

**Zoom Meeting Session
1:30 – 3:30 pm**

LOG IN INFO:

Join from PC, Mac, Linux, iOS or Android: <https://us02web.zoom.us/j/85799019586?pwd=cHg5MXE1dVNaOUwzQTIEbjkybDNPOT09>

- (Password: VHMEx6)
- Conference call: US 888-822-7517 . conference code 194369

1:30 CALL MEETING TO ORDER

Quorum Roll Call / Housekeeping.....*Kevin Smith, Chairman*
Beam Suntory

Brief Board Introductions.....*John Lyons, Executive Director*
KWIB

2:10 PRESENTATIONS, DISCUSSION AND ACTION RELATED TO STRATEGIC PLAN / OPERATIONS

Update with KWIB Chair.....*Kevin Smith, Chairman*
Beam Suntory

Administration Goals and Vision*Lieutenant Governor Jacqueline Coleman*

Cabinet Updates

Education and Workforce Development Cabinet.....*Mary Pat Regan, Deputy Secretary*
Department of Labor / Unemployment*Representative, Department of Labor*

2:30 BUSINESS / DISCUSSION

- **Minutes of May 2020 KWIB Meeting /Notes Review August 2020 (ACTION REQUIRED)**.....*Kevin Smith*
- **Grant Opportunity Overview**.....*John Lyons*
- **Work Ready Strategic Plan**.....*Kevin Smith*
 - Executive Order Overview / KY Works Collaborative Update*John Lyons*
 - Merging committee opportunity – Education Attainment and Employer Engagement.....*Kevin Smith*
(ACTION REQUIRED)
 - *KY Stats / Metrics update*.....**Scott Secamiglio, KY STATS**
 - Workforce Participation and Sustainability.....**Amy Luttrell, Committee Chair**
 - Family Resource Simulator *Goodwill Industries*
 - Covid Impact on Workforce
 - Next Steps
 - Resource Alignment and Funding.....**Kim Menke, Committee Chair**
 - Resource Mapping Update *Toyota Motor Manufacturing*
 - Policy updates 15-001; 15-002 and 17-002 **(ACTION REQUIRED)**

- Education Attainment and Employer Engagement..... *Beth Davisson, Committee Chair*
Kentucky Chamber
 - Perkins Leadership *updates*
 - Joint Meeting Schedule
 - Recruitment of Members
 - Education and Employer Strategic Plan Health Check

- WorkReady Communities Update*Lori Ulrich, Committee Chair*
Fleming-Mason Energy
 - County evaluation discussion (**ACTION REQUIRED**)
 - Criteria discussion (**ACTION REQUIRED**)
 - 2021 deadline calendar (**ACTION REQUIRED**)

- Deep Dive Overview*John Lyons, KWIB*

- 2021 calendar overview (**ACTION REQUIRED**)..... *Kevin Smith, Chairman*
Beam Suntory

- Other as Needed

3:15 ADJOURNMENT

MEMBERS PRESENT: Rob Southard, Lori Ulrich, Pat Murphy, Josh Benton, Kim Menke, Terry Sexton, Kim Menke, Kristina Slattery, Amy Luttrell, David Horseman, Adam Hinton, Dianne Owen, Lee Nimocks, Mayor Tom Watson, Kevin Smith, Heidi Margulis, and Scott Pierce.

CABINET STAFF PRESENT: Melissa Aguilar

CALL TO ORDER

- Pat Murphy called the meeting to order at 1:32pm.
- Meeting Minutes approved and the motion carried.

PRESENTATION, DISCUSSION AND ACTION RELATED TO STRATEGIC PLAN / OPERATIONS

○ **Education and Workforce Cabinet Updates and Discussion**

Josh Benton presented updates on UI, Workforce and COVID-19:

March 16th was the original date for business closures and with that, an increase in UI claims. About 2,000 resources were brought on to work UI. There were 40,000 claims just last week, with 27 different variables that can hold up a claim. There has been a decline over the last three weeks in initial claims, so there is a focus on those with no determination. Less than 2% have only one issue to resolve. They are being cautious with approvals since there will be people who do not qualify and are looking at more automated processes to help.

Return to Work date option was previously not available, but with changes in quarantine, there have been updates:

- Mass claims and e-claims - the employer can now submit return to work dates.
- If they did not mass claim or e-claim, the system updated in the last week to allow return to work dates will be added.
 - Once return to work dates are entered it will put in a stop payment
 - UI law states that if a worker is called back to work, and they don't go back, and they claim UI it is fraudulent
 - Directions are available on the employer self-service page at kewes.ky.gov and a link will be added to the KY Career Center
- Exceptions for returning to work according to the CARES Act:
 - If childcare is not open or the claimant has an adult dependent that does not have day care available
 - If the claimant is high-risk; a note from a physician is required
 - These exceptions will allow the claimant to move from UI to Pandemic Assistance Program
 - If the claimant goes to make a claim and a return to work date is entered, they can claim one of the two exceptions

Operationally there were many Cabinet members that transitioned to UI, but who will be moving back to their normal responsibilities. There will be many with permanent job loss that will need the training and job placement services. Discussion will also be happening with the local directors to open Career Centers to in-person services (with PPE, designs for customer flow, etc.)

Questions/Comments:

- Jimmy Higdon noted that staff has done well and future changes to the system is needed. Josh noted that an RFP was sent out earlier this year, and that a discussion on UI reform was needed
- Tom Watson referenced specific numbers and totals for UI, such as 670,000 on unemployment and payouts of 1.2B in benefits. He noted that local officials want to get people back to work and compared the number of COVID deaths and diagnoses to the amount of benefits paid out.
- Amy Luttrell questioned contact tracing and the impact on employers that are public facing. She specifically asked if a customer tested positive whether the staff would be required to stay home two weeks. Josh replied that he would follow up, but that he is not as involved in policy since this being led by CHFS. He also noted that with Career Centers reopening, this is something that will be reviewed. Amy mentioned that if this were the case it would increase the number of UI claims.
- Kim King asked about the Employer Handbook is being updated. Josh said the previous version has been pulled because they are currently making updates

Perkins Leadership

- Perkins Leadership Application Process Update
Kevin Smith presented and explained that work will continue on the application and requirements. The committee wanted to review the process to improve it and the application to be more aligned with KWIB goals, and to get progress updates from grantees by (virtual) visits to build relationships. Data and descriptive outcomes and expectations of success are important aspects to include so there are no rubber-stamping of applications for recurring requests like conferences. The focus will be on apprenticeships and special populations. Kevin requested the Executive Committee be as involved as possible. He also noted that Karla Tipton shared that the Department of Education granted an extension of the 2019-2020 year to June 2021

Updates on WorkReady STRATEGIC PLAN – An Urgent Call to Action

KYWORKS Collaborative Update

- Melissa Aguilar updated the group explaining that the executive order is still coming but has been pushed due to COVID-19 and will likely be completed in the June/July timeframe. Work has continued on the Resource Alignment Committee and the funding map. She noted that discussion on the next years' funding would look different due to COVID. KYSTATS is still working on the Benefit Cliff Analysis and calculator. The Committee will be able to present the calculator, draft MOA, and Resource Map at the first Collaborative Meeting after the executive order is completed.

WORK READY COMMUNITIES

- Melissa Aguilar reported that this work has currently been halted, so there is no application deadline. It may start back up in July. All 120 counties have been offered deep dive sessions, but only two requested and had them completed. This fall the criteria will be reviewed because it is in year three. Changes to education and employment may have an impact that should be discussed as well.

WORKREADY STRATEGIC PLAN AND DEEP DIVE TOPIC SESSIONS

- Pat Murphy asked the members if after reviewing the list for the deep dive sessions if there were any additional topics that needed to be added to the list. There were no concerns or requests provided. He did ask the KWIB members to log into the calls, as they were available. The first call will be held on 6/4

OTHER BUSINESS / DISCUSSION

ADJOURNMENT

- Motion and a second to adjourn the meeting. Motion carried. Adjournment at 2:23pm

MEMBERS PRESENT: Pat Murphy (CHAIR), Kevin Smith (Vice-CHAIR), Adam Hinton, Rob Southard, Carla Webster, Kim Menke, Heidi Margulis, Lori Ulrich, Curtis Carson, Ray Leathers, Sen Jimmy Higdon, Mayor Thomas Watson, Amy Luttrell, Terry Sexton, Scott Pierce, Keith Sparks, Susan Rieber (proxy to Lt. Gov /Sec Coleman), Chris Snyder (proxy to Sec Hayes), Lee Nimocks (proxy to Dr. Aaron Thompson), Sec Roberts, Mary Pat Regan

INFORMATION MEETING ONLY; non-voting meeting; 88 total members and observers logged in

Welcome/ Updates from the Chair – Pat Murphy – 1:30pm

This is an informational meeting only. Melissa explained that Department of Labor mandated that we have separate membership to represent the Office of Vocational Rehabilitation and Adult Education segments and those two positions are currently vacant. Deputy Secretary Mary Pat Regan is waiting to hear back from Boards and Commissions on new / changed membership.

Amy Luttrell asked about the non-compliance. Melissa mentioned a few resignations within the membership as well as changes within the administration.

Pat Murphy shared that he will be retiring from UPS November 30, 2020 and will look to others to step into his position as Chair as the Governor sees feasible.

COVID and Cabinet Updates in Kentucky – Jessica Cunningham / Michael Clark

The Workforce participation rate declined to 4% since COVID; job openings are now around 11,000 and UI duration has declined; the unemployment rate for KY is currently at 4.3%. Dr. Cunningham asked Dr. Clark to share an update on the data.

Dr. Clark indicated there are different measures of employment. The Bureau of Labor Statistics asks unemployed households a series of questions. The unemployment rate does not include all populations. He cautioned us using the unemployment rate to judge the economic health because not all statistics are included. KY has had more people who have exited the workforce and are not seeking employment. Dr. Clark spoke to using an “employment to population ratio” as a better barometer. Dr. Clark reviewed several other good employment indicators and explained we are in line with the rest of the nation in unemployment since COVID began.

Several questions were posed to Dr. Clark about measurement of the numbers he provided. Data can be found at https://kystats.ky.gov/Reports/Tableau/2020_ICEE and https://kystats.ky.gov/Reports/Tableau/KWD_2020

KYSTATS presentation – Scott Secamiglio

Information provided in the links above include analysis including gender, race, industry and annual income received in 2019 compared to 2020. Secamiglio explained reports are forthcoming on additional data related to COVID.

Unemployment Insurance Update - Sec Larry Roberts

Secretary Roberts explained 3100 new claims were filed on 8/17 so we still have some ground to catch up. As of Aug 17, KY has paid out \$3.7 billion in State and Federal payments since the pandemic.

A new petition was filed to FEMA this week to get the \$300/ wk per claimant. The Labor Cabinet also filed through the CARES act to receive the additional \$100 / claimant providing as much money as possible to claimants. The Unemployment Insurance and Career Development office became part of the Department of Labor as of 8/16/20.

The loan balance requested from the Department of Labor is \$865 million, which was a line of credit; we have drawn down \$225 million out of that line of credit (thru end of August). We have already submitted a new line of credit request to cover the next three (3) months at the end of August we anticipate drawing down approximately \$300 million. By the end of calendar year of 2020, we will have drawn down approximately \$750 million to care for the unemployment influx.

Cabinet Updates – Melissa Aguilar

Melissa included the new org chart for review. She explained that Josh Benton is no longer with the Cabinet effective 7/13/20.

Reimagine Grant Submittal – Josh Lyon

John Lyons explained the Reimagine grant KWIB submitted by 8/21. KY wants to be among the first submitting. \$15-\$20M is available. It is anticipated that 7-8 grants will be awarded. We should know within the next few months if we are among those awarded.

Chair Murphy recognized Kim Menke and Toyota as sending letters of support along with several other small businesses. Shannon Gilkey has also been instrumental in supporting this effort. All assistance is appreciated.

Terry Sexton asked what number of employees a company has to be considered a small business. Small businesses have 30 or less employees. There are 23,000 small businesses are in KY. \$9.9B in payroll in KY.

Scott Pierce asked how post-secondary education is aligned with this grant opportunity. Shannon replied that this grant would provide resources for post-secondary education to create strategies to become aligned in supporting small business efforts.

Kris Williams commented that the reimagine K-12 grant opportunities recently funded \$180M to rethink K-12 Education during Coronavirus.

Work Ready Communities update – Melissa Aguilar

Melissa updated the group that Work Ready Communities is currently on pause because of COVID. We want to allow communities time to prepare and not be rushed with limited resources in submitting their applications. We have also asked counties who recently submitted to resubmit so that we have not missed any submittal.

In October, Melissa is facilitating a meeting with the Work Ready Communities review committee to review the criteria; Lori Ulrich, member of KWIB, will be leading the team that will review of the criteria.

Work Ready Strategic Plan - Pat Murphy

An Executive Order for the new KY Education and workforce Collaborative was signed on July 7, 2020, by Governor Beshear. We are resuming collaborative meetings as well as, all committee meetings.

Deep Dive sessions – Melissa Aguilar

Melissa explained we will continue sessions in October. Broad takeaways of the sessions will help refine focus of board, the strategic plan and deliverables. Additional Deep Dive topics have surfaced. Strategic plan updates with a summary of these sessions will be provided. Pat urged greater participation from the KWIB members as well as those who are observing.

KY Works Collaborative Update – Amy Luttrell

WorkForce Participation and Sustainability Committee

- Charged with promoting increased workforce participation rate. The gap in KY is wider than pre-COVID (many individuals not looking for employment – various reasons).
- Additional tools for benefit recipients, professionals who assist those needing assistance and policymakers is now available in prototype form – nccp.org/tools/frs/index.php
- The committee is currently researching what other states are doing related to policy changes. The childcare and earned income tax credit are among those policies that have changed in other states. The committee is reviewing all options currently.

Resource Alignment and Funding – Kim Menke

- Rescheduling deep dive sessions for this committee’s work related to the resource mapping process.
- Deloitte has continued to refine numbers and meet with partners who evaluate funding streams. Definitions are very important and we are trying to confirm dollars by entity and by population. Having a new administration allows us to reanalyze where we stand.
- Accurate and continued communication is key as this committee uncovers opportunities for change in funding.

Education and Employer Engagement – Kevin Smith

- Perkins Partnerships have taken place and discussions with all partners have gone well. Relationships have now been formed for better support.
- After the full KWIB Board is confirmed, a motion can be made at the November meeting to potentially blend the Education and Employer Engagement committees. Both committees have worked in collaboration the entire time.
 - David Horseman noted this will be very productive for KDE and K-12

Future of “Live with Industry” classroom events – Melissa Aguilar

Melissa explained the KWIB wants to be more involved and align further with the Chamber’s “Bus to Biz” events. Specifically the KWIB wants to be included at the table. Tom Watson explained they have great partnerships with the technology school, FAME, with Owensboro KCTCS as examples if needed, in moving forward. Melissa said she will reach out to him.

Closing – Pat Murphy

Chair Murphy explained that all Deep dive sessions are recorded – visit kwib.ky.gov where information can be found. He again encouraged participants to join committees where each person has passion for the subject matter.

COMMONWEALTH OF KENTUCKY
DEPARTMENT OF WORKFORCE INVESTMENT
(502) 564-7456

POLICY NAME: Workforce Innovation and Opportunity Act - Interlocal Agreements, Chief Local Elected Official and Local Elected Official Roles and Responsibilities

POLICY NUMBER: 15-002 (20)

DATE OF REISSUE: March 4, 2015; revised March 31, 2017; Reissued November 30, 2020.

EFFECTIVE DATE: March 31, 2017

APPLIES /OF INTEREST TO: Local Workforce Development Boards (LWDBs), Local Workforce Development Areas (LWDAs) staff, Chief Local Elected Officials (CLEOs) and Local Elected Officials (LEOs)

POINT OF CONTACT: Division Director, Department of Workforce Investment, Rachel.Adams@ky.gov, Procurement Team, Education and Workforce Development Cabinet.

PURPOSE: This policy provides guidance and clarification to LWDAs relating to the Interlocal Agreement process and the roles and responsibilities under WIOA.

BACKGROUND: The Workforce Innovation and Opportunity Act (WIOA) of 2014 (Public Law 133-128, July 22, 2014) enacted by the Congress of the United States, provides for federal funds to be granted to states, and for each state's Governor to designate LWDA within the state for the delivery of services and programs under the Act.

WIOA Section 107 and 20 CFR 679 subpart C provide guidance and direction on the role of CLEO(s) and LEO in the LWDA as designated by the Governor. DWI issuances provide support and clarification to the Act.

Realizing that local employment and training programs cannot be fully effective or implemented without intergovernmental coordination due to the fact that such programs and their implementation cross governmental, departmental, agency and political jurisdictions, LEOs shall enter into a written Interlocal Agreement. The Kentucky Interlocal Cooperation Act, KRS 65.210 through 65.300, permits local governmental units, upon approval by each fiscal court and the Department for Local Government, to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and to thereby provide services and facilities in a manner and form that will best accord with geographic, economic, population and other factors which influence the needs and development of local communities.

POLICY:

INTERLOCAL AGREEMENT

As noted in WIOA Section 107(c)(1)(B), when a LWDA includes more than one unit of government, the LEO of each unit may execute a written agreement that specifies the responsibilities of the CLEO(s) and the individual LEO(s):

WIOA Section 107(c)(1)(B) MULTIPLE UNITS OF LOCAL GOVERNMENT IN AREA. —

- (i) IN GENERAL.—In a case in which a local area includes more than one unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials—*
 - (I) In the appointment of the members of the local board from the individuals nominated or recommended to be such members in accordance with the criteria established under subsection (b); and*
 - (I) In carrying out any other responsibilities assigned to such officials under this title.*
- (ii) LACK OF AGREEMENT.—If after a reasonable effort, the chief elected officials are unable to reach agreement as provided under clause (i), the Governor may appoint the members of the local board from individuals so nominated or recommended.*

Additional DWI Guidance/Clarification:

An Interlocal Agreement is required for each LWDA.

The above policy applies except in such areas designated as Concentrated Employment Programs:

In the case of an area that was designated as a local area in accordance with section 116(a)(2)(B) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), and that remains a local area on that date, the governing body of the concentrated employment program involved shall act in consultation with the chief elected official [CLEO] in the local area to appoint members of the local board, in accordance with the State criteria established under subsection (b), and to carry out any other responsibility relating to workforce investment activities assigned to such official under this Act. (WIOA § 107(c)(1)(C)).

All LEOs in a workforce area shall enter into an agreement that determines how the LWDB nominees will be selected, appointed, removed or reappointed. The process must be documented in the Interlocal Agreement. The LEOs shall enter into an Interlocal Agreement as a requirement to appoint the LWDB.

In addition to the Interlocal Agreement, the LEOs also shall enter into a Partnership Agreement with the LWDB. The Interlocal Agreement and the Partnership Agreement which are the two governing documents must be consistent. The requirement for consistency applies to any item that is addressed in both governing documents. Both agreements are dynamic documents that can, and should, be amended when a need or desire arises and the respective signatories agree.

Interlocal Agreement Required Inclusions. LEOs must enter into an agreement with each other that, at a minimum, include the following sections:

(1) Purpose of the Agreement. Describe the purpose and the term of the Interlocal Agreement (not to exceed five years).

(2) Designation of a Chief Local Elected Official. The CLEO(s) are required by WIOA to approve or provide guidance on a number of LWDB activities. Therefore the Commonwealth requires LEOs to select a CLEO who will act on behalf of the other LEOs and to include the following information in the Interlocal Agreement:

- a) Selection/appointment process and term of the CLEO(s), which must include steps to ensure that his/her duties would not create or be perceived to create a conflict of interest between the consortium of LEOs, LWDB, fiscal agent or administrative entity; and
- b) The designation of the CLEO(s) to serve as the signatory for the LEOs;
- c) Outline the process by which the CLEO(s) will appoint members to the local board from the individuals nominated or recommended to be such members in accordance with the criteria established under WIOA Section 107(b), 20 CFR 679.320-360 and DWI Policy 15-001;
- d) Outline how the CLEO(s) will partner with the local board to create a local plan required by WIOA Section 107 (d)(1) and for program oversight as outlined in WIOA Section 107(d)(8);
- e) Outline any criteria by which the CLEO(s) shall agree to local board activity in WIOA Section 107 (d)(10) and (12);
- g) Outline the criteria by which the CLEO(s) shall agree to a local board's request to provide career services or service as a one-stop operator; and
- h) Name, title, and contact information of the appointed CLEO(s).

To avoid conflict of interest, the CLEO(s) shall not serve as the highest ranking officer on any Board or other entity that governs the fiscal agent or service delivery provider.

(3) Participating Local Elected Officials. The agreement must contain the name, representation, contact information and signature of each LEO in the local area. The Interlocal Agreement shall require a governing board of LEOs and bylaws and shall not be administratively attached to the fiscal agent, grant subrecipient, one-stop operator, or service provider.

(4) Dispute Resolution. The Interlocal Agreement must state how disputes among LEOs will be resolved regarding LWDB board appointments and carrying out other responsibilities under WIOA.

(5) Fiscal Agent or Grant Subrecipient Designation. The CLEO(s) may designate an entity to serve as the local fiscal agent or local grant subrecipient for WIOA funds. In making such designation, the LEOs shall carry out a competitive procurement process approved by the Department of Workforce Investment for fiscal agent services or grant subrecipient services, including a Request for Proposals that has been reviewed and approved by the Department of Workforce Investment and which provides that proposals will be evaluated and ranked based upon criteria including but not limited to quality of services, demonstrated experience of quality service delivery, cost, conflict of interest policies, and history of fiscal integrity.

Such designation shall not relieve the CLEO(s) of the primary liability for any misuse of grant funds. The CLEO(s)' liability may be apportioned among all of the LEOs in the Interlocal Agreement.

(6) Grant Recipient/Liability of Funds. The Interlocal Agreement must indicate the CLEO(s)' acknowledgement of financial liability as noted in WIA 107(d)(12)(B)(i)(I) and outline the process for determining each LEO's share of responsibility. This determination could be based on allocation, population, expenditures, or other criteria determined by the LEOs. The Interlocal Agreement must contain a detailed process for reconciling disallowed costs. In most cases, liability for costs which are recommended for disallowance and which are not resolved, rest with the entity responsible for incurring the cost. In the event the entity responsible cannot or will not assume the liability, the Interlocal Agreement must provide the process on how funds will be reimbursed.

(7) Local Area Service Delivery Provider. As authorized in WIOA Section 107(g)(2), 20 CFR 679.410(a) and (b), and 20 CFR 678.610. a LWDB may provide career services described in WIOA Section 134(c)(2) through a one-stop delivery system or be designated or certified as a one-stop operator only with the agreement

of the CLEO(s) and the Governor. See WIOA Policy regarding LWDB Member Nomination Guidelines, DWI Confirmation Process and Board Certification by the (effective 7/1/2015) for conditions to obtain the Governor's consent including a competitive procurement.

In cases where the LWDB does not seek to provide career services, WIOA Section 121(d)(2) states that to be eligible to receive funds under this subtitle to operate a one-stop center, an entity (which may be a consortium of entities) shall be designated or certified as a one-stop operator through a competitive process. This process shall be conducted by the LWDB and the one-stop operator shall be designated or certified by the LWDB with agreement of the CLEO(s) in accordance with WIOA Section 107(d)(10).

(8) Communication. Describe the process and procedures the CLEO(s) will utilize to keep the LEOs informed regarding LWDB activities. Determine how many times a year the LEOs will meet and how often a joint meeting with the LWDB will be held.

(9) LWDB Budget Approval. Describe the process for reviewing and approving the LWDB annual budget by the CLEO(s) (WIOA Section 107(d)(12)(A)).

(10) LWDB Member Representation. Outline how LEOs will ensure LWDB representation is fair and equitable across the LWDA and in accordance with WIOA Policy regarding LWDB Member Nomination Guidelines and DWI Policy 15-001. Describe the process for determining the initial size of the LWDB and for selecting, appointing, removing or reappointing LWDB members. Describe the process to determine the terms of office for Board members. LWDB appointments do not require the signature of all the LEOs, but rather only the signature of the designated CLEO(s) is required, as stated in the Interlocal Agreement.

(11) Selection of a New Chief Local Elected Official. When a new CLEO is selected in accordance with the Interlocal Agreement, the newly selected CLEO must submit to the LWDB and the DWI, a written statement acknowledging that he/she:

- a) Has read, understands and will comply with the current Interlocal Agreement;
- and
- b) Apprises DWI of the change in CLEO designation.

(12) Election of a New Local Elected Official. When a new LEO is elected within the LWDA, the newly elected official must submit to the LWDB a written statement acknowledging that he or she:

- a) Has read, understands, and will comply with the current Interlocal Agreement;
- and
- b) Reserves the option to request negotiations to amend the Interlocal Agreement at any time during the official's tenure as a LEO.

(13) Amendment or Change to the Interlocal Agreement. Outline the process to be used for amendments or changes to the Interlocal Agreement. All amendments or changes must be submitted to the LWDB and the DWI after approval by the Department of Local Government in accordance with KRS 65.210 through 65.300.

(14) Single County Local Areas. If any single county local area is designated, the LEO shall execute a written agreement that specifies his or her liability in accordance with WIOA.

(15) Interlocal Agreement KRS requirements. Upon completion of the Interlocal Agreement and all LEO signatures have been recorded on the Interlocal Agreement and approved by each fiscal court, the Agreement shall be sent to the Department for Local Government for approval in accordance with the provisions of KRS 65.210 through 65.300.

REQUIRED ACTION: Upon final approval by all LEOs and the Department for Local Government, the final document shall be submitted to the DWI.

OTHER REFERENCES:

Workforce Innovation and Opportunity Act (WIOA) of 2014 (Public Law 133-128, July 22, 2014); WIOA—LWDB Member Nomination Guidelines, 20 CFR 679.410(a) and (b), 20 CFR 678.610, 20 CFR 679 subpart C, DWI Confirmation Process and Board Certification (effective 7/1/2015); The Kentucky Interlocal Cooperation Act, KRS 65.210 through 65.300.

COMMONWEALTH OF KENTUCKY
DEPARTMENT OF WORKFORCE INVESTMENT
(502) 564-7456

POLICY NAME: Local Workforce Development Board Staff

POLICY NUMBER: 17-001 (20)
DATE OF REISSUE: March 31, 2017
EFFECTIVE DATE: March 31, 2017

APPLIES/OF INTEREST TO: Local Workforce Development Boards (LWDBs), Local Workforce Development Areas (LWDAs), and Chief Local Elected Officials and Local Elected Officials

POINT OF CONTACT: Procurement Team Education and Workforce Development Cabinet, and DWI Division Director, Rachel.Adams@ky.gov

PURPOSE: This policy provides guidance and clarification to Local Workforce Development Areas (LWDAs) regarding the hiring of a Director and/or staff to perform LWDB functions.

BACKGROUND: Individuals and/or entities other than LWDBs have employed a Director and/or other staff to assist the LWDB. These Directors and staff have been referred to as “Board Support” by the LWDAs. This practice is no longer valid.

POLICY:

As noted in WIOA Section 107(d), there are required functions of the LWDB. LWDB staff only may assist the LWDB to fulfill the required functions at WIOA Section 107(d). See 20 CFR 679.400(d). Pursuant to WIOA Section 107(f) and 20 CFR 679.400, the LWDB may hire a Director and/or staff to assist the LWDB in carrying out the functions of the LWDB.

ADDITIONAL DWI GUIDANCE/CLARIFICATION:

- Any individual or organization that serves as a Director and/or staff to the LWDB to assist the LWDB in the performance of the functions contained in WIOA Section 107(d) shall not be eligible to serve as a One-Stop Operator and/or Career Services Provider. If this occurs, the Governor decrees this to be an organizational conflict of interest and thus prohibited.
 - Any provisions in Partnership Agreements or any other agreements which enable individuals or an entity other than a LWDB to hire a Director and/or other staff to perform the functions contained in WIOA Section 107(d) are invalid thirty days from the date of this policy issuance.
-

REQUIRED ACTION:

All Partnership Agreements or any other agreements which enable individuals or an entity other than a LWDB to hire a Director and/or staff to perform the functions contained in WIOA Section 107(d) and 20 CFR 679.400 shall be modified to reflect this Policy within thirty (30) days from the effective date of this Policy. The modified Partnership Agreement or any other agreement shall be provided to DWI within ten (10) days of said modification.

REFERENCE:

- WIOA Section 107(f)
 - 20 CFR 679.400
-

COMMONWEALTH OF KENTUCKY
DEPARTMENT OF WORKFORCE INVESTMENT
(502) 564-7456

POLICY NAME: INTERNAL CONTROLS AND CONFLICTS OF INTEREST REQUIREMENTS FOR ENTITIES PERFORMING MULTIPLE FUNCTIONS

POLICY NUMBER: 17-002 (20)
DATE OF REISSUE: November 30, 2020
EFFECTIVE DATE: March 31, 2017

APPLIES/OF INTEREST TO: Applies/Of Interest To: Local Workforce Development Boards (LWDBs), Local Workforce Development Areas (LWDAs) staff, Chief Local Elected Officials, and Local Elected Officials

POINT OF CONTACT: Procurement Team for Education and Workforce Development Cabinet, [Department](#) of Workforce Investment, Rachel.Adams@Ky.Gov

PURPOSE: This Policy provides guidance to LWDAs where entities function in a variety of roles, including Fiscal Agent, One-Stop Operator and/or Career Services Provider.

POLICY:

Any organization that has been selected or otherwise designated to perform more than one of the functions as a local Fiscal Agent, One-Stop Operator and/or Career Services Provider shall develop a written agreement with the LWDB and Chief Local Elected Official(s) to clarify how the organization will carry out its responsibilities.

The agreement shall also include terms which demonstrate compliance with the Workforce Innovation and Opportunity Act, (Pub. L. 113-128) and corresponding regulations, relevant Office of Management and Budget circulars, the organization's conflict of interest policies, and the Commonwealth's conflict of interest policies.

Additional DWI Guidance/Clarification:

- The written agreement shall contain terms which address conflicts of interest or the appearance of conflicts of interest, the methods used to minimize fiscal risk, and the identification of firewalls which will be implemented by a single entity performing multiple functions.

A "firewall" is an established policy or procedure that acts as a barrier or protection against an undesirable influence, outcome, or authority. Examples of firewalls include but are not limited to organizational arrangements that provide clear separation of duties and responsibilities, including confidentiality and disclosure agreements.

REQUIRED ACTION:

Modification of any agreement that does not comply with this Policy shall be completed by July 1, 2017.

REFERENCE:

Workforce Innovation and Opportunity Act (Pub. L. 113-128), Workforce Innovation and Opportunity Act Final Rule (81 FR 56072), Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions (81 FR 5579), CFR Part 200, and Training and Employment Guidance Letter WIOA No. 15-16.

Revised Criteria for Work Ready Communities

**Previous criteria is represented by strikethrough (~~xxx~~)*

Criteria	Work Ready in Progress	Work Ready		Recertification # 1 (3 years)	Data Source	Links to Info / Data
	Plan	Criteria	Plan	Criteria		
High School Graduation Rate	Reach 90% or greater in 3 yrs.	90%+	Maintain 90%+	Maintain 90%+	KYSTATS Work Ready Communities	https://kystats.ky.gov/Reports/Tableau/WRC_2019
Working Age Population Without a High School Diploma / Equivalent (HSE)	Decrease to 15% of population or less without diploma or HSE	</= 15%	Decrease 2%	13%- with a plan to reach 10%- and maintain	KYSTATS Work Ready Communities	https://kystats.ky.gov/Reports/Tableau/WRC_2019
Some College or Higher Degree	Reach 43% or greater	43%+	Increase 2%	45%+ with a plan to increase 1% every 3 years	KYSTATS Work Ready Communities	https://kystats.ky.gov/Reports/Tableau/WRC_2019
Associates or Higher Degree Is exception needed per Jacob's example?	Reach 25% or greater Exception: The attainment rate can be modified to a goal of 20% if a majority of the county's 5-year job demand in approved KWIB sectors do not require an associate's degree or higher. Evidence to verify the exception request should be provided in the Workforce Supply & Demand section of the application.	25%+ Exception: The attainment rate can be modified to a goal of 22% if a majority of the county's 5-year job demand in approved KWIB sectors do not require an associate's degree or higher. Evidence to verify the exception request should be provided in the Workforce Supply & Demand section of the application.	Increase 2%	27%+ with a plan to increase 1% every 3 years	KYSTATS Work Ready Communities	https://kystats.ky.gov/Reports/Tableau/WRC_2019
High School Work Ethic Seal	Plan / Description to Implement with Potential Number of Enrollments	Number of Enrollments	Increase Number of Enrollments	Plan to continue to Increase	County self-reported	Local Board of Education
Kentucky Essential Skills Certificate / Career Readiness Certificates, Other	Plan / Description to Implement	Number of Certs Awarded	Increase Number of Certs Awarded	Plan to Continue to Increase	WIN (Soft Skills Program)	http://cpe.ky.gov/data/index.html https://ncrc.ky.gov/Default.aspx

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Criteria	Work Ready in Progress	Work Ready		Recertification # 1 (3 years)	Data Source	Links to Info / Data
	Plan	Criteria	Plan	Criteria		
REVISED CRITERIA - Work-Based Learning (Apprenticeships, co-ops, internships, etc.)	Plan to Review / Evaluate Number of Work Based Learning Opportunities as Related to Demand	Number of Work-Based Learning Opportunities Awarded	Increase Number of Work-Based Learning Opportunities Demand	Continue to Evaluate with a plan to balance supply/demand as much as possible	KYSTATS Kentucky Workforce Dashboard	https://kystats.ky.gov/Reports/Tableau/KWD_2020 *Reach out to Mary Taylor to get data, and then email Lyndsey/Jessica to formulate how to get opportunities by counties on dashboard.
Internet Availability and Speed	Within 3 years... In counties with a population of 50,000 plus... must develop a plan to meet 25 Mbps available to 90%+ of population. With a population, less than 50,000... must develop a plan to meet 25 Mbps available to 60%+ of population in counties.	Objectively demonstrate attainment of 25 Mbps availability to 90%+ of population in counties with a population of 50,000 plus and/or 60%+ of population in counties with a population less than 50,000.	Maintain	Maintain	Federal Communications Commission Broadband Access	https://www.fcc.gov/reports-research/maps/connect2health/#l=41.14557,-85.36377&z=6&t=broadband&bbm=fi_xed_access&dmf=none
REVISED CRITERIA - Increased Workforce Participation for and Engagement of Underserved Populations including the following: Disabilities Ex-Offender/Re-Entry Foster Youth Youth and Young Adults Recovery Homeless Unemployed Underemployed Foreign Born/Immigrants Veterans	Must develop a plan to provide employment and engagement opportunities to underserved populations. Plan should address potential barriers such as childcare, health, housing, transportation, and other supportive services serving as incentives or disincentives to work resulting in improvement in the labor participation rate within a 3-year period.	Objectively demonstrate execution / progress of plan to engage underserved populations with input from community-specific partners tied to those individuals and local employers especially as related to addressing potential childcare, health score, housing, transportation, and other barriers that may exist in increasing workforce participation and engagement.	Show how this plan has increased workforce participation rate over the last 3 years.	Increase Workforce Participation Rate	Kynect Resources; Office of Vocational Rehab Services; Cabinet for Health and Family Services; Veterans Organizations; Childcare Providers; Transportation Related Organizations; Refugee and ELL Coordinators; Foster Youth Organizations; Parole and Probation; Reentry Programs; Homeless Organizations or Shelters; Community-Based Organizations assisting Underserved Populations; Etc.	https://kynect.ky.gov/resources/s/?language=en_US https://kcc.ky.gov/Vocational-Rehabilitation/Pages/default.aspx https://chfs.ky.gov/Pages/contact.aspx https://veterans.ky.gov/Pages/default.aspx https://chfs.ky.gov/agencies/dccbs/dcc/Pages/ccap.aspx https://transportation.ky.gov/TransportationDelivery/Pages/Resouces.aspx https://kyrm.org/services/ https://kentucky.kvc.org/ https://corrections.ky.gov/Probation-and-Parole/Pages/default.aspx https://www.kentuckyreentry.org/resources/ https://www.hhck.org/coordinated-entry https://kpca.net/community-development

Revised Criteria for Work Ready Communities

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Criteria	Work Ready in Progress	Work Ready		Recertification # 1 (3 years)	Data Source	Links to Info / Data
	Plan	Criteria	Plan	Criteria		
Workforce Supply vs. Demand	<p>Work with local workforce board to review and analyze 5-year occupational demand by industry in order to have a system, which supplies industry with the talent pipeline needed. Identify key sectors and occupations, and explain how the community is producing a workforce ready to fill those positions.</p> <p>Provide support letters from local workforce board, chamber of commerce, economic development, individual employers, other demand industries, etc.</p>	<p>Work with local workforce board to review and analyze 5-year occupational industry demand to create a system which supplies industry with the talent pipeline needed. Identify key sectors and occupations, and explain how the community is producing a workforce ready to fill those positions.</p> <p>Provide support letters from local workforce board, chamber of commerce, economic development, individual employers, other demand industries, etc.</p>	<p>Continue to review, analyze and plan.</p>	<p>Continue to review, analyze and plan to balance supply / demand as much as possible.</p>	KYSTATS	<p>https://kystats.ky.gov/Reports/Tableau/KWD_2020</p> <p>https://kystats.ky.gov/Reports/Tableau/B2W_2020</p> <p>https://kystats.ky.gov/Reports/Tableau/2020_ICEE</p> <p>https://kystats.ky.gov/Reports/Tableau/ECP_2020</p> <p>https://kystats.ky.gov/Reports/Tableau/KCPR_2020</p>

*The data for some categories is collected for different age populations, see below:

- Some College or Higher Degree data is collected for ages 18-64
- Working Age Population Without a High School Diploma / Equivalent (HSE) data is collected for ages 18-64
- Associates or Higher Degree data is collected for ages 25-64

2021 Tentative Schedule

2021 Deadlines/Meetings	Date
KWIB Meeting	Thursday, March 18, 2021
KYWorks Collaborative	Thursday, March 25, 2021
WorkReady Application Deadline	Friday, March 12, 2021
WR Staff will send WRC applications to the WRC Committee for review	Friday, March 19, 2021
WRC Committee will return applications with feedback/questions to WR Staff	Friday, March 26, 2021
Send feedback/questions from the WRC Committee to the counties	Friday, March 26, 2021
Deadline for the counties to send feedback/questions to WR Staff	Friday, April 2, 2021
WR Staff will send county feedback/questions to the committee	Friday, April 9, 2021
WorkReady Communities Review Committee Meeting	Friday, April 23, 2021
KWIB Meeting	Thursday, May 20, 2021
KYWorks Collaborative	Thursday, May 27, 2021
WorkReady Application Deadline	Friday, June 4, 2021
WR Staff will send WRC applications to the WRC Committee for review	Friday, June 11, 2021
WRC Committee will return applications with feedback/questions to WR Staff	Friday, June 18, 2021
Send feedback/questions from the WRC Committee to the counties	Friday, June 18, 2021
Deadline for the counties to send feedback/questions to WR Staff	Friday, June 25, 2021
WR Staff will send county feedback/questions to the committee	Friday, July 2, 2021
WorkReady Communities Review Committee Meeting	Friday, July 30, 2021
KWIB Meeting	Thursday, August 19, 2021
KYWorks Collaborative	Thursday, August 26, 2021
WorkReady Application Deadline	Friday, September 3, 2021
WR Staff will send WRC applications to the WRC Committee for review	Friday, September 10, 2021
WRC Committee will return applications with feedback/questions to WR Staff	Friday, September 17, 2021
Send feedback/questions from the WRC Committee to the counties	Friday, September 17, 2021
Deadline for the counties to send feedback/questions to WR Staff	Friday, September 24, 2021
WR Staff will send county feedback/questions to the committee	Friday, October 1, 2021
WorkReady Communities Review Committee Meeting	Friday, October 15, 2021
KWIB Meeting	Thursday, November 18, 2021
KYWorks Collaborative	Thursday, December 2, 2021