

# *Tompkins County Workforce Development Board*

## Youth Oversight Committee

### **MINUTES**

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*Wednesday, January 11, 2023*

**WDB Conference Room, 119 E. Seneca St, Suite 200, Ithaca**

**Present:** K. Shanks-Booth, V. Zeppelin, C. Malcom, J. Harriott

**Staff:** C. Spohn, D. Achilles

#### **Call to Order**

Ms. Shanks-Booth called the meeting to order at 8:39 a.m.

#### **Approval of Minutes - November 16, 2022**

It was moved by Mr. Malcolm, seconded by Ms. Zeppelin, and unanimously adopted by voice vote of members present to approve the minutes of November 16, 2022.

#### **Approval of Minutes - December 12, 2022**

It was moved by Ms. Zeppelin, seconded by Mr. Malcolm, and unanimously adopted by voice vote of members present to approve the minutes of December 12, 2022.

#### **Approval of Youth Work Experience Policy**

It was moved by Mr. Malcolm, seconded by Ms. Shanks-Booth, and unanimously adopted by voice vote of members present to approve the Youth Work Experience Policy.

#### **Financial Update - November 2022**

Ms. Achilles reported that In School and Out of School Youth wage and fringe are above normal due to Office of Employment and Training retaining participants in the WIOA program.

Ms. Achilles reported that tuition for Youth will increase due to OET staff looking at criteria for participants and the Youth funding can be utilized instead of other funding.

Ms. Achilles reported that the Board received the October desk review from NYSDOL and are watching the OS expenditure requirements and Youth work experience. At this time, the number meets the 50% requirement, but if NYSDOL returns to the 80/20 percentage that was required the numbers will not meet the requirements.

### **Review & Signature (member Stakeholders):**

- WDB Transparency and Integrity Policy
- Transparency and Integrity Policy Acknowledgement Form
- Conflict of Interest Disclosure Statement

Mr. Sponn reported to the Committee that the Transparency and Integrity Policy is to Committee and Board members that state confidentiality and conflict of interest in the work that is performed.

Ms. Shanks-Booth reported that Mr. Clemons has stepped down from the Youth Oversight Committee to peruse his own obligations.

### **Updates: WIOA Youth RFP 2023 SYEP RFP 2023**

Mr. Sponn reported to the Committee the 2023 WIOA Youth RFP was released and on Friday, January 6, 2023 Office Hours for public questions were held. There was no attendance at the Office Hours. 2023 SYEP RFP was released on December 16, 2022 and there was an issue that the complete document was not on BidNet. There will be an addendum uploaded to BidNet.

### **Acting Director's Update**

Mr. Sponn reported that Ms. Callhan is still out on leave and Ms. Caci and Ms. Basilius have been working with businesses to promote relationships so that the Youth participants are getting the best work experience.

Mr. Sponn reported he met with New Roots Charter School, and they are interested in going to the Career Center with students, so they can learn what services are offered to the community.

Ms. Shanks-Booth inquired if the Director's position will be posted. Mr. Sponn reported that he will be having a discussion with County Administration of the restructuring the Board and Office Employment and Training to one department and that affects the timeline.

Ms. Shanks-Booth asked Committee members to think about new candidates to join the Committee and would like to have a meeting to have a discussion.

Next Youth Oversight Committee meeting will be moved to Wednesday, February 15, 2023 due to the review and vote for the WIOA Youth RFP.

2023 SYEP RFP review & vote will be during the Wednesday, March 8, 2023 meeting.

### **Adjournment**

Ms. Shanks-Booth adjourned the meeting at 09:07 a.m.



## **Workforce Development Board Transparency and Integrity Policy**

The purpose of the policy is to prevent the personal interest of board and committee members from interfering with their duties, or result in personal financial, professional, or political gain on the part of such persons at the expense of other stakeholders. It is also in place to prevent board and committee members from using confidential information to their (or an affiliated party's or relative's) advantage. Workforce boards must also provide a level of stewardship and oversight with respect to the use of federal workforce system funds in a manner that preserves public trust.

### **CONFIDENTIALITY**

In order to protect confidential information to be disclosed during a meeting, board and committee members agree to:

1. Hold the confidential information received in strict confidence and to exercise a reasonable degree of care to prevent disclosure to others.
2. Not disclose either directly or indirectly the confidential information to others.

### **CONFLICT OF INTEREST**

Board and committee members also should not take any official action if the following applies:

- Their own financial interests, or the financial interests of immediate family members, business partners, private employers, or organizations for which they serve as an officer, director, partner, or trustee conflicts.
- Any other circumstance, or in appearance, make it difficult to exercise independent, objective judgment, or perform effectively.
- Their organization stands to benefit from a contract, transaction, or situation.
- The subject of discussion is a contract, transaction, or situation in which there may be a perceived or actual conflict of interest. However, they may be present to provide clarifying information in such a discussion or debate unless objected to by any present board or committee member.
- In a position to make decisions about spending resources– who also stands to benefit from that decision – has a duty to disclose

If one of these matters comes up for consideration at a committee meeting, the member should leave the room during the discussion, and make sure the minutes of the meeting reflect their recusal.

### **TEGL No. 35-10, TRANSPARENCY AND INTEGRITY IN WORKFORCE INVESTMENT BOARD DECISIONS**

The intent of TEGl No. 35-10 was to communicate ETA's expectation that state and local workforce boards and officials will make decisions with transparency and integrity and in a manner consistent with all conflict of interest requirements. Members are required to abide by following Federal laws and regulations:

- *"Sunshine provision" regulations* (20 CFR 661.307) require local boards to conduct business in an open manner and, upon request, to make board activities available to the public, including the development of specific policies and minutes of formal board meetings.
- *Uniform Administration Requirements* for procurement (29 CFR 97.36 and 29 CFR 95.42) set the standards, including those for conflict of interest that all Federal grantees (both government and non-government) must follow. These requirements, codified in the Code of Federal Regulations, describe specific instances that constitute a conflict of interest, characteristics to be considered when making awards to contractors, and the procedural requirements for procurement protests.
- *Conflict of interest regulations* for those entities receiving WIA Title I funds [20 CFR 667.200(a)(4)] specifically mandate that a LWIB member or Youth Council member must neither cast a vote, nor participate in decision-making, on the provision of services by that member or any organization which that member directly represents. The LWIB member or Youth Council member also must not cast a vote, nor participate in decision-making, on any matter that would provide direct financial benefit to that member or a member of his/her immediate family.
- *The Hatch Act and its regulations* (5 CFR 151) restricts political activity of individuals principally employed by state and local executive agencies and who work in connection with programs financed in whole or in part by Federal grants or loans. Among other things, covered state and local employees may not use their official authority or influence to interfere with or affect the results of an election or nomination; or directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

The full text of TEGl No. 35-10 can be found here:

[http://wdr.doleta.gov/directives/attach/TEGL/TEGL\\_35-10-Acc.pdf](http://wdr.doleta.gov/directives/attach/TEGL/TEGL_35-10-Acc.pdf)

Additionally, local workforce boards are also governed in their decision-making by relevant state and local statutes, regulations and policies that include, but are not limited to:

- New York State General Construction Law (GCL) §41
- Open meetings Law (Public Officers Law (POL), Article 7)

Alleged Violations to the Hatch Act will be recorded by Tompkins County Workforce Investment Board Staff and reported to the Tompkins County Compliance Officer. The Tompkins County Compliance Officer will contact the U.S. Office of Special Counsel to request an Advisory Opinion.

Allegations of violations to the Conflict of Interest regulations will be recorded and referred to the Tompkins County Ethics Advisory Board to investigate and report on the alleged violation. Penalties may include removal from the Board, loss, or disqualification from contracts.



Workforce  
Development  
Board

Revised: July 29, 2022  
Executive Committee Approval:

## Transparency and Integrity Policy Acknowledgement Form

I acknowledge that I have received a copy of the Tompkins County Workforce Development Board's Transparency and Integrity in Workforce Development Board Decisions Policy, which describes confidentiality, conflict of interest, and TEGl No. 35-10. I understand that I should consult the Workforce Development Board if I have questions.

I understand and agree that I will read and comply with the policies contained in this policy and any revisions.

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Name (Printed)

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Signature

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Date



# Workforce Development Board

## Conflict of Interest Disclosure Statement

I understand that it is the policy of Tompkins County Workforce Development Board (TCWDB) that Officers, Board Members, Committee Members, and other key personnel will annually disclose all potential and actual conflicts of interest even if they are questionable. I hereby state that I, or members of my immediate family\*, have the following affiliations or interests and have taken part in the following transactions, that, when considered in conjunction with my position with or relation to TCWDB might possibly constitute a conflict of interest. **(Check "None" where applicable)**

**1. Outside Interests:** Identify all entities, including corporations, partnerships, companies, and unincorporated business enterprises, with which you or an immediate member of your family hold directly or indirectly, a position as an owner, employee, officer, director or trustee in any outside concern from which the individual has reason to believe TCWDB secures goods or services; or which compete directly or indirectly with TCWDB in the purchase or sale of property or property rights, interests or services.

None

Name of Entity	Position	Percentage of Ownership
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

If a vendor of TCWDB, include disclosure of amount billed to TCWDB over the last two fiscal years.

None

**2. Investments:** List and describe with respect to yourself or your immediate family, all investments that might be within the category of material financial interest, described as such financial interest which represents in excess of 5% of the total outstanding equity securities of an outside concern.

None

**3. Outside Activities:** Identify any outside activities of yourself, or your immediate family, which render directive, managerial, or consultative services to any outside concern that does business with, or competes with services of TCWDB.

None

\*For purpose of definition: Immediate family means any person related within the first degree of affinity (marriage) or consanguinity (blood) to the person involved.

**4. Consultant Services:** Identify any relationship (financial or otherwise) with any company or organization which furnishes consulting or professional services to TCWDB.

**None**

**5. Inside Information:** By signature below, I certify that neither I nor any member of my immediate family have disclosed or used information relating to TCWDB business for the personal profit or advantage of myself or any member of my immediate family.

**6. Gifts and Gratuities:** I certify that neither I nor any member of my immediate family has accepted gifts, gratuities, or entertainment that might influence my judgment or actions concerning business of TCWDB, except as listed below. (This does not include the acceptance of items of nominal or minor value that are clearly tokens of respect or friendship and not related to any particular transaction or activity.)

**None**

I hereby agree to report to the Chairperson of the Board any change in the responses to each of the foregoing statements which may result from changes in circumstances before completion of my next disclosure statement.

_____	_____	_____
Date	Name (Printed)	Signature

**Renewal:**

_____	_____	_____
Date	Name (Printed)	Signature

_____	_____	_____
Date	Name (Printed)	Signature

\*For purpose of definition: Immediate family means any person related within the first degree of affinity (marriage) or consanguinity (blood) to the person involved.



## **Tompkins County Workforce Development Board WIOA YOUTH Work Experience Policy**

### **Purpose**

The purpose of this policy is to define eligibility, assignment, documentation, duration, and salary for Work Experiences assigned to youth enrolled in the WIOA Youth Program. Work Experiences can be paid or unpaid and are assigned to help job-ready youth learn soft skills such as attendance, teamwork, initiative, etc., as well as job related skills they can use to progress towards their career goals.

### **Background**

**At least 20% of the program year's Youth Fund (net of Admin portion) must be spent in Youth Work Experience as set by WIOA Section 129 (c)(4).** Allowable Work Experience expenses include the following (per TEGL 8-15):

- Wages and Stipends paid for participation in a work experience;
- Staff time working to identify and develop a work experience opportunity, including staff time spent working with employers to identify and develop a work experience opportunity;
- Staff time working with employers to ensure a successful work experience, including staff time spent managing the work experience;
- Staff time spent evaluating the work experience;
- Participant work experience orientation sessions;
- Employer work experience orientation sessions;
- Classroom training or the required academic education component directly related to the work experience;
- Incentive payments directly tied to the completion of the work experience; and
- Employability skills/job readiness training to prepare youth for a work experience.

**All other expenses not defined as above will not be allowable work experience expenses.** Supportive services are a separate program element and cannot be counted toward the work experience expenditure requirement even if the supportive services assist the youth in participating in the work experience (per TEGL 21-16).

### **Policy**

#### Eligibility:

**All youth assessed as eligible youth under WIOA Section 129(a)(1) and enrolled in the WIOA Youth program will be eligible for Youth Work Experience.** Youth are required to develop a **career pathway** before beginning a **Work Experience**. If a youth is unsure of their career goal(s), they should complete further career exploration through Career Zone, O\*Net Interest Profiler, use of Labor Market Information, etc. and/or through **Job Shadow** experience(s) before beginning a Work Experience.

*Note: Job Shadows can be completed in a couple of hours to a couple of days to expose youth to different careers they are interested in but are not sure that they want to pursue. Job Shadows are **unpaid**, and youth can complete as many as necessary to determine their career pathway.*

A youth's career pathway should be clearly defined in their **Individual Service Strategy (ISS)** before beginning a Work Experience.

### Definition of the Work Experience:

According to the Federal Register Vol 81, no. 161-681.600, Work Experiences:

- are a planned, structured learning experience that takes place in a workplace for a limited period of time.
- may be payed or unpaid, as appropriate.
- may take place in the private for-profit sector, the non-profit sector, or the public sector.
- provide the youth participant with opportunities for career exploration and skill development.
- must include academic and occupational education. The educational component may occur concurrently or sequentially with the work experience. Further academic and occupational education may occur inside or outside the workplace.

### Labor Standards:

Labor Standards apply in any Work Experience where an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable State law, exists. Funds provided for work experiences may not be used to directly or indirectly aid in the filling of a job opening that is vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.

### Types of Work Experience:

Work experiences are meant to be short-term, planned, structured job-related learning experiences. The types of Work Experience for eligible youth include the following categories:

- 1.) Summer Employment opportunities and other employment opportunities available throughout the school year;
- 2.) Pre-apprenticeship programs;
- 3.) Internships and job shadowing; and
- 4.) On-the-job training (OJT) opportunities as defined in WIOA sec. 3(44) and in §680.700 of the same chapter.

### Reasons for Work Experience:

- 1.) Assessment (determine youth's readiness, skills needed, interests, etc.) *Note: Work Experience(s) for assessment purposes should be brief (i.e. job shadow, career exploration) and may occur as often as needed. It is recommended that a single Work Experience for assessment purposes last no longer than 4 weeks maximum.*
- 2.) Skill Gain (i.e. soft or hard skills needed for the youth's identified career pathway)
- 3.) Reference Gain (i.e. development of work history)
- 4.) Potential for **unsubsidized** employment/hire upon completion of the Work Experience

### Duration of the Work Experience:

As Work Experience are meant to be short-term, planned, structured job-related learning experiences, there will be a maximum hour limit set for a youth's lifetime. This should be clearly communicated with the youth and with the worksites before a work experience begins. The TCWDB has set local limit that each youth is allotted **up to a total of 480 hours (i.e. 12 weeks of full time work) of paid Work Experience** during their enrollment in the WIOA youth program **provided funding is available**. *Note: Any unpaid work experiences such as job shadowing does not detract from the 480 hours.*

**Administrative Override:** There may be instances where a youth will need more than 480 hours of **paid** work experience support (i.e. youth with disabilities requiring extensive job coaching). Staff must submit thorough documentation of support for why additional hours are needed for this youth, with a timeline for how many additional hours are needed, not to be extended “indefinitely”. The purpose of the work experience is to transition to unsubsidized work; therefore, a detailed plan of transition must be in place for any youth determined to need an extension of hours. The use of an Administrative Override is pending on funding availability, to be determined on a case-by-case basis.

#### Education/Training Component:

At least one **education/training component** must be incorporated into the Work Experience as defined in TEGl 21-16: “workforce preparation activities, basic academic skills, and hands-on occupational skills training are to be taught within the same time frame and connected to training in a specific occupation, occupational cluster, or career pathway”. Therefore, the **education/training** component(s) should:

- directly relate to the Work Experience and assist the youth with their career goals;
- be clearly defined in the youth’s ISS **before** the youth starts a Work Experience;
- occur inside or outside the workplace; and
- occur either concurrently or sequentially with the Work Experience.

In keeping with best practice regarding youth development and learning theory, it is recommended that the education/training component **occur concurrently** with the Work Experience and **occur inside the workplace**.

*Note: HSE Classes and general Work Readiness Workshops can not count as the education/training component unless it specifically relates the work experience/needs of the youth to obtain their career goal(s) and is documented as such in the youth’s ISS and in OSOS Comments.*

#### Fiscal Management:

**Youth will earn at least the NYS minimum wage and agreed amount in contract.** Youth counselors are responsible for collecting youth’s timesheets, submitting to their fiscal departments, and putting a copy of the timesheet in the youth’s paper file. Each youth counselor’s fiscal department will control payroll and produce checks, and the youth counselor is responsible for delivering checks to youth.

**WIOA Youth priority on Work Experience:** WIOA places a priority on providing valuable work experiences to youth and has set a **20% minimum budget expenditure** to go towards the Work Experience. Youth counselors should communicate with their fiscal department and/or direct Supervisor to track if they are spending **at least 20% of their budget on Work Experience**, and to make sure they know how much money is left to spend on Work Experience throughout the fiscal year. TEGl 23-14 states that this **20% minimum** is calculated based on *overall* non-administrative local area youth funds and is **not applied separately** for In School Youth (ISY) and Out of School Youth (OSY).

#### **Procedure**

1.) **Assess eligibility** of youth under WIOA Section 129(a)(1). Once eligibility in the WIOA Youth program is established, all youth must complete:

- an Objective Assessment (following TCWDB Objective Assessment Policy guidelines); and
- an ISS which clearly outlines a youths’ career pathway (if career pathway is unknown, refer to Eligibility section above for career exploration options).

2.) Staff must **document** the assignment of a Work Experience in OSOS as a Service provided (use Achievement Objective tab in the Customer Module, Services Window, Services Tab), and further document in OSOS Comments the Work Experience location, **start date**, job duties, education/training component, correlation with career pathway, progress and **end date**. Any updates to the youth's ISS should be updated in OSOS as well. *For further directive, staff should please refer to the "411 on WIOA Title I Youth Program Services" (Nov. 2019 updated) document.*

3.) A Work Experience assignment should correlate with the youth's career pathway, take any disabilities/limitations into consideration, and be age appropriate (comply with labor laws).

4.) Employers providing Work Experiences should complete a **Worksite Agreement** and copies should be kept in the youth's paper file for access during monitoring procedures. Each worksite should have at least one designated **Worksite Supervisor** who the youth report to, signs timesheets, and provides updates/evaluation feedback to the youth counselor.

5.) **Worksite Supervisors** and **Youth** must both sign a completed **Job Training Outline** which specifies the youth's work experience goals, academic and occupational education components that will be incorporated, and a detailed work description (hourly wage rate, number of hours to be worked per week, start and end date, general work duties, etc.).

4.) Copies of timesheets should be kept in the youth's paper file along with copies of any payroll documents.

5.) Youth counselors are to maintain **routine communication** with Worksite Supervisors to:

- determine what new skills the youth has learned;
- obtain feedback from the worksite supervisor;
- ensure the youth is complying with their assigned work schedule;
- determine if the worksite is a good fit for the youth; and
- determine how long the youth is expected to remain at the worksite.

If it is determined that the youth is not a good fit for the worksite, or if the youth redefines their career pathway, the youth may be reassigned to a **new** Work Experience. Youth counselors and/or Worksite Supervisors have the right to end a youth's Work Experience early due to any misconduct on the youth's part.

6.) **Evaluation** forms should be given to all Worksite Supervisors to complete on a routine basis (attaching the evaluation form to the youth's timesheet is an effective method to encourage evaluation completion). Questions/Comments sections can be general or tailored specifically to address specific concerns/barriers with the youth's progress.

7.) **Site Visits** should be conducted on a routine basis and can be **scheduled** in advance to ensure the Worksite Supervisor and youth will be available or can be **unannounced** as the Youth counselor sees fit.

8.) It is the responsibility of the Youth counselor to meet the needs of the Business (worksite) and maintain a successful working relationship while tracking youth's progress and providing WIOA-based **Supportive Services** and activities to the youth as needed for their success.

9.) **Education/Training Component:** see section above re: incorporation of concurrent or sequential education/training component; documentation in ISS and OSOS Comments must clearly outline the connection of the education/training component to the youth's identified career pathway.

10.) The Worksite Supervisor and the youth should be notified **at least 1 week prior to the youth's final day of work**. Youth should be encouraged to speak with their Supervisor about continuing employment or obtaining a professional job reference to aid in their job search. The **end date** of the youth's Work

Experience should be noted in both the youth's ISS and in the OSOS Services Tab and Comments section.

11.) Updated record should be kept ensuring youth does not surpass their maximum lifetime allotment of **480 hours of paid work experience** (exceptions to maximum hours apply in the event of an Administrative Override occurring; however, detailed records must still be maintained).

**Tompkins County Office of Employment Training  
Budget Statement  
30-Nov-22**

41.6% of yr.

**IS/OS Youth information**

	Budget	Nov-22	YTD	Balance	YTD % of Budget
<b>Expenditures</b>					
Supportive Services	5,500	0.00	599.99	4900.01	11%
Tuition	15000	0.00	5475.00	9525.00	37%
Participant Wages	85000	8768.41	61272.95	23727.05	72%
Participant Fringe	9,907	1008.37	7046.39	2860.61	71%
<b>Total Expenditures</b>	<b>115,407</b>	9776.78	74394.33	41012.67	64%