

Maine's Unified State Plan Modification

2018 Public Comments

Summary

Public comment period was held from February 28 through March 7, 2018. It was advertised in the Kennebec Journal. A press release was issued, displayed on Maine Department of Labor websites and distributed to the Maine Department of Labor mailing list, State Board members, workforce partners, Local Board Directors, and State Board committee members.

The public was invited to submit comments through e-mail, on-line comment form on the State Board website, and by traditional mail.

Thirty-four (36) total comments were received from members of the public, Maine businesses, education and service providers, community organizations, local boards and board members. The majority of the comments (23) came from individuals or organizations in the southern region covered by Coastal Counties Workforce Inc. Comments focused primarily on the new policy approved by the State Workforce Board in January 2018 which establishes a requirement that 70% of funding provided to local boards must be spent on training and expanded the categories of services which are included in that calculation.

List of Comments (order received)

2/26/18 Tammy Combs e-mail and one (1) attachment*
3/5/18 Ryan Fecteau, e-mail and three (3) attachments
3/5/18 Rick Bugbee, submission through comment form, no attachments
3/5/18 Eloise Vitelli, e-mail and one (1) attachment
3/5/18 Jeff Degan, e-mail only, no attachments
3/5/18 Sage Friedman, e-mail and one (1) attachment
3/5/18 Jade Arn, e-mail only, no attachments
3/5/18 Lt. William M. Brady, e-mail and one (1) attachment
3/5/18 Tammy Combs e-mail and one (1) attachment
3/6/18 Charles Pray, e-mail and one (1) attachment
3/6/18 Denise Griffin, e-mail only, no attachments
3/6/18 Valerie Odams, e-mail and one (1) attachment
3/6/18 Kelly Osborn, e-mail and one (1) attachment
3/6/18 Anita St. Onge, e-mail and one (1) attachment (received two simultaneously, included only once)
3/6/18 Ed Cervone, submission through comment form, no attachments
3/6/18 Marce Gagne, submission through comment form, no attachments
3/6/18 Lydia Sy, e-mail and one (1) attachment
3/6/18 Linda Winton, e-mail and one (1) attachment
3/6/18 Paulette Bonneau, submission through comment form, no attachments
3/7/18 Joshua Weed, e-mail and one (1) attachment
3/7/18 Charles Crosby, e-mail and one (1) attachment

3/7/18 Joanna Russel, e-mail and one (1) attachment
3/7/18 Jon Farley, e-mail and one (1) attachment
3/7/18 Ronald Painter, submission through comment form, no attachments
3/7/18 Thomas Nickerson, e-mail and one (1) attachment
3/7/18 Thomas Nickerson, submission through comment form, no attachments
3/7/18 Deivy Periana, e-mail and one (1) attachment
3/7/17 Gilda Nardone, email and no attachments
3/7/18 Harry Simones, e-mail and one (1) attachments
3/7/18 Craig Nelson, e-mail and one (1) attachment
3/7/18 Jennifer Sporzynski, e-mail and one (1) attachment
3/7/18 Jan Kearce, e-mail and no attachments
3/7/18 Ronald Jarrett, e-mail and one (1) attachment
3/7/18 Rebecca Swanson Conrad, e-mail and one (1) attachment
3/7/18 Dory - Anna Richards Waxman, e-mail and one (1) attachment
3/9/18 Joni Boissonneault, e-mail and one (1) attachment*

* Comment received outside of posted comment period

From: Tammy Combs <tcombs@frontstreetshipyard.com>
Sent: Monday, February 26, 2018 3:39 PM
To: Oswald, Garret J.
Subject: Training
Attachments: Dept of Labor signed.pdf

Mr. Oswald,

Please see attached.

Thank you.

Tammy Combs
Human Resources Director

101 Front Street
P. O. Box 558
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FRONT STREET SHIPYARD

February 23, 2018

Garret Oswald
Director, State Workforce Board
Maine Department of Labor
45 Commerce Drive
Augusta, ME 04330

Dear Mr. Oswald,

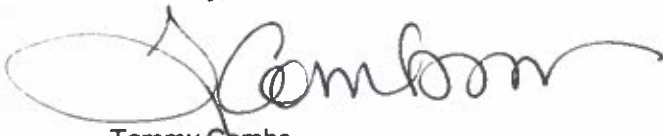
In response to the State of Maine's request for a 70% training expenditure minimum, I write with concern. As a local employer in Maine, and in an economy with low unemployment rates, it is increasingly difficult to find skilled employees to fill current job openings. The ability of local WIOA service providers to correctly assess and match individuals with appropriate services in order to be ready for training and eventually job placement should be priority, as established under WIOA. The 70% training minimum negates the ability of staff to do so.

Given the lack of readily proficient job seekers, preparing individuals to enter the workforce is key to the success of providing a pipeline of skilled candidates to our business. In order to do so, capacity is needed to correctly evaluate an individual's competency in entering training and/or the job market. In other words, providing solely for training dollars does not address the need for alternative interventions to prepare persons with barriers to enter the workforce.

Given the current economy, there is not the population of skilled job seekers that was present 10 years ago (i.e., during the start of the recession). Therefore, those currently looking for employment come with their own set of challenges (e.g., need of skills training, drug addiction, single parenting) and need help in overcoming those hurdles to prepare and connect with training and employment. With these challenges in mind, providing for extensive training funds does not equate to success— if they were able to be successful without intervention, these populations (i.e., the most in need individuals) would already be successful.

It is with these concerns in mind that I write to object to the 70% training minimum as outlined in the State Workforce Development Plan modification.

Sincerely,



Tammy Combs
Human Resources Director

From: Ryan Fecteau <57fecteau@cua.edu>
Sent: Monday, March 05, 2018 7:41 AM
To: DOL, SWB
Cc: Oswald, Garret J.; PottleUrquhart, Morgan; Asen, Jonathan; Fecteau, Ryan; Volk, RepAmy (FWD); Rochelo, Megan
Subject: Training Expenditure - Comment - State Plan
Attachments: Training Expenditure - State Plan - Fecteau Comment.pdf; Agenda - Oswald Response.pdf; SWB Agenda 1.26.18.docx

Director Oswald et al--

I have attached my comment concerning the state plan and the training expenditure requirement approved at the 26 January 2018 SWDB meeting. A copy of my comments will also be forthcoming via the USPS.

Kind regards--

Representative Ryan M. Fecteau
Biddeford, ME
(mobile): 207-289-4478

To: State Workforce Development Board (SWDB), Attn: Director Garret Oswald
Re: Workforce Innovation and Opportunity Act (WIOA) Training Expenditure Policy
Date: 05 March 2018
From: Representative Ryan M. Fecteau of Biddeford

Director Oswald et al—

I am submitting this comment as a voting member of the State Workforce Development Board (SWDB), as a state representative from Biddeford, and as a common citizen. I emphatically oppose the change that requires 70 percent of Workforce Innovation and Opportunity Act (WIOA) funds provided to the Local Workforce Development Boards (LWDBs) be spent on direct training. While the policy seems laudable, especially in media sound bites, its impracticality threatens the delivery of LWDB services to Maine people.

First, the policy itself was “approved” with complete disregard to process and transparency. In December, the SWDB met to discuss a change to how WIOA funds would be distributed to the LWDBs and what percentage of funds would need to be dedicated to direct training. I was present for this meeting. The discussion amongst board members was lengthy and fruitful. Ultimately, several proposals failed to secure a majority vote including a Gov. LePage backed proposal to increase the percentage dedicated to direct training to 60 percent. The Portland Press Herald (PPH) reported on 01 December 2017 the following, “...Gov. Paul LePage wanted to require the agencies to spend at least 60 percent on job training starting this year, up from the 30-some percent currently expended... members of the [SWDB] debated LePage’s 60 percent proposal before adopting a policy that would give agencies more time to comply.”¹

Senator Amy Volk (R-Scarborough) submitted a proposal at the December meeting that required 45 percent for direct training in FY 18 and 60 percent in FY 19 with some flexibility for necessary staff services. This proposal won a favorable vote from the SWDB. Liz Rensenbrink with Tyler Technologies, no longer on the SWDB, told the PPH, “In my experience in working at a very successful company, you don’t make a decision this drastic. You take steps toward it. We’re not kicking the can down the road. We are making a very moderate, reasonable decision.” The robust discussion and thoughtfulness at the December meeting demonstrated the integrity of the SWDB and its care for the governing process. Little of this discussion was reflected in the meeting minutes.

The January meeting disposed of this integrity. I attended the January meeting via the conference line. On 19 January 2018, Mr. Oswald sent the agenda for the 26 January meeting via e-mail (see attached). The final agenda item states, “Review of Action Taken On Training Expenditure Policy”. This agenda item was coopted by Gov. LePage who moved a new training expenditure policy of 70 percent. Gov. LePage moved a policy proposal that was 10 percentage points more than his initial December proposal and 25 percentage points greater than the SWDB approved

¹ <https://www.pressherald.com/2017/12/01/regional-workforce-agencies-will-have-to-devote-more-money-to-job-training/>

proposal from December. Chairman Fred Webber called on board members, specifically those representing businesses, by prompting their perspectives on what they were experiencing in regards to workforce needs on the “ground.” In contrast to the December meeting, the discussion was far less robust and the newly proposed policy seemed predestined for approval. I stated my concern for process and the fact that the proposal was not published on the agenda. I made a motion to table and it was soundly defeated. I learned later that members of the SWDB from the December meeting were no longer members, including Ms. Rensenbrink, for example, and new members had been added. There were five new members in total. Thomas Davis, Robert Watson, John Fortier, Peter Anania, and Andrew Nichols were appointed on 26 December 2017. Thus, several members were not predisposed to the December discussion, the intricacies of WIOA, and the ramifications of this 70 percent policy proposal. Yet, they were charged with making a decision concerning this proposal, which again was not published on the agenda. In addition, the SWDB members were not informed prior to the meeting that new members had been appointed.

Mr. Oswald acknowledged via an e-mail to me dated 30 January 2018 that he anticipated a motion from Gov. LePage, but was not certain (see attached). He stated exactly, “Ryan, I was told earlier that week that the Governor might attend, but it was not confirmed until he walked in the building on Friday. Based on the close and numerous votes at the last meeting, I was anticipating a motion, but again wasn’t sure.” Despite anticipating this, Mr. Oswald did not update the agenda prior to the meeting to reflect such an expectation. All of this culminates in the legitimate question: was there a violation of the Maine Freedom of Access Act? At the very least, it calls into serious question the integrity of the process by which the 70 percent policy passed only a month after the SWDB passed a drastically different policy.

Secondly and most significantly, the policy itself is motivated by false pretenses. One should first seriously consider the fact that it was only a month earlier in December that the proposal supported by Gov. LePage via proxy vote was for 60 percent direct training services. He subsequently proposed the 70 percent policy in January. This rather abrupt adjustment suggests a lack of rationale for the original proposal and furthermore would suggest the adopted proposal lacks sound reason. An adjustment of 10 percentage points would suggest the figure is trivial, as if there is no significance in a 10 percentage point increase and its impact on the LWDBs’ service delivery. Public policy should not be trivial.

With all of this being said, the rationale noted is Gov. LePage’s belief that an extraordinary amount of WIOA funds are being used for administrative functions. It is, however, indeed a fact that WIOA does not permit more than 10 percent of allocated funds be spent on administrative costs; “The 5 percent reserved for statewide administrative costs and the 10 percent reserved for local administrative costs may be used for administrative costs for any of the statewide youth workforce investment activities or statewide employment and training activities under secs. 127(b)(1), 128(b), 132(b), and 133(b) of WIOA.”²

² <https://www.law.cornell.edu/cfr/text/20/683.205>

The remainder of the funds (90 percent) are considered program costs. At this time, program costs roughly breakdown as follows: 25 percent infrastructure, 35 percent staff assisted services, and 30 percent direct training. Infrastructure includes such things as rent, facility upkeep, and information technology costs. Staff assisted services extensively include the following:

“Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs; Outreach, intake (including identification through the state’s Worker Profiling and Reemployment Services system of unemployment insurance (UI) claimants likely to exhaust benefits), and orientation to information and other services available through the one-stop delivery system; Initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and supportive service needs; Labor exchange services, including—job search and placement assistance, and, when needed by an individual, career counseling, including—provision of information on in-demand industry sectors and occupations (as defined in sec. 3(23) of WIOA); and, provision of information on nontraditional employment (as defined in sec. 3(37) of WIOA); Provision of referrals to and coordination of activities with other programs and services, including those within the one-stop delivery system and, when appropriate, other workforce development programs; Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—job vacancy listings in labor market areas; Information on job skills necessary to obtain the vacant jobs listed; and information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those jobs; provision of performance information and program cost information on eligible providers of training services by program and type of providers; provision of information about how the local area is performing on local performance accountability measures, as well as any additional performance information relating to the area’s one-stop delivery system; provision of information relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance, including: child care; child support; medical or child health assistance available through the State’s Medicaid program and Children’s Health Insurance Program; benefits under the Supplemental Nutrition Assistance Program (SNAP); assistance through the earned income tax credit; housing counseling and assistance services sponsored through the U.S. Department of Housing and Urban Development (HUD); and assistance under a State program for Temporary Assistance for Needy Families (TANF), and other supportive services and transportation provided through that program; Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA; and provision of information and assistance regarding filing claims under UI programs, including meaningful assistance to individuals seeking assistance in filing a claim—meaningful assistance means providing assistance: On-site using staff who are properly trained in UI claims, filing, and/or the acceptance of information necessary to file a claim, or by phone or via other technology, as long as the assistance is provided by trained and available staff and within a reasonable time; The costs associated in providing meaningful assistance may be paid for by the State’s UI program, the WIOA Adult or Dislocated Worker programs, the Wagner-Peyser Employment Service, or some combination

thereof these funding sources. If one-stop center staff determine that individualized career services are appropriate for an individual to obtain or retain employment, these services must be made available to the individual. These services must be available in all one-stop centers. One-stop center staff may use recent previous assessments by partner programs to determine if individualized career services would be appropriate... Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include—diagnostic testing and use of other assessment tools; and In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals; Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, eligible training providers; Group and/or individual counseling and mentoring; Career planning (e.g. case management); Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training, in some instances pre-apprenticeship programs may be considered as short-term prevocational services; Internships and work experiences that are linked to careers; Workforce preparation activities that help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education, or training, or employment; Financial literacy services; Out-of-area job search assistance and relocation assistance; and English language acquisition and integrated education and training programs... Follow-up services must be provided as appropriate for participants who are placed in unsubsidized employment, for up to 12 months after the first day of employment. Counseling about the work place is an appropriate type of follow-up service. Follow-up services do not extend the date of exit in performance reporting.”³

Finally, direct training includes such things as tuition costs, on-the-job training (OJT) costs, and supportive services. There are federal requirements related to the staff assisted services aforementioned before an individual can even be placed in an OJT program. For example, “...at a minimum, an individual must receive at least one intensive service, such as development of an individual employment plan with a case manager or individual counseling and career planning, before the individual may receive training services. The case file must contain a determination of need for training services under § 663.310, as identified in the individual employment plan, comprehensive assessment, or through any other intensive service received.”⁴ It is abundantly clear that the ill-conceived 70 percent requirement would fundamentally put the LWDBs out of compliance with federal law. Furthermore, with a 70 percent direct service requirement, it would be financially infeasible to satisfy the prerequisite staff-assisted services that permit placements of individuals into OJT. The only way in which this could be satisfied would be through a

³ https://wdr.doleta.gov/directives/attach/TEGL/TEGL_03-15_Acc.pdf

⁴ https://www.doleta.gov/layoff/pdf/OJT_REQ.pdf

supplemental state allocation. I am not aware of any proposals to issue state funds for the services provided by the LWDBs.

In addition, the proposed 70 percent direct services requirement fails to recognize the vulnerable population served by the LWDBs. It was noted at the 01 December 2017 meeting by Joanna Russell, Executive Director at the Northeastern Workforce Development Board, that clients include chronically homeless persons, recovering drug and alcohol addicts, out-of-school youth, ex-offenders, English language learners, and persons with disabilities. In fact, WIOA requires a prioritization of such persons. “WIOA makes explicit that low-income people and those with barriers to employment are priority populations for funding and service. These provisions will allow states and local areas to better target their training services and strategies to more disadvantaged populations, implement an effective set of comprehensive services, and address eligibility issues that often deter youth and adults with barriers to economic success from accessing services they need to get ahead.”⁵ As a result, it is not only unsurprising, but completely logical that staff assisted services be as comprehensive as previously outlined in this comment. It would be financially imprudent to expect individuals to successfully complete training and get employed without the support services to address their complex challenges. In fact, the LWDBs currently prove this, as the average employment rate across the three programs is 79 percent (average for adult and dislocated workers).

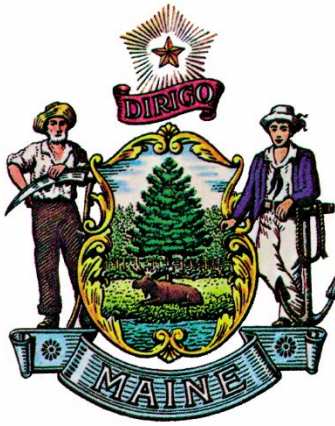
It is also critical to note that the roughly 30 percent direct training achievement in Maine is comparable across the nation. There are numerous LWDBs in other states below 30 percent. There are, indeed, some states with 40 percent (Pennsylvania) and 50 percent (Florida) direct training figures. While these figures are exceptional, they come with a crucial caveat. Both states allocate additional state funds, supplementing federal WIOA funds, to their individual systems. The additional state funding supports the feasibility of achieving the larger direct training percentage. No state is dedicating 70 percent to direct training.

Conclusively, the ill-conceived 70 percent direct training requirement would, if approved, disable the LWDBs from performing in accordance with WIOA requirements and the State Plan. An inability to dually satisfy WIOA requirements and the State Plan positions the LWDBs for failure. As proposed by Gov. LePage, a LWDB’s failure to meet the 70 percent requirement would result in decertification in Fiscal Year 19. Thus, the change to 70 percent direct training is more than a goal or benchmark. It is a consequential *requirement*. Above all else, low-income Mainers and those with barriers to employment, who are most likely to be recipients of WIOA services, will not receive these integral staff assisted services or direct trainings. Maine people and employers will ultimately suffer due to the short-sightedness of this requirement.

Submitted—

Representative Ryan Fecteau, 23 Western Ave. Biddeford, ME 04005

⁵ <https://www.clasp.org/sites/default/files/public/resources-and-publications/publication-1/KeyProvisionsofWIOA-Final.pdf>



STATE WORKFORCE BOARD
JANUARY 26, 2018
FRANCES PERKINS ROOM

Call In; 877-455-0244 Passcode; 9218175360#

9:30

Welcome & Introductions

Chairs Report – Fred Webber, Board Chair

WIOA Performance Dashboard – Joshua Howe, SWB

Degree & Credential Attainment Annual Report – Garret Oswald, SWB

Legislative Update – Nina McLaughlin, MDOL

Break

Review of Action Taken On Training Expenditure Policy

12:00

Adjourn



Ryan Fecteau <57fecteau@cua.edu>

Record Keeping

Oswald, Garret J. <Garret.J.Oswald@maine.gov>
To: Ryan Fecteau <57fecteau@cua.edu>

Tue, Jan 30, 2018 at 4:16 PM

Ryan,

I was told earlier that week that the Governor might attend, but it was not confirmed until he walked in the building on Friday. Based on the close and numerous votes at the last meeting, I was anticipating a motion, but again wasn't sure.

Garret Oswald

Director, State Workforce Board

Maine Department Of Labor

Office: (207) 621-5087

Cell: (207) 592-1455

www.maine.gov/swb/

From: Ryan Fecteau [mailto:57fecteau@cua.edu]

Sent: Tuesday, January 30, 2018 8:37 AM

To: Oswald, Garret J. <Garret.J.Oswald@maine.gov>

Cc: VanOrman, Scott <Scott.VanOrman@maine.gov>

Subject: Re: Record Keeping

[Quoted text hidden]

From: rbugbee@a4td.org
Sent: Monday, March 05, 2018 9:54 AM
To: DOL, SWB
Cc: Howe, Joshua A.
Subject: 2018 Modification Maine's Unified State Plan

Feedback Received

First Name: Rick
Last Name: Bugbee
E-mail address: rbugbee@a4td.org
Comments: Good morning,

Below please see comments from Associates for Training and Development regarding the Workforce Innovation and Opportunities Act Modifications in the Unified Plan. Thank you for the opportunity to contribute!

- Several places in the document (including pages 108, 297, and 346) reference National ABLE and Goodwill as the national Senior Community Service Employment Program (SCSEP) administrators. This information is outdated; Associates for Training and Development (A4TD) is currently the only administrator of the SCSEP in the state of Maine.
- On page 58 the plan states, “The community service training serves as a bridge to unsubsidized employment opportunities; SCSEP’s goal is to place “over 35 percent” of its Maine participants into unsubsidized employment annually.” That number should be “at least 58%”.
- The SCSEP is currently offered in every county in Maine except Cumberland and Lincoln. There are older workers in these two counties who very much need the program’s services. We have received many inquiries from hopeful applicants who are disappointed when we tell them the program is not currently available in their areas. We are looking forward to partnering with the workforce development system in support of Maine’s older workers so that SCSEP resources could again be offered in these areas.

Thank you.

From: Eloise Vitelli <eloise.vitelli@gmail.com>
Sent: Monday, March 05, 2018 10:36 AM
To: DOL, SWB
Subject: comments on State Plan
Attachments: Comments on WIOA Revisions to Plan 03.02.18 (1).pdf

Please see the attached comments being submitted in regards to the revised State WIOA Plan.

Thank you.

Eloisse

--
Eloise Vitelli
Arrowsic, Maine

128th Legislature
Senate of
Maine
Senate District 23

Senator Eloise Vitelli
Marine Resources Committee
3 State House Station
Augusta, ME 04333-0003
(207) 287-1515

March 2, 2018

Director, State Workforce Board
Maine Department of Labor
54 State House Station
Augusta, ME 04333-0054

RE: Comments on WIOA Revisions to Plan

I am offering the following comments both from my perspective as a State Senator and member of the Task Force on Maine's 21st Century Economy and Workforce and as someone who has spent the better part of a 40 year career helping individuals make a successful transition or re-entry into the workplace.

As stated on page 11 of the revised State of Maine Unified WIOA Plan, the intention is that when implemented the plan will result in: (emphasis added)

- Increased access to employment and education services for thousands of Maine residents, **including those with barriers to employment**
- Better alignment of services and programs within the workforce development system
- **Productive, career-ready, skilled workers**

The Plan also identifies a set of priority populations that have barriers to employment; the SWIB has established specific sub committees to address the needs of these groups: (pages 30 -38)

- People with disabilities - at 17% of the population, Maine has a higher portion of people with disabilities than the nation as a whole (12%)
- Older workers – we are the oldest state with a media age of 44.5 years
- Younger workers – there are significant numbers of young people aged 18 – 24 who are not in school and not working
- Women – the wage gap persists and more women are single parents and are found among part-time low wage workers
- Veterans - Maine has the 11th highest per capita rate of veterans in our population in the nation.

The new 70% minimum training expenditure requirement will undermine the stated goals of the WIOA plan and make it extremely difficult to serve the priority populations that are a critical part of our workforce and economic development needs. The list of what qualifies as training expenditures under this proposed policy misses the components necessary to make any of the other training components effective, especially for individuals facing barriers to employment.

In my 38 years with NVME helping displaced homemakers and others enter or re-enter the labor market, we have learned a great deal about what it takes to succeed in Maine's economy. Significantly, what we see from follow-

Eloise.Vitelli@legislature.maine.gov

*Fax: (207) 287-1585 * TTY (207) 287-1583 * Message Service 1-800-423-6900 * Website: legislature.maine.gov/senate*

up data and observation is that individuals make progress: when they have identified clear goals and action steps; when those goals are informed by and based on individual needs, values, skills and abilities; when the individual is provided with practical tools and appropriate support along the way.

The Center for Law and Social Policy (CLASP) agrees that among the critical functions of Career Pathways programs are: participant-focused instruction and training; consistent and non-duplicative assessment of education skills and assets/needs, supportive services and career navigation assistance, as well as employment services and work experiences.

Without adequate staff to provide case management, to coordinate with employers and other service providers, to find the best placement, to leverage other resources, individuals risk being funneled into inappropriate training and left without the resources to persist and succeed.

Without adequate career services, individuals unfamiliar with their career options, insecure about their learning skills or educational background, worried about their own limitations or the needs of family members, will be left behind, leaving only those already 'career-ready' to be served, a strategy best described as creaming.

Disallowing these activities as part of the 70% minimum training expenditure is misguided and harmful to the very people WIOA is intended to assist. Local workforce boards are required by federal statute to provide case management/career services and are encouraged to serve those most in need.

The report issued by the Legislature's Task Force indicated that "Maine is on the verge of a workforce crisis." The crisis is "due in large part to the age demographic of the current working population" noting also the decrease in our birth rate. The report when on to say:


For adult learners that enter into education and training programs, a lack of social supports, such as for childcare and transportation issues, can lead to program noncompletion and nonattainment of credentials needed to secure optimal employment. Immigrants face additional challenges with integration into the state's workforce, due in part to language barriers, cultural issues, credential recognition issues and lack of prior U.S. work experience.

The Report also notes that changes in the makeup of the economy has resulted in a shift in the types of jobs available leading to a skills mismatch among workers and employers.

The 70% minimum training expenditure runs counter to these imperatives and will leave the Maine economy without the skilled and diverse workforce we need. To grow our workforce and meet the demands of a changing economy, we need 'all hands on deck'. We need a workforce development system that gives everyone a chance to participate no matter their particular barriers or past experience in the workforce.

I strongly urge that the SWIB withdraw this policy and do all it can to work with the local workforce boards to ensure their compliance with federal statute, enable them to meet the objectives of the State Plan, and best serve the people of Maine.

Yours Truly,

A handwritten signature in cursive script that reads "Eloise Vitelli".

Eloise Vitelli

From: Jeff Degan <jrdegan@gmail.com>
Sent: Monday, March 05, 2018 5:58 PM
To: DOL, SWB
Subject: 70 percent policy

Saying that 70% of the Federal funds should go to training makes a great sound bite, but it is lousy policy.

Imposing such a policy would restrict the ability of local boards ability to hire the staff who are absolutely vital to the success of these programs. This is true in any organization, but it is doubly so when trying to serve individuals with barriers to employment.

Since Augusta doesn't seem to understand this basic concept - perhaps a metaphor might serve us well.

Case managers and front line staff are the people who make sure that precious training resources are delivered. They are to WIOA services what the people who drive delivery trucks are to a bakery. You can put as much money as you like into the baking of the bread, but if you can't get it to market, then your customers are going to go hungry.

Maine - smarten up. Repeal this policy. USDOL please do not approve Maine's plan with the 70% to training policy.

JRDegan
(not a Russian bot)

From: Sage M. Friedman <sfriedman@mpmlaw.com>
Sent: Monday, March 05, 2018 6:03 PM
To: DOL, SWB
Cc: Kelly W. McDonald; Michael Bourret; Antoinette Mancusi
Subject: Comment Submission on Modification to Maine 2016-2020 Unified State Plan
Attachments: MPM Comment on Modifications to Maine 2016-2020 WIOA Plan.pdf

Director Oswald, State Workforce Board Members, & Staff,

Attached, please find a PDF of our comment on the proposed modification to the Maine 2016-2020 Unified State Plan.

If you have any questions, or if a different file format or further information is required, please do not hesitate to contact me.

Best regards,
Sage

Sage M. Friedman
Murray, Plumb & Murray
75 Pearl Street
P.O. Box 9785
Portland, Maine 04104-5085
Tel: (207) 773-5651
Dir: (207) 523-8242
Fax: (207) 773-8023
Email: sfriedman@mpmlaw.com

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March 5, 2018

VIA E-MAIL

Garret J. Oswald
Director, State Workforce Board
Maine Department of Labor
54 State House Station
Augusta, ME 04333-0054

Re: Maine Unified State Plan Modification 2018

Dear Director Oswald & State Workforce Board Members,

We are writing to express our concerns regarding the proposed modification of the State of Maine 2016-2020 Unified State Plan for the Workforce Innovation and Opportunity Act (the "WIOA"). Included in the proposed modifications is a new policy requiring Maine's three local workforce boards to expend 70% of all WIOA Title 1 funding on specified training activities (the "70% MTE Policy" or the "Policy"). **We believe that this Policy should not be adopted by the State of Maine, and that if it is adopted the modification of the State Plan should be rejected by the U.S. Secretaries of Labor and Education because it is inconsistent with the purpose and provisions of the WIOA.**

The 70% MTE Policy violates the local workforce board's budgetary authority over WIOA funds. Local workforce boards control their own budgets. *See* 29 U.S.C. § 3122(d)(12)(A) (granting each local workforce board budgetary authority subject only to the approval of its own local chief elected official). Carefully balanced by Congress, the decision-making authority under the WIOA is not hierarchical. Rather, the WIOA requires that the majority of expenditures are controlled at the local level. *See* 29 U.S.C. § 3122(d) (required activities and functions of local workforce board). By attempting to control local budgets, the 70% MTE Policy violates federal law. In addition, the 70% MTE Policy violates the intent of WIOA by undermining local control and preventing local workforce boards from exercising federally-mandated the budgetary discretion over the infrastructure, development, outreach, and staffing expenditures required to meet their many obligations.

The State's efforts to implement the Policy violate WIOA procedures. The 70% MTE Policy is a performance metric. Performance metrics must be negotiated with the local workforce board. *See* 29 U.S.C. § 3141. The State has not negotiated the level of training expenditure, and has disregarded the concerns of the local workforce boards that this heightened level of training expenditure will lead to programmatic failure.

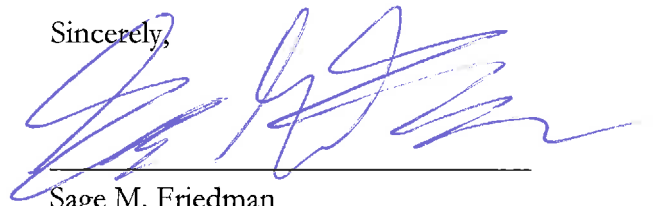
The Policy purports to implement penalties which are inconsistent with the provisions of the WIOA. As written, if a local workforce board fails to reach the 70% MTE Policy the State will impose a 10% funding penalty on the next Program Year's allocation. This violates the population based WIOA allocation formulas codified in statute. See 29 U.S.C. § 3173(b) (Within State Allocations). Under the 70% MTE Policy, failure to meet the required expenditure levels for a second year would result in "corrective actions or decertification of the Local Board." State Workforce Board, *WIOA 2016-2020 Unified Plan (Proposed Modifications 2018)*, State of Maine, at 367 [hereinafter: "*Modified State Plan*"]. This violates the standards set forth in the WIOA for decertification.

The State has not provided sufficient justification for the 70% MTE Policy. The Modified State Plan fails to provide any connection between this level of spending and improved outcomes for WIOA program participants. Moreover, it does not address the State's experience under a previous 40% MTE Policy. The 40% MTE Policy was rescinded in the Maine State 2016-2020 Unified Plan because "some local areas had to reduce staff and operating hours in order to meet the requirement . . . regardless of the amount spent, the completion rates and credential attainment rates did not change significantly . . . [and] the cost per participant went up significantly." State Workforce Board, *WIOA 2016-2020 Unified Plan*, State of Maine, at 162. Further, the 40% MTE Policy was criticized for not giving the local workforce boards the flexibility to address the specific programmatic needs of their region. *Id.* The State has failed to explain why the 70% MTE Policy will improve outcomes for Maine workers in light of the fact that the 40% MTE Policy failed to do so.

The history here suggests that the 70% MTE Policy is motivated by an improper purpose. The Governor has repeatedly attempted to upset the WIOA's careful allocation of power between federal, state and local interests. Previous efforts have included: repeated requests for Maine to be redesignated as a single area state (which is prohibited under federal law); a proposal to replace the local workforce boards with local chambers of commerce (which was rejected for failure to properly consult with the local workforce boards); attempts to usurp local workforce boards' decisions on the siting of One-Stop Career Centers; and illegally withholding WIOA funds from the local workforce boards and their fiscal agents. This past fall, our client, Coastal Counties Workforce, Inc. ("CCWI"), the fiscal agent for Maine's Local Area 4, brought suit against the Governor and the Commissioner of Labor for failing to make WIOA funds available as required by the WIOA, and for unlawfully terminating the previous Program Year's allocation. As part of that dispute, MDOL attempted to unilaterally impose a 60% MTE Policy. CCWI ultimately prevailed. *Coastal Counties Workforce, Inc. v Lepage*, 2018 U.S. Dist. LEXIS 677 (D. Me., Jan. 3, 2018). The Court specifically prohibited Governor LePage and Commissioner Butera from imposing the 60% MTE Policy as a condition on the release of PY16 funds. The proposed 70% MTE Policy appears to be motivated not by a genuine desire to help WIOA participants but instead to be a continuation of these same efforts.

Because this Policy is in violation of the provisions of the WIOA we strongly urge MDOL to withdraw the 70% MTE Policy from the proposed modifications to the Unified 2016-2020 State Plan.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sage M. Friedman', written over a horizontal line.

Sage M. Friedman

Kelly W. McDonald

MURRAY, PLUMB & MURRAY

cc: Coastal Counties Workforce, Inc.

From: Jade Arn <jadearn@hotmail.com>
Sent: Monday, March 05, 2018 9:31 PM
To: DOL, SWB
Subject: WIOA Training Percentage Policy - Public Comment

To Whom it May Concern:

To institute a 70% training expenditure on Local Workforce Boards throughout the state is not only unrealistic, but challenges central tenets of WIOA to provide comprehensive services to jobseekers and employers. It is with these thoughts that I write in objection to the policy put forth by the State Workforce Board.

In an economy with nearly full employment, finding qualified individuals for vacant positions has become a more significant challenge. Those who are not working, the hard to serve target population of WIOA, tend to have more significant barriers to employment. The 70% training policy will limit funds for critical staff functions that help individuals overcome challenges to entering and staying in the workforce.

Though at face value, increased training funds makes sense, this policy is short-sighted and will have dire consequences. Please do not impose it.

Sincerely,
Jade Arn

From: William Brady <brady@cumberlandcounty.org>
Sent: Tuesday, March 06, 2018 8:05 AM
To: DOL, SWB
Subject: Public Comments State Modification
Attachments: Lt Brady Comment.pdf

Please, see my attached comments on this very important issue.

--

William Brady
Lieutenant/Corrections
Sheriff's Office Jail
Cumberland County
774-5939

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Cumberland County Sheriff's Office

Kevin J. Joyce
SHERIFF

Naldo S. Gagnon
CHIEF DEPUTY

36 COUNTY WAY, PORTLAND, ME 04102

PHONE (207) 774-1444 ~ FAX (207) 828-2373

To: Whom it may concern

From: Lt. William M. Brady

Date: February 28, 2018

Subject: LWDB'S WIOA TRAINING EXPENDITURE REQUIRMENT

After going over the suggested Minimum Training Expenditure Requirement of 70% for Program Year 2018, while I see the intended goal, I am not sure it will achieve its intended impact. I have worked closely with a WIOA service provider as part of a LEAP/PREP Grant, and know first-hand the work and commitment needed to reintegrate those formerly incarcerated back into society.

In fact, it has been my experience that the population we serve needs complete supervision and support from their Case Managers and Counselors. This population of ex-offenders needs direct supervision during their transitional period to not fall through the cracks, not be tempted to go back to their former life, and become successful, contributing members of this society. It is the hands-on and continuing direct support and assistance that will make the difference. Failing to provide such support will result in them repeating the cycle.

Having said all of this, I am very concerned and do not agree with the 70% to training policy the state is trying to institute. It will reduce the much needed Case Managers and Counselors. I can only add that after working in the field of rehabilitation for over 30 years, this 70% training requirement is unnecessary as a "Mandated Requirement."

C: File

From: Tammy Combs <tcombs@frontstreetshipyard.com>
Sent: Tuesday, March 06, 2018 8:25 AM
To: Oswald, Garret J.
Subject: Training
Attachments: Dept of labor signed March18.pdf

Mr. Oswald,

After speaking with my board members regarding the call I received yesterday it was suggested that I resubmit my letter so please find it attached. Thank you.

Tammy Combs
Human Resources Director

101 Front Street
P. O. Box 558
Belfast, Maine 04915

Office: 207-930-3740
Mobile: 207-505-2127
Fax: 207-930-3742

tcombs@frontstreetshipyard.com

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FRONT STREET SHIPYARD

March 5, 2018

Garret Oswald
Director, State Workforce Board
Maine Department of Labor
45 Commerce Drive
Augusta, ME 04330

Dear Mr. Oswald,

In response to the State of Maine's request for a 70% training expenditure minimum, I write with concern. As a local employer in Maine, and in an economy with low unemployment rates, it is increasingly difficult to find skilled employees to fill current job openings. The ability of local WIOA service providers to correctly assess and match individuals with appropriate services in order to be ready for training and eventually job placement should be priority, as established under WIOA. The 70% training minimum negates the ability of staff to do so.

Given the lack of readily proficient job seekers, preparing individuals to enter the workforce is key to the success of providing a pipeline of skilled candidates to our business. In order to do so, capacity is needed to correctly evaluate an individual's competency in entering training and/or the job market. In other words, providing solely for training dollars does not address the need for alternative interventions to prepare persons with barriers to enter the workforce.

Given the current economy, there is not the population of skilled job seekers that was present 10 years ago (i.e., during the start of the recession). Therefore, those currently looking for employment come with their own set of challenges (e.g., need of skills training, drug addiction, single parenting) and need help in overcoming those hurdles to prepare and connect with training and employment. With these challenges in mind, providing for extensive training funds does not equate to success— if they were able to be successful without intervention, these populations (i.e., the most in need individuals) would already be successful.

It is with these concerns in mind that I write to object to the 70% training minimum as outlined in the State Workforce Development Plan modification.

Sincerely,



Tammy Combs
Human Resources Director

From: Charles Pray <charles.pray@mainecounties.org>
Sent: Tuesday, March 06, 2018 9:01 AM
To: Oswald, Garret J.
Subject: MCCA Statement on the State Workforce Board Unified State Plan
Modification 2018
Attachments: MCCA Letter Oppose.MDOL.SWDB.Rule.WIOA..doc

Garret:

Thank you for taking my call this morning and your attention in seeing the State Workforce Development Board receives the MCCA's opposition to the infliction of what we firmly believe are intentionally ill conceived modifications to the current WIOA services across Maine.

Charlie
Charles P Pray
Executive Director
Maine County Commissioners Association

M.C.C.A.

Thomas Coward, President
Cumberland County

Amy Fowler, Vice President
Waldo County

Carol Maines, Secretary-Treasurer
Knox County

Charles Pray
Executive Director

Lauren Haven
Office Manager



Maine County Commissioners Association
4 Gabriel Drive, Suite 2
Augusta, ME 04330
207-623-4697
www.maine counties.org

MAINE COUNTY COMMISSIONERS ASSOCIATION

February 28, 2018

Director, State Workforce Board
Maine Department of Labor
54 State House Station
Augusta, ME 04333-0054

TO: Maine State Workforce Board

The Maine County Commissioners Association (MCCA) remains supportive of the operations of the three regional Workforce Boards under the Workforce Innovation & Opportunity Act (WIOA) as designed and historically has effectively delivered workforce training and career services to the citizens across Maine. We strongly object to the State's continued attempts to place needless unfounded burdens and continuing unneeded disruptions into the delivery of services to the citizens of our state. The MCCA opposes the State Workforce Board Unified State Plan Modification 2018 for a number of reasons.

The MCCA believes it is redundant but necessary to remind the Maine Department of Labor the federal act provides local CEO's the principle local oversight in the WIOA, and the local Workforce Boards the authority to identify the workforce training and career services needed in their individual regions in the delivery of workforce development within their regions, as designed by the federal act.

The MCCA affirms the federal act authorizes the local Workforce Boards to evaluate and determine the mix of programs which allow the greater delivery of services to the citizens of the region. The WIOA directly assign the regional Workforce Boards the responsibility for developing case management, counseling and follow-up with participants ensuring efficiency and effectiveness of the programs being delivered as

well as providing the CEO's the charge of formulating and approving budgets for the delivery of these services for their regions.

The MCCA views the MDOL 70 percent training expenditure policy as an artificial restriction outside of the scope of the WIOA statutes and regulations. It is simply inappropriate and in direct contempt of federal intent as well as federal statute.

We unanimously request MDOL to cease their ill-advised efforts of disruptions of funding and impediments of delivery of services by the locally comprised Workforce Boards.

The MCCA agrees with the local Workforce Boards, the State's 70 percent minimum training expenditure policy usurps local authority determination of local budgets as expended under USDOL regulation (20 CFR 680.140((a)).

Respectfully,

A handwritten signature in black ink that reads "Charles P. Pray". The signature is written in a cursive, flowing style.

The Honorable Charles P. Pray
Executive Director
Maine County Commissioners Association

Cc: Commissioner Thomas Coward, President, MCCA
Commissioner Peter Baldacci, Immediate Past President, MCCA
MCCA Board of Directors

From: Denise Griffin <denise.griffin@thefirst.com>
Sent: Tuesday, March 06, 2018 9:10 AM
To: DOL, SWB
Subject: Public Comment

Garret Oswald
Director, State Workforce Board
Maine Department of Labor
54 State House Station Augusta, ME 04333-0054

Dear Mr. Oswald:

I am writing to comment on the Maine State Workforce Plan Modification. As Vice Chair of the Coastal Counties Workforce Board. I have been a board member for over ten years and over those years I have worked closely with Coastal Counties Workforce, Inc. (CCWI) and service provider staff, witnessing firsthand the good work being done in this workforce region.

It is very clear to me what some of the implications might be in mandating a 70% training policy in the Workforce Innovation & Opportunity Act (WIOA). Before mandating such a training percentage in the WIOA system, one must ask the question, what problem are we trying to solve? Are we trying to make certain that more people get trained? Or are we simply trying to provide richer training plans for participants?

More than doubling the training budget from 30% to 70% of the local allocation does not translate into twice the number of people receiving training. With a likely 75% reduction in staff not only will participant services decrease but so will employer services. The ability to do business outreach and customized job training and development on behalf of regional employers is also severely diminished. This actually means that less than 1/4 as many people would be served region-wide, leaving additional training funds unexpended at year's end.

Alternatively, case managers could create richer participant training plans, but how would this be more effective or consistent with the WIOA consumer reports philosophy of cost-effectiveness of eligible training providers? This is WIOA guidance that local boards must consider in making training decisions. Will entered employment or other performance outcomes reflect the value of this higher cost of training? Again, what problem are we solving?

If this were to happen, WIOA regulations, compliance matters, program quality control and performance would all be at risk - increasing the likelihood of - putting entire local areas at risk with the state and U.S. Department of Labor since our target populations are some of the hardest to service and require intensive case management. We learned this lesson in 2009 when the Maine Department of Labor (MDOL) allocated American Recovery and Reinvestment Act (ARRA) funds with a 80% training requirement. Caseloads swelled to 125-150 due to insufficient staffing budgets which resulted in poor quality control and an unprecedented high volume of negative participant terminations throughout the wider workforce system.

If the desired outcome is for more people to receive training then additional funds need to be applied. The federal workforce system has been cut significantly since the introduction of the Workforce Investment Act in 1998. As a matter of fact, WIOA funding levels for the CCWI region in 2017 are on nearly on par with the Workforce Investment Act (WIA) allocation in 2002, and exacerbating this, there are no supplemental state funds that support the local regions as there are in numerous states across the country.

With these two realities, one thing the state board could do is to make certain that a portion of the WIOA setaside funds were made available strictly for local training projects that each local board could compete for. This is something that is done in a multitude of states across the country, year in and year

out—it is common practice for states to supplement local training budgets with setaside funds –why doesn't Maine do this? It used to. This would be a good start to increasing the availability of training funds and encouraging creativity among the locals to engage in sector partnership training and career pathways work.

For the reasons mentioned I am strongly opposed to the proposed 70% training policy.

Sincerely,

Denise C. Griffin, SPHR, SCP
VP, Human Resources

Denise C. Griffin, SPHR, SCP | VP, Human Resources
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.....

From: Valerie Odams <vodams@coastalcounties.org>
Sent: Tuesday, March 06, 2018 9:32 AM
To: DOL, SWB
Cc: Mike Bourret; Antoinette Mancusi; Lydia Sy; Commissioner Charles Crosby
Subject: Public comment re: 70% Minimum Training Expenditure Requirement
Attachments: CCWI comment (signed) 3-6-18.pdf

Attached, please find a public comment regarding the 70% Minimum Training Expenditure Requirement from CCWI Executive Director, Mike Bourret.

Thank you,
Valerie

Valerie Odams, Executive Assistant
Coastal Counties Workforce, Inc.
14 Maine Street, Suite 203A
Brunswick, ME 04011
Tel/Fax: (207) 725-5472
Email: vodams@coastalcounties.org
Web: www.coastalcounties.org
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Director, State Workforce Board
 Maine Department of Labor
 54 State House Station
 Augusta, ME 04333-0054

March 6, 2018

Re: 70% Minimum Training Expenditure Requirement policy proposal

Coastal Counties Workforce, Inc. (CCWI) is vehemently opposed to the State's attempt to impose a 70% to training policy through its WIOA Plan Modification process. As the non-profit entity that represents and works for the Coastal Counties Workforce Board, we can state - without hesitation - that this policy will have devastating effects on our Workforce Innovation and Opportunity Act (WIOA) system.

I. REGIONAL NEEDS WILL NOT BE SERVED BY A 70% TRAINING POLICY.

WIOA paints a backdrop for a workforce development system where local areas (i.e., local workforce boards) play an integral role of developing systems and service delivery that focuses on the needs of their regional economies.

2. Subpart B—Workforce Innovation and Opportunity Act Local Governance (Workforce Development Areas)
 This subpart provides the requirements for identification of regions and designation of local areas under WIOA. WIOA envisions a workforce development system that is customer focused on both the job seeker and business, and is able to anticipate and respond to the needs of regional economies. It requires Workforce Development Boards and CEOs to design and govern the system regionally, aligning workforce policies and services with regional economies and supporting service delivery (Federal Register /Vol. 81, No. 161 / Friday, August 19, 2016 /Rules and Regulations, Page 56095).[emphasis added]

Clearly, WIOA requires Workforce Development Boards and CEOs to design and govern the system regionally. From our vantage point, Maine's 70% training policy seriously conflicts with the authority and responsibility given to local areas under WIOA. The 70% training policy is so restrictive it undermines a local area's ability to design locally needed systems.

II. A 70% TRAINING POLICY WILL MAKE LOCAL BOARDS UNABLE TO MEET OTHER WIOA MANDATES.

CCWI strives to provide excellent service to its residents while conforming to all rules, regulations, and requirements under WIOA. With a 70% training policy, staff would be seriously reduced. It is certain that local areas would not be able to perform the myriad of other responsibilities enumerated under WIOA (29 USC § 3122 (d)). For example, 20 CFR § 680.140 (a) clearly requires that "[t]itle I formula funds allocated to local areas for adults and dislocated workers must be used to provide career and training services through the One-Stop delivery system. Local WDBs determine the most appropriate mix of these services, but both types must be available for eligible adults and dislocated workers." [emphasis added]. The 70% training requirement

would destroy the appropriate mix of services required by WIOA. A local area cannot provide all the required services with only 30% of its allocation.

CCWI regularly conducts program oversight, local performance accountability, and budget and administrative reviews. But with only 30% left (if a 70% policy is imposed), it will not be possible to meet the other functions required of the local board that require staff. Labor Market Analysis, Convening, Brokering, Leveraging, Employer Engagement, Career Pathways Development¹, Creating Proven and Promising Practices, Technology Usage Strategies, Selection of Operators and Providers, and Coordination with Education Providers are all staff intensive. Without the ability to fund the hiring of staff or an Operator (which is the effect of the 70% training policy), many WIOA mandates will not be met.

III. THE 70% TRAINING POLICY CONFLICTS WITH THE AUTHORITY GIVEN TO LOCAL AREAS UNDER WIOA.

WIOA, 29 USC § 3122 (d) (12), regarding local areas' "Budget and Administration" duties explicitly states that "[t]he local board shall develop a budget for the activities of the local board in the local area, consistent with the local plan and the duties of the local board under this section, subject to the approval of the chief elected official." The 70% training policy proposed by the State of Maine directly conflicts with § 3122. Although the state has policy discretion, policies promulgated by the state must not contradict federal law. By its very nature this policy conflicts with federal law by reducing a local area's budgetary authority

IV. THE STATE'S 70% TRAINING POLICY CONFLICTS WITH THE STATE'S STATED GOALS IN ITS WIOA PLAN.

On page 9 of the "Modification Maine's 2016-2020 WIOA Unified Plan", a summary of the Unified Plan's intended goals are listed. They are as follows:

- Increased access to employment and education services for thousands of Maine residents, including those with barriers to employment
- Better alignment of services and programs within the workforce development system
- Productive, career-ready, skilled workers

Key action steps for these goals, covering almost an entire page of items, are also included. Given our familiarity with what it takes to perform all these tasks/action steps we can state unequivocally that with only a 30% budget left, these items will not be undertaken. Staffing is needed to ensure that the 3 aforementioned goals are met – the 70% training policy destroys our ability to hire needed staff. How, pray tell, can you even put forth a goal that there will be "[i]ncreased access to employment and education services" when you simultaneously reduce the system's ability to fund what is needed – actually decreasing access.

The new 70% training policy also conflicts with the State Plan that identifies a set of priority populations (page 28) that have barriers to employment. The plan states that "[t]he State Board has long advocated for individuals facing challenges to employment and has established official standing committees whose charge is to examine the issues facing specific target populations and put forth recommendations that will address issues specific to certain populations, including individuals with disabilities, older workers, younger workers, women, and veterans."

¹ Even WIOA Rules/Regulations substantiate the tremendous cost attributed to career pathways development. One of the largest costs to WIOA implementation is "from the Local WDB career pathways development". (Federal Register / Vol. 81, No. 161 / Friday, August 19, 2016 / Rules and Regulations, Page 56316).

The proposed 70% minimum training expenditure requirement will seriously work against all these priority populations. These are the populations that need case managers, front line staff to succeed and that will be most impacted by our system's inability to fund these positions. It is difficult to understand how passing such a policy (i.e., the 70%) is consistent with advocating for such populations. On the contrary, the 70% to training will mean less access, less staff intensive services and less people served. Individuals facing the greatest barriers to employment will be the most negatively affected.

For all these reasons we strongly disagree with the State of Maine's 70% training policy which is a substantive piece of the WIOA Plan Modification. We urge the USDOL to require the State of Maine to revise its WIOA Plan accordingly.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael T. Bourret", followed by a long, sweeping horizontal stroke.

Michael T. Bourret
Executive Director

MTB/vo

From: Kelly Osborn <Kelly.Osborn@goodwillnne.org>
Sent: Tuesday, March 06, 2018 9:56 AM
To: DOL, SWB
Subject: State Plan Modification feedback
Attachments: doc16216220180306090356.pdf

Please see attached letter outlining comments on the State Plan Modification. The text of the letter is copied below.

Thank you,
Kelly Osborn

Executive Director, Workforce Services
Goodwill Industries of Northern New England
75 Washington Ave, Suite 300
Portland, ME 04101
Phone: 207-774-6323 ext. 6318
Cell: 207-210-3750

Director, State Workforce Board
Maine Department of Labor
54 State House Station
Augusta, ME 04333-0054

March 6, 2018

Re: Comments to the State of Maine, Department of Labor and Department of Education on its modification to the 2016-2020 Unified State Plan

As identified in the Unified State Plan (Appendix B), Goodwill Northern New England is a Title 1 Formula Funded service provider of Adult, Dislocated, and Youth Services in the six coastal counties of Maine. Goodwill Northern New England provides the following comments concerning the changes outlined in the Minimum Training Expenditure Requirement (Appendix XXV):

- The 70% minimum training requirement will reduce staffing positions to only 2 FTE frontline employment counselors and only .25 (1/4) FTE program manager.
- The number of individuals that can effectively be served by each counselor is between 75-100 across the six county region, resulting in large reduction in numbers served.
- Approximately \$938,000 in training costs will need to be generated by 2 FTE employment counselors, with an average cost per enrollee of between \$6,250 - \$9,250.
- Changes potentially rule out services for many groups, such as individuals with significant barriers (and/or disabilities) to employment that are not ready for training and for individuals who need support for lower-cost training (e.g. C.N.A.).
- Funding changes would put significant strain on two existing program hubs – Portland One Stop and Belfast; yet, there would be reduced funding for mileage reimbursement for staff responsible for serving the large, six county region.
- Cross-referral/communication across the WIOA system would be difficult with limited staff and funding.

Additionally, the changes outlined in the Minimum Training Expenditure Requirement would jeopardize the service provider's ability to provide required (and important) WIOA services such as case management and assessment, resulting in individuals with the most significant barriers and disabilities likely going unserved and underserved.

Respectfully submitted,

Kelly Osborn
Executive Director, Workforce Services

Kelly Osborn

Executive Director, Workforce Services
Goodwill Industries of Northern New England
75 Washington Ave, Suite 300
Portland, ME 04101
Phone: 207-774-6323 ext. 6318
Cell: 207-210-3750

Director, State Workforce Board
Maine Department of Labor
54 State House Station
Augusta, ME 04333-0054

March 6, 2018

Re: Comments to the State of Maine, Department of Labor and Department of Education on its modification to the 2016-2020 Unified State Plan

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- Approximately \$938,000 in training costs will need to be generated by 2 FTE employment counselors, with an average cost per enrollee of between \$6,250 - \$9,250.
- Changes potentially rule out services for many groups, such as individuals with significant barriers (and/or disabilities) to employment that are not ready for training and for individuals who need support for lower-cost training (e.g. C.N.A.).
- Funding changes would put significant strain on two existing program hubs – Portland One Stop and Belfast; yet, there would be reduced funding for mileage reimbursement for staff responsible for serving the large, six county region.
- Cross-referral/communication across the WIOA system would be difficult with limited staff and funding.

Additionally, the changes outlined in the Minimum Training Expenditure Requirement would jeopardize the service provider's ability to provide required (and important) WIOA services such as case management and assessment, resulting in individuals with the most significant barriers and disabilities likely going unserved and underserved.

Respectfully submitted,



Kelly Osborn
Executive Director, Workforce Services

From: Anita St Onge <stonga@portlandschools.org>
Sent: Tuesday, March 06, 2018 12:06 PM
To: Oswald, Garret J.; DOL, SWB
Subject: comments to the modifications of the State Unified Plan
Attachments: comments to the state workforce board March 6 2018.pdf

I am attaching my comments. Thank you for your consideration.

--

Anita M. St. Onge, JD
Executive Director
Portland Adult Education
(207) 874-8155
(207) 671-7920 (Cell)

*** Please Note: ***

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March 6, 2018

I am writing to comment on the proposed 2018 modifications to the 2016-2020 Unified Plan. In this era of low unemployment, current job-seekers often have barriers to success in achieving employment or re-employment. While there are some who have a clear idea of their career pathway and simply need funds to pay for appropriate training, there are many more who need guidance and support beyond the training itself. I would urge the Board to consider including assessment, case management and follow-up services as part of the minimum training expenditure requirement. Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Anita M. St. Onge", is written over the printed name.

Anita M. St. Onge, JD

Executive Director

Portland Adult Education

14 Locust St.

Portland, Maine 04101

(207)874-8155

(207)671-7920 (cell)

From: ed@educatemaine.org
Sent: Tuesday, March 06, 2018 2:07 PM
To: DOL, SWB
Cc: Howe, Joshua A.
Subject: 2018 Modification Maine's Unified State Plan

Feedback Received

First Name: Ed

Last Name: Cervone

E-mail address: ed@educatemaine.org

Comments: Thank you for the opportunity to respond to proposed modifications in Maine's Unified State Plan for 2018. My name is Ed Cervone and I am the executive director of Educate Maine, a business-led education advocacy nonprofit organization.

I am writing to comment on the policy change that requires local workforce boards spend 70% of WIOA Adult and Dislocated program funds on training as described on page 364, Appendix XXV – the Minimum Training Expenditure Requirement.

Educate Maine is one of several partners working on Maine's TechHire grant. This is a \$4 million grant to the State of Maine from the U.S. DOL to train low-income adults and place them in computing and IT jobs at Maine companies. The adults served by this grant face a number of obstacles to employment ranging from content knowledge to language to basic career readiness skills. This grant allows the partners to recruit candidates, assess their needs, deliver tech training, provide other support and case management services, and ultimately get them employed.

This grant works well because it is structured so that job seekers can access other WIOA funds to get the wrap around and case management services many desperately need. For most of these adults, passing a computing or IT course is not enough to secure a job. They need help with other communication and work-ready skills that they lack. What makes this harder is that no two people have the same needs.

Educate Maine's role is to take candidates that have successfully finished their technical content training and ready them for employment. We work with case managers to get most of these candidates to a point where an employer would feel comfortable bringing them on board either full time or via an internship. We work with the employer to provide a setting and support where these candidates can succeed and grow. Many of these candidates would fail or simply be denied access to employment without the case management services that get them ready to work and embark on a career.

Going into this we knew that our target population had needs beyond technical content training but we (Educate Maine) didn't understand the true extent of their need until we got the program up and running. Candidates are finding success but it requires a great deal of personal attention from our partners in the form of case management. Based on what we are witnessing daily, the requirements outlined in Appendix XXV would work against our project's actual need. Limiting staff and services that fall under case management to 30% of those funds will ultimately mean fewer successful job placements with Maine businesses. Most worrisome is what will happen to these candidates that pushed through the technical content training and are denied their ultimate goal – a job.

Thank you for reconsidering this minimum and for providing greater access and flexibility with these funds.

Best regards,

Ed Cervone (Executive Director, Educate Maine)

From: mgagne@cdi.coop
Sent: Tuesday, March 06, 2018 2:45 PM
To: DOL, SWB
Cc: Howe, Joshua A.
Subject: 2018 Modification Maine's Unified State Plan

Feedback Received

First Name: Marcel

Last Name: Gagne

E-mail address: mgagne@cdi.coop

Comments: As a former ASPIRE case manager (Cumberland & York counties), a business agent with the JD-NEG grant with DOL, and the co-chair of the LA Metro Workforce Development & Education work committee, I am respectfully requesting that this recent modification work plan be reviewed and scrutinized with an objective eye as to the realistic and positive outcome needed by the current unemployed workforce. Training funds are critical - but perhaps the even greater need is case management helping folks find work & hold on to it! This policy and its contradictions to WIOA guidelines need review, reflection, and change. Employers need qualified workers, and in order to deliver those future workers, staff must be permitted to do what they do to make it work! I urge all involved to think the process through and come up with a workable solution for all involved!

Thank you.

Sincerely,

Marcel Gagne

From: Sy, Lydia <lydia.sy@manpower.com>
Sent: Tuesday, March 06, 2018 4:12 PM
To: DOL, SWB
Subject: Public Comment
Attachments: Public Comment from CCWB 3.6.18.pdf

Please find attached my comments regarding the 70% training requirement. Feel free to contact me if you have any questions.

Lydia Sy
Managing Director, Central Maine

lydia.sy@manpower.com
207-622-1535 | Augusta | Auburn | Rockland

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Director, State Workforce Board
Maine Department of Labor
54 State House Station
Augusta, ME 04333-0054

March 2, 2018

RE: Public comment on behalf of the CCWB for the 70% Minimum Training Expenditure Requirement

As the Chair of the Coastal Counties Workforce Board (CCWB) overseeing the Workforce Innovation and Opportunity Act (WIOA) programs in our six county region (York, Cumberland, Sagadahoc, Lincoln, Waldo and Knox counties), I write to voice our concern with the State of Maine's WIOA plan modification. Specifically, the 70% training "policy" the state is trying to have inserted into the state plan is unacceptable.

Simply put, WIOA is more than a program which underwrites training costs. WIOA requires much from the local workforce boards, certainly a whole array of obligations that are not simply about paying for training. The 70% proposed policy severely restricts a local area's ability to do much outside of providing for direct training costs – this policy would turn us into ATM machines for training funds.

20 CFR § 679.370, in describing the functions of the Local Workforce Development Board (LWDB), clearly states that the local board is responsible for local employment and training activities and the One-Stop delivery system in the local area. This section goes on to make clear that the local board is also responsible for ensuring the appropriate use and management of the funds provided under part B for the activities and system ... and for workforce development activities. Additionally, the local boards must "ensure the appropriate use and management" and investment of funds to maximize performance outcomes... Given these and other WIOA responsibilities placed on a local board, it is clear, that the State of Maine's policy imposing a 70% training requirement is a usurpation of the local boards' authority.

Additionally, the proposed 70% policy conflicts with a local board's obligation to design and govern the system regionally, aligning workforce policies and services with regional economies and supporting service delivery strategies tailored to these needs. With only 30% of a local area's allocation, a local board cannot meet these WIOA demands. "A key principle in WIOA is to provide local areas with the authority to make policy and administrative decisions and the flexibility to tailor the public workforce system to the needs of the local community." (Federal Register /Vol. 81, No. 161 / Friday, August 19, 2016 /Rules and Regulations, Page 56157). With only 30% of a local area's allocation, a local area will have no flexibility to design anything – least of all be able to meet the needs of a local community.

Moreover, allowing the state of Maine to impose a 70% training policy would be contradictory to a system which clearly imposes a plethora of other obligations on a LWDB. The LWDB's functions under WIOA sec. 107 (d) and 20 CFR § 679.370 include employer engagement, labor market analysis, career pathways development (which is, by the way, a costly activity), and identifying and disseminating promising practices. Again, with only 30% of the allocation provided to a board, these obligations would remain unmet.

Based on all these concerns, we encourage the USDOL to critically review Maine's State Plan Modification and ask that USDOL disallow the imposition of such a detrimental policy.

Lydia Sy
Chair, Coastal Counties Workforce Board

From: Linda Winton <lwinton@bonnyeagle.org>
Sent: Tuesday, March 06, 2018 4:45 PM
To: Oswald, Garret J.
Subject: Public Comment to Changes to the Unified State Plan
Attachments: Letter on Public Comment USP.docx

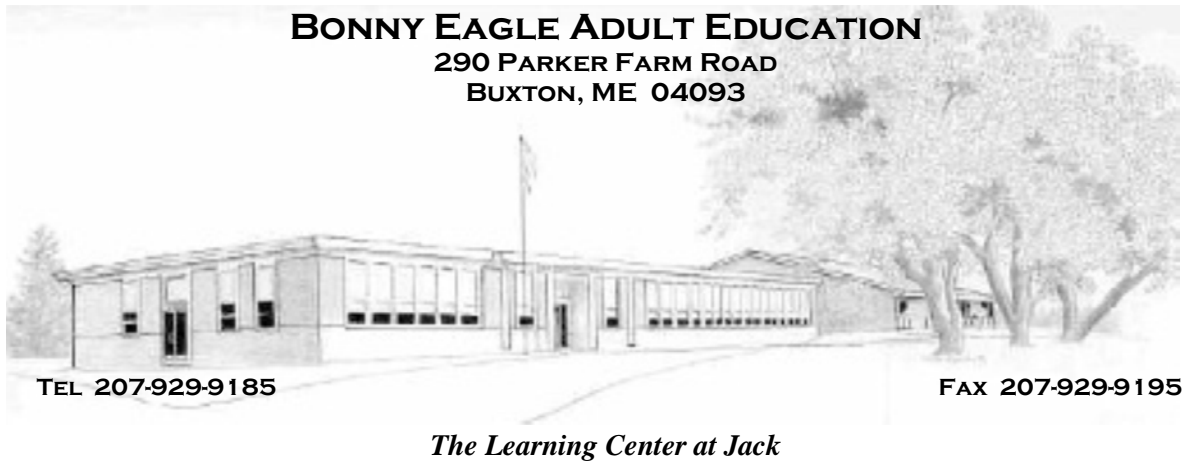
Please see attached

--

Linda Winton
Director, Bonny Eagle Adult Education
Serving Buxton, Hollis, Limington, Standish, Frye Island and You!
"There are two ways of spreading light: to be the candle or the mirror that reflects it." Edith Wharton

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MSAD #6 - Bonny Eagle Schools
Buxton - Hollis - Limington - Standish - Frye Island, Maine
Helping all students to reach their full potential



March 6, 2018

Mr. Garret Oswald
Maine State Workforce Board
45 Commerce Drive
Augusta, ME 04330

Dear Mr. Oswald,

In an economy with exceptionally low unemployment, finding skilled individuals to fill open positions with local employers has become a challenge.

Our Local Workforce Development Board, Coastal Counties, Inc., is a resource established that helps both job seekers and employers connect. Their service provider, Workforce Solutions, has provided our community members with counseling services and WIOA funds to pay for courses to give them the skills to enter new careers.

Using 70% of WIOA funds for training only, would limit the dollars to ancillary services that help individuals with barriers to employment enter the job market successfully and overcome obstacles that might prevent them from entering the workforce. This population (comprised in part of the disabled, Veterans, New Mainers, dropouts, single parents and the economically disadvantaged) needs these services *before* proceeding on to job training programs.

Please do not make this funding change.

Sincerely,
Linda Winton
Director, Bonny Eagle Adult Education

From: pbonneau@biddefordschools.me
Sent: Tuesday, March 06, 2018 10:12 PM
To: DOL, SWB
Cc: Howe, Joshua A.
Subject: 2018 Modification Maine's Unified State Plan

Feedback Received

First Name: Paulette
Last Name: Bonneau
E-mail address: pbonneau@biddefordschools.me
Comments: Dear Mr. Oswald,

The lack of a skilled workforce is a paramount concern in our state. We have many programs in this State trying to close the skills gap and encourage our native population to stay in Maine and entice those "from away." As providers of educational services, Adult Education is a core partner with the WIOA service providers.

One of the primary functions of WIOA is to make certain that career services are made available to clients in an accessible manner. WIOA spells out the responsibilities of the local workforce boards. The service provider, Workforce Solutions, of our local workforce board has provided help to job seekers and provide WIOA funds to pay for education courses to prepare them to enter into the workforce. Although the federal government considers these career services as part of training costs, the proposed modification significantly alters the federal model of WIOA. Imposing the 70% training expenditure will negatively impact the clients this Act is intended to serve. Without money to support career service counselors and locations throughout our State, a barrier is created for those most in need of these services and supports allowed through WIOA provided by our one stop and core partners. Please consider removing the 70% Minimum Training Policy which will impact the local workforce boards ability to comply with WIOA mandates and ultimately impact direct serviced delivery.

Thank you for your consideration.

Paulette Bonneau
Director
Biddeford Adult Education

From: MGR 10077 <MGR.10077@store.walgreens.com>
Sent: Wednesday, March 07, 2018 9:15 AM
To: DOL, SWB
Cc: info@coastalcounties.org
Subject: Public Comment on job development
Attachments: Public Comments.pdf

Good morning!

My name is Joshua Weed and I would like to submit the attached document for the public comments for upcoming changes in the job development field. If you have any questions or concerns, please feel free to reach out to me at weedjj78@gmail.com or 207 266 0028. Thank you.

Joshua Weed

March 5, 2018

To whom it may concern:

My name is Joshua Weed and I write as a citizen and manager of a local business in Bath, Maine. It is with great concern that I write this letter to object to the policy that reflects a 70% training expenditure minimum be placed on Local Workforce Development Boards and their service providers.

Having worked directly with Workforce Innovation and Opportunity Act (WIOA) participants through the WIOA-supported Work Experience training modality, I have realized the importance of the quality of the employment counselor's intervention strategy. Participants of these programs come from the "most-in-need" populations and require a level of management that is more hands-on than your average job seeker – which is the core of the WIOA program. The 70% training expenditure, as proposed by the State Workforce Board, undermines the intention of the Act and will adversely affect the quality of services that result from programming. One of two outcomes will result from this policy:

- 1) **Too many clients:** With less resources dedicated to staff, the fiscal reduction in "administrative costs" will limit the number of case managers in the state. In order to meet performance metrics, staff will be required to carry a larger caseload. This in turn will result in diminished capacity and therefore inferior interventions.
- 2) **Not as many quality job seekers ready for employment:** Utilizing the same limited staffing funds concept, case managers will carry the same caseloads but the overall enrollment numbers will drop significantly, statewide. This will result in fewer qualified individuals to connect with local business, thereby creating an ever-greater gap in the pipeline of candidates.

Given the current difficulty in finding qualified candidates with both the skills and personality to match business culture, either scenario does not fit with our current economic environment. It is with great concern that I write in disagreement with this policy.

Sincerely,

Joshua Weed
Resident of Brunswick, ME

From: The Cryer <editor@thecryeronline.com>
Sent: Wednesday, March 07, 2018 10:42 AM
To: DOL, SWB
Subject: CEOs comment on 70% Training from Commissioner Crosby
Attachments: CEOs comment on 70% Training.pdf

March 7, 2018

Mr. Oswald,

Here is my comment regarding the proposed Maine DOL change.

Charles Crosby - Sagadahoc County Commissioner, President Coastal Counties Workforce, Inc.

Sent from my iPhone



Director, State Workforce Board
 Maine Department of Labor
 54 State House Station
 Augusta, ME 04333-0054

March 1, 2018

Re: Chief Elected Officials' Public Comments on the proposed 70% Training Expenditure Requirement

As Chief Elected Officials (CEOs) for the Coastal Counties Workforce Region (York, Cumberland, Sagadahoc, Lincoln, Waldo, and Knox counties), we write with strong concerns over the State of Maine's Unified Plan Modification. We are completely opposed to the 70% toward training policy that the state is proposing on several grounds.

First, concerning local budgeting, it is up to the CEOs and local board to determine how funds should be allocated between different local activities. 29 U.S.C. § 3122(d)(12)(A) *"The local board shall develop a budget for the activities of the local board in the local area"*. In light of this obligation placed on the CEOs/local boards, the State of Maine's 70% policy conflicts with the Workforce Innovation and Opportunity Act (WIOA). If this policy is allowed, it will only provide the local areas with authority over 30% of their overall allocation. This, in our opinion, conflicts with WIOA.

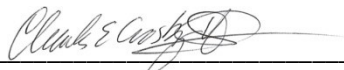
Second, as CEOs we are *"liable for any misuse of, the grant funds allocated to the local area under sections 3163 and 3173 of this title, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability."* 29 U.S.C. § 3122(d)(12)(B)(i)(I). Since we have no agreement with the Governor absolving us liability, if the USDOL were to allow the State of Maine to dictate a 70% training policy, as CEOs we would remain liable for any misuse of the WIOA funding. It is our opinion that with only 30% of the allocation, our local area would be unable to meet all the other requirements and mandates required by WIOA. If we fail to meet these other obligations, we would be directly responsible for said failure. Failure to perform our obligations under the law could be seen as tantamount to misuse. Neither of these scenarios is acceptable to us.

Moreover, we also point out that being potentially decertified as a local area because we fail to meet a draconian and poorly thought out state policy such as the 70% policy is also not an acceptable proposition. It is our belief that WIOA requires Workforce Development Boards and CEOs to design and govern the system regionally, aligning workforce policies and services with regional economies and supporting service delivery strategies tailored to these needs. If states are permitted to impose policies that conflict with a local area's authority and duties under WIOA, CEOs and workforce boards would have absolutely no role in a region's workforce development programming thereby negating one of WIOA's very clear mandates – regional/local area involvement, coordination, oversight and deployment of service delivery strategies.

Lastly, we caution the USDOL on what appears to be a prototypical “slippery slope” proposition. If the 70% training policy is permitted, how long before a 90% or 95% percent training policy is put forth by a Governor? To what end will a Governor be allowed to destroy a federal program?

For all these aforementioned reasons we urge you not approve the Maine WIOA Plan Modification put forth by the State of Maine.

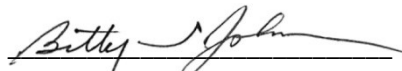
Sincerely,



Charles E. Crosby, III, President
Sagadahoc County Commissioner



Sallie V. Chandler, Vice President
York County Commissioner



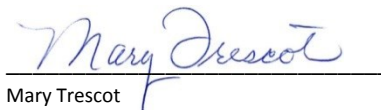
Betty Johnson, Treasurer
Waldo County Commissioner



Steve F. Gorden
Cumberland County Commissioner



Rick L. Parent
Knox County Commissioner



Mary Trescot
Lincoln County Commissioner

From: Joanna Russell-NWDB <jrussell@northeasternwdb.org>
Sent: Wednesday, March 07, 2018 11:45 AM
To: DOL, SWB
Cc: Davis Tom; Brown Percy Joe Hancock Co; Brown Percy Joe; White James; Underwood Paul; Cassidy Vinton; 1 NWDB Executive Committee; Martin.timothy.s@dol.gov
Subject: Public Comment for Unified Plan Modification 2018- NWDB
Attachments: NWDB Public Comment re- SWDBs Strategic Plan Mod March 2018.pdf

State Workforce Board, Attn: WIOA Unified Plan
Attached public comment submitted on behalf of the NWDB and its chair on March 7, 2018. I have copied and pasted the content into this email in case it must be added to a single document.

See below:

To: The State Workforce Development Board, Attn: Garret Oswald, Director, State Workforce Board
Re: Maine Unified State Plan Modification 2018
Date: March 6, 2018
From: Northeastern Workforce Development Board Chair, Nicole Fletcher

As the Chair for the Northeastern Workforce Development Board, (NWDB) I am submitting this public comment on behalf of the NWDB. Our Local Board is responsible for strategic planning and oversight of the workforce system in Aroostook, Washington, Penobscot, Piscataquis, and Hancock Counties. The NWDB stands firmly opposed to Maine's Unified State Plan Modification 2018. The board has reviewed Maine's SWDB plan modification. While the changes within the documents are primarily made up of edits and name changes, it's the addition of the new training policy requiring the Local Boards in the State of Maine to allocate 70% of their entire contract to job training, that we remain firmly opposed to. The NWDB wishes to note what is not in the modification plan, the process by which the SWDB developed and approved the modification plan, and the attached training policy.

Originally in 2014 the State Workforce Development Board (SWDB) chose the option to develop a "Unified Plan" according to the WIOA guidelines. The plan covers the following programs authorized by the WIOA:

- * Title I Adult, Dislocated Worker and Youth programs
- * Title II Adult Education and Family Literacy Act Program
- * Title III Wagner-Peyser Employment Services
- * Title IV Vocational Rehabilitation Program

The NWDB and its WIOA Title 1B providers participated in the development of the Unified Plan and began to implement strategies in the Northeastern Region to meet the targeted goals outlined, that is up until July 14, 2017. The Maine Department of Labor's Bureau of Employment Service's (BES) Bureau Director contacted the NWDB's Executive Director via email to inform her that Governor LePage had decided to only contract the first quarter of the Program Year 2017, (PY17) which technically starts July 1, 2017. A few months later the BES Director explained that the Governor planned to reject the WIOA PY17 funds and the NWDB would not receive any additional PY17 workforce funds. A flurry of activities and emails from MDOL's BES followed that phone call ending with the Governor withholding 3/4's of the PY17 funds from the NWDB. The SWDB did describe in the plan modification activities the fact that the Governor held back the PY17 funds. What is not detailed or outlined is that fact that our providers were forced to lay off several staff and had no funding to allocate to a number of interested job seekers in our local area. This action directly impacts the original four-year strategic plan including the strategies and targeted goals.

The board wishes to note that neither the NWDB nor the NWDB Executive Director were involved in the development of the modification. Further not one of Local Boards participated in the modification document development as presented on pages 13 and 14 of the modification. The Local Boards were members of the planning steering committee and did participate in the development of the original plan. The issue lies with implementation and execution of the strategies among all four core partners. That did not happen! The relationship between MDOL and the Local Boards began to break down beginning July 14, 2017, eight months prior to the submission of the posted plan modification. As one of the “core partners” mentioned in the four-year Unified Plan the WIOA Title 1B services have been devastated over the past six months. The system has experienced an unprecedented crisis rendering the WIOA Title 1B services in our region handicapped due to the lack of a Program Year 2017 agreement funds. There is absolutely no mention of this travesty in Maine’s plan modification.

Noted in the four-year plan under “Overview”, “In December 2014, the State Workforce Development Board, under the direction of Governor Paul R. LePage, convened the core programs authorized under the Workforce Innovation and Opportunity Act (WIOA)— Adult, Dislocated Worker, Youth; Wagner-Peyser; Adult and Basic Education; and Vocational Rehabilitation programs—to assess the challenges confronting Maine’s workforce development system (WDS) and identify measurable ways to align programs and activities to better serve residents and employers.” The NWDB was a proud partner and moved forward to submit a local four-year plan to MDOL’s SWDB under the WIOA regulations. To serve as better stewards of our funding the NWDB consolidated the Aroostook and Washington Workforce Investment Board with the Tri County Workforce Investment Board at the direction and request of the Commissioner of Labor, Jean Paquette. Our local area has worked diligently to bring our partners together in the spirit of collaboration. The past six months has collapsed the partnerships and removed trust between MDOL and the Local Boards. This is not mentioned in the modification.

On December 1, 2017 the SWDB met to discuss the Governor’s proposal to develop a training policy that would require the Local Boards to allocate 60% of the entire WIOA contract to training. There was a robust conversation in the room with several alternative suggestions coming from the SWDB members. Ultimately the SWDB members voted to reject the Governor’s proposal and further developed a reasonable strategy to get more funds out to the job seekers in a manner that would allow the service providers to comply with the WIOA regulations and deliver the mandatory career services outlined in the law. On January 26, 2018 the SWDB held another meeting where Governor LePage arrived as a “surprise” guest. He provided an overview of his disappointment with the entire workforce system and announced he would make a proposal to the SWDB related to the training funds. He then made his proposal to change the training policy to require the Local Boards in the State of Maine to allocate 70% of their entire contract to training Maine’s job seekers. He further proposed that the Local Boards would receive technical assistance if they did not meet that requirement in the first year and would also lose 10% of their funding. They would then become eligible to become de-certified if they missed the goal in the second year. Noted by many was the addition of five new members who were unknown to the existing SWDB until the actual meeting. There had been no previous notice to the SWDB members about bringing on new members and letting go of active members. The SWDB voted to approve the new 70% allocation to the training policy.

At our local board meeting following the SWDB meeting our Vice Chair and active member of the SWDB reported:

“The SWDB vetted out all of the board members concerns at the December 1, 2017 meeting and voted to accept the terms of Sen. Volk’s motion. There was not transparency on what took place with SWDB board members, nor the community, around the Governor coming into the meeting and putting a new motion on the table after we had already had a motion carry. The same goes with new members on the SWDB, the process might have been followed to bring new members aboard, but no communication about the new members to the current board members. The entire process lacked integrity and transparency with not only SWIB members, but the other parties that have a vested interest in how these funds are administrated in our state.”

The requirement for the Local Boards to allocate 70% of their entire contract to training makes serving our “at risk” populations impossible. Our WIOA Title 1B Service Providers are tasked to complete a set of activities that are thoroughly detailed and found in §678.430 What are career services? And Career services, as identified in sec. 134(c)(2) of WIOA.

The NWDB would like to state for the record that BES our Title 1B Service Provider in Washington County emailed a letter dated February 6, 2018 formally stating that BES will no longer serve as a provider of WIOA Title 1B services, resources and programs. The BES Bureau Director stated that they plan to terminate their relationship with the NWDB as a Title 1B Service Provider as of June 30, 2018. The timing of this action is significant in terms of system changes as the BES delivers WIOA Title 1B services in three counties in the State of Maine. This significant fact was also missing from the Unified Strategic Plan Modification 2018.

To further reinforce the breakdown in strategic plan implementation, MDOL’s Bureau of Employment Services held a meeting on February 21, 2018 with only two of the three Local Boards. This was due to the fact that Central Western Workforce Development Board had not yet received their PY17 funding needed to hire back their Executive Director. The agenda was the result of a request posed at the January 23, 2018 SWDB meeting. The overall discussion on January 23rd centered on how the workforce system partners could reduce redundancy, collaborate more to meet program requirements. The BES representatives suggested that the Local Boards and WIOA Title 1B Service providers recruit other community partners to assist with some of the required career services, however, nobody could figure out how to change the fact that the Board’s Service Providers would be held accountable if services were not aligned with WIOA regulations. The idea presented was to get the job done. Explained by board staff, “no matter who is filling the intake form out the WIOA Title 1B providers are held financially accountable for compliance with the WIOA law and this is so for eligibility, intake, assessment, career planning, follow up etc. The conversation never touched on how to administer career planning and assessment prior to allocating WIOA funding to direct training. There was no discussion or attention at the meeting related to On the Job Training development, monitoring, and follow up with the lack of operation funds. There is no mention or adjustments made to Maine’s Strategic Plan modification (strategies and goals) to suggest how this will happen. There was absolutely no conversation between the “four core partners” prior to the development and posting of the SWDB’s plan modification.

Respectfully Submitted,

Nicole Fletcher, NWDB Chair

cc:
Tom Davis, Penobscot County Commissioner
Percy L. Brown, Hancock County Commissioner
Vinton Cassidy, Washington County Commissioner
James White, Piscataquis County Commissioner
Paul Underwood, Aroostook County Commissioner
Northeastern Workforce Development Board Executive Committee
Timothy Martin, USDOL Region I, Acting Regional Administrator

Joanna Russell, Executive Director
Northeastern Workforce Development Board
26 Franklin Street, P.O. Box 767
Bangor, ME 04402-0767
207-992-0770 Office
207-951-2549 Cell



northeastern

WORKFORCE DEVELOPMENT BOARD

To: The State Workforce Development Board, Attn: Garret Oswald, Director, State Workforce Board
Re: Maine Unified State Plan Modification 2018
Date: March 6, 2018
From: Northeastern Workforce Development Board Chair, Nicole Fletcher

As the Chair for the Northeastern Workforce Development Board, (NWDB) I am submitting this public comment on behalf of the NWDB. Our Local Board is responsible for strategic planning and oversight of the workforce system in Aroostook, Washington, Penobscot, Piscataquis, and Hancock Counties. **The NWDB stands firmly opposed to Maine's Unified State Plan Modification 2018.** The board has reviewed Maine's SWDB plan modification. While the changes within the documents are primarily made up of edits and name changes, it's the addition of the new training policy requiring the Local Boards in the State of Maine to allocate 70% of their entire contract to job training, that we remain firmly opposed to. The NWDB wishes to note what is not in the modification plan, the process by which the SWDB developed and approved the modification plan, and the attached training policy.

Originally in 2014 the State Workforce Development Board (SWDB) chose the option to develop a "Unified Plan" according to the WIOA guidelines. The plan covers the following programs authorized by the WIOA:

- Title I Adult, Dislocated Worker and Youth programs
- Title II Adult Education and Family Literacy Act Program
- Title III Wagner-Peyser Employment Services
- Title IV Vocational Rehabilitation Program

The NWDB and its WIOA Title 1B providers participated in the development of the Unified Plan and began to implement strategies in the Northeastern Region to meet the targeted goals outlined, that is up until July 14, 2017. The Maine Department of Labor's Bureau of Employment Service's (BES) Bureau Director contacted the NWDB's Executive Director via email to inform her that Governor LePage had decided to only contract the first quarter of the Program Year 2017, (PY17) which technically starts July 1, 2017. A few months later the BES Director explained that the Governor planned to reject the WIOA PY17 funds and the NWDB would not receive any additional PY17 workforce funds. A flurry of activities and emails from MDOL's BES followed that phone call ending with the Governor withholding 3/4's of the PY17 funds from the NWDB. The SWDB did describe in the plan modification activities the fact that the Governor held back the PY17 funds. **What is not detailed or outlined** is that fact that our providers were forced to lay off several staff and had no funding to allocate to a number of interested job seekers in our local area. This action directly impacts the original four-year strategic plan including the strategies and targeted goals.

The board wishes to note that neither the NWDB nor the NWDB Executive Director were involved in the development of the modification. Further not one of Local Boards participated in the modification document development as presented on pages 13 and 14 of the modification. The Local Boards were members of the planning steering committee and did participate in the development of the original plan. The issue lies with implementation and execution of the strategies among all four core partners. That did not happen! The relationship between MDOL and the Local Boards began to break down beginning July 14, 2017, eight months prior to the submission of the posted plan modification. As one of the "core

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Aroostook, Hancock, Penobscot, Piscataquis, and Washington Counties

partners” mentioned in the four-year Unified Plan the WIOA Title 1B services have been devastated over the past six months. The system has experienced an unprecedented crisis rendering the WIOA Title 1B services in our region handicapped due to the lack of a Program Year 2017 agreement funds. There is absolutely no mention of this travesty in Maine’s plan modification.

Noted in the four-year plan under “Overview”, “In December 2014, the State Workforce Development Board, under the direction of Governor Paul R. LePage, convened the core programs authorized under the Workforce Innovation and Opportunity Act (WIOA)—Adult, Dislocated Worker, Youth; Wagner-Peyser; Adult and Basic Education; and Vocational Rehabilitation programs—to assess the challenges confronting Maine’s workforce development system (WDS) and identify measurable ways to align programs and activities to better serve residents and employers.” The NWDB was a proud partner and moved forward to submit a local four-year plan to MDOL’s SWDB under the WIOA regulations. To serve as better stewards of our funding the NWDB consolidated the Aroostook and Washington Workforce Investment Board with the Tri County Workforce Investment Board at the direction and request of the Commissioner of Labor, Jean Paquette. Our local area has worked diligently to bring our partners together in the spirit of collaboration. The past six months has collapsed the partnerships and removed trust between MDOL and the Local Boards. This is not mentioned in the modification.

On December 1, 2017 the SWDB met to discuss the Governor’s proposal to develop a training policy that would require the Local Boards to allocate 60% of the entire WIOA contract to training. There was a robust conversation in the room with several alternative suggestions coming from the SWDB members. Ultimately the SWDB members voted to reject the Governor’s proposal and further developed a reasonable strategy to get more funds out to the job seekers in a manner that would allow the service providers to comply with the WIOA regulations and deliver the mandatory career services outlined in the law. On January 26, 2018 the SWDB held another meeting where Governor LePage arrived as a “surprise” guest. He provided an overview of his disappointment with the entire workforce system and announced he would make a proposal to the SWDB related to the training funds. He then made his proposal to change the training policy to require the Local Boards in the State of Maine to allocate 70% of their entire contract to training Maine’s job seekers. He further proposed that the Local Boards would receive technical assistance if they did not meet that requirement in the first year and would also lose 10% of their funding. They would then become eligible to become de-certified if they missed the goal in the second year. Noted by many was the addition of five new members who were unknown to the existing SWDB until the actual meeting. There had been no previous notice to the SWDB members about bringing on new members and letting go of active members. The SWDB voted to approve the new 70% allocation to the training policy.

At our local board meeting following the SWDB meeting our Vice Chair and active member of the SWDB reported:

“The SWDB vetted out all of the board members concerns at the December 1, 2017 meeting and voted to accept the terms of Sen. Volk’s motion. There was not transparency on what took place with SWDB board members, nor the community, around the Governor coming into the meeting and putting a new motion on the table after we had already had a motion carry. The same goes with new members on the SWDB, the process might have been followed to bring new members aboard, but no communication about the new members to the current board members. The entire process lacked integrity and transparency with not only SWIB members, but the other parties that have a vested interest in how these funds are administrated in our state.”

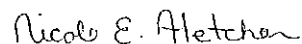
The requirement for the Local Boards to allocate 70% of their entire contract to training makes serving our “at risk” populations impossible. Our WIOA Title 1B Service Providers are tasked to complete a set

of activities that are thoroughly detailed and found in §678.430 **What are career services? And Career services, as identified in sec. 134(c)(2) of WIOA.**

The NWDB would like to state for the record that BES our Title 1B Service Provider in Washington County emailed a letter dated February 6, 2018 formally stating that BES will no longer serve as a provider of WIOA Title 1B services, resources and programs. The BES Bureau Director stated that they plan to terminate their relationship with the NWDB as a Title 1B Service Provider as of June 30, 2018. The timing of this action is significant in terms of system changes as the BES delivers WIOA Title 1B services in three counties in the State of Maine. This significant fact was also missing from the Unified Strategic Plan Modification 2018.

To further reinforce the breakdown in strategic plan implementation, MDOL's Bureau of Employment Services held a meeting on February 21, 2018 with only two of the three Local Boards. This was due to the fact that Central Western Workforce Development Board had not yet received their PY17 funding needed **to hire back their Executive Director**. The agenda was the result of a request posed at the January 23, 2018 SWDB meeting. The overall discussion on January 23rd centered on how the workforce system partners could reduce redundancy, collaborate more to meet program requirements. The BES representatives suggested that the Local Boards and WIOA Title 1B Service providers recruit other community partners to assist with some of the required career services, **however**, nobody could figure out how to change the fact that the Board's Service Providers would be held accountable if services were not aligned with WIOA regulations. The idea presented was to get the job done. Explained by board staff, "no matter who is filling the intake form out the WIOA Title 1B providers are held financially accountable for compliance with the WIOA law and this is so for eligibility, intake, assessment, career planning, follow up etc. The conversation never touched on how to administer career planning and assessment prior to allocating WIOA funding to direct training. There was no discussion or attention at the meeting related to On the Job Training development, monitoring, and follow up with the lack of operation funds. There is no mention or adjustments made to Maine's Strategic Plan modification (strategies and goals) to suggest how this will happen. There was absolutely no conversation between the "four core partners" prior to the development and posting of the SWDB's plan modification.

Respectfully Submitted,



Nicole Fletcher, NWDB Chair

cc:

Tom Davis, Penobscot County Commissioner
Percy L. Brown, Hancock County Commissioner
Vinton Cassidy, Washington County Commissioner
James White, Piscataquis County Commissioner
Paul Underwood, Aroostook County Commissioner
Northeastern Workforce Development Board Executive Committee
Timothy Martin, USDOL Region I, Acting Regional Administrator

From: Jon Farley <JFarley@emdc.org>
Sent: Wednesday, March 07, 2018 12:11 PM
To: DOL, SWB
Subject: Unified State Plan Public Comments
Attachments: Unified State Plan Public Comments EMDC.pdf

Please see attached comments. Thank you.

Jon R. Farley

Vice President of Economic and
Workforce Development
Eastern Maine Development Corporation
40 Harlow Street, Bangor, Maine 04401

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State Workforce Board
Maine Department of Labor
45 State House Station
Augusta, Maine 04333-0054

40 Harlow Street Bangor, ME 04401
207.942.6389 1.800.339.6389
fax 207.942.3548

From: Michael W. Aube, President and Chief Executive Office, Eastern Maine Development Corporation

Re: Public Comments to the State of Maine, Department of Labor and Department of Education on the modification to the 2016-20120 Unified State Plan.

As both the Economic Development District (EDD) designated by the Department of Commerce, Economic Development Administration and the WIOA Title IB Service Provider of Adult, Youth and Dislocated Worker services in Penobscot, Piscataquis and Hancock counties our comments on the above referenced Plan modification speak primarily to the Policy at Appendix XXV –Minimum Training Expenditure Requirement (pages 376-380).

As described on page 17 in the State Plan the labor market dynamics of Maine have tightened considerably with unemployment and other measures of labor underutilization at historic lows; an aging workforce with a large share of the population in their 50' and 60's; and far fewer young people to replace them in the years ahead. Given these indisputable demographics, increasing the access of currently disadvantaged and dislocated workers to enter or return to the workforce is a pressing priority if we are to have success in filling the labor market vacancies - let alone meet job growth demands today and in the near future.

WIOA Title 1B programs are one of the tools available to local officials to address this challenge. By all objective measures the WIOA Title IB services, as delivered in Maine by the local workforce boards and service providers have been successful in helping to meet the demands for both new entrants and others who are transitioning in the labor market. In particular WIOA programs have had notable success in assisting disadvantaged adult and dislocated workers that face the *greatest* challenges to entering or re-entering the workforce and to succeed once employed.

Not only does the WIOA statute require a focus on disadvantaged populations, the statute recognizes the need for a broad range of services and activities to be carried out at the local level to create conditions and opportunity for these workers to succeed. WIOA states that Title IB funds allocated to local area for adults and dislocated workers *shall* be used to:

1. establish a one-stop delivery system;
2. provide *career services* through the one-stop delivery system;
3. establish and develop relationships and networks with large and small employers and their intermediaries;
4. develop, convene or implement industry or sector partnerships; and

5. provide training services;

All of these services/activities are indispensable to the development and operation of an effective workforce delivery system. However, the Policy at Appendix XXV cited above, in *restricting* the use WIOA adult and dislocated worker funds allocated to local areas to a maximum of 30% to fulfill the requirements 1-4 listed above will jeopardize the effective operation of WIOA Title IB programs in our region. This policy will:

- *Restrict* the effective financing of the one-stop delivery system as required by WIOA and as described in the State Plan at pages 361-375 (Appendix XXIV - Infrastructure Cost Sharing). Since the required Infrastructure Funding Agreement (IFA) is not yet developed it is unknown how much of the WIOA Title 1B funding will be needed to meet the costs of the CareerCenter network throughout the state and our region.
- *Limit* indispensable *career services* that have been *proven* to enhance the access of disadvantaged individuals to the workforce and the success of those individuals once on the job. Clearly, the Maine Department of Labor also values these *career services* - some of which are described on pages 203-205 in the State Plan - as they relate to serving unemployed workers in the Worker Profiling Reemployment Services (WPRS) program. These services are even more critical for workers who face multiple challenges.
- *Limit* collaboration with the broad range of employers (particularly small employers) and industries that need to be more involved in the development of workforce services and programs to assist them in recruiting, hiring and training new workers. This will impact the engagement of WIOA programs in our regional efforts, particularly with economic development initiatives to redevelop and grow new employment opportunities needed to replace jobs lost in the paper industry over the past several years.

EMDC recognizes the need for innovation and deeper collaboration among and between all parties involved in workforce development in order to ensure that Maine citizens receive the most effective workforce services possible. However, to limit these critical services and activities, as the state's Plan does, without clear and convincing evidence that all WIOA services and requirements can be met and that performance of the programs can be sustained at the very high level that Maine has historically achieved, is unwise.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michal W. Aube". The signature is fluid and cursive, with the first name being the most prominent.

Michal W. Aube, President/CEO EMDC

From: painterr@nawb.org
Sent: Wednesday, March 07, 2018 1:13 PM
To: DOL, SWB
Cc: Howe, Joshua A.
Subject: 2018 Modification Maine's Unified State Plan

Feedback Received

First Name: Ronald
Last Name: Painter
E-mail address: painterr@nawb.org
Comments: State Workforce Board
Maine Department of Labor
54 State House Station
Augusta, ME 04333-0054

The National Association of Workforce Boards, in support of the Northwestern Workforce Development Board, the Coastal Counties Workforce Board, and the Central/Western Maine Workforce Development Board, and local and regional workforce boards in all 50 states, is pleased to submit these comments on the proposed modification workforce plan by the State of Maine that was published on February 28, 2018. We believe that the proposed modifications have some positive elements which we note below. We are deeply troubled, however, by the short period for comment – just seven calendar days. More problematic is the proposed plan modification's inclusion of several mandates on local workforce boards that we believe clearly exceed the State's authority relative to the authority delegated to states under sections 101 and 102 of the Workforce Innovation and Opportunity Act (WIOA). The State risks possible legal challenges to its plan or the possibility of Congressional action comparable to what it faced last fall when it sought to illegally withhold funds from the State's three local workforce boards. On these matters, itemized below, we respectfully urge the State to reconsider its current position and avoid creating further instability within Maine's local workforce training providers during a period of political transition.

Background

WIOA reflects an important evolution in Federal workforce policy.

WIOA is a complex piece of legislation that changes how all stakeholders look at the Federal investment in skills development. It builds upon the heritage of Federal workforce investments whose foundation was based upon the notion of "second chance" for people and which evolved pre-WIOA to focus on providing training to people so they would have the skills necessary to be competitive in a changing economy. WIOA brought two new concepts to the forefront. First, that workforce development is a central component to US economic development as seen in one of the Act's purposes - "...to increase the prosperity of workers and employers in the United States, the economic growth of communities, regions, and States, and the global competitiveness of the United States." Second, it introduced the idea that workforce development is a comprehensive system of activities – again reflected in the bill's statement of purpose: "to support the alignment of workforce investment, education, and economic development systems in support of a comprehensive, accessible, high-quality workforce development system in the United States." To affect this shift, Congress requires that individuals from the private sector must constitute the majority of members on state and local workforce development boards. With this regional acumen, workforce boards are now accountable to oversee not only the federal investment dollars, but the building of career pathways for their trainee-clients consistent with the needs of their regional employer constituents, and to develop partnerships

with industry that achieve these objectives.

WIOA maintains the appropriate and proportionate responsibility between state and local workforce intermediaries.

WIOA continues to demonstrate Congress' intent to create balance among all the parties involved in the workforce development system. On the one hand, it makes clear that Governors are accountable for the economic health of individual states and hence, receive a guaranteed annual 15% set-aside for state-wide activities, a carve-out which the NAWB has not opposed. Conversely, WIOA also recognizes that the vast majority of activities it funds are best served by expending those funds through local or regional mechanisms. Local businesses in these unique sub-state regions best understand what skills their workers need to ensure they contribute to a successful enterprise. They then turn to local boards to help find the workers they need, get training for individuals who lack the necessary skills but with some remedial work can then fill gaps that now exist, and/or assist them in developing a pipeline of future workers critical to their needs. This unique relationship between employers and local boards has proven successful time and again because working together the two understand and can address the dynamic condition of these distinctive labor markets. That is why WIOA requires a strong role for local officials with workforce boards, a position which the NAWB strongly supported in the last reauthorization. The local business-led workforce boards are asked to analyze their labor markets, discern in-demand skills, design and deploy solutions to their labor market challenges, that; align resources in their region, actively work with industry partners and educational entities to build career pathways that provide industry recognized credentials that can provide individuals with better opportunities for employment and wage growth, and help businesses be and stay competitive. Starving the local board of resources, including training supportive services and appropriate staff, risks the valuable training related services which are directly related to a successful outcome of curriculum training for many workers.

Pell already supplies the direct education expenses for many. We also know that completion rates for individuals supported by the counseling and encouragement of WIOA funded staff, are over 80%, which is significantly higher than the norm for people without such supports. WIOA is a holistic wrap around service for workers who need that approach. State imposed mandates of 70% of WIOA for training, ultimately hurts Maine workers, businesses, and the economy. Perhaps Maine, as other states have done, should begin or increase state general revenue funds for tuition payments for skill development.

WIOA expects workforce training to be customer responsive.

To stay competitive in today's business climate, businesses must respond to customer needs, and adapt as those needs/demands change. Local business-led workforce boards, operating with trained and appropriate staffing, need to be agile and respond when change dictates. In an economy increasingly producing employment opportunities for individuals and entrepreneurs, the workforce system must continue to adapt to its role as a partner to regional economic development. This objective can't be realized if it is burdened with heavy Federal and state regulation. At its core WIOA is asked to provide its customers, both businesses and individuals with choices in how skills are acquired and from what entity, to produce outcomes that advance people and businesses, and be the last dollar when investing in skill training.

Areas of agreement with the Proposed Maine Plan

In Maine's state plan, the NAWB agrees with and supports:

- The goal of the State: Maine will have an educated and skilled workforce that meets the needs of employers;
- The efforts to conduct a longitudinal study on the workforce system as a way to improve the workforce system;

- The recognition that WIOA emphasizes employer-based workforce preparation, promotes new educational alliances, the focus on industry-recognized credentials and articulating career pathways that workers can take to enter the labor market and continue to acquire skills;
- Allowing career staff to stay engaged with WIOA customers, both business and individuals since USDOL's own statistics indicate that completion and entered employment rates for WIOA sponsored learners is over 80%;
- The call to invest in professional development across the workforce development system – business recognizes that employee development is essential to its success and so do we;
- The focus on customer-centered service delivery design and attention to continuous improvement;
- The recognition that the system needs to strive to attain the characterization of being effective, efficient and agile, and that as in business, the less Federal and state mandates in place allow for more agility and customer designed responsiveness;
- The leveraging of Pell funds to pay for skill development since many national organizations joined together to extend Pell eligibility for support to those who have the ability to benefit regardless of their having a secondary degree and to programs of study that have a short duration, and the statutory language in WIOA that its funds are the “last in” to pay for formal skill development; and
- The purview of the Governor to withhold 15% of the Federal allocation for her/his initiatives – so long as they benefit workforce development.

Areas of Major Concern

NAWB has the following areas of major concern with Maine's state plan:

- The State plan seeks to impose mandates on local elected officials and local workforce boards on how funds are expended at the local level, a prescriptive direction that exceeds the authority given states in WIOA. Sections 107 and 108 provide specific authority to the local workforce boards and the chief elected officials for each - to develop a budget for the board, determine the needs of their local area, craft a local plan to address these needs, direct the payment to providers and provide program oversight is the ability to direct the use of funds. 85% of WIOA funds in each state allocation are directed to local areas for this purpose. The proposed mandate in the state plan is an over reach of the authority delegated to the Governor and his State WIOA designee. More importantly, it arbitrarily imposes conditions on local workforce activities that will hamper the ability of the experienced professionals engaged there and private business to craft solutions that will
1 increase businesses profitability and aid their workers in their region.

Conclusions

The proposed State of Maine plan has a number of noteworthy and aspirational goals we strongly support. Unfortunately, the imposition of arbitrary mandates – with virtually no open period of public comment – violates the Congressional intent expressly provided in WIOA. We strongly encourage the State to revise them so that there is minimal disruption to local workforce activities for those counting on them over the ensuing months.

As always, NAWB looks forward to any opportunity to work closely with Maine officials to benefit workforce training across the nation. Thank you for the opportunity to share these views.

Sincerely,

Ronald D Painter
CEO

From: Thomas Nickerson <thomaswnickerson@gmail.com>
Sent: Wednesday, March 07, 2018 1:17 PM
To: DOL, SWB
Subject: Maine Unified State Plan Modification 2018 - Public comments
Attachments: MDOL WIOA Plan comments.pdf

Dear Director and State Workforce Board Members,

Attached for your consideration are my comments regarding the Maine Unified State Plan Modification 2018.

I appreciate the opportunity to provide input on the proposed state plan.

Tom Nickerson

Thomas W. Nickerson, MSW
115 Oakwood Drive
Yarmouth, ME 04096

March 7, 2018

Garret J. Oswald
Director, State Workforce Board
Maine Department of Labor
54 State House Station
Augusta, ME 04333-0054

RE: Public Comments to Maine Unified State Plan Modification 2018

Dear Director Oswald:

As a former director of a Maine WIA and WIOA designated service provider agency and member of a Local Workforce Investment Board, and a current director with a Maine-based higher education institution, I reviewed the State of Maine 2016-2020 Unified State Plan for the Workforce Innovation and Opportunity Act (WIOA). Please accept the following as my personal thoughts during the public comment period:

The focus on Employer Engagement and Aligning WIOA training resources to address the skills gap should remain statewide and regional priorities. The Maine Department of Labor, State and Local Workforce Boards, and partner agencies have worked hard to integrate services within the CareerCenter system and this “no wrong door” approach makes it easy and efficient for job seekers to access vocational counseling and training services and for employers to recruit talent. As the state plan clearly indicates, the demographics, education level and skill sets of the eligible workforce population is not sufficient to meet current and future employer talent needs. The plan addresses this skills gap and talent mismatch by strengthening the career counseling, case management, and vocational training and education systems by targeting partnership coordination and increasing resources for skills training and on-the-job training.

The Maine Department of Labor and State Workforce Board training policy (PY 17-04) is unrealistic and does not support the priorities of Employer Engagement and efficiently Aligning Resources and it hinders local program design to meet WIOA performance standards. The 70% training policy for Dislocated and Adult Worker populations needs to be modified to allow local flexibility to implement effective program models.

The recently issued policy requiring that 70% of funds allocated to Local Areas are spent solely on direct training and supportive services will negatively affect local industry, the business community, and job seekers in the following ways:

- 1) **Sector Strategy Development:** Maine’s Local Boards need flexibility to continue developing important local partnerships with industries and education providers in high demand throughout the different regions. Sector strategies play a critical role in successful economic development. Without developing these partnerships, local businesses lose their competitive advantage of creating a workforce that is trained to regional skill requirements. Not all of these strategies will require more funding spent on training; in fact, helping job seekers prepare for careers in these growing sectors requires more intensive career counseling and case management as eligible participants are changing careers and not just adding skills. These WIOA services are more in-line with traditional NEG and TAA program designs to help workers move from one sector to another. This step requires qualified staff resources that would not be available under the current policy guidance.

- 2) **Lost Connections to Business:** With increased dollars allotted to training, current staff funding would need to be significantly cut. This means that the focus of WIOA staff will be solely placing individuals into training to meet the 70% minimum rather than creating ties to the business community. However, simply placing individuals into training by no means ensures that they will ultimately meet the skill-demand of local business – this can only be done through business engagement, client testing, assessment, career guidance, and other services provided by WIOA staff who are well versed in the skill-demands of regional industry. MDOL acknowledges the need for more intensive case management services by exempting the Youth Program from this training requirement. The same consideration should be given to the Dislocated and Adult Worker populations.
- 3) **Risk to Maine’s CareerCenter System:** MDOL Policy PY 17-04 appears to conflict with MDOL Policy PY 17-02 (pg 349) which requires service providers to enter into a cost sharing allocation as part of an Infrastructure Funding Agreement with MDOL to support the CareerCenter System. The 70% requirement for training does not leave sufficient funding for the service provider to hire staff to implement WIOA program services and meet program reporting requirements and share in the cost of maintaining the state’s CareerCenter infrastructure. Providing local areas and services providers more flexibility in funding will ensure that WIOA is a full partner in the CareerCenter system.
- 4) **Unemployed Individuals with barriers:** In order to meet WIOA requirements, Local Boards must target the “most in need” populations in Maine. Individuals from this population (i.e., offenders, disabled, veterans, New Mainers, economically disadvantaged, single parents, dropouts, etc.) need significant intervention/counseling in order for them to be ready for either training opportunities or employment. The 70% training expenditure policy assumes that these individuals do not need these services and are ready for training and employment opportunities. This is simply not the case. Many applicants are far from ready to go to work and need further guidance, assistance, and sometimes training. Again, this exemption is made for the Youth program – it should be the same for the Dislocated and Adult Worker populations.
- 5) **Lost Connections to Higher Education System and Training Providers:** Despite the proposed plan to increase funds allotted to training, without case managers and career counselors to support students looking to attend college and training there is great risk for failure. Many of the students accessing training funds through the ITA process are new to college and need additional services to be successful. Training providers are not staffed in a way to meet the needs of the referred WIOA participants. To effectively implement a career pathway program, the system needs staff who are knowledgeable about local educational programs and are able to advise participants on creating an appropriate training path. The fact that this policy would significantly reduce current staffing levels means fewer participants will actually access training or persist on their education pathway because the staff support will not be available. This is part of the reasoning that MDOL uses to exempt the Youth program from this policy and the same flexibility should be provided to the Dislocated and Adult Worker populations.

In summary, for Maine to achieve its priorities of engaging businesses and more efficiently aligning resources, the proposed dramatic shift of resources away from the services and development activities described is a mistake. Offering training without proper vetting and knowledge of the labor market and participant training/skill needs will not help area employers. A balanced approach is needed – training and intensive career advising – to address the talent gap. It is my hope that this policy (PY 17-04) is modified to account for the critical role that intensive case management and career advising have in meeting state and federal WIOA performance outcomes.

Thank you for your consideration.

Sincerely,

Thomas W. Nickerson

Tom Nickerson
Interested Citizen

From: thomaswnickerson@gmail.com
Sent: Wednesday, March 07, 2018 1:21 PM
To: DOL, SWB
Cc: Howe, Joshua A.
Subject: 2018 Modification Maine's Unified State Plan

Feedback Received

First Name: Thomas
Last Name: Nickerson
E-mail address: thomaswnickerson@gmail.com
Comments: Thomas W. Nickerson, MSW
115 Oakwood Drive
Yarmouth, ME 04096

March 7, 2018

Garret J. Oswald
Director, State Workforce Board
Maine Department of Labor
54 State House Station
Augusta, ME 04333-0054

RE: Public Comments to Maine Unified State Plan Modification 2018

Dear Director Oswald:

As a former director of a Maine WIA and WIOA designated service provider agency and member of a Local Workforce Investment Board, and a current director with a Maine-based higher education institution, I reviewed the State of Maine 2016-2020 Unified State Plan for the Workforce Innovation and Opportunity Act (WIOA). Please accept the following as my personal thoughts during the public comment period:

The focus on Employer Engagement and Aligning WIOA training resources to address the skills gap should remain statewide and regional priorities. The Maine Department of Labor, State and Local Workforce Boards, and partner agencies have worked hard to integrate services within the CareerCenter system and this “no wrong door” approach makes it easy and efficient for job seekers to access vocational counseling and training services and for employers to recruit talent. As the state plan clearly indicates, the demographics, education level and skill sets of the eligible workforce population is not sufficient to meet current and future employer talent needs. The plan addresses this skills gap and talent mismatch by strengthening the career counseling, case management, and vocational training and education systems by targeting partnership coordination and increasing resources for skills training and on-the-job training.

The Maine Department of Labor and State Workforce Board training policy (PY 17-04) is unrealistic and does not support the priorities of Employer Engagement and efficiently Aligning Resources and it hinders local program design to meet WIOA performance standards. The 70% training policy for Dislocated and Adult Worker populations needs to be modified to allow local flexibility to implement effective program models.

The recently issued policy requiring that 70% of funds allocated to Local Areas are spent solely on direct training and supportive services will negatively affect local industry, the business community, and job seekers in the following ways:

1) **Sector Strategy Development:** Maine's Local Boards need flexibility to continue developing important local partnerships with industries and education providers in high demand throughout the different regions. Sector strategies play a critical role in successful economic development. Without developing these partnerships, local businesses lose their competitive advantage of creating a workforce that is trained to regional skill requirements. Not all of these strategies will require more funding spent on training; in fact, helping job seekers prepare for careers in these growing sectors requires more intensive career counseling and case management as eligible participants are changing careers and not just adding skills. These WIOA services are more in-line with traditional NEG and TAA program designs to help workers move from one sector to another. This step requires qualified staff resources that would not be available under the current policy guidance.

2) **Lost Connections to Business:** With increased dollars allotted to training, current staff funding would need to be significantly cut. This means that the focus of WIOA staff will be solely placing individuals into training to meet the 70% minimum rather than creating ties to the business community. However, simply placing individuals into training by no means ensures that they will ultimately meet the skill-demand of local business – this can only be done through business engagement, client testing, assessment, career guidance, and other services provided by WIOA staff who are well versed in the skill-demands of regional industry. MDOL acknowledges the need for more intensive case management services by exempting the Youth Program from this training requirement. The same consideration should be given to the Dislocated and Adult Worker populations.

3) **Risk to Maine's CareerCenter System:** MDOL Policy PY 17-04 appears to conflict with MDOL Policy PY 17-02 (pg 349) which requires service providers to enter into a cost sharing allocation as part of an Infrastructure Funding Agreement with MDOL to support the CareerCenter System. The 70% requirement for training does not leave sufficient funding for the service provider to hire staff to implement WIOA program services and meet program reporting requirements and share in the cost of maintaining the state's CareerCenter infrastructure. Providing local areas and services providers more flexibility in funding will ensure that WIOA is a full partner in the CareerCenter system.

4) **Unemployed Individuals with barriers:** In order to meet WIOA requirements, Local Boards must target the "most in need" populations in Maine. Individuals from this population (i.e., offenders, disabled, veterans, New Mainers, economically disadvantaged, single parents, dropouts, etc.) need significant intervention/counseling in order for them to be ready for either training opportunities or employment. The 70% training expenditure policy assumes that these individuals do not need these services and are ready for training and employment opportunities. This is simply not the case. Many applicants are far from ready to go to work and need further guidance, assistance, and sometimes training. Again, this exemption is made for the Youth program – it should be the same for the Dislocated and Adult Worker populations.

5) **Lost Connections to Higher Education System and Training Providers:** Despite the proposed plan to increase funds allotted to training, without case managers and career counselors to support students looking to attend college and training there is great risk for failure. Many of the students accessing training funds through the ITA process are new to college and need additional services to be successful. Training providers are not staffed in a way to meet the needs of the referred WIOA participants. To effectively implement a career pathway program, the system needs staff who are knowledgeable about local educational programs and are able to advise participants on creating an appropriate training path. The fact that this policy would significantly reduce current staffing levels means fewer participants will actually access training or persist on their education pathway because the staff support will not be available. This is part of the reasoning that MDOL uses to exempt the Youth program from this policy and the same flexibility should be provided to the Dislocated and Adult Worker populations.

In summary, for Maine to achieve its priorities of engaging businesses and more efficiently aligning resources, the proposed dramatic shift of resources away from the services and development activities described is a mistake. Offering training without proper vetting and knowledge of the labor market and participant training/skill needs will not help area employers. A balanced approach is needed – training and intensive career advising – to address the talent gap. It is my hope that this policy (PY 17-04) is modified to account for the critical role that intensive case management and career advising have in meeting state and federal WIOA performance outcomes.

Thank you for your consideration.

Sincerely,

Thomas W. Nickerson
Tom Nickerson
Interested Citizen

From: Deivy Periana <deivyp@portlandmaine.gov>
Sent: Wednesday, March 07, 2018 1:25 PM
To: DOL, SWB
Subject: Comment on Unified State Plan Modification
Attachments: Maine State Workforce.pdf

Good afternoon,
Please see the attached comments with comments from Mayor Ethan Strimling.

--

Sincerely,

Deivy Periana
Senior Executive Assistant
Executive Department
City of Portland, ME
389 Congress St Room 208
Portland ME 04101
Phone: 207-874-8685
E-mail: deivyp@portlandmaine.gov

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

**Office of the Mayor, Ethan K. Strimling**

Dear Mr. Oswald:

As Mayor of the City of Portland, I am writing out of great concern that Maine's Unified State Plan Modification, specifically the 70% to training policy, will have a detrimental impact on the workforce development program in Maine.

As you know, the City of Portland and surrounding regions i.e., Greater Portland, is more important than ever to Maine's overall economic prosperity with the Greater Portland area accounting for more than one-half of the State's economy. However, like the rest of the State, Greater Portland faces a daunting and complex challenge: slow population growth, an aging workforce and a tight labor market with significant skilled labor shortages.

At this time, almost half of our general assistance population – are served with Workforce Innovation and Opportunity Act (WIOA) supports and services. Without WIOA services, it will be very difficult to move people out of poverty or improve their opportunities to succeed. This year alone, the City has collaborated extensively with WIOA's local provider to support many successful sector based projects that have translated into great results.

It is my opinion that the 70% to training policy will have an adverse impact on the very population that is currently so positively served by WIOA. The 70% to training policy is misguided. It leaves the workforce boards with only 30% for all other costs including staffing. Without adequate program staff to provide crucial assessments, case management and valuable coordination with employers, this program is seriously impacted.

We know from experience that program participants with barriers to employment require staff support to be successful. Without adequate career services, individuals unfamiliar with the workforce system, individuals with limited English speaking capability, disenfranchised youth and persons with a variety of other barriers will not be successful in maneuvering within the system that exists to aid them.

Disallowing these activities, which is the effect of the 70% minimum training expenditure, is misguided. Local workforce boards are required by federal law to provide case management/career services and are encouraged to serve those most in need. My plea to you is simple, retract the 70% minimum training policy and let the local workforce boards do what is needed to serve our population.

Sincerely,

Ethan K. Strimling, Mayor
City of Portland, Maine
389 Congress St Room 208
Portland ME 04101
(207) 874-8941

389 Congress Street/www.portlandmaine.gov/tel.207-874-8941/tty.207-874-8936/fax.207-874-8669

From: Gilda Nardone <nardone@maine.edu>
Sent: Wednesday, March 07, 2018 2:26 PM
To: DOL, SWB
Subject: Comments on WIOA Modifications in the Unified Plan.

Thank you for the opportunity to provide comments on the WIOA Modifications in the Unified Plan. I provide this perspective both in my role as Executive Director of a statewide workforce and economic development organization and as Chair of the Women's Employment Committee of the State Workforce Board. Our Committee reviews and recommends education and training and employment programs and policies that benefit all women as well as those groups who face significant barriers to pay equity and economic security, including low-wage workers with few benefits, women Veterans, women with disabilities, older women, formerly incarcerated women, immigrant and refugee women, and survivors of domestic violence and sexual assault.

I am pleased that the definitions of the services that can be provided with WIOA funds has been broadened, particularly the categories of Adult Education and Literacy, Entrepreneurial Training, Job Readiness Training, and Supportive Services.

However, I have concerns that Job Readiness Training is only covered when combined with Occupational Training, and I have serious concerns about the 70% minimum Training expenditure which goes into effect on 7/1/18.

At our most recent Women's Employment Committee meeting, we spent time learning about ways that workforce development programs in Maine are adapting and collaborating in design and delivery of comprehensive, integrated models of program services to assist low-income women and families move out of poverty towards economic stability and security. These models include aspects of housing, physical and mental health, financial management and asset development, education and training, career development and employment, and self-employment, among other indicators.

WIOA funding and services provided through the CareerCenters and other WIOA workforce providers is a critical resource in this kind of comprehensive model, particularly as it relates to education and training and career development and employment. While I understand the interest in ensuring that funds are directed towards relevant occupational training, the 70% minimum does not cover the additional services, including assessment, case management, resource coordination, job readiness preparation, and follow up support that are needed for adults with barriers to make informed career and training decisions, to access appropriate resources, to persist in their training, and to make a successful transition to gainful employment.

I believe the phased-in minimum training expenditure requirement previously adopted by the Maine State Workforce Board was a more feasible approach for the WIOA supported delivery system to respond to changing funding and program needs. I urge the Board to reverse the 70% decision and to work with Maine's Workforce Boards and providers to rebuild an effective workforce system which benefits all Maine workers and employers.

Thank you.

Gilda Nardone

Gilda E. Nardone, Executive Director

New Ventures Maine
46 University Drive, UMA
Augusta, ME 04330-9410
Phone number 207 621-3437

Programs for career, business, and financial education
Sign up for NVME newsletters
newventuresmaine.org

From: Harry Simones <hsimones@cwmwdb.org>
Sent: Wednesday, March 07, 2018 3:12 PM
To: DOL, SWB
Cc: Amy Landry (alandry@avcog.org); Ben Tucker; bgdevlin; Carlen Tremblay - Senator Collins; Christine Greenleaf; 'cletourneau@stmarysmaine.com'; Corenna Obrien; Craig Nelson; cwitherspoon@sundayriver.com; dacray; David Duguay; dbants@msn.com; Erika Douglass; ggpatte.s01866.us@walmart.com; Greg Boyd; Harvey Smith (harvey.smith@kennebec.com); Jackson, Diane M; James Trundy; Justin Walsh; Karen Staples; Keller,Laura,POLAND SPRING,NWNA HR Field Operations - SC/PS; Kelly Aho; LaFontaine, Mary J.; Laura Glidden; Mark Winter; Michelle Hawley; murielm@mainemep.org; Patsy Crockett; Randy Cousineau; Terry Brann; Ward, Razell; Zach Maher; Dean Cray
Subject: CWMWDB Public Comment to SWB Planned WIOA Modifications
Attachments: SWB Public Comment from CWMWDB 3718.docx

Garret:

Attached, please find CWMWDB's public comment.

Harry

Harry J. Simones
Acting Executive Director
Central Western Maine Workforce Development Board
77 Winthrop Street
Augusta, ME 04330
Cell: (207) 576-7040
TTY users call Maine Relay 711
e-mail: hsimones@cwmwdb.org

The Central Western Maine Workforce Development Board provides Equal Opportunity in employment and programs. Auxiliary aids and services are available upon request to individuals with disabilities

To: The State Workforce Development Board

Attn: Garret Oswald

Re: Comments on Proposed Modifications to the State of Maine WIOA Plan Posted 2/28/18

Date: 3/7/18

From: Harry Simones, "Acting" Executive Director of the Central Western Maine Workforce Development Board

As Acting Executive Director of the Central Western Maine Workforce Development Board and on behalf of its members, I am submitting the following public comment statement regarding the proposed changes to the 2016-2020 WIOA State Plan:

The CWMWDB categorically opposes the proposed 70% training expenditure requirement that is contained in the modification to the State WIOA Plan, effective July 1, 2018. First and foremost, we were not asked for input or consulted in any way with regards to the 70% training requirement which is a 30% increase in a single year. Up until October 31, 2017 when our board staff along with most of our training partner's staff were laid off due to the elimination of WIOA funding, we were working with multiple employers, educators, trainers, and job seekers to effectively provide a trained qualified workforce for Central Western Maine which includes Androscoggin, Oxford, Franklin, Somerset, and Kennebec counties.

It is the role of the local board under WIOA and its members to decide where to focus our training dollars and how to best deliver those employment and training funds along with the WIOA mandated comprehensive "intensive career services". The 70% training requirement would effectively tie our hands and does not allow us to do our job in the Central Western Maine region, which includes the major population areas of Lewiston-Auburn, Waterville, Augusta and the rural areas of our five-county region. With our great connections and networking, we have already established the credibility of the program with our employers and training stakeholders in those five counties.

Additionally, in collaboration with all four local workforce boards, we were successful in being awarded by the U.S. Department of Labor a \$5 million grant which, within a three-year span, resulted in training and placing 1,075 individuals in the health care industry. One of the principal reasons for the success of this grant was the workforce boards' inclusion of the healthcare employers in the application process. Of note is that the impact of the grant more than doubled the original placement goal. It is also important to note these metrics were accomplished with each of the local boards expending no more than 10% of the WIOA funding on administration of all of their programs, including this grant.

It is the position of CWMWDB that the current Administration's proposal, that requires 70% of Workforce Innovation and Opportunity Act funding to be spent on direct training, is the result of either a complete lack of understanding of that Act and its programs, or a complete disregard and rejection of the clear legal requirements and performance standards which are required by WIOA

and which the local boards are legally and morally committed to observing and fully implementing by continuing to engage in a positive working relationship with Maine employers in order to effectively train Maine residents to perform the jobs which those employers seek to fill.

Respectfully submitted 3/7/17,

Harry Simones
Acting Executive Director
Central Western Maine Workforce Development Board

From: Craig Nelson <cnelson@doylenelson.com>
Sent: Wednesday, March 07, 2018 3:14 PM
To: DOL, SWB
Subject: FW: CWMWDB Public Comment to SWB Planned WIOA Modifications
Attachments: SWB Public Comment from CWMWDB 3718.docx

Craig H. Nelson
Doyle & Nelson
150 Capitol Street
Augusta, ME 04330
(207) 622-6124

We are pleased to announce the launch of our newly designed website! Please visit us at www.doylenelson.com.

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From: Harry Simones [mailto:hsimones@cwmwdb.org]
Sent: Wednesday, March 07, 2018 3:12 PM
To: swb.dol@maine.gov
Cc: Amy Landry (alandry@avcog.org) <alandry@avcog.org>; Ben Tucker <Ben_Tucker@king.senate.gov>; bgdevlin <bgdevlin@kennebecso.com>; Carlen Tremblay - Senator Collins <Carlene_Tremblay@collins.senate.gov>; Christine Greenleaf <christinegreenleaf@gmail.com>; 'cletourneau@stmarysmaine.com' <cletourneau@stmarysmaine.com>; Coreenna Obrien <coreenna.obrien@mail.house.gov>; Craig Nelson <cnelson@doylenelson.com>; cwitherspoon@sundayriver.com; dacray <dacray@msn.com>; David Duguay <dduguay1203@icloud.com>; dbants@msn.com; Erika Douglass <edouglass@mmpco.com>; ggpatte.s01866.us@wal-mart.com; Greg Boyd <gboyd@amiems.com>; Harvey Smith (harvey.smith@kennebec.com) <harvey.smith@kennebec.com>; Jackson, Diane M <IMCEAEX-
_o=MAIL_ou=Exchange+20Administrative+20Group+20+28FYDIBOHF23SPDLT+29_cn=Recipients_cn=Jac
kson+2C+20Diane+20M48f@namprd18.prod.outlook.com>; James Trundy <jtrundy@wmca.org>; Justin Walsh <jwalsh@ibew567.com>; Karen Staples <karen.staples@mail.house.gov>; Keller,Laura,POLAND SPRING,NWNA HR Field Operations - SC/PS <Laura.Keller@waters.nestle.com>; Kelly Aho <KellyA@bonneystaffing.com>; LaFontaine, Mary J. (Mary.J.LaFontaine@Maine.gov) <Mary.J.LaFontaine@Maine.gov>; Laura Glidden <lglidden@mainehousing.org>; Mark Winter <Mark_Winter@collins.senate.gov>; Michelle Hawley <mhawley@cmcc.edu>; murielm@mainemep.org; Patsy Crockett <pgcrockett@yahoo.com>; Randy Cousineau <Randy@cousineaus.com>; Terry Brann <tbrann@franklincountymaine.gov>; Ward, Razell <razell.ward@msad52.org>; Zach Maher <zmaher@androscoggincountymaine.gov>; Dean Cray <somersetvalleyacademy@hotmail.com>
Subject: CWMWDB Public Comment to SWB Planned WIOA Modifications

Garret:

Attached, please find CWMWDB's public comment.

Harry

Harry J. Simones
Acting Executive Director
Central Western Maine Workforce Development Board
77 Winthrop Street
Augusta, ME 04330
Cell: (207) 576-7040
TTY users call Maine Relay 711
e-mail: hsimones@cwmwdb.org

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To: The State Workforce Development Board

Attn: Garret Oswald

Re: Comments on Proposed Modifications to the State of Maine WIOA Plan Posted 2/28/18

Date: 3/7/18

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It is the role of the local board under WIOA and its members to decide where to focus our training dollars and how to best deliver those employment and training funds along with the WIOA mandated comprehensive "intensive career services". The 70% training requirement would effectively tie our hands and does not allow us to do our job in the Central Western Maine region, which includes the major population areas of Lewiston-Auburn, Waterville, Augusta and the rural areas of our five-county region. With our great connections and networking, we have already established the credibility of the program with our employers and training stakeholders in those five counties.

Additionally, in collaboration with all four local workforce boards, we were successful in being awarded by the U.S. Department of Labor a \$5 million grant which, within a three-year span, resulted in training and placing 1,075 individuals in the health care industry. One of the principal reasons for the success of this grant was the workforce boards' inclusion of the healthcare employers in the application process. Of note is that the impact of the grant more than doubled the original placement goal. It is also important to note these metrics were accomplished with each of the local boards expending no more than 10% of the WIOA funding on administration of all of their programs, including this grant.

It is the position of CWMWDB that the current Administration's proposal, that requires 70% of Workforce Innovation and Opportunity Act funding to be spent on direct training, is the result of either a complete lack of understanding of that Act and its programs, or a complete disregard and rejection of the clear legal requirements and performance standards which are required by WIOA

and which the local boards are legally and morally committed to observing and fully implementing by continuing to engage in a positive working relationship with Maine employers in order to effectively train Maine residents to perform the jobs which those employers seek to fill.

Respectfully submitted 3/7/17,

Harry Simones
Acting Executive Director
Central Western Maine Workforce Development Board

From: Jennifer Sporzynski <Jennifer.Sporzynski@ceimaine.org>
Sent: Wednesday, March 07, 2018 3:21 PM
To: DOL, SWB
Cc: Liz Love; Christa S. Baade; Carla Dickstein
Subject: State Plan Modification Feedback
Attachments: CEI Comments Regarding Modifications to State Unified Plan_03.07.18.pdf

Please find attached our comments regarding modification to the State Plan.

Best,
Jen

Jennifer Sporzynski
Senior Program Director, Business Development Services

Email: Jennifer.Sporzynski@ceimaine.org
Tel: 207-535-2905
Mobile: 207-615-2699
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Comments of Coastal Enterprises, Inc. Regarding Modifications to Maine's Unified State Plan 2016-2020

Submitted by: Jennifer Sporzynski, Senior Program Director

Email: jsporzynski@ceimaine.org

Telephone: 207-535-2905

Coastal Enterprises, Inc (CEI) is a Maine-based mission driven investor helping to build an economy that works for everyone by integrating financing, business advising, and policy solutions. We have forty years' experience as a workforce intermediary, connecting our portfolio businesses to the broader workforce development system, including both the local boards and WIOA service providers. Based on this experience, we are concerned with the potential ramifications of the Minimum Training Expenditure Requirement described in Appendix XXV. Specifically, we believe the 70% minimum expenditure requirement will diminish staff capacity and weaken the system's ability to effectively serve its dual customer base – Maine businesses and adult and dislocated workers with significant barriers to employment.

Impact on Maine Businesses:

- **Decreased Employer Engagement:** Shifting resources away from development activities related to cultivating and maintaining employer relationships, assessing employer needs, developing work-based training programs, securing job placements and provision of retention services could significantly impede WIOA's ability to achieve its primary objective of increasing its relevance to employers.
- **Limited Support for Small Businesses:** Maine is a small business state, and responding to small employers' varied and unique workforce needs is resource intensive. Under the proposed modifications, staff will have significantly reduced capacity to respond to this segment of the market.
- **Fewer Sector-based Initiatives:** Partnerships with other workforce entities on sector-based training activities require significant staff capacity to effectively leverage training resources, convene employers, and coordinate services. Under the new modifications, WIOA staff would have limited ability to engage in such activities.
- **Inadequate Responsiveness:** Diminished staff capacity at the board and service provider level raises concerns regarding the system's ability to quickly and effectively respond to the needs of businesses and may negatively affect Maine's regional economies.

Impact on Adult Job Seekers with Barriers:

- **Insufficient Job Readiness and Career Advising:** Maine is facing record low unemployment rates and an extremely tight labor market. As a result, individuals who are out of the workforce face significant barriers to employment such as mental health, homelessness, substance abuse, etc. The proposed revisions will reduce staff ability to

provide the level of comprehensive assessment, planning and coordination with other agencies to address these significant barriers and prepare for training.

- **Lack of Ongoing Case Management Support:** While the new revisions include supportive services such as transportation or childcare, today's job seeker will more likely need ongoing, intensive case management to ensure a successful transition to and retention of employment. The proposed revisions would significantly reduce staff capacity to provide case management at the level needed.
- **Reduced Access to Services:** The proposed revisions would reduce WIOA service provider presence throughout the state and will likely decrease access for potential WIOA clients.

Overall, CEI believes the new minimum training expenditure requirement will likely weaken the workforce system's critical infrastructure, and its ability to deliver services to Maine businesses and the individuals who need it most.

From: Jan Kearce <jkearce@mdf.org>
Sent: Wednesday, March 07, 2018 4:05 PM
To: DOL, SWB
Subject: MaineSpark Comments on WIOA Unified Plan

Importance: High

Good afternoon,

These comments on the February 2018 revisions to the Unified WIOA Plan for 2016-20 are submitted on behalf of the Maine Development Foundation (MDF) as well as on behalf of the Core Group of MaineSpark (MDF, Educate Maine, FAME, the Maine State Chamber of Commerce, University of Maine System, and the Maine Community College System).

Our comments pertain to the inclusion of MaineSpark as an accountable entity for various action steps, particularly on pages of 88-99 of the marked up draft.

We are appreciative of the State Board's recognition of the launch of the MaineSpark coalition, its important role as a public-private partnership, and the desire and willingness to partner with MaineSpark on advancing important workforce and education system objectives. MDF and the MaineSpark Core Group look forward to sustained and deeper collaboration with and among State Board core partners to advance these ambitious objectives.

We also wanted to point out that in several places there are references to the establishment of a statewide degree and credential attainment goal (see e.g. pages 95 & 99). We would encourage the revision to expressly reflect the MaineSpark goal of 60% by 2025, a goal that has also been codified in Maine statute (Title 26, sec. 2006(1)(K), enacted Public Laws 2017, c. 259).

While MaineSpark and our members are willing and enthusiastic partners in much of the work described in the Unified Plan and specifically many of the components on pages 88-99 – we write to express our concerns about the inappropriate framing of the scope and expectations for MaineSpark in the Unified Plan.

A number of actions and roles ascribed to MaineSpark in the document are overbroad or inappropriate given our scope. It appears that MaineSpark was dropped into the text to replace the STEP group. We are not familiar with that group, its composition, or mission. Nor were we consulted in developing the proposed revisions or assuming the responsibilities described therein. Therefore, we assume that there has been an error or misunderstanding in the development of the document and want to ensure that is corrected prior to distribution.

MaineSpark is a lightly resourced, voluntary collaborative initiative of dozens of agencies, institutions, NGOs, and businesses. Many of these entities and groups are themselves important partners in the work of the State Board and the Unified Plan. MaineSpark does not have the mission, resources, nor authority to take action on many of the items listed on pages 88-99. Certainly MaineSpark is not in a position to “ensure” that various bulleted actions occur or are performed. Nor does MaineSpark's mission or capabilities include developing or overseeing formal alignment of programs, MOUs, or other services as contemplated in e.g. the middle of pages 91 and 93 of the marked up draft.

As a multisector collaborative with no formal legal structure and authority, MaineSpark simply cannot either structurally or practically be assigned responsibility by a state plan as contemplated in the references on page 88-89, 91, 93, et al. In some cases, certain actions would be appropriate for MaineSpark to play a material role (provided a material commitment of public resources was allocated to our work on the given action). In other cases, it is important for the directly affected agencies and

institutions -- rather than a loose collaborative -- to establish and acknowledge accountability for various action steps.

MaineSpark is, in many cases, committed to being a supportive partner to the kinds of actions contemplated in the Unified Plan as a convener, catalyst, source of best practices, and builder of public will and policymaker awareness about the urgency and feasibility of these action areas. The action steps themselves must be embraced and undertaken by entities with the statutory authority and public resources.

We are not, in the interest of time and brevity, able to propose specific wording changes in each affected section. We are committed to working with you to make the necessary edits, as well as review the next draft to ensure the document accurately represents the role of MaineSpark. In general, moving MaineSpark from having direct responsibility for major sections and specific actions to language framing MaineSpark as collaborator to the State Board and its core partners in pursuing those action steps and goals would, in many places, resolve the issues substantially. In other places, such as the discussion of articulation agreements and MOUs in the middle of page 91, the work is simply beyond the scope of MaineSpark altogether. It may be that some of the individual partners in MaineSpark, such as MDF, could provide formal, funded facilitation services to advance certain objectives, but only if formally requested and funded for such an intense undertaking.

In any event, the Unified Plan must not impose inexact, unauthorized, and inappropriate governmental burdens on this voluntary collaborative, but rather properly reflect and leverage the nature of the common commitments and mutuality of this cross-sector collaborative to facilitate good work by the accountable agencies and entities. We look forward to working with you to ensure the clarity and accuracy of this important document as it relates to the work and role of MaineSpark.

For MDF, and the Core Group of MaineSpark,

Sincerely yours,

Yellow

Yellow Light Breen | President & CEO

Maine Development Foundation | 295 Water St., Ste. 5 Augusta | ME 04330

M: 207-478-3633 | P: 207-626-3112 | O: 207-622-6345 | www.mdf.org

Jan

Jan Anderson Kearce

VP of Program Impact

Maine Development Foundation

(o)207-626-3123

(m)207-956-1424

MDF provides leadership, trusted research, and creative partnerships to enable Maine business, community and policy leaders to drive Maine's long-term economic growth.

From: Ronald Jarrett <rjarrett@unitedwaygp.org>
Sent: Wednesday, March 07, 2018 4:40 PM
To: DOL, SWB
Subject: Comment Letter Regarding the Maine State Workforce Board Plan
Modification
Attachments: Maine State Workforce Board Plan Modification Comment Letter from
UWGP.pdf

Importance: High

Dear Mr. Oswald,

Attached please find a signed copy of our comment letter.

Thank you,

Ronald Jarrett | Director of Public Policy & Advocacy
United Way of Greater Portland | P.O. Box 15200, Portland, ME 04112-5200
P 207-347-2332 C 207-632-0989
www.unitedwaygp.org

Garret Oswald
Director, State Workforce Board
Maine Department of Labor
54 State House Station
Augusta, ME 04333-0054
SWB.DOL@maine.gov

Re: Maine State Workforce Board Plan Modification

March 7, 2018

Dear Mr. Oswald,

United Way of Greater Portland serves in a backbone role for Thrive2027- a community commitment to achieving three 10-year goals to drive measurable and meaningful change in Cumberland County. Thrive2027 integrates efforts so that the whole is greater than the sum of its parts. It brings 195 organizations and many more individuals together in new, networked ways across sectors with the understanding that we can't address complex issues in silos. One of the Thrive2027 Goals is to ensure that more people have the education and employment opportunities they need to live and work.

Additionally, United Way of Greater Portland is a stakeholder of the Greater Portland Workforce Initiative (GPWI), a community collaborative in Cumberland County that leverages the unique strengths of 21 stakeholder organizations to simultaneously assess and address employer-identified roadblocks to finding qualified employees, while addressing the unique barriers facing jobseekers. Providers of these services to individuals are already struggling to address the complex needs of the populations served.

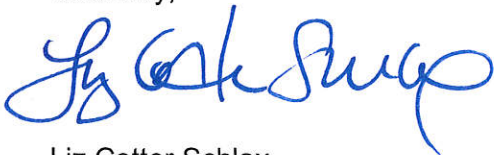
We are concerned that instituting a 70% training expenditure on Local Workforce Boards throughout the State would leave little opportunity to provide for the other valuable services proven to help struggling individuals secure financial stability. This proposed increase could frustrate the central tenets of the Workforce Innovation & Opportunity Act (WIOA) as exemplified in the efforts of the Local Workforce Boards to secure meaningful and effective wrap-around services for the neediest among us. Therefore, I write in opposition to the 70% minimum training expenditure policy put forth by the State Workforce Board.

Despite the overall low unemployment rate in Cumberland County (1.8% in December 2017 according to the U.S. Bureau of Labor Statistics), disaggregated employment data reveals serially under-utilized pools of jobseekers with significantly higher levels of unemployment. In order to meet requirements under the WIOA, Local Boards must target these "most in need" populations. According to the WIOA Program Year 2016 Overview, 89% of clients' educational attainment is at or higher than high school graduation. This means that most WIOA clients are not low earners simply due to a lack of high school graduation or a comparable credential; other barriers stand between clients and their additional educational attainment and higher earnings. Of WIOA's 470 clients served in Maine in 2016, 80 are single parents who likely face barriers to adult learning because of childcare accessibility. In addition, 130 are English language learners or individuals facing substantial cultural barriers who face additional barriers to adult learning; including lack of information about career pathways, transferring credentials, U.S. standards for

resumes, and interviews. Another 43 are individuals experiencing homelessness; their barriers to adult learning likely include financial stability, transportation, and housing. The 70% training expenditure policy assumes that these individuals do not need these additional services and are ready for training and employment opportunities. Many applicants are far from ready to go to work and need further guidance, assistance, and sometimes training.

We share your goal of wanting to ensure that people have multiple pathways to meaningful employment, including training. If we are serious about strengthening our State's economy, then we need to invest in supporting our fellow Mainers to achieve stable employment, whatever their individual needs may be. We worry that imposing a requirement of 70% does not take into account the needs of all jobseekers. Therefore, it is our hope that this proposed increase is rescinded.

Sincerely,

A handwritten signature in blue ink, appearing to read "Liz Cotter Schlax".

Liz Cotter Schlax
President & CEO, United Way of Greater Portland

From: Rebecca Swanson Conrad <Beckie@lametrochamber.com>
Sent: Wednesday, March 07, 2018 4:42 PM
To: DOL, SWB
Subject: Public Comment
Attachments: doc04864220180307163905.pdf

Please accept this letter as public comment on the Modified 2016-2020 Unified State Plan.

Thank you,

Rebecca Swanson Conrad
President/CEO
LA Metro Chamber of Commerce
415 Lisbon Street
Lewiston, ME 04240
207-783-2249
Beckie@lametrochamber.com



Lewiston Auburn
METROPOLITAN
CHAMBER of COMMERCE

March 7, 2018

Garrett Oswald
Director, State Workforce Board
Maine Department of Labor
54 State House Station
Augusta, ME 04333-0054

Dear Director Oswald,

On behalf of the Lewiston Auburn Metropolitan Chamber of Commerce, I am writing to ask that the State Workforce Board reconsider the 70/30 training expenditure requirement as written into the Modified 2016-2020 Unified State Plan.

Workforce development is one of two key priorities for our Chamber members around which we build our strategies to ensure a healthy business climate and strong economy in Central Maine and our members have been successful beneficiaries and strong advocates of WIOA training programs. However, the 70/30 training expenditure requirement will restrict the full set of staff-assisted services needed to move our most vulnerable job seekers into the workforce. We encourage a system that allows the local boards to provide all of the career services and sector strategies needed but not be bound by a restrictive formula. The 70% minimum training expenditure policy will limit the resources needed for regional strategies to connect job seekers with open jobs.

We simply cannot mandate a formulaic workforce development initiative that does not provide all of the resources needed by individuals to obtain economic stability through employment.

Respectfully,

Rebecca Swanson Conrad
President and CEO

Build.
Lead.
Thrive.

415 Lisbon Street, Suite 1
Lewiston, ME 04240

207-783-2249

LAMetroChamber.com

From: Oswald, Garret J.
Sent: Friday, March 09, 2018 5:50 AM
To: Howe, Joshua A.
Subject: Fwd: 70% and WIOA - Old Port Wool and Textile Company Portland , Maine
Attachments: WIOA Letter PDF .pdf

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From: Dory Anna Richards Waxman
Sent: Wednesday, March 7, 5:43 PM
Subject: 70% and WIOA - Old Port Wool and Textile Company Portland , Maine
To: Oswald, Garret J.

Please see attached testimony

“A bird doesn’t sing because it has an answer, it sings because it has a song.” Maya Angelou

OLD PORT WOOL & TEXTILE CO

SCHOOL FOR PROFESSIONAL SEWING

90 BRIDGE STREET FACTORY STUDIO 355 WESTBROOK MAINE

March 7, 2018

Dear Mr Oswald

I am writing today to ask that you reconsider the idea of 70 % Minimum Training Expenditure policy . While putting funds forward for training is a laudable goal the fact is that it takes a many staff hours coordinating outreach , recruitment, and support to run these programs .

I would like to speak first hand from my own experience to say that I began a training program within my small business in and effort to grow another line of outerwear with my husband Daniel ,son Ben and his partner Whitney Reynolds. I have been manufacturing clothing and sewing for over 25 years and brought my skills and knowledge of the industry to start this endeavor.

We needed stitchers. There were very few if any left in our state and so I coordinated a grant with a local non profit (CEI) to fund a few materials and an instructor. They also helped with recruitment through Portland Adult Education . We purchased machinery and began training in 2015 within my existing business - Old Port Wool and Textile Co (OPWT) in Portland. We also coordinated with the help of CEI staff with Workforce Solutions and Portland Adult Education. This coordination worked because WIOA provided our students with the necessary support services and funding that made this program incredibly successful . Today , American Roots is a thriving brilliant young company because our first 14 students were supported through the 12 week program by us and by WIOA staff.

The students (18) in the past two and existing class today have had a lot harder time because of no support due to a lack of funding . I have spent countless volunteer hours doing the work that WIOA staff did and without their support in the future it will be hard to think about continuing this program.

OPWT Co funds 60% of the training with a support grant from SMCC and Maine Quality Centers. We have 24 businesses in southern Maine alone who need professionally trained stitchers , cutters and float staff to run their manufacturing facilities . I ask you to reconsider this idea and return the funds to where they are most needed and best used for training and workforce development in Maine.

With thanks , Dory - Anna Richards Waxman - Owner OPWT Co.

Sincerely yours,

From: Joni Boissonneault <jboissonneault@porthouse.org>
Sent: Friday, March 09, 2018 8:53 AM
To: DOL, SWB
Cc: Mark B. Adelson
Subject: PUBLIC COMMENT: Maine State Workforce Board's Plan Modification
Attachments: Public Comment MSWB Plan Modification 3-1-18.pdf

Please see attached Portland Housing Authority's response regarding the Maine State Workforce Board's Plan Modification.

Thank you

Joni Boissonneault
Self Sufficiency Programs Manager
Portland Housing Authority
14 Baxter Boulevard
Portland, ME 04101-1822
(207) 221-8069 direct
(207) 879-4231 fax

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Mark B. Adelson
Executive Director

14 Baxter Blvd.
Portland, Maine 04101
Office: 207-773-4753
Fax: 207-761-5886
www.porthouse.org

March 2, 2018

Director, State Workforce Board
Maine Department of Labor
54 State House Station
Augusta, ME 04333-0054

Subject: Public Comment Re: Maine State Workforce Board's Plan Modification

Dear MSWB,

I'm writing to express our strong opposition to the Maine State Workforce Board's proposed policy to change the allocation funds for training (70%) and services (30%) for eligible clients.

As a partner to CCWI our Local Workforce Development Board, we provide housing, referrals and direct services to the same client groups. It's clear to us that the policy requiring 70% of funding for job training will undermine the entire program. These clients are primarily very low-income families and individuals with significant barriers to employment. They may include new Mainers, the disabled and the homeless. They require a variety of intensive services to prepare them for training and employment. The 30% to be allocated to services will be wholly inadequate to hire the case managers and providers to help these clients address the issues impeding their ability to enter the workforce. The result will be a much lower success rate, groups of people unable to meet their potential and businesses without employees. We urge you to reconsider the implementation of the 70% to training policy.

Thank you for your consideration.

Yours Truly,

Mark B. Adelson, Executive Director