PLANNING COMMITTEE MEETING

Wednesday, June 16, 2010
7:30 a.m.
Merrimack Valley Workforce Investment Board
Lawrence, MA 01843

Members Present:	Peter Matthews, Atty. Robert LeBlanc, Juan Yepez, Charles LoPiano, Joseph Bevilacqua, Ron Contrado, Atty. Anne Randazzo
Members Absent:	Michael Munday, Kevin Page
Staff Present:	Betty Kirk, Ralph Abislaiman, Deborah Andrews, Odanis Hernandez, Ruth Marrero
Guests Present:	Tracy Myszkowski

I. Approval of Minutes of May 19, 2010

A quorum being present, Peter Matthews called the meeting to order at 7:35 a.m. Peter then called for a motion on the minutes of the May 19, 2010 meeting.

Robert LeBlanc made a motion to accept the minutes of the May 19, 2010 meeting as submitted. Anne Randazzo seconded the motion and motion passed.

II. Update re: OSY Funding for LARE Medical Assisting and LARE CNA/CHHA

Ralph Abislaiman said that he asked Anne Randazzo to comment on the Planning Committee vote last month. Not because he finds it troublesome in his opinion but to clarify and fully disclose the issues as he sees them surrounding that.

Atty. Randazzo said that she went over the letter and said that there seem to be some issues but she would like to take a couple of more days to review the letter and confer with the city attorney as the Title I Administrator and a member of the board. Atty. Randazzo said that she did have some concerns with the whole process. This was the first time when she saw Ralph's letter and at first blush and reviewing the minutes of the meeting there appears to be a conflict and Ralph pointed out the statute. Atty.

LeBlanc said that he is very familiar with the statute and asked who would be in conflict and where would the violation be. Atty. Randazzo said that the person who was here before the board obviously could, did benefit, and could benefit in the future and was involved in the discussion. Atty. LeBlanc said for her to form her opinion and he would challenge it. Atty. Randazzo said she hadn't formed her opinion yet and merely said there could be an issue that might need to be looked at. Bob advised her to check into the Open Meeting Law. Atty. LeBlanc further commented that we didn't want to get into a situation where the Attorney General or District Attorney are looking at those things. He asked to see the letter and Ralph Abislaiman gave it to him.

Ralph Abislaiman said that aside from the appearance of conflict of interest there was a lack of clarity on what was being voted. He said that there was discussion on 3 proposals being considered, 2 proposals being considered and 1 proposal being considered. Comments were made during the meeting that one proposal was a waste of money, yet at the conclusion, that proposal was funded. This is not so much a question of conflict of interest but rather a question of is this appropriate use of public funds. Atty. LeBlanc said that we make those decisions not staff and language is in the motion. Discussion is not part of it. When a public body takes action that is the action and discussion and anything that took place before doesn't matter.

Ralph Abislaiman said that may be true and from that perspective alone that's correct, but that other things may come in to bear. Atty. LeBlanc asked what other things come in to bear, that we disagreed with staff. Ralph said "no" he can see his point of view and that has merit, but just because a public body makes a decision that doesn't make it conclusive. Bob said it makes it law and is conclusive. Ralph said that is what he is asking. He isn't sure. Atty. LeBlanc also said that there has been no motion to reconsider that vote and asked are we going to operate under the law or do what staff thinks. Atty. Randazzo said that staff input is important. She doesn't know all the requirements and staff know the requirements. She continued stating that if they are not met and the program is unsuccessful, do we continue to fund them. Atty. LeBlanc said that we made that decision. She said that apparently there is some concern that the person was involved in the decision. Bob said that is all secret and he resents that. Anne said that she doesn't know what is secret and Bob said that she hasn't been at the last two meetings that she was jumping in now. Anne replied that her mother passed away and someone can raise an issue. She said that she was asked to comment on a letter and minutes she reviewed and she is not jumping into anything but only stating that there might be an issue. Atty. LeBlanc said that we have an executive director who says that the action of the board is irrelevant. Anne said he didn't say that. Atty. LeBlanc commented that this is politics. Anne said she doesn't know what politics he is talking about because she is the least political person at this table.

Ralph Abislaiman said he doesn't think this is an issue between a staff decision and a board decision. Atty. LeBlanc said Ralph was challenging their decision. Ralph said he

didn't challenge it. He said that the letter was sent to the Executive Committee and the chair of this committee. Bob said that there are a lot of issues with the constitution of the WIB. Bob said that he sits here meeting after meeting, listening to staff and we made a decision then push on. Ralph said that he had an issue with what decision was made as there was a lack of clarity whether one proposal, two or three. Bob said he had an issue with two of the programs but the motion was to fund two and he supported part of the motion and therefore seconded the motion. The committee supported that. He said that the people under 268A are them and he personally resents the idea of a 268A violation being raised. He continued stating that just because the staff made a decision the committee is not going to sit here and go along like a bunch of lemmings and not raise questions. He also mentioned his 30 years of experience with workforce development and that he knows what the law is.

Peter Matthews said that when Ralph called with some questions he wanted to make sure if anyone has concerns that we get to the bottom of it. He wants to make sure that if anyone has concerns or questions that we get to the bottom of those things. He has wondered why the WIB structure is set up to allow vendors on the board where they can attend board meetings and comment publicly on their programs which he feels is an inherent conflict. It sets up a very difficult perception. Peter said that he didn't make that decision and if someone shows up at a public meeting we need to let them speak. It is set up inherently to allow conflict of interest. He didn't set it up that way and stated that we are volunteers. He said that we will await the attorney's interpretation.

Bob LeBlanc asked that all members of this committee have a copy of Ralph Abislaiman's letter to Atty. Anne Randazzo and Ralph said that he would provide it. Chick LoPiano commented that WIA mandates certain seats. Ralph agreed stating that there are mandated seats such as higher education for example as a required representative but doesn't define who specifically and is pretty much open. He said that we may want to minimize the appearance of conflict of interest and consider if members of the board could be a trustee or member of the board of a higher education entity instead of staff members. Peter Matthews even said perhaps one vendor to represent all vendors but Bob LeBlanc felt that wouldn't work since they compete with each other. Bob also said that this was first vetted through the Youth Council and asked for the minutes of the Youth Council which were not distributed to the Planning Committee. They were then distributed to the committee.

Joe Bevilacqua said that what Ralph is trying to do is establish a policy and procedure going forward to avoid any conflicts making sure that the availability of services is open to all. He supports what Ralph is trying to do to develop this system. Bob LeBlanc said that his angst in no way reflect on Ralph or his concerns. He does have concerns with legal issues being raised. He is just interested in full disclosure and exercising our responsibility under federal laws.

Ralph Abislaiman said that this matter spans two executive directors and the decision was postponed from the April Planning Committee meeting to now. He too, being new, is concerned with the appearance of being fair and also mentioned that he has received a FOIA from Atty. Michael Sweeney requesting nine months of e-mails. He said that the long term consequences remain to be seen. There is overlap with preliminary discussion of these proposals and it is appropriate to recognize greater public opinion that come in to sway. Robert LeBlanc said that he has seen this movie before and doesn't want to go down that road again. Joe said that Ralph is just trying to put an end to any question and then go on and that is the intent which is a finality to the question.

Atty. LeBlanc said that Anne is right in that she needs to take a step back and review and talk to the city attorney. He is just saying that we are governed by the open meeting law and the only persons subject to 268A are us and the question is a narrow context if we have a conflict having voted on these programs. He feels the answer is no and ends there.

Atty. LeBlanc said that in an open public meeting, anyone can participate. We were not getting the kind of information we needed to make a decision and the discussion we had was very helpful. If we need to develop policies and procedures on how we conduct meetings, lets flush that through so we don't have an appearance of conflict. Let's not get paranoid and let the tail wag the dog because of the politics that go on. We are going to revisit the issues of where our standards are going to be and levels of performance. Can we really expect the level of performance we have established in the youth programs given this economy? We need to keep the programs going. He doesn't care who the vendor is. He wants to look at it in terms of reality today.

Joe Bevilacqua said that exact point is what the next agenda item III is about and that is the development of the Annual Plan and is the critical issue of what the real work of the WIB is. The next step is to focus on the delivery of services under the Annual Plan required by the state and the critical issue of today's meeting. His suggestion is that is where we need to act as the state is waiting on board consensus on the plan and focus our efforts to be in compliance with the state.

Atty. LeBlanc asked if these programs were in a holding pattern and when we would have clarity. Ralph said we should have clarity by the end of the month and if both should be funded the vendor would have twelve months for the programs. The question is whether both programs should be funded and if any sort of revision of the type of program being funded should be made. Our experience is performance wasn't there and it may be due to lack of jobs. Chick asked where the conflict came in and Ralph said that Bob was right that it was a public meeting. The appearance of conflict of interest under the law is purposely murky and he had every right to speak in a public meeting. The question is whether or not the money will be well spent doing the same thing as last time.

Peter Matthews asked if we have ever had a program in the past that we funded that was not at 75% performance. Deborah said not to her knowledge. Odanis Hernandez said that the OSY CNA Program not only didn't meet their entered employment numbers but they didn't meet the education outcome with only 33% attaining that goal.

Peter Matthews said that when Ralph called him he said let's put in on the agenda and discuss. Obviously we want everything open and full discussion. Peter then asked to move on to the next agenda item.

III. Annual Plan

Ralph Abislaiman said that the draft Annual Plan is 85% certain and 15% is still in the works. He asked Tracy Myszkowski, DGA Finance Director, to present the budget in the Annual Plan. She started with the spreadsheet and then said she would go over the summary.

They FY'11 integrated budget was distributed along with allocations by region. Tracy said that the total budget is $7.9 million with $621,176 to the WIB with 8 staff, $545,251 to DGA with six, $3.1 million for ValleyWorks Career Center with 40 staff and $2.1 million for the Division of Career Services with 32 staff. Three staff salaries were not included as they are paid by the state. She then explained the notes stating the first being VWCC Vendor Service Fees in the amount of $36,635 for services rendered in FY'10 that will be reimbursed (transferred) by DCS in FY'11 so the state will know to move that money. The other is the FY'10 Training Funds (carry-in) for contracts one is the ARRA Group Training Contracts obligated in the amount of $527,360 and the other item is total FY10 Training Funds is to be used for services in FY'11 in the amount of $193,874. These funds have been obligated, but will be serving customers going into the next fiscal year.

Joe Bevilacqua said that he hopes the Planning Committee approves the Annual Plan so we can bring it to the full board at next week's meeting. Atty. LeBlanc asked for more detail and Ralph Abislaiman provided him with the 15 sheets of backup.

Tracy then distributed the Summary of Changes from Fiscal Year 2010 to Fiscal Year 2011 and went over the information. There were decreases in funding for WIA Youth (-16.04%), WIA Adult (-16.47%), Career Center One Stop (-8.31%), Navigator (which will be eliminated next year), YouthWorks (-43.82%) and Trade Case Management (-22.32%). The only increases were less than 1% in Wagner-Peyser and 12.55% in WIA Dislocated Worker. She talked about new FY10/11 Funding – Actual which includes Merrimack Valley Healthcare Partnership for $199,994 and ARRA Summer Youth Supplemental- $23,437 and ARRA Rapid Response Supplemental for customers only. Also a new offset under Interest Fines and Penalties (IFP) for $45,862 which will offset the WIA allocation and fund a Business Services Representative. The projected FY11 new funding is DTA - $167,390 based on enrollments in two programs. She said that

there is a conference call scheduled for 1:00 pm today to discuss that. Rapid Response set aside of $339,027 and an On the Job NEG for $79,200 which is a DOL two year pilot that we have projected 24 enrollments to cover a person at the Career Center. We are also projecting the Alcatel Lucent (non financial extension) - $24,955 which is a request for a three month extension for a job developer to place customers who are already on board through September.

Tracy continued with the Customer Training funds stating that the FY'11 WIA Youth Supportive Services will be funded by FY'10 carry-in - $36,360 and the FY'11 WIA Adult Training will be funded with additional FY'10 carry in $20,000. FY'11 WIA Dislocated Worker Training will be funded by FY'10 carry in $229,059 + ARRA Rapid Response Supplemental - $204,680 and FY'11 Dislocated Worker Supportive Services will be funded with additional FY'10 carry in - $12,000 left over from support services.

Bob LeBlanc asked why the money wasn't spent. Tracy said she could speak on a few of them in that we haven't had as many youth in the program and the need was less than projected and the money was carried over from FY'09 and FY'10 and not spent. Bob wondered why we are not getting these kids. Ralph said he had that same question and that we have one vendor with a good history and we need to try to strengthen our vendor base and add potential new providers. Deborah Andrews said that this is a difficult population and the eligibility requirements are stringent. We want to hold vendor meetings going forward to help them understand WIA regulations and the population. We also need to do some one on one with vendors in the valley.

Joe said that there are two issues we face as they put certain restrictions on the youth eligibility and the WIBs have looked to waive regulations on summer youth but it couldn't be done. Last summer we employed over 700 youth. Deborah said that the state grant this year is for Lawrence, Haverhill and Methuen and the procurement process last year was very slow.

Odanis explained that a lot of the youth population we are serving is under DTA and supportive services such as bus passes and child care, uniforms are provided by those agencies. Odanis Hernandez noted that there were reductions on services for mileage and child care as well as a $500 cap for Supported Services. Peter Matthews asked about the total ARRA allocation to customers of $1.8 million and Tracy explained that last year we had ARRA money and also the Byrne Grant. This year we have had YouthWorks funding cut in half. Ralph Abislaiman said that hopefully the slowness in the past will be remedied this year. Last year the role of the WIB and DGA were reversed. One of the last things that Fred Carberry did before he left is reassign Amy's position over to the WIB as well as the Contracts Manager. Ralph said that it is our intent to be more responsive to the board and concentrate on trying to get other money.

The Adult Training lag of $20,000 is from a transfer of funds this year to request that our WIA Adult ITA money be used to serve the Dislocated Workers for support services but the reason that money will now revert back to adult training is because we changed the support service policy in December to reduce the rates that people receive for mileage and child care. There is lag in Dislocated Worker of $12,000 in anticipation of the Alcatel Lucent grant having a non financial extension. She explained the Dislocated Worker funding and the ARRA Rapid Response Supplemental funding. Tracy then went over the staffing changes stating that the WIB added a Workforce Program Development Manager and reassigned the Grants Manager. DGA eliminated two Summer Youth Program Monitors, a Systems and Planning Director, a Development Manager and the reassigned Grants Manager. ValleyWorks Career Center eliminated 9 Summer Youth Counselors, one Job Developer for Alcatel/Lucent, two Career Services Advisors for Alcatel/Lucent and One Disability Program Navigator. The Division of Career Services added one REA Job Specialist. Joe Bevilacqua noted that one thing we should be cognizant of is the reduction in funding of several of these categories and what is going to happen in our overall budget and the one thing that is factual is that there is a continual demand for services. It is going to be a difficult year for all of us. That is why it is important that this plan be on the agenda for the Planning Committee.

Motion by Robert LeBlanc seconded by Chick LoPiano to adopt the draft Annual Plan as submitted with the understanding that there is some flexibility. Discussion followed.

Tracy said that there is one other item that she wanted to make sure everyone was aware of and that is a recommendation going into FY'11 that the Career Center would like the transfer of FY'10 unexpended WIA Youth Customer Training Funds in the amount of $158,870 to support the ValleyWorks Career Center staffing and infrastructure for FY'11.

Bob LeBlanc said that he supports that and wants the money spent on training staff focusing on examining job descriptions and devoting staff resources to explore the youth who we want to serve, who are left out and who need to get employed and plugged in to the educational systems to fix this problem and find out what our options are to solve it. Joe Bevilacqua said that we are also going to put a greater emphasis on serving employers and renewed emphasis on more OJT programs which were successful in the past. He would like to see staff monies used to serve youth and establish where the jobs are.

Peter Matthews then called for a vote on the motion to adopt the Annual Plan as submitted and the motion passed unanimously.

IV. Youth Policies

Deborah Andrews said that the following Youth Policies were raised during a recent DCS monitoring; requesting that they be reviewed and updated. Ron Contrado said that he

recently met staff from the Essex County Sheriff's Department who spoke about barriers to employment and he said that some youth must be eligible for services through our youth programs at the Career Center. Peter said that ex-offenders are mentioned in the eligibility.

- **Applicant Statement**

Deborah said that there are three youth policies that were updated. We were recently monitored by DCS and the only issue is that they wanted these policies to be reviewed. The first is the Applicant Statement Policy which provides guidelines to satisfy WIA Title I eligibility requirements and permitted use of the applicant statement if someone doesn't have the documentation.

Discussion followed on methods of collecting documentation and the photographing of social security cards and birth certificates. Deborah said that this practice has been stopped due to privacy reasons and Peter Matthews asked how often lack of documentation occurs and Odanis said that it is a rare occurrence and that we collaborate with other agencies to help confirm eligibility.

- **Youth Requiring Additional Assistance Policy**

The second is the Youth Requiring Additional Assistance Policy wherein the Youth Council confirmed the definition of Youth requiring additional assistance. Requirements are if youth is one or more grade levels below his/her age appropriate grade level; has a disability, including a learning disability; or is facing a serious barrier to employment, defined as either an individual who is currently unemployed and has held at least three jobs for less than 45 days each within a year, or is a state-involved youth.

- **5% Youth Barriers to Service Over Income Youth**

The final policy is the 5% Youth Barriers to Service Over Income Youth. Deborah outlined the barriers and also said that the youth must face serious barriers to employment as identified by the Local Board which include a currently unemployed youth who has held three or more jobs for fewer than 45 days within the past 12 months and a state involved youth who is defined as receiving services from any state agency.

Motion by Chick LoPiano to approve the Youth Policies as submitted. Juan Yepez seconded the motion and motion passed.

V. <u>Update on RIG Grant</u>

Ralph Abislaiman said that he RIG grant is wrapping up and the question is if the grant is a prelude to a larger program to continue the efforts across the state line between the Lowell WIB, the MVWIB and Southern New Hampshire. The federal plans still remain to be seen. The only thing that is agreed is that there is going to be a committee that will continue to talk and apart from that everything is still a question mark. We don't know if there is going to be any additional funding.

Bob asked if we are looking for additional money for serving the people of New Hampshire. Ralph said that is not the case but the other two entities aren't interested in designating further funds to collaborate. They are looking for something that will make collaboration possible; possibly overhead money.

VI. Adjourn

Having no further business Chick LoPiano made a motion to adjourn the meeting seconded by Ron Contrado. Motion passed and the meeting adjourned.

Respectfully submitted,

Mary Kivell

Recorder