

**STATE WORKFORCE INVESTMENT BOARD
REGULATORY COMMITTEE
RED LION COLONIAL HOTEL
ROOM: SENATE**

Staff: Connie Kinsey & Leslie Duffy

1:00 Welcome & Introductions Leroy Bingham

Update committee charge and goals

-Committee Discussion

-Public Comment

-Committee Consensus

Follow-up on workforce development programs document

-Committee Discussion

-Public Comment

-Committee Consensus

Discussion:

- Geographic boundaries of the Concentrated Employment Program
- Concerns of Tribal and Urban 166 Grantees

2:45 Adjourn

3:00 Report to full board Leroy Bingham

Issue: Committee Goals, Charge, and Duties

Committee: Regulatory

Date: September 4, 2003

Overview:

As the committee moves forward with its charge, a review of the committee's goals and duties should be conducted to assess progress made and determine a direction for the committee into the future.

Existing Charge and Duties:

Charge

To oversee and coordinate the implementation of the Governor's and the board's strategic workforce development plans through the actions and operational directives of the state's executive agencies. In addition, ensure compliance with applicable laws and regulations governing workforce development programs, and bring policy issues and recommendations to the Governor and the board.

Duties

- Assess the responsiveness of the workforce development system, and the programs under the control of the individual state departments, in meeting the identified employer needs
- Publicize the workforce development resources available for training and job placement to Montana's employers and workers
- Make policy recommendations to the Governor and the board to improve responsiveness of the system in meeting the needs of employers and individuals in Montana
- Improve and expand the number of Job Link Centers through stronger partnerships and improved service integration
- Strengthen connections among the state's departments in meeting workforce development needs, including better coordination among K-12, post-secondary education, and workforce development services
- Continually review compliance requirements of state board per federal and state law

Action Needed:

Discuss existing charge and duties, and recommend changes to the full board as necessary.

Options:

1. Establish a timeline for completing the committee's stated duties.
2. Narrow the focus of the committee's duties to one or two items for the remainder of FY 2004, and prioritize goals for 2005.
3. Broaden the focus of the committee's duties and establish a timeline to measure progress.
4. Keep the existing charge and duties.
5. Another option determined by the board.

If auxiliary aids and services or special accommodations are required, please contact Penney Clark at 444-4100.

Issue: Local Workforce Investment Area Designation

Committee: Regulatory

Date: September 4, 2003

Overview:

Prior to releasing Workforce Investment Act Title IB funding allotments to states, Governors were required to designate Local Workforce Investment Areas.

In July 1999, Montana's Governor designated the two existing Service Delivery Areas under the Job Training Partnership Act (JTPA) as the State's designated local workforce areas: a ten county Concentrated Employment Program (CEP) area (Lewis & Clark, Broadwater, Powell, Deer Lodge, Madison, Meagher, Jefferson, Granite, Silver Bow and Beaverhead counties) and the Balance of State (BOS) area, composed of the remaining 46 counties. Both CEP and BOS areas served as a service delivery area under JTPA and operated successful programs. In 1999 both areas submitted requests for designation under WIA to the State Board. The State Board recommended approval of both requests for designations for the duration of the Workforce Investment Act and in July 1999 the Governor designated the BOS and CEP as local workforce investment areas to be in place when Montana implemented the Workforce Investment Act in 2000.

Currently Montana is one of four states nationwide operating a Concentrated Employment Program (CEP) area for service delivery. Montana's CEP area was established in the late 1960's, originally as a six county area with four more areas added to the area in the mid 1970's. At the time the CEP area was established this area of Montana was facing high layoffs and severe economic downturn. Today these same circumstances are playing out in other areas of the state, but due to restrictions in the Workforce Investment Act designation of local workforce investment in that designation must take place prior to submitting the State's five-year implementation plan there are no provisions allowing the Governor to explore any type of reconfiguration of the workforce development system.

Gov. Judy Martz and Wendy Keating, Commissioner of Labor and Industry, recently sent letters Senator Conrad Burns and Senator Max Baucus, expressing their concerns with HB 1261, which is the House's version of WIA reauthorization, and the lack of provisions in that bill to allow Governors more flexibility in designating local workforce investment area. (Note: WIA reauthorization is now in the Senate but the states haven't received their version or redraft of WIA reauthorization as yet.)

Recommendation:

1. Discuss this issue with the full Board; and
2. Recommend assignment to the Regulatory Committee to explore options available to states, such as:
 - o Re-designation of local workforce investment areas, particularly the Concentrated Employment Program local area;
 - o Requesting waivers from USDOL allowing more flexibility for Governors in designating local workforce areas;

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- Write letters of to the congressional delegation in support of more flexibility for Governors.

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WORKFORCE INVESTMENT ACT SECTION 166 GRANTEES

Prepared by: Connie Kinsey, MT Dept. of Labor and Industry

Section 166 grantees receive funds directly from USDOL to provide services to Indians/Native Americans as required and allowed in Title I of the Workforce Investment Act of 1998.

Section 166 grantees as a required partner in the WIA one-stop delivery system

Native American programs are one of 18 required one-stop partners. Required partners are entities responsible for administering programs and activities in a local workforce investment area. According to WIA Regulations at 662.200 required partners must:

- make available applicable program services to participants through the one-stop delivery system;
- use a portion of funds to help create and maintain the one-stop delivery system;
- participate in the operation of the One-stop system consistent with the terms of the MOU and requirements of WIA Section 121(b)(1)(B); and
- provide representation on the Local Workforce Investment Board
- enter into a Memorandum of Understanding (MOU) with the local board relating to the operation of the One-stop system.

Tribal Membership on Community Management Teams

Community Management Teams (CMT) are a group of one-stop partners cooperatively planning Workforce Investment Act activities in a community system. The CMT is the governing body in communities across Montana and is part of the workforce system JobLINC. Community Management Teams may have a different makeup from community to community. Agencies in the community may or may not choose to participate in a Community Management Team; other entities such as reservation tribal representatives or Job Corps for example are not in all CMTs depending on whether or not they are located in the Community Management Team area. There are 18 Community Management Teams in the Balance of State local area and 3 in the Concentrated Employment Program local area, comprising WIA Title IB Service Providers, mandatory partners including Vocational Rehabilitation, Montana Experience Works, Inc. (formerly Green Thumb), Native American programs, Job Corps, and Wagner-Peyser, which is provided through the Job Service Workforce Centers.

- The Fort Peck tribe is a member of the Northeast Montana Job Service Workforce System community management team in which the Glasgow and Wolf Point workforce centers are certified BOS One-Stop Centers.
- The Blackfeet tribe has several members on the Rocky Mountain Front community management team with the Rocky Mountain Front Workforce Center in Cut Bank the certified one-stop center.
- The Crow and Northern Cheyenne reservations are in close proximity to Billings, which is the site of the South Central JobLINC certified one-stop center. There does not appear to be representation from either of these tribes on the community management team in this area.
- The Montana United Indian Alliance in Billings is a member on that community management team. The Helena MUIA also is a member of the Capital Area Workforce System.

Memorandum of Understanding

WIA emphasizes full and effective partnerships between Local Boards, Chief Elected Officials and One-Stop partners and requires Local Boards and partners enter good-faith negotiations through a Memorandum of Understanding. The Memorandum of Understanding is an agreement developed and executed between the Local Board and the One-Stop partners in the operation of the One-Stop Delivery system in the local area. Title 166 recipients, as a mandatory partner in the one-stop delivery system are required to enter into MOUs with the local workforce investment board in the WIA local workforce area where they are located.

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- MOU should include:
 - a description of services;
 - a description of how each partner's respective cost associated with their performance in delivery of identified services as well as operating costs of the system will be funded;
 - arrangements for funding of services, received by a partner's client (examples may be core services beyond self assistance and/or intensive services) and are provided by one-stops;
 - methods of referral of individuals between one-stop operator and Indian/Native American grantee;
 - exchange of information on services available and accessible through one-stops and Indian/Native American programs for referral and case management services to Native American participants.

An MOU may include all required partners **OR** may be separate MOUs between local workforce boards and one or more partners.

The Confederated Salish and Kootenai Tribal Department of Human Resources and the Kicking Horse Job Corps Center signed a Memorandum of Understanding in the Balance of State local area in 2000.

WIA says that a Memorandum of Understanding should be developed with partners in local areas where Indian/Native American Section 166 recipients conduct field operations. In Montana there are two local workforce investment areas, the Balance of State (BOS) and the Concentrated Employment Program (CEP). There are eight Indian/Native American recipients of Section 166 funds, the seven reservations (Flathead, Blackfeet, Rocky Boys, Fort Belknap, Fort Peck, Crow and Northern Cheyenne) located across the state and the Montana United Indian Alliance (MUIA) with the executive office located in Billings and satellite offices in Miles City, Helena, Butte, and Great Falls. The seven reservations are all in the Balance of State local area with three of the reservations in close proximity to the designated/certified WIA one-stop centers in the BOS. MUIA provides WIA services to off-reservation Native Americans in both the BOS and CEP local areas.

WIA does not require that **all** Indian/Native American Section 166 grantees execute individual MOUs with local workforce investment boards nor does it require the signature of all grantees on a single MOU in each local area. Grantees however are encouraged to work with the certified one-stops located near them and with Montana's two local workforce boards to develop MOUs in their local area or sign on to existing MOUs.

Failure to Executive a Memorandum of Understanding

Reporting Requirements:

Local Boards AND mandatory partners are required to report any failure to execute an MOU to the Statewide Workforce Programs Bureau (on behalf of the Governor) and the State agency responsible for administering the partners program. NOTE: In Montana each Section 166 grantee receives WIA funds as a single entity. There is no State agency responsible for overall administration of the WIA Title 166 program in Montana.

Technical Assistance:

Local Boards and the Title 166 grantee may request technical assistance from the Statewide Workforce Programs Bureau and any other appropriate party. Should all efforts to execute an MOU fail, the Statewide Workforce Programs Bureau and the Title 166 grantee may consult with the appropriate Federal agencies to address impasse situations.

Sanctions if there is no MOU in place with the local workforce investment boards

Local Boards and partners must document the negotiations and efforts that have taken place to execute a Memorandum of Understanding.

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- Local Boards that fail to have an MOU with all required partners are not eligible for State incentive grants awarded on the basis of local coordination of activities. (WIA Regulations at 666.310(a)-(c))
- Any partner that fails to execute an MOU with the local board may **not** be permitted to serve on a Local Board.

The Board and/or partner sanctions listed above are in addition to any other remedies that may be applicable to that Local Board or each partner for failure to comply with statutory requirement.

Incentives for MOUs

Title 166 Grantee Incentives:

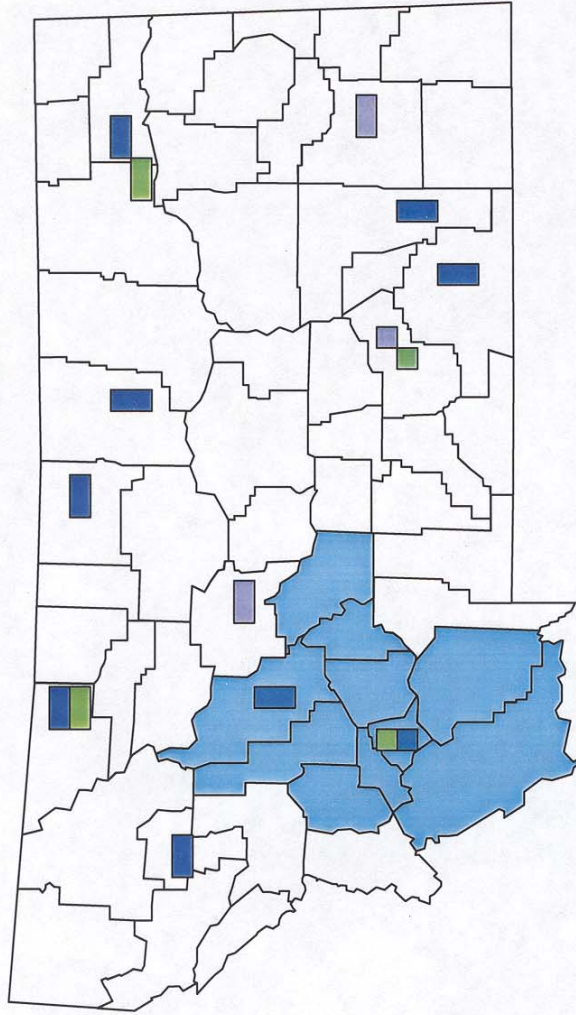
There are no monetary incentives for the Title 166 grantee through the Workforce Investment Act for having MOUs in place with the local boards. Non-monetary incentives would be the benefits received through cooperation in the one-stop delivery system such as:

- the potential for access to well-rounded services through the one-stop delivery system; and
- the partnerships developed through membership on Community Management Teams and the local boards.

Incentive for Local Boards

In order for Local Boards to be eligible to receive State incentive dollars they must have signed MOUs in place.

**Montana Workforce Investment Areas
Title 166 Recipients
WIA Certified One Stop Centers**



CEP LOCAL WORKFORCE INVESTMENT AREA
(10 counties)
Lewis and Clark Meagher
Powell Broadwater Madison
Granite Jefferson Silver Bow
Madison Deer Lodge

LOCAL WORKFORCE INVESTMENT AREA
BALANCE OF STATE
Made up of remaining 46 counties

WIA CERTIFIED ONE-STOP CENTERS
-Billings South Central JobLINC Center
-Butte One-Stop Workforce Center
-Cut Bank Rocky Mountain Front Workforce Center
-Glasgow/Wolf Point Northeast Montana Job Service Workforce Center

WIA TITLE 166 RECIPIENTS – TRIBAL
Flathead, Crow, Fort Belknap, Rocky Boy, Northern
Cheyenne, Blackfoot.

WIA TITLE 166 RECIPIENT
MONTANA UNITED INDIAN ALLIANCE (MUIA)
Billings – central office
Butte, Helena, Great Falls, Miles City