

**New York State (NYS)
Workforce Investment Board (SWIB)
Quarterly Meeting Minutes**

Call to Order

A quarterly meeting of the NYS SWIB was held on April 22, 2024, at the NYS Department of Labor (NYS DOL) in Albany, as well as at public videoconference sites in New York City, Long Island, Westchester, Syracuse, and Buffalo. The meeting was called to order at 3:04PM and was presided over by SWIB Chair Dawn Burlew.

Attendees

Members in Attendance:

- Chair Dawn Burlew
- NYSDOL Commissioner Roberta Reardon (via videoconference in NYC)
- NYSED Deputy Commissioner Ceylana Meyers-Ruff (Proxy for Commissioner Betty A. Rosa)
- Amber Rangel-Mooney (Proxy for ESD Commissioner Hope Knight)
- Lauren Andersen (Proxy for CUNY Chancellor Félix V. Matos Rodríguez)
- OTDA Acting Commissioner Barbara C. Guinn
- Johanna Duncan Poitier (Proxy for SUNY Chancellor John B. King)
- Julie Hovey (Proxy for OCFS Acting Commissioner DaMia Harris-Madden)
- Daniel Chase (Proxy for Governor Kathy Hochul)
- Harold King
- Katie Geise
- Norb Fuest
- Sergio Esteban
- David Mathis
- Amy Desjardins
- Rose Duhan
- Rick Plympton
- Patricia Fusco
- Annmarie Lanese Payette
- Tony Baird
- Melissa Fleischut
- Zach Arnold
- John Durso (via videoconference in Long Island)
- Jessica Johnson-Cope (via videoconference in NYC)
- Shawna Papale (via videoconference in Syracuse)
- Assemblyman Al Stirpe (via videoconference in Syracuse)
- Kim Townsend (via videoconference in Syracuse)
- Florence McCue (via videoconference in Westchester)

Members Not In Attendance:

- Assemblyman Harry Bronson
- Albert Catalano
- Rudy Wynter
- Dan McGraw
- Todd Trantum

Announcements

1. **Welcome and Introductions** – NYSDOL Commissioner Roberta Reardon welcomed the new SWIB Chair Dawn Burlew to the meeting and congratulated Dawn on her appointment and leadership of

the Board's important work. The meeting was live streamed and there was no public testimony during the meeting.

Chair Dawn Burlew is president of Watkins Glens International. She previously worked for Corning Inc. for 41 years and then started working for Watkins Glen International on January 3, 2024.

SWIB Secretary Kerry Douglas-Duffy and NYSDOL Counsel Laura Campion and Deirdre Quain were also introduced.

- 2. Members and Proxies** – Members and proxies around the room and via videoconference introduced themselves. There was a quorum at the meeting.
- 3. Robert's Rules of Order Overview** – NYSDOL Counsel Laura Campion provided highlights of Robert's Rules of Order, a set of commonly adhered to parliamentary procedures for meetings used widely throughout the United States, and of the requirements for quorum.
 - a. The purpose of Robert's Rules of Order is to ensure that meetings flow, members are not speaking over each other, and members are aware of motions under consideration.
 - b. To put a motion on the table, someone would state, "I Move," and then a "second" is required to move the motion forward. A "second" means someone else saying "yes," which means they do not know if they agree with the motion yet, but they do agree it should be discussed. Then the motion is on the table for everyone to discuss. Once everyone comes to the conclusion that they are done with the discussion, the Board Chair says, "We have a motion on the floor, we will bring it to vote." Typically, the Chair will ask "All in favor?" and then "Raise your hand if in favor and say I." Then the Chair would say, "All opposed, raise your hand if opposed" and then "Any abstentions?" There may be times when a SWIB member feels they have an ethical issue, conflict of interest, or that they do not have enough information on a specific topic, and would say "I abstain."
 - c. Due to NYS laws, the SWIB is a public body that is subject to Public Officers Law and the General Construction Law. This leads us to a restriction on what is considered a majority of the Board. For a quorum, you have to have a majority of the Board, including any vacancies. A vacant position still counts in quorum. The SWIB is a 49-member Board, so always requires 25 members in order to hold a meeting (a majority of the 49). Similarly, in order to carry a motion, a majority of the full Board is required, so for any motion for this body to pass, 25 members have to say "Yes, I agree" with passing the motion.
- 4. Legal/Ethics Questions** – NYSDOL's General Counsel's Office is available to answer any legal-related questions. This includes Jill Archambault, Laura Campion, and Deidre Quain. The agency's Ethics Officer, Ryan O'Donnell, is also available for any ethics-related questions since all members are considered public officers and must take Ethics training.

Motions

There were two (2) items to vote on from the January 24th meeting; the SWIB By-Laws and the draft January Meeting Minutes. The draft By-Laws discussed in January were updated based on feedback during the meeting and re-shared in February's follow-up email. However, additional edits were made since that time.

- 1. SWIB member questions and concerns:**

Assemblyman Al Stirpe – The By-Laws talk about the annual Ethics training and Financial Disclosure Statements (FDS). I have to take Ethics training every year for the Assembly, and turn in, file an FDS every year. Does that cover me for this Board too?

Counsel Response – Yes.

2. SWIB By-Laws and Meeting Minutes Voting:

- a. By-Laws – Norb Fuest motioned to approve the By-Laws and Katie Geise seconded. There was no further discussion, all present members voted in favor, and there were no members opposed.
- b. January Meeting Minutes – The SWIB Chair Dawn Burlew moved to accept the meeting minutes as final, and Rose Duhan seconded. There was no discussion and all present members voted in favor. No members were opposed.

Old Business

1. **Asylum Seeker Updates** – NYSDOL Associate Commissioner for Workforce Development, Dana Politis, provided updates on the asylum seeker initiative, discussed at the January SWIB meeting. Key updates included:

- a. NYSDOL has served over 7,200 asylum seekers;
- b. NYSDOL has held 27 career fairs which have been attended by over 2,000 individuals. Most of the hiring events are done in NYC, but they have also been held in Albany and Rochester. Virtual Career Fairs are also being conducted; and
- c. To date, 1,200 employers have identified over 44,000 jobs, open to any qualified individual.

Top services to asylum seekers include:

- a. Job referrals/ job matching based on skills and interests;
- b. Referrals to hiring events – NYSDOL created a video series about what to expect at hiring events, and these videos are available on [YouTube](#);
- c. English as a Second Language (ESL) classes;
- d. Job search assistance;
- e. Resume preparation; and
- f. Career guidance.

A profile update of the individuals being served include:

- a. 80% are Spanish speaking and 4% are Russian;
- b. A majority of the individuals served are in Temporary Protected Status (TPS);
- c. 59% have a high school diploma or equivalency; and
- d. 28% have some school or no diploma, and the rest could be advanced degrees/bachelor's degrees. Questions can be directed to Dana.Politis@labor.ny.gov.

Amy Desjardins – As part of this year's State budget, we were afforded the opportunity to run a childcare program for asylum seekers, as well as people looking for training. We would love to partner.

Barbara Guinn – We definitely have families outside of NYC that are in need of childcare, so I want to follow up with NYSDOL as well.

- 2. 2024 NYS Combined State Plan Update** – NYSDOL Bureau Manager for Workforce Development and Strategic Planning, Liz Martin, provided an updated on the 2024 NYS Combined State Plan. Key points included:

- a. As discussed at the January meeting, NYSDOL submitted the NYS Combined State Plan in March 2024, and the federal partners have 90 days to provide feedback. We are still waiting to hear back on the Common Elements section of the Plan. We did hear during the week of April 15th that the New York State Commission for the Blind (NYSCB) received edits back on their section. Title II and Title IV have not heard anything so far.

Rose Duhan – Is this a one (1) year plan?

Response – This is a four (4) year plan and there is a two (2) year modification required in 2026.

New Business

- 1. Committee Updates** – Chair Dawn Burlew discussed new business of the Board, beginning with an update on the three (3) SWIB committees. Key points include:

- a. We are in the process of finalizing the Executive Committee, but we do have the Strategic Investments and Evaluation Committee, Chaired by Katie Geise and Vice-Chaired by Harold King, and the Education and Industry Committee, Chaired by Lauren Andersen and Vice-Chaired by Annmarie Lanese.

- b. Katie was unable to attend the first Strategic Investments and Evaluation Committee meeting, held on April 5, 2024, so Harold provided the report out for the meeting:

It was an initial meeting, so we got to know everyone and defined the goals and objectives of the Committee. There is a need for accurate and current data for the evaluation portion so that is what we will be focusing on.

- c. Lauren reported out on the first Education and Industry Committee meeting, held April 15, 2024:

One of the main topics of discussion at the first meeting was how to define “success” for the Committee. We are very excited to think about the work we want to do, but also thinking about how to be the best SWIB in the nation and how we can have an impact. What is the actual definition of what success should look like between education and industry initiatives across the State to help produce a diverse workforce that can be successful? Some of the goals discussed include how to ensure that the work we do is inclusive of everyone and reaches communities that have historically been left out. We also talked about how to identify sector gaps, such as areas where there is not an education option for emerging sectors. In addition, we discussed how we map the assets we do have, since so many organizations are doing great work already, while ensuring this work is well connected to employers across the State. We also talked about how we see into the future and get ahead of not just emerging sectors today, but the promising strategies and practices that will define the future of work.

- d. If additional are interested in joining one of these committees, please reach out to Board Secretary Kerry Douglas-Duffy (Kerry.Douglas-Duffy@labor.ny.gov).

2. Office of Temporary and Disability Assistance (OTDA) Supplemental Nutrition Assistance Program Employment & Training (SNAP E&T) State Plan – Stephanie Boshart, Director of Employment and Advancement Services and Bill Koncelik, Bureau Chief of SNAP Employment Policy, discussed the upcoming SNAP E&T State Plan. Key points included:

- a. The mission of OTDA is to help vulnerable workers meet their essential needs by advancing them economically and providing opportunities for stable employment, housing, and nutrition. The agency is responsible for supervising programs and providing benefits and assistance to support eligible families and individuals.
- b. SNAP E&T is formerly known as Food Stamps. Every year we are required to submit a State Plan to the US Department of Agriculture (USDA). The goal is to help SNAP E&T recipients have access to education and training opportunities and support services to help them enter or move up in the workforce.
- c. OTDA is in the Plan's design process now and attended the meeting to gain a better understanding of the State's labor market landscape and industry training needs. OTDA is also interested in the SWIB's ideas about how to strengthen relationships and connections between employers, workforce partners, and local Department of Social Services (DSS) offices. Feedback will help OTDA steer the program design and ensure the individuals they serve have access to the quality training and job opportunities funded through the entire workforce system.
- d. Many times, the funding OTDA puts out is not necessarily for training, but is instead going towards supportive services and wraparound services, such as job retention services to help people be successful in the training they receive.
- e. Discussion Question on Wage Subsidy programs – Under OTDA's wage subsidy programs, an employer agrees to take on a job seeker and either that local workforce agency or local DSS agrees to either pay a portion or all of the individual's wages for a certain period of time.

What do business members think of wage subsidy programs? What is your experience with operating one of these programs? In the past, USDA did not allowed SNAP E&T to pay for wage subsidies, but that has since changed with the last Farm Bill regulations.

Annamarie Lanese – I do have experience with these programs. I hired an individual at my software company who never went to college, and who worked in a kitchen and taught himself a programming language called Ruby on Rails. A recruiter came to me and asked whether I would like to hire a non-traditional person. This individual performed really well, and I realized there are people all across our communities that do not have access to these high paying tech sector jobs but should. It was a wage subsidy program that allowed us to give this person a shot. Now I am working to bring more people into these career pathways. But if it were not for that program, I think it is fair to say that we [Can Code Communities] might not exist today. We have now trained 4,000 people to date since we started in 2016.

Tony Baird – You have to have people monitoring these programs. It is a good thing, but make sure you have someone watching over it.

Jessica Johnson-Cope – My firm has participated in a wage subsidy program in the past and when they are successful it usually takes setting firm expectations of what the outcome will be. So not just a paycheck; we want to ensure that the expectation is long-term employment because there are some people who will find out where there are any kind of benefits, but once they meet the metrics and as soon as they get that final subsidized payment, they will leave employment.

You also want to be realistic about what the pay is for a certain trade or job. We have experience in working with one of the new energy training programs and when participants found out that the pay range for the actual job was less than what the subsidy was for the training program, many of them dropped out. Setting realistic expectations and helping the participants understand that the end game is long-term employment and not just the fast check are critical in making these wage subsidy programs successful.

Ceylane Meyers-Russ – I think it is really important not to design the initiative in a way that is burdensome to businesses with paperwork and requirements. I think the flexibility is really important. It allows businesses at really no risk or very little risk to give an individual a try. Having clear expectations, clear goals and checking in periodically are important design features as well.

Patricia Fusco – We have worked with this program as well and we have been able to place individuals with our clients. Is there a way that we can work with OTDA and find out who these candidates are that we can assist? How can we go about working with these individuals if they are not coming to us directly?

OTDA Response – Right now we do not have a wage subsidy component. In general, if you are looking for a pipeline of referrals, it would be the Employment Coordinator at the local DSS or their contracted provider. It will depend on the county; a list of the 29 providers for Venture V were also provided in the SWIB member folders.

Katie Geise – We run a lot of different programs locally that do the same work as a wage subsidy. We have tried to not get into the minutia with a business or job seekers, but instead try to make sure that our staff know about all of the programs. The wage subsidy program that we ran was very simple, quick, and had easy paperwork, but also has to meet the requirements of the funding source.

- f. Discussion Question on English Language Learners – Is there an opportunity for English Language Learners to enter the workforce while still working on their language skills and if so, which fields offer the best opportunity?

Zach Arnold – I think it is about employer readiness. I know from experience that NYS DOL is reaching out to employers and asking that question, but to some degree it is about skills too. But I would start with employer readiness; helping people to learn and try out the job but to also sustain employment, especially the onboarding piece.

Jessica Johnson-Cope – I had a conversation with the Division of Criminal Justice Services regarding Spanish speakers becoming licensed security officers. If they do take the training in Spanish, it has to be in a certain dialect and the training curriculum must be approved by DCJS in advance of the certified trainer providing the training. But as long as the training is approved, the participants completed the training, and they have the appropriate identification, namely a Social Security Number, then they are able to become licensed and can work in tandem with a non-English speaker in the security industry.

Rose Duhan – I would say that healthcare is always looking for people who speak Spanish or are bilingual, because in health centers many of the patients being served speak Spanish or are non-English speakers.

Ceylane Meyers-Ruff – I would welcome a follow-up conversation, because I think that within NYSED/Adult Education, we could potentially be a partner, particularly for individuals who are low literacy or do not have a high school diploma. One of the things we do is contextualized learning, meaning that as individuals are working in programs to earn certain

credentials, they are also learning English as it relates to the job they are training for. We find this is a best practice to help people and we can talk more with you about connecting with some of the local programs that we are funding across the State.

Patricia Fusco – Call Centers are another large population where they can use bilingual individuals. Also, in the legal field and in transportation.

OTDA Response – We provided a list of our Venture V providers and the type of training they provide in the SWIB member folders. If there are any gaps that you see in training opportunities after you have had a chance to review, I would welcome an email (Stephanie.Boshart@otda.ny.gov) with ideas/suggestions as well as connections.

Dawn Burlew – How are the educational programs done at each Board of Cooperative Educational Services (BOCES)? How are they determined?

OTDA Response – BOCES applies for the training and then for the credentials they have to be approved by the Local Workforce Development Board (LWDB). We have a certification form that is sent to the LWDB and then we get the approval. We do not want to duplicate things; we want to make sure we are offering in-demand trainings in a particular area.

Rose Duhan – If people complete these training programs, then how do they connect with employers?

OTDA Response – Most of the programs have direct job placement where they work with other partners to place the individual. We are always looking to strengthen our employer connections.

Annamarie Lanese – Most applications are in English in the United States, so jobs seekers have that double barrier, both with the oral and written communication. But they also have the challenge of the interfaces are being in English, primarily. It is really important that people get the digital skills training in both English and Spanish.

3. **Equitable Transition Model (ETN) Grant** – Board Secretary Kerry Douglas-Duffy discussed the ETM Grant NYSDOL was awarded:
 - a. The United States Department of Labor (USDOL) Employment and Training Administration’s (ETA) Office of Disability Employment Policy (ODEP) awarded NYSDOL over \$2M for the ETM Grant, a collaborative grant including NYSED (Special Education and Vocational Rehabilitation), the NYS Office of Mental Health, the Research Foundation for Mental Health, and the Local Workforce Development Areas (LWDAs). The primary goal of the grant is to improve the employment outcomes of marginalized people with disabilities, specifically youth and young adults. This includes youth between the ages of 14 and 24 who may be negatively impacted socially and economically and who could also be in foster care, impacted by the justice system, or part of the LGBTQ+ community.
4. **Workforce Innovation and Opportunity Act (WIOA) Program Year (PY) 2024 Funding** – NYSDOL Bureau Manager for Quality Assurance & Workforce Investments, Julie Keating, and two of the Board’s proxies, Ceylane Meyers-Ruff for NYSED Adult Career & Continuing Education Services (ACCES) and Julie Hovey for the NYS Commission for the Blind, discussed each core partners’ upcoming WIOA funding and how it compared to past years. Key points included:
 - a. Previous Title I Funding
Workforce Investment Act (WIA) and WIOA historical funding summary charts were included in members’ folders. The year 2000 was a great year of funding for NYS as Congress appropriated extra funding for the State and at the local level for WIA One-Stop

Career Center implementation. Unfortunately, since that time, national funding and State and local funding experienced years of reductions in appropriations and recissions of unspent dollars. There was one exception due to a one-time additional American Recovery and Reinvestment Act (ARRA) funding for Fiscal Year (FY) 2009, where we received an additional appropriation of funding that year and provided the funds to the local areas due to the sharp increase in unemployment due to the financial crisis.

When WIA ended and WIOA began, the higher proposed national appropriation amounts written into WIOA were not actually enacted by Congress. Rather than increasing the appropriations to assist with WIOA implementation, WIOA was flat-funded and continued WIA-level appropriations. Since then, the appropriations have either been flat with no change in the national appropriation amounts, or occasionally there has been a minor increase. The FY 2023 national appropriations did have small increases of 2%-3% for the Title I Adult, Dislocated Worker (DW), and Youth programs.

Still in recent years, NYS has taken a bigger bite out of the national WIOA appropriations because our Unemployment Insurance (UI) rate does tend to be higher than the rate in other states and was especially so during the COVID-19 pandemic years.

b. Future Title I Funding

Funding for PY 2024 Title I programs begins on July 1, 2024. NYSDOL does not have final allocations yet, but USDOL did issue Training Employment Notice (TEN) [19-23](#) in February 2024 where they provided planning allocations and estimated what states would receive based on last year's budget. In March, Congress enacted an FY 2024 budget and flat-funded WIOA with the same amounts as FY 2023. We will not know how much USDOL will set aside for national-level activities such as conducting evaluations until the final Training and Employment Guidance Letter (TEGL) is issued.

Based on FY 2023 dollars, NYS as a whole (with State and local-level funding combined) would receive \$11.96M, or 4.81%, less overall compared to last year with reductions in all three (3) funding streams, especially DW. Estimated shares are mostly based on UI data, with economically disadvantaged data for Adults and Youth also playing a roll. The allocations reflect funding cuts for most local areas but with a less severe reduction for NYC, Tompkins, and the Capital Region, and a small increase for Chautauqua. We have seen a trend with NYC getting a larger share of the funds and most of the other local areas getting less due to the UI rate in NYC.

The NYS jobless rate improved significantly in the PY 2024 funding reference period compared to the PY 2023 reference period. The State's rate was at 5.2% for the PY 2023 period and went down to 4% for the PY 2024 reference period. A UI rate above 4.5% is a trigger point in the WIOA funding formula for states.

Because national WIOA appropriations have been flat, and State and local shares are based on UI and poverty rates, it is clear that the formula WIOA funding alone is not sufficient to sustain meaningful State and local workforce programs. Thus, proactive pursuit of other grant opportunities is strongly encouraged. Strategic long-term planning should be prioritized for consolidation of local areas wherever possible, including the elimination of duplicative services and consolidation of administrative processes.

Annmari Lanese – I am just curious about the planning allocations documents; is this the LWDAs' full budgets, or do they have operational budget money outside of this money?

NYSDOL Response – This is all the Title I WIOA funds NYSDOL will issue to the local areas. They may have other funds, other local funding, or they may be applying for other grants outside of WIOA.

Melissa Fleischut – It was mentioned that certain areas are more disadvantaged and that is why their numbers are not going down as much, but is that fundamentally true across all of these counties? Because there is a lot of North Country counties where I assume the UI rate is really high that are getting 11-12% point deductions.

NYSDOL Response – It is more than just what happens in your local area but what is happening in all the other local areas as well. Most of the factors used to calculate the shares are related to UI, but it is not strictly UI. For example, in DW funding you have UI beneficiaries, long-term unemployed, unemployed in areas of substantial unemployment, unemployed due to a mass layoff, change in employment in industries with job losses in the past five (5) years, and farms with net losses. So, there are different pieces that go into it, but most of them are related to UI.

If you have any questions about specific LWDBs, please contact Dave Quickenton (David.Quickenton@labor.ny.gov) and we can explain why the numbers went up or down.

Sergio Esteban – What about the performance in the same area of the prior year in each one of those areas? Is that also a factor when you are calculating and making projections for the following year?

Response – The prior year’s performance is not a factor. We have to allocate based on the factors detailed and are not allowed to deviate from the formulas.

c. NYSED Funding for Titles II and IV

Funding for Title II Adult Education is around \$51M a year, funding three (3) different programs for individuals 16 and older; BOCES, school districts, and community-based organizations. There are over 200 programs across the State that receive Adult Education funding. We are focused on helping adults become literate so that they can enter the workforce, and to the extent that these adults are also parents, we want to help them support their children in their educational journey as well. If these individuals do not have a high school diploma or equivalency, we want to help them gain that credential as well.

For Title IV ACCES-VR, average funding is around \$118M from the US Department of Education, Rehabilitation Services Administration. We have 25 offices across the State and I will always try to volunteer us to partner as I would like to see every person with a disability who wants to be employed, be employed. In VR, we have over 400 contractors and we provide contracts for many services including vehicle and home modifications, job coaching services, interpreter services, psychological assessments, and work-based learning. We work with individuals as young as age 14 and there is no cap. We have dual customers because we are also working with businesses in addition to individuals seeking to enter the workforce. We provide several no cost services to business, training on accommodations, tax credit information, and helping businesses onboard individuals with disabilities.

d. NYSCB Title IV Funding

NYSCB is the sister agency to ACCES-VR. The major difference is that NYSCB serves individuals who have a primary disability of blindness or vision impairment. We are much smaller than ACCES-VR, having seven (7) offices Statewide, with numerous outstations. We also start serving people at age 14 and have no cap. We are seeing a huge increase in vision

loss in people over age 55 and this is one of the largest disabilities. There is a lot of stigma around vision loss, particularly around work, so we provide a lot of technical assistance to employers to try to ensure that people are able to do all the same jobs.

We provide job readiness, work readiness, and job placement services. We support individuals through college, both two- and four-year degrees, graduate school, and on-the-job support services. We also do a lot of internships and Pre-Employment Transition Services (Pre-ETS).

5. WIOA Performance Overview – NYSDOL Bureau Manager for Career Services & Central Support, Pam Miller, and NYSDOL Bureau Manager for Workforce Development & Strategic Planning, Liz Martin, provided an overview of WIOA performance and upcoming State and local negotiations:

a. Primary Indicators of Performance

NYS is held to six (6) performance measures under the WIOA Title I Adult, DW, and Youth Programs and four (4) measures under the Title III Wagner-Peyser Program, both over the course of a PY, which runs July 1-June 30. All but one (1) of our measures are exit-based, meaning we do not start looking at the success in the measure until after someone has stopped receiving services. The measures are:

- i. Employment 2nd quarter after exit – The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;
- ii. Employment 4th quarter after exit – The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;
- iii. Median Earnings – A wage-based measure, which is the statistical median earnings of program participants who are in unsubsidized employment two (2) quarters after exit;
- iv. Credential Attainment – The percentage of individuals enrolled in an education or training program who obtained an industry recognized credential, a certificate of completion of an apprenticeship, or certificate approved by NYSED or another State agency, or a secondary school diploma. With a secondary school diploma, if that is the credential they earned, then they must be employed or enrolled in an education or training program that leads to a post-secondary credential within one (1) year after exit from the program;
- v. Measurable Skill Gains (MSG) – Within the PY, those who are enrolled in a training program and are looking to gain a credential need to have one (1) measurable skill gain showing a skills progression within their training program, or they need to have a transcript that shows that they are gaining skills. The individual can also have any documented or test-based achievement throughout that PY; and
- vi. Effectiveness in Serving Businesses – Retention with the same employer in both the 2nd and 4th quarters following the participants exit from a WIOA program. This measure has not yet been implemented under WIOA and the federal agencies just provided guidance on this measure. We are assessing this information with our partners as this is a shared outcome measure.

Both Credential Attainment and MSG are data entry-based measures, so they are impacted based on data that is entered into the State case management system. They are also impacted by services provided to customers and consistent follow-up.

b. Performance Negotiations

Every two (2) PYs the core partners must negotiate State performance measures, which is done in alignment with the NYS Combined State Plan. Right now we are in the process of negotiating our State measures for PYs 2024 and 2025. Our proposed goals are reviewed by the federal partners, and they determine whether they will accept the goals or come back to us with different numbers. The main factor the federal partners use for Title I and III negotiations is the Statistical Adjustment Model (SAM), which factors in economic conditions in the State, such as employment rates and any job losses or gains in specific industries. NYSDOL received feedback at the end of the week of April 15th from USDOL on our negotiations; some of the goals they accepted while other were too low. NYSDOL has until June 30th to negotiate and finalize our performance goals for PYs 2024 and 2025.

Once State negotiations are complete, NYSDOL has to negotiate with the local areas, using a local SAM. NYSDOL proposes goals to the LWDBs first, based off the SAM and previous performance, and then give the LWDBs the opportunity to negotiate. This process has to be completed by September 30th. Once local negotiations are complete, both the State and local goals are posted on the NYSDOL Performance Indicators & Goals [website](#).

On a quarterly basis we receive actual performance information for both the State and local areas (LWDAs) and how that compares to the negotiated goals. We then develop a report card for all the LWDBs, called the WIOA Primary Indicators of Performance Report Card. The Report Card breaks down each measure and provides the negotiated goals, the overall State goal, and gives each local area a basis for identifying where they are within meeting their goal. The Research & Statistics (R&S) Division and the Program Implementation and Performance (PIP) Unit also create and release the lists of individuals in the Credential Attainment and MSG measure, allowing the LWDBs to go back into the case management system and find out why a specific person did not count positively in the measure.

The performance report card is also cumulative, so if local areas are missing something in the Credential Attainment or MSG measures for a customer and they enter it in the following quarter, it will count positively moving forward. This increases consistent follow-up and outreach. For the wage-based measures, we are always encouraging the local areas and NYSDOL staff that they need to have consistent case management because people will have better outcomes based on the level of services we are providing.

NYSDOL also develops various One-Stop Operating System (OSOS) guides and trainings that show how Credential Attainment and MSG are entered into OSOS. We also do one-on-one training sessions, and we have an entire OSOS Help Desk (Help.OSOS@labor.ny.gov) devoted to helping local areas with their data entry. We do larger webinar trainings and we visit the Career Centers for in-person training assistance. In addition, we are working with LWDBs who are considered high performers by determining best practices and using those best practices when providing technical assistance to other local areas that are struggling. We also have internal Quality Assurance Monitors we work closely with on performance.

The performance indicators ACCES has include both Employment Rate 2nd and 4th Quarter after Exit, Median Earnings, Credential Attainment, and MSG. For Title II Adult Education we are still negotiating some of these goals for PYs 2024 and 2025, but we do have our goals completed for VR.

We look at 6 months and 12 months after receiving ACCES-VR services and determine whether the individual is still working. We have a wonderful partnership with NYSDOL where we get that information from UI data. We also look at MSG and need to work on the

Credential Attainment measure, specific to apprenticeship opportunities for individuals with disabilities. Also, we really want to see people move out of poverty as it is not just the employee, but also the family and community as a whole.

NYSCB negotiates performance measures with ACCES-VR, and these numbers are the same for both partners. We also need to do more with Credential Attainment and MSG.

Katie Geise – How do Titles II and IV determine the performance measure levels? Is there something at the federal level that is your guideline?

NYSED Response – We have to negotiate with our federal funder on what our targets are. We have case management systems where we input the data and then we report quarterly to the federal government.

Katie Geise – Is that a NYSED data system?

NYSED Response – VR has its own specific case management data system separate from the P-12 system and same for Adult Education.

Katie Geise – Do we know the thinking behind the federal partners focusing on employment at the same employer for a period of time [for the Effectiveness in Serving Employers measure]?. Oftentimes someone has an entry level job at one business and then an opportunity opens up at another one and that should not penalize the System. Also, I have a number of employers that have different businesses that have different entities. So, it might appear that a customer has gone from one business to another business, but it is actually a promotion within the same business, but they have different names or divisions.

NYSDOL Response – We cannot speak to the thought process of the federal partners, but these are the things we are starting to talk about regarding how we can approach this measure. We are awaiting updates to a few federal guidance documents to further discuss how we plan to implement the measure.

Amber Rangel-Mooney – My understanding was that it was more tracking whether they were still employed or if they were employed with the same business. I do not know if there is an actual penalization or if they are just trying to get a clear understanding of the data.

Jessica Johnson-Cope – I work with approximately 15,000 small businesses across the country and we have been talking to legislators in Washington DC about job training and access to resources. Many times, small businesses will hire/train individuals and then they will leave our companies and go to bigger companies, and smaller businesses tend to be a gateway to employment opportunities to a lot of individuals. So, we have been talking about what policies can be put into place to help protect the interest of small businesses that are employing people, particularly those who have been out of the workforce or hard to employ.

Barbara Guinn – I appreciate that the measures take into consideration the characteristics of those served. Do you feel that the way they are accounted for is sufficient to not discourage staff from serving individuals with barriers to employment?

NYSDOL Response – There are about 60 or so different performance and economic variables that are used in the SAM. Some of them do include barriers, but we can look into this more and let you know.

We get a question a lot about whether local area performance affects WIOA funding, and it does not. The funding is calculated based on economic factors only.

Norb Fuest – It still comes down to how many dollars and cents we have to spend and as it continues to go down but inflation continues to go up, it does not measure up. We are not going to be able to serve as many people. Has the federal government given us any indication as far as WIOA and what they are going to fund? Are they going to give us anything different?

NYSDOL Response – The Governor’s DC office continues to push with our members of the House every single year. This is something we prioritize when we give them feedback.

Rose Duhan – What happens if you do not meet the measures?

NYSDOL Response – On each specific measure if you do not pass it for one PY, you are required to do a Performance Improvement Plan (PIP). At the State level, if we do not pass a specific measure for two (2) years, we could be sanctioned, but we do not put that on the local areas until after three (3) full PYs. So, if a local area passes the measure the first year, does not pass it the second year, and then passes it again the third, they would just have to do a PIP in the second year. If they have three (3) straight PYs where they do not pass the same measure, then they could potentially be sanctioned.

- 6. Business Engagement** – NYSDOL’s Bureau Manager for Business Engagement & Strategy, Laurie Thomson, provided an overview of NYSDOL’s Business Engagement Unit. Key points included:
- a. Business engagement has six (6) sub units and there are about 150 staff spread out throughout the State. The units include Business Services, Rapid Response, the Worker Adjustment and Retraining Notification (WARN) Unit, Shared Work, Economic Incentives, and the Cannabis Employment and Education Development (CEED) Unit. We are part of the System to connect individuals to employment opportunities every year. We hold an average of 1,500 recruitment events a year and we maintain virtual tools to help make those connections.
 - b. Virtual Career Center (VCC) – As discussed at the January SWIB meeting, the VCC uses artificial intelligence (AI) to connect job seekers to businesses. Since July 2023, we have had more than 600 businesses using the VCC. Businesses can post their job positions and receive candidate matches back, and they also use it as an applicant tracking system.
 - c. NYS Job Bank – The NYS Job Bank can be used for businesses looking to post a job opportunity and/or take advantage of our indexing service, an automatic process that takes jobs from the businesses’ applicant tracking system and puts them onto ours, so a business only has to update its career site and then its jobs are automatically posted on our Job Bank. These jobs also come into our internal case management system, OSOS, and they are also put onto the VCC so everything is connected.
 - d. Microsites – Microsites are a subset of the larger NYS Job Bank and hone in on a particular industry. For example, we have a microsite for seasonal jobs, the tourism industry, opportunities in childcare, and also part-time jobs. We can pull from thousands of available jobs and put them into smaller sites. If a business is looking for something in a particular industry, it can use the microsite.

- e. Recruitment events – NYSDOL does in-person recruitment events and each day we are out doing multiple events across the State. We do larger career fairs, such as the Dr. King Career Fair in Albany, and we have another large event coming up in Syracuse. We also do mini job fairs, which typically occur in our Career Centers or at another location within the community. We also do dedicated recruitment events for new businesses coming into the area or if there is an existing business that has a large need.
- f. Virtual Career Fairs – During the height of the COVID-19 pandemic when we could not hold any events, we secured the VCC and piloted a couple of virtual events, which we are still doing every month. We just hit a milestone of 305 events since the virtual platform was launched. We continue to use the virtual career fair as it allows for a hybrid approach and accelerated hiring timelines because you can have a video chat with job seekers.

There is also an accessibility feature within the virtual career fair, which allows us to reach individuals with disabilities, and the platform is compatible with adaptive technology. We have also done a couple virtual career fairs as part of the asylum seeker initiative as the language can be changed on the interface and chat feature, allowing for easy connections.
- g. Asylum Seeker Initiative – In September 2023, there was a call to action for businesses to fill out a form if they were interested in hiring individuals from the asylum seeker population. We have connected with over 1,200 businesses that have wanted to have this additional conversation regarding hiring asylum seekers, and there are over 44,000 job openings attached to that. All of our services are provided at no cost.
- h. Marketing – We have a very active social media presence and do email marketing, direct marketing, and flyer creation.
- i. Resources Consultation – Resources consultation is a service for small-to-medium sized businesses who do not have a legal or Human Resources (HR) team. We can offer these businesses job analysis, skill gap analysis, turn over analysis, and help with employee handbooks. We customize all of our services to meet the needs of our business customers.

Main Motions

Approval of the SWIB By-Laws: Norb Fuest motioned to approve, and Katie Geise seconded. The motion carried with 28 in favor and 0 against.

Approval of the January 24th Meeting Minutes: SWIB Chair Dawn Burlew moved to accept the Meeting Minutes as final, and Rose Duhan seconded. The motion carried with 28 in favor and 0 against.

Approval to hold next SWIB meeting on July 24, 2024: SWIB Chair Dawn Burlew moved to hold the next meeting of the SWIB on July 24, 2024, in Building 12 from 3:00PM to 5:00PM, and Harold King seconded. The motion carried with 28 in favor and 0 against.

Adjournment

Chair Dawn Burlew moved that the meeting be adjourned, and this was seconded at 5:04PM.