



Local Governance Meetings Notes and FAQs June 14-15, 2022

Opening Remarks:

- NJDOL released the local governance policy on May 18. During the release of the policy, we highlighted that:
 - this policy offers some potential shifts for our local areas
 - our goal is to help support each of you in bringing your governance and operations into compliance with this policy
 - we are developing plans to further roll out and operationalize this policy and plans to share more information with you in the coming weeks and months
- Our Local Governance Policy represents WIOA law, as it was passed in 2014.
- As NJDOL, we share in responsibility for where our state is in this process.
 - We recognize that our local areas have been allowed to continue to operate as if we were still following the rules of WIA.
 - We see ourselves as active participants in the change.
 - We acknowledge the complexities of our local areas and will work with you and your local elected officials to bring your system into compliance.
- Why now? In July of last year, USDOL monitored two of our local areas on a number of issues programmatic and fiscal issues, but they honed in on Local Board Governance. How were local areas engaging in program and fiscal monitoring process? Were the One-Stop Operator, career services and youth programs properly procured? Are One Stop Operators adhering to duties as outlined by WIOA law?
- USDOL is requiring that we work to resolve the specific findings related to our two local areas, but that furthermore we assess our entire state to ensure that every local area is brought into compliance before they return in 2024.
- We understand that these changes cannot happen overnight, we are committed to working closely with each of you to develop a plan that is reasonable for your local area.
- We released the local governance policy so that, together, we can ensure your local area is responsive to needs and follows requirements. We will work together to build state and local systems that meet these requirements and needs.
- We have also been working to build capacity within the Office of Career Services to support you and the change process. As a result, beginning this fall, we are seeking to rolling out a series of local governance trainings, and we will continue to have on-going conversations on how to move this work forward.

Questions

Q1. What is meant by inter-related agency on page 14 of the policy?

An inter-related agency refers specifically to departments or offices that work for the same entity but operate separately from one another. An LWDB and One Stop Operator may work for the same entity if the supervisory and reporting lines are separate from one another.

Q2. Can procured services be separated out into multiple RFPs and/or contracts?

While you cannot break up services to benefit or target award to a particular provider, multiple RFPs and contracts may be provided if this aligns with the strategies and plans set by the Local Workforce Development Board. For example, a separate solicitation may be appropriate if there is a specific and special needs (e.g., low-skilled contextual learning for employment/reading).

Q3. How can we ensure that the great work that is happening in local areas is part of the conversation and elevate examples from local areas of this local governance policy?

NJDOL encourages local areas to read the policy and share with us the practices that each local area believes they are doing particularly well. We welcome the opportunity to showcase the work happening in local areas. We will do our best to discover and elevate these practices, but we also want to empower our local areas to share with us if you believe you have practices that others can learn from.

Q4. Our Local Workforce Development Board has responded to specific grant opportunities from the state, such as Pathways to Recovery. Can the board provide these services directly?

Funds and programs that are awarded through sources other than WIOA Title I funding are governed by different requirements, especially those awarded through state NGOs. The procurement requirements and requirements for ensuring separation between governance and operations are specific to WIOA funds that are allocated to local areas versus awarded through competitive processes.

Q5. Was this policy developed based on best practices from other states?

We looked at governance policies and work happening in several different states, including Virginia, Massachusetts, New York, Maryland, Texas, Pennsylvania, and Arizona. The details of local governance are straight-forward and very similar across states. The policy does not include a lot of state-level interpretation and rather focuses on bringing together the specific expectations around local governance outlined in WIOA law.

Q6. How can the fiscal committee engage in fiscal oversight when it is the CEO who is ultimately responsible for these grant funds?

The Local Workforce Development Board shares governance responsibilities with the CEO. A key function is helping to support and ensure the fiscal oversight of WIOA Title I funds. The CEO may designate a fiscal agent, the LWDB may hire staff, and or a fiscal committee may help support and engage in the collection of financial information, development of reports, and assessments of fiscal activities. While the CEO is ultimately responsible, the Local Workforce Development Board helps to monitor and track fiscal activities and ensure that budgets and expenditures align with expectations. NJDOL provides another level of fiscal oversight.

Q7. What considerations need to be made in considering collective bargaining and non-union groups?

NJDOL will work with local areas to understand the ways in which collective bargaining agreements may influence and impact the governance structures highlighted in the policy. We welcome specific questions and

insights that emerge as you in your local areas have conversations and identify specific challenges or needs resulting from this policy.

Q8. How is the potential conflict of interest being handled with EDSI, as an entity bidding to be a One Stop Operator and also providing training on local governance?

NJDOL is working with GSETA to ensure that the selection of a training provider is conducted in a transparent matter and that no conflicts of interest exist in any relationship we develop with a training provider.

Q9. Will Local Workforce Development Board staff only be able to do Local Workforce Development Board work?

Yes, LWDB staff will engage in specific functions related to governance as highlighted in the policy. Activities related to One Stop Operations and services must be staffed separately and through procured contracts. Please see question 4 regarding other funding sources.

Q10. Will there be any additional money to support Local Workforce Development Board staff?

No, there will not be additional money. However, NJDOL will be offering additional guidance and tools about what budgets and the types of costs that fall into different cost categories. There may be functions that are currently being performed by One Stop Career Services staff that actually should be performed by Local Workforce Development Board Staff. We expect there will need to be some changes in how budgets are set to ensure alignment with the governance policy.

Q11. Can RFPs be combined or must they be conducted separately? For example, can the One Stop Operator and One Stop Career Services contracts be procured together?

NJDOL wants to offer as much flexibility as possible to local areas in identifying how you design services and procurements to the meet the needs of your community. One contract may be issued for both One Stop Operator and One Stop Career Services to the same provider and you may decide to procure for both sets of services and supports in one RFP.

Q12. How can I comply with this policy when my Local Workforce Development Board doesn't have control of this money or the budget?

Based on WIOA, Local Workforce Development Boards are responsible for working in collaboration with the CEO to set the budget for WIOA Title I monies and potentially other aligned workforce resources. While the CEO approves the budget, a core function of the LWDB is helping to ensure that the budget each year aligns with the strategies and plans set by the Local Workforce Development Board, even if the physical money transactions are being conducted by the fiscal agent.

Q13. How often are we required to procure for services?

Local areas need to consider WIOA procurement guidance, state level procurement laws, and local area procurement laws to determine what the requirements are for re-procurement. Local areas must follow whatever guidance is strictest, not easiest. However, on the whole, local areas will not be required to procure every year and will have the option to renew contracts consistent with State/local procurement requirements. Critical in making renewal determinations is reflecting on the providers ability to meet contractual obligations – including around engaging in expected activities and supporting expected levels of services, performance expectations, etc. that are set out in contracts and scopes of service.

Q14. Where do expectations around providing On-the-Job Training fit in? Will there be allocations specific to OJT?

NJDOL is not issuing specific allocations for OJT or other types of work-based learning but we do hope that local areas will include these line items in local budgets. While there is not yet a specific line item for OJT in SAGE budgets, we are developing a budget template at NJDOL that we will be piloting this year that provides space for many more details related to budget line items, including OJT. OJT and other work-based learning resources should be part of your Local Workforce Development Board budget and set at levels that align with the strategies and plans set by the board.

Q15. How is Work First New Jersey impacted by this local governance policy?

Work First New Jersey is governed by state law rather than WIOA law. However, TANF is a required One Stop partner and SNAP is an optional One Stop partner. Employment and training services for these programs should be integrated into One Stop Career Service models. Furthermore, we understand that in some local areas positions are funded in part with WIOA and WFNJ dollars. This may be a reason to procure for both sets of services within a single RFP. Additionally, all WFNJ participants can be enrolled as WIOA Title I Adult participants. This level of integration is one that we encourage local areas to consider in establishing service models that maximize resources available to our One Stops and the impact of employment and training services whether through a single contract or through alignment of separate contracts.

Q16. Did the report from USDOL revolve around the procurement of the One Stop Operator?

The report from USDOL including findings related to a number of expected Local Workforce Development Board Functions, including procurement of not only One Stop Operators, but also the procurement of specifically One Stop Career Services and Youth Services. Additionally, the report included findings related to fiscal and program monitoring and oversight, as well as around program design.

Q17. If One Stop Career Services need to be procured every year, how do we avoid giving people 90 days' notice that they may not have a job?

One Stop Career Services do not need to be procured every year, renewal options are available. However, local WDBs must ensure the selection of One Stop Career Services through a competitive procurement process and criteria for renewal of these contracts must be in place. The goal of NJDOL is to ensure that our system is in compliance with WIOA laws and expectations. We look forward to working with local areas to ensure that current staff receive the protections to which they are entitled and are treated respectfully, while also ensuring that processes in compliance with procurement requirements are put in place. Procurement processes and sequences should be designed to provide existing staff with clear information, ensure continuity of service, and minimize potential for issuing unnecessary notices.

Q18. How quickly can we expect to receive individualized support from NJDOL to plan for these changes, as well as training for our various stakeholders?

NJDOL is working with GSETA to develop a process and timeline for selecting a training provider that can offer training across Chief Elected Officials, Local Workforce Development Board members, as well as LWDB staff and particularly LWDB directors. Additionally, NJDOL will be planning pre-training activities that continue to engage key stakeholders in understanding and beginning initial planning to comply with the local governance policy.