impact is *job related and necessary*. (For example, a requirement that a firefighter trainee weigh at least 150 pounds

could disproportionately screen out women as a group, even if some women can meet the requirement and some men cannot.)

In this scenario the service or training provider would have to provide evidence that the weight requirement is necessary for a job related reason (for example, evidence that the weight test is an accurate predictor of a person's ability to handle firefighting equipment).

Alternative Practice

Even if the weight test accurately predicts success in firefighting, if it has an adverse impact, the service or training provider must first try to devise a standard that *does not have adverse impact* to determine whether an applicant can handle the equipment.

Post Investigation

Investigative Report

An investigative report is a written document that sets out in a detailed and logical fashion (a) all facts pertinent to the case, (b) analyzes those facts in light of the complainant's allegations, and (c) recommends a determination as to the validity of the allegations based on that analysis. The following is a suggested format:

- Introduction
- Allegations
- Analysis
- Conclusions
- Recommendations

The investigative report should be a document separate from the formal letter of findings. Generally, the investigative report is not released to the complainant or the service or training provider except in the case of a Freedom of Information Act request or Privacy Act request. Ideally, an investigative report should be prepared whenever a full investigation is completed. If an investigative report is not done in every case, it should be prepared for complex cases that involve extensive analysis. An investigative report should also be prepared for all cases resulting in a violation. If the case is straightforward, raises only limited issues, does not involve significant rebuttal by either party, and results in a no violation finding, an investigative report may not be necessary.

Letter of Findings

The purpose of the letter of findings is to notify the parties in writing of the determination made on each issue. Letters of findings must be prepared for all investigations, regardless of whether a violation is found. A written notice of final action must be sent within 90 days after the filing date of the complaint. Complainants must be notified of their right to file a complaint with U.S. Department of Labor's Civil Rights Center (by mail: 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210; by email: CRCEXternalComplaints@dol.gov) if they believe the determination is unsatisfactory.

Each letter of findings must:

- State the jurisdictional authority including the basis for the investigation;
- Address all issues covered in the investigation, and for each issue reach conclusions which are supported by an explanation or analysis; and
- State the determination for each issue investigated.

Corrective Actions for Discrimination Grievances

When technical violations are found during compliance monitoring, the EO Officer will notify the recipient in writing of the violations along with recommendations for corrective action. The EO Officer is responsible for providing technical assistance to correct the violations.

Corrective action may include policy development or educating individuals responsible for implementing the required action. A follow-up visit or contact will be made by the EO Officer to evaluate progress made toward resolving the violations. Violations as a result of an investigation and/or monitoring efforts shall be made to achieve voluntary compliance by corrective action or a conciliation agreement to correct the discrimination.

In general terms, the complaint procedure is as follows:

- Corrective action shall be completed within 45 days from the date of initial notification of the violation.
- Follow-up monitoring will be conducted to determine whether compliance has been achieved.

If the EO Officer concludes that compliance cannot be achieved through voluntary means, he or she will notify the U.S. Department of Labor's Civil Rights Center in writing, to include the following:

- The apparent violation(s) and the pertinent nondiscrimination or equal opportunity provision(s) of 29 CFR part 37;
- The efforts made to achieve voluntary compliance; and
- The corrective action the recipient must take to redress the violation.

CASE MANAGEMENT & CASE NOTES POLICY

REFERENCE

- Workforce Innovation and Opportunity Act, Sec. 185

POLICY

The purpose of this guidance is to describe the general expectations and responsibilities for professional staff performing Case Management support for participants enrolled under WIOA.

The general term Case Management is used to describe an individualized, staff-focused service approach of professionally assisting and coordinating a customer's entire program participation from time of program application to post-program follow-up. The key concepts with this comprehensive service philosophy include individualized attention, timely and responsive customer assistance, proactive needs assessment and service planning, and effective case file management (both paper file and on Virginia Community College System's online WIOA System of Record). The general Case Management responsibilities for WIOA program customers begin as early as program application and eligibility determination and continues throughout a customer's entire program participation including: initial assessment, employability planning and development, program enrollment, objective assessment, establishment of an Individual Employment Plan, deployment of program services, program completion, outcomes, post-program activities and follow-up.

All Counseling Notes for WIOA funded participants must be recorded electronically using the System of Record's available Case Note functionality. This collection of individual Counseling Notes should begin at the time of first meeting or conversation with a program applicant and then continue with any each additional significant event or milestone that may occur as a participant progresses through the normal evolution of program application and full program participation. Having a chronological and clear written history of significant program events, meetings and discussion with the customer as recorded in the Counseling Notes is a foundational hallmark of and prerequisite for effective case management.

Benefits of Effective and Timely Counseling Notes

- Clear and concise chronological understanding of all critical events associated with a customer's program participation.
- Provides a comprehensive and immediate feedback on the current status and history of every customer served.
- Archival written documentation of all past events long after clear recollection has faded.
- Facilitates improved case management and program coordination by offering a timely, cumulative history of a participant's entire period of participation.
- Promotes improved follow-up of services for the customer regardless of changing staff assignment due to up-to-date nature of service record.

Electronic Posting of Counseling Notes Requirements and Guidelines

- When reviewed collectively, the individual counseling notes must describe the participant's entire period of participation and clearly provide any outside reviewer with a comprehensive understanding that tells the participant's entire story during program participation.
- Must clearly depict significant program milestones and events.
- Notes must reflect all significant contact and conversations with the customers.
- Notes must record all efforts to contact and follow-up with the customer, including unsuccessful contact attempts.

- Notes must be recorded in database system within 10 days (if not sooner) after meeting with customer.
- Notes must record any significant update to the customer's program participation.

Examples of Proper Counseling Notes

Sample Note by Employment Services Specialist for George W. – First Meeting

Date: March 30, 2017 **Duration:** 60 minutes **Location:** AEC Offices
Client: George Wilson

George W. is a 36-year old African American male who expressed interest in returning to full-time employment after being laid off from his last employer, The American Can Company. During our introductory session learned more about his work interests, work history and goals for employment. George has a history of working in the American Can Company has a Material Handler, but is interest in some type of work that would lead to a managerial position. George is interested in learning more about other kinds of trades that would enhance his career opportunities and goals. George signed all necessary paperwork and Consent of Release of Information. Referred George to Resource Center to start search for types of management positions he may be interested. Next meeting is on April 10th at 9 a.m.

Sample Note by Employment Services Specialist for George W. – Second Meeting

Date: April 10, 2017 **Duration:** 30 minutes **Location:** AEC Office
Spent the meeting discussing George's career interests. George is definitely interested in finding a job and we scheduled a follow-up appointment for April 25, 2017 at 9 a.m. via telephone to discuss progress. Also referred George to Job Club and asked him to prepare a draft resume for us to review at our next meeting.

Sample Note by Employment Services Specialist for George W. – Call from Client

Date: April 25, 2017 **Duration:** 15 minutes **Location:** Telephone
Client: George W.

George W. reports being hired as a Site Supervisor with Murphy Construction Company, with a rate of pay of \$16.00 per hour, full-time with benefits. George's start date is May 10, 2017. The employer's address is: 12347 South Signal Avenue, Bethesda, Maryland. George asked and will receive transportation supportive services. George was asked if there was anything further needed prior to starting his new position, and he stated "no" at this time and will stay in touch if there are any changes in his employment status. First quarter follow-up will be conducted on August 9, 2017.

Public Comment Period & Comments Received

The Alexandria/Arlington Regional Workforce Council published a draft of this regional Strategic Plan on <https://workforcecouncil.arlingtonva.us/> from December 27, 2016 through January 25, 2017. The Council distributed this URL and requests for public comment widely, including to Council members and past community attendees, to community partners, and on Arlington Independent Media (WERA-LP 96.7 FM)'s "The Workforce Show". What follows are the public comments received, in their original form:

Mr. Remick –

I have read with interest the Alexandria/Arlington Talent Development Strategic Plan and offer up the following public comments:

- 1) Labor Market: I found the snapshot of our regions labor market of particular interest and concur the success of future workforce planning must include collaboration and effective labor market data sharing between the private, public and non-profit sectors
- 2) Labor Market: I feel the local labor market is mostly successful in attracting well-paid private and federal contractor jobs but the region must make stronger efforts to attract, train and retain the regions more lower-wage industries that cater to these higher wage jobs (i.e.: service industry jobs like hospitality)
- 3) Talent Attraction: Talent attraction and retention is key to the long term sustainability of the region and should be a key strategic focus of the Talent Development Strategic Plan
- 4) Vision: I would welcome the specific inclusion of the non-profit industry in the "Vision" of the plan
- 5) Goals: I would welcome inclusion of a matrix to allow for measuring success of the plan and accountability of its goals
- 6) Staffing & Oversight: I welcome oversight and implementation to include the Arlington County Manager. I pose the question: How does A-SPAN and other NPO's fit into the plan and how could NPO clients secure gainful workforce skills. I would welcome the addition of employer based incentives for workers with disabilities and NPO clients in need of supportive employment services.

Thank you for considering and sharing my public comments.

Scott Miller | Senior Director of Development
A-SPAN
smiller@a-span.org

Dear Mr. Remick:

Regarding the public comment for the WIOA strategic plan, I wanted to add the following:

Many of the universities in Northern Virginia have transfer agreements with Northern Virginia Community College (NOVA) which will allow students to complete their bachelor's degrees. In addition, some of the universities in Virginia have bachelor degree completion programs which provide classes in the evening, online or in hybrid formats which are convenient for working adults. Two of these universities are public institutions whose tuition is considerably lower than private and for profit institutions. Once individuals complete their undergraduate degrees they have greater job opportunities and are more likely to advance in their current position or be considered for other positions as they have a

credential coupled with work experience. When these individuals are promoted their vacancies provide employment opportunities for others at the entry level. Two universities in Northern Virginia are also state universities.

Universities in Northern Virginia also provide certificate programs. These credentials cost less than a degree and enable people to gain expertise in their career niche or allow them to shift the focus of their careers to other areas within the same field. Certificate programs provide professional development for incumbent workers and allow employers to retain middle managers and develop a pipeline of leaders in their companies.

If you have questions please let me know.

Thanks,

Lisa O'Quinn

June 8th Agenda:

- Welcome
- LMI Update
- Doug Parsons, VEDP
- Registered Apprenticeship, Crystal Thrower
- One-Stop Operations Update
- WIOA Local Policy Approval
- 2017-2018 Meeting Calendar & Meeting Topics
- Chair/Vice Chair Elections



WIOA Title I Youth Program Procurement – Local Waiver

Issue

- Under the Workforce Investment Act, LWDA 12 secured a waiver that allowed Title I Youth Services to be performed at the Alexandria Workforce Development Center and Arlington Employment Center. That waiver has expired.
- Workforce Innovation and Opportunity Act (WIOA) requires the competitive procurement of Title I Youth Services, unless they are being performed by the local grant recipient.
- LWDA 12's grant recipient, Arlington County Government, would like to continue to perform Title I Youth Services at the Alexandria Workforce Development Center and Arlington Employment Center.

Background

Recently, the Department of Labor has issued the Final Rules to implement Title I of the Workforce Innovation and Opportunity Act (WIOA). The Final Rules provides the local grant recipient and Local Workforce Development Board (LWDB) flexibility to award grants or contracts for youth services in accordance with WIOA sec. 123.

As it relates to competitive selection requirement, 20 CFR Part 681, *Youth Activities under Title I of the Workforce Innovation and Opportunity Act*, has language that addresses questions and concerns regarding procurement of WIOA Title I Youth Program services. In particular, Subpart C – *Youth Program Design, Elements, and Parameters*, Section 681.400 language clarifies that the competitive procurement requirements in Sec. 123 of WIOA apply only if the LWDB chooses to award grants or contracts to youth service providers to provide some or all of the youth program elements.

The 14 youth program elements are:

1. Tutoring, study skills training, and instruction leading to secondary school completion, including dropout prevention strategies;
2. Alternative secondary school offerings or dropout recovery services;
3. Paid and unpaid work experiences with an academic and occupational education component;
4. Occupational skill training, with a focus on recognized postsecondary credentials and in-demand occupations;
5. Leadership development activities (e.g., community service, peer-centered activities);
6. Supportive services;
7. Adult mentoring;
8. Follow-up services for at least 12 months after program completion;
9. Comprehensive guidance and counseling, including drug and alcohol abuse counseling;
10. Integrated education and training for a specific occupation or cluster;
11. Financial literacy education;
12. Entrepreneurial skills training;
13. Services that provide labor market information about in-demand industry sectors and occupations;
14. Postsecondary preparation and transition activities.

The Alexandria Workforce Development Center and the Arlington Employment Center have been allowed to perform Title I Youth Services via a state-issued waiver under the Workforce Investment Act. Since 2011, LWDA 12's Title I Youth Program has met its annual performance goals and maintained financial



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integrity. Title I Youth Program Funding is approximately \$200,000 for Program Year 2017 (awaiting final allocation from VCCS).

LWDA 12's Youth Services Program Design

Alexandria Workforce Development Center and Arlington Employment Center perform the “framework services” for LWDA 12’s Title I Youth program. These framework services include intake, objective assessments, development of individual service strategies, case management, supportive services, and follow-up services. Both Centers partner with the following local government and nonprofit partners to provide free services to their youth customers for the 14 youth program elements:

Youth Program Element	Provider
1. Tutoring, study skills training, instruction and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent.	<ul style="list-style-type: none"> • Sylvan Learning Center • Alexandria City Public School, GED Program • Arlington Public School, GED Program
2. Alternative secondary school services, or dropout recovery services, as appropriate.	<ul style="list-style-type: none"> • Alexandria City Public School, GED Program • Alexandria City Campaign on Adolescent Pregnancy • Substance Abuse Prevention Coalition of Alexandria City • Alexandria City Court Service Unit • Arlington Public School, GED Program
3. Paid and unpaid work experience that have as a component academic and occupational education, which may include – <ul style="list-style-type: none"> • Summer employment opportunities and other employment opportunities available throughout the school year; • Pre-apprenticeship programs; • Internships and job shadowing, and • On-the-job training opportunities 	<ul style="list-style-type: none"> • Local Employer Referrals from the Centers’ Business Services Teams • Project Discovery: <i>Empowerment and College Preparation</i>
4. Occupational skills training which may include priority consideration for training programs that lead to recognized postsecondary credentials that are aligned with in-demand industry sectors or occupations in the local area	<ul style="list-style-type: none"> • Alexandria/Arlington Regional Workforce Council, Eligible Training Providers List
5. Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster	<ul style="list-style-type: none"> • Alexandria/Arlington Regional Workforce Council, Eligible Training Providers List
6. Leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social	<ul style="list-style-type: none"> • Project Discovery: <i>Empowerment and College Preparation</i> • Alexandria Mentoring Partnership • Alexandria Court Services Unit



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behaviors during non-school hours, as appropriate.	
7. Supportive Services (<i>Linkages to community services</i>) <ul style="list-style-type: none"> • Transportation • Childcare • Housing and Accommodation for youth with disabilities • Uniforms • Referrals to Healthcare • Educational Testing 	<ul style="list-style-type: none"> • Alexandria City Department of Community and Human Services • Arlington Department of Human Services • Legal Services of Northern Virginia • Washington Metropolitan Area Transit Authority
8. Adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months	<ul style="list-style-type: none"> • Various partnerships with local and regional mentorship-focused CBOs
9. Follow-up services for not less than 12 months after the completion of participation, as appropriate	<ul style="list-style-type: none"> • Alexandria Workforce Development Center • Arlington Employment Center
10. Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate.	<ul style="list-style-type: none"> • Various partnerships with local and regional counseling-focused CBOs
11. Financial literacy education	<ul style="list-style-type: none"> • Association of Financial Counselors
12. Entrepreneurial skills training	<ul style="list-style-type: none"> • Business Development Assistant Group
13. Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services.	<ul style="list-style-type: none"> • Alexandria/Arlington Regional Workforce Council • Virginia Employment Commission
14. Activities that help youth prepare for and transition to postsecondary education and training.	<ul style="list-style-type: none"> • Alexandria City Public School • Arlington Public School • Project Discovery: <i>Empowerment and College Preparation</i> • Volunteer Alexandria

When the Centers cannot procure free services to perform the 14 youth program elements they will follow local government procurement procedures to purchase services for their youth customers.

Action Requested

- The local grant recipient would like the Regional Workforce Council to approval a local waiver to allow Alexandria Workforce Development Center and Arlington Employment Center to continue to perform Title I Youth Services for Program Year 2017.

Approved:

Chair, Alexandria/Arlington Regional Workforce Council

Date