



State of Tennessee

State Workforce Development Board Meeting

**MEETING MINUTES**

Friday March 26, 2021 - 9:45 AM – 11:15 AM CDT via Webex

<u>Board Members Present</u>		<u>Board Members Present by Proxy</u>	<u>Members Absent</u>
Martha Axford (East)	Rick Isaacson		State Senator Paul Bailey
Assistant Commissioner Jay Baker	J. Paul Jackson		State Representative Clark Boyd
	Assistant Commissioner Mandy Johnson		Jonathan Cantrell
Designee: Deputy Commissioner Cherrell Campbell-Street for Commissioner Clarence Carter	Designee: Policy Director Tony Niknejad for Governor Bill Lee		Christine Hopkins
	Commissioner Jeff McCord		Kyle Spurgeon
	Vonda McDaniel		
Jason Bates	Mayor E.L. Morton		
Tim Berry	Greg Persinger		
	Stuart Price		
	Barry Ray		
Rhonnie Brewer	Designee: Director Ann Thompson for Commissioner Bob Rolfe		
Mayor Kevin Brooks			
	Designee: Chief of Programs Jean Luna for Commissioner Penny Schwinn		
Michelle Falcon			
Ben Ferguson (Southwest)			
Bill Godwin	Jeff Vance		
Marshall Graves (Southeast)	Kevin Vaughn		
Ann Hatcher	Ruste Via		
	Ron Wade (Greater Memphis)		

*Location in parenthesis represents the state board member's membership on a local workforce board.*

**Welcome**

Chairman Berry called the Webex meeting to order at 9:45 a.m. He thanked those who were watching the meeting via the public live stream on YouTube and he thanked the board for their participation in this important work.

Chairman Berry addressed the following topics in his opening remarks:

Revised Bylaws - Board members will receive a copy of the revised bylaws after the meeting. The bylaws were

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revised and approved by the Executive Committee in January 2021 to reflect the 2020 membership increase required by our federal partners in conjunction with our State Plan approval.

Board Certification - Chairman Berry noted that the board will be moving toward becoming a high performing board by building some structure around high standards and making roles and responsibilities a little more actionable and measurable. State board chairs from around the country developed a document several years ago that addresses becoming a high performing state board. A version of this document has been adopted by several states and our board will review it as a guide: it should reflect recent meeting discussions with metrics that track how the board is doing against the goals of the programs the board oversees. It should also reflect benchmarks to measure performance. After the state board's standards and metrics are set, the same document will be used to set local board certification standards and metrics. The state board wants to be a standard of excellence to guide the local boards to conduct their work with the same guiding principles. More information about this process will be available and discussed throughout 2021.

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### Roll Call

Iler Bradley conducted the roll call and established the presence of a quorum.

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### Approval of Minutes (vote required)

Chairman Berry requested a motion to approve the November 13, 2020 minutes. It was moved by Ann Hatcher and seconded by Michelle Falcon to approve the minutes as presented. Chairman Berry asked for verbal discussion and questions via chat. Seeing none, he asked for opposition or abstention from the vote. Seeing none, the minutes were approved.

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### Workforce Advisory Overview – Dr. Jeff McCord, Commissioner – TN Department of Labor and Workforce Development

Commissioner McCord noted that our work is more important now than it's ever been. As we come out of the pandemic and get people back to work, what this board does and what is done as an agency matters. Commissioner McCord also introduced Dewayne Scott who has joined the Department of Labor and Workforce Development as a Deputy Commissioner.

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### Unemployment Insurance Update – Rusty Felts, Assistant Commissioner – TN Department of Labor and Workforce Development – UI

Rusty Felts thanked the board, the workforce team, the partners, and Chairman Berry for welcoming him to this meeting. He began by giving some quick updates on what has been done and some new things that UI is facing as a division.

- In a normal year UI pays out close to \$200 million in unemployment benefits. This past year, UI paid out \$6.3 billion in benefits to eligible Tennesseans, and had over 1,000,000 new claims, which does not include additional claims that were already in a benefit year. This has been an extreme amount of work dealing with the federal programs that was compounded by issuing and correctly implementing unemployment for programs that have never existed.
  - There has not been any change to the job search requirement: TN put that back in place back in the fall and was one of the first states to do so. He thinks we are where we are in Tennessee because of job searches and the efforts of Workforce Services and the partners to get people back to work.
  - From this experience, Mr. Felts and his team were absolutely forced, regardless of the workload, to look at some things that they could do differently. UI is exploring and developing some new automations they didn't have before and are making a lot of progress regarding pending claims numbers. They may be going towards a new unemployment system in the future.
  - Mr. Felts couldn't really speak to any trends with the numbers that UI is seeing other than a lot of the filed claims still relate to Pandemic Unemployment Assistance (PUA) for contract 1099 workers so they must be vigilant with fraud. As a federally funded program, they are asked to administer a program by federal and state standards, but they must be extremely careful paying out federal money because there's a lot of ambiguity in the federal programs.
  - The biggest challenge is getting the workforce back: when the federal extensions run out, a lot of Tennesseans in our workforce that have empty base periods could be an uncomfortable period if they don't get back to work. UI is also hearing every day from employers around the state that they need people to come back to work. Mr. Felts has two links he will share with the board to pass on to employers: one for employers who are trying to get
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their workforce back and they won't return, and another for employers who interview and offer jobs to new applicants who don't return. He thinks it's extremely important to know that employers are trying to stay alive. For those who won't return that's a part of unemployment fraud.

Mr. Felts noted that he gets a lot of support from Deputy Commissioner Thomas, Commissioner McCord, and the department. He appreciates the partnership and realizes that his clients are workforce services clients. Mr. Felts thanked Chairman Berry and the board for their support.

**Chairman Berry:** You talked about businesses needing workers and telling you every day that they need workers to come back. Do you think that's because they've left a job and they are available to work but the jobs that are open are not the jobs they left? In other words, I left a job because it closed but that business hasn't opened back up so now there are other jobs open but it's not the one I had and so maybe they're reluctant to go into the different job? Is that real or is that just a hunch?

**Rusty Felts:** A lot of employers have managed to stay open, but we need to face the reality that there were a lot of employers who unfortunately did not make it. When you combine that with maybe what region of the state they are in and other factors and it could be that they're reluctant to branch out and try something new. But at the same time it's something that we need to be cognizant of in the role we all play because fear or not, we need to encourage people to get back out there in the workforce if they can't return to that employer. These unemployment federal benefits and these extensions and additions are going to run out at some point. We all have to face that reality so yes sir, that's a legitimate concern.

**Chairman Berry:** A lot of the work for this group and everybody that supports it is for these folks that have left something and now it just isn't there for them to go back to. We've got to encourage them to use our services to teach them that new skill or make them feel comfortable in going into that new company or that new role.

**Rusty Felts:** Yes sir, and to understand the urgency.

**Jason Bates:** I just had a quick question for clarification make sure I heard it right. You said that we went from \$200 million a year in unemployment to 1.6 billion did you say?

**Rusty Felts:** No, sir - thank you for the question. Normally we would we pay out in the normal years of unemployment right around \$200 million in unemployment benefits. This past year we paid out \$6.3 billion.

**Jason Bates:** \$6.3 billion - my goodness - Ok, thank you.

**Ron Wade:** Rusty I'm not sure if you deal with the motivation level. In west TN, oftentimes it is difficult in our work with employers because the amount of money that they'll start with is less than what they're getting from unemployment services. I do realize that that's going to run out as you mentioned. My question to you is have you seen that same type of response from employers needing and wanting workers to come back and then you know basically they say well you're not paying me as much as I am getting by staying at home? How do you deal with that problem?

**Rusty Felts:** To answer your question Mr. Wade absolutely - I hear it all the time. You know it boils down to simple math: I think when the \$600 that we were putting on top of unemployment when that stopped and then we went to the \$300, there's a certain part of the workforce that had to do math and were forced back out there. I don't really know another way to say it. Sometimes it's interpreted as Rusty and unemployment are giving them this money and so it's making them not want to re-enter the workforce. It doesn't come from me: I'm just asked to administer it, but we do hear that all the time to your point. We're coming to a critical time when those benefits end and you're going to have a mad scramble for some of those jobs, so that's a good question.

**Chairman Berry:** I think also this is where that the work you're doing against fraud is going to be a big help and the question that requires them to say yes I looked for work is also going to help. The fact that we're keeping that requirement in there is a big deal because that wasn't the case in the initial act so I'm glad we were able to keep that and I think that'll help to keep it down.

**Rusty Felts:** And to Mr. Wade's point, it's all the more reason to share those links that I'm going to send out. I know employers are struggling and I know they're busy, but we need to know that.

**Ron Wade:** Any help that you can give would be appreciated because we respond to them every day and we push for a livable sustainable wage and it's just a balance.

**Chairman Berry:** Rusty, Ben Ferguson is just trying to clarify that the new federal payment is set to expire at the end of September. Is that correct?

**Rusty Felts:** Chairman Berry, I don't have that in my notes right now by my memory. I want to say the program ends September 6. I don't have that exact date right in front of me and I apologize but it is in September.

**Commissioner McCord:** It's September 4.

**Rusty Felts:** Thank you Commissioner.

Any other questions were to be submitted for further follow up with Mr. Felts.

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## Committee Updates and Policy Approvals

### Oversight Committee – Presented by Chair Ann Hatcher

The Oversight Committee had updates from two of the new WIOA workgroups. Their first update was from the Fiscal and Reporting Workgroup, and the objective of this work group is to create dashboards and measure the effectiveness of the workforce strategy across the Departments. It's made up of representatives from DHS, Adult Education and Workforce Services. Through the creation of shared KPIs, shared objectives, and the measures that sit under them the committee can see how we're doing as a state workforce system. They met in January and February and by the next committee meeting in June, they expect to identify key KPIs and possibly some benchmarks or some information of how other states are looking at that information. Also within this report they reviewed a proposed change to the reserved allocation methodology for Rapid Response. The Oversight committee voted to approve the proposed change. [Ivan Greenfield reviewed the change with the full board later in the meeting.]

The second update was from the Joint Monitoring and Compliance Workgroup. The purpose of this workgroup is to ensure the seamless execution programs and consistent service delivery across all the local areas. They also met several times in January and February and their first set of goals and objectives are to create joint policies around co-enrollment assessment and eligibility and then One Stop design and oversight. In June, they will review the draft co-enrollment and One Stop Design policy. Oversight reviewed a policy on allowable and unallowable costs, approved it, and brought it forward to the full board for approval.

Chairman Berry asked for a motion to accept the change to the Allowable and Unallowable Cost Policy as presented. It was moved by Mayor Kevin Brooks and seconded by Jason Bates. Chairman Berry asked for any other discussion or questions about that policy. Seeing none, he asked for any opposition or abstention to the vote and seeing none, the policy change was approved as presented.

### Operations Committee – Presented by Chair Stuart Price

Chair Stuart Price noted that the Operations committee had an outstanding committee meeting with great presentations from three workgroups: Job Seekers, Business Services, and Apprenticeship & Work-Based Learning. The Operations committee complimented the state staff and all those working in workforce development on their sense of ownership and outcomes and not being deterred by the challenges that are in front of them. The committee applauded what's being done and how the workgroups are moving forward bringing together interagency teams consisting of Labor & Workforce Development, Department of Human Services, Education partners, Corrections, Mental Health & Substance Abuse, and community partners. All are coming together to address how we best present a comprehensible and clear product to the people we serve across the full spectrum.

In terms of the specifics, in the Business Services track to serve employers, the goal is to create a trained workforce to meet current industry needs. They're going to focus on empowering the Tennessee workforce system to integrate their services, allowing partners and community organizations to work collaboratively and seamlessly. These sorts of goals and objectives are exactly what the board needs to deliver the great product Chairman Berry described earlier. In terms of the apprenticeship program, the same caliber of presentation and effort is occurring. The purpose is to create a trained workforce to meet industry needs and establishing scalable partnerships that meet employer workforce development needs by developing and implementing registered apprenticeship programs.

Operations observed that as we move forward and implement technologies, one thing that's evident and we all need to remember is that relationship matters. Coming together and bringing different agencies together to meet and discuss on a quarterly basis to establish goals and to establish metrics to measure progress is imperative. This will carry us to the great goals that we have in store for ourselves. Mr. Price applauded the workgroups, noting that they are on the right track and he is excited about their efforts.

Operations had two policies to review and recommend for approval. The Senior Community Service Employment Program (SCSEP) Policy explains in detail different aspects of the program such as participant wages, duration limits, the grievances, termination reasons, etc. It's a consolidation of six formerly separate policies otherwise no changes have been made during the consolidation process.

The second policy was the Priority of Service for Adults, Veterans, and Eligible Spouses to provide guidance to local workforce development boards on the requirements for providing priority of service to all covered persons and identified populations. This policy is also a combination of two policies into a single policy: the Workforce Adult Priority of Service and the Veteran Eligible Spouse Priority of Service policies so otherwise no changes to either. The committee forwarded both policies for approval.

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Chairman Berry called for a motion to accept the changes for the Priority of Service policy and the SCSEP policy as presented. It was moved by Ann Hatcher and seconded by Bill Godwin. Chairman Berry asked for discussion or questions about these policies. Seeing none, he asked for any opposition or abstention to the vote. Seeing none, the changes were approved as presented.

#### Innovation Committee – Presented by Chair Kevin Vaughn

The Innovation committee had a lot of good speakers. Teresa Smith introduced the WIOA Workgroups. These groups are teams of representatives from state departments and divisions that were formed to collaborate across Tennessee departments and to work on identifying issues within the state plan. They will report every quarter.

Ryan Allen presented for the Data and Performance workgroup. He went over the goals and objectives for the workgroup, the projects that were active, and the tools they use. Mr. Allen also mentioned milestones in the dashboard and its effectiveness, and there will be more great work coming from this group. The Innovation committee is looking forward to seeing the outcomes of this group in the months ahead.

The Innovation Committee ran short on time and is going to have Jennifer [Henry] back: she spoke on Southern Middle Tennessee's best practices. From what she was able to tell the committee, she has 13 counties, and each county has an AJC. There were some requirements for the in-school youth program: it gave paid work experience to those in the program. Some work readiness classes are set up prior to the program that teach the students soft skills.

Innovation had a policy that they were going to review but it was removed. The Auxiliary Aids and ADA Policy was noted on the Innovation agenda and the full board agenda, but it was withdrawn because it needed additional review by Vocational Rehabilitation. It will be presented in the June 18, 2021 board meeting.

Mr. Vaughn gave special thanks to everybody who gave their time and effort in presenting to their committee this morning. Chairman Berry also mentioned that he always likes to hear about being able to feed our workforce pipeline with young students and giving them the resources they need to move forward.

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#### Fiscal Update - Ivan Greenfield, Assistant Administrator - TN Department of Labor & Workforce Development - Workforce Services

Ivan Greenfield gave a fiscal review and a state reserve funding review. He concluded by highlighting key funding initiatives. Mr. Greenfield noted an expansion of collaboration among the various partners around the committee specific workgroups as well as several roundtable discussions with our partners. This aligning and blending of resources allows for greater funding flexibility and increases the number of job seekers and employers receiving services. Joint reporting/monitoring will allow better allocation of resources where they are needed most, provide the best return on funding, and improve overall accountability and performance.

#### Review of Title I Funding

Authorized funding is about \$52.8 million year-to-date for the first six months– July through December 2020. Quarterly projections for the authorized funding are based on 25% of the total annualized allocation. Funding from different programs can come in increments throughout the year so total funding can increase. Twenty-five percent is used for presentation purposes. Year-to-date expenses or operational costs are just over \$45 million: \$22.4 for quarter 1 and \$22.7 for quarter 2. About a third of the costs are toward program administration and \$30 million went out to grantees in the form of reimbursements. There is a net position of \$7.6 million which is what's available at the end of second quarter.

Regarding participant cost of \$9.4 million, \$2.9 million in the first quarter is relatively low and that would be expected but there is a nice rebound which more than doubled to \$6.5 million in the second quarter. Total YTD participants served are 27,000 which also includes the Wagner Peyser program.

#### Program Year 2021 State Reserve Funds Proposed Budget Review

The state reserve budget included an item that required review and approval. For Program Year 2020, \$19.4 million was budgeted (this number changed from the handout):

- Governor's priorities were earmarked for \$7.5 million (included support for reentry, rural development, etc.);
- Economic development (\$5M) goes to support our partner deals with ECD to provide additional dollars to local boards and we also have consolidated business grants to support local businesses through the local boards;
- Program evaluation (\$1.7M)
- Program Monitoring and Oversight (\$1.35M)
- Systems Administration and Maintenance was \$3.7 million.

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For each of these categories, obligations/expenditures were also noted and totaled \$9.3 million which is less than half of what was budgeted. About \$10 million will roll over into the next budget. This included several initiatives: a rural initiative of about \$3.5 million, work-based learning and career training catered to youth, and reentry initiatives. These either stalled or didn't launch where they had restrictions to facilities and/or did not have access to those participants. Funds have a three-year shelf life for the majority of the funds discussed here so they can be rolled over.

The numbers going into the proposed budget less the administration leaves \$20.3 million and the proposal included:

Governor's priorities - \$5 to \$7 million; Economic development - \$5 million; Performance/Incentive based contracts - \$3 million; Program evaluation - \$1 million; Program monitoring and oversight - \$1.3 million; Systems Administration and Maintenance - \$3.8 million.

**Rhonnie Brewer:** In the greater Memphis region, we talked a little bit about this in the Oversight committee, but I did want to mention that we have some obligated funding that we should be spending that can expand our marketing efforts in this area. I reached out to Kyla regarding that and just asked what we are doing because I know we need to be able to be more creative. She told me that she had put in some requests and I asked her to forward the requests to me. She has in fact requested usage of funds in a way that we can get more information out, but it appears that we are waiting on some policy around how that can be done or permission about how that could be done. I know that's something that is keeping us from spending some of our obligated funds and I'm just curious is this happening other places and when can we expect the opportunity to be able to move forward with that?

**Ivan Greenfield:** Yes: I know that that policy is actually guidance and it's with our Interim Commissioner for final review and should probably be ready for dissemination as early as next week. There's also a statewide initiative around outreach and so I think the combination of the two will help local boards make some better decisions around how they utilize those dollars towards outreach.

**Rhonnie Brewer:** That sounds great, and I just want to say welcome Commissioner to our sense of urgency.

**Deputy Thomas:** I just wanted to add some clarifying language. For the outreach, part of the reason the policy has to precede the spend is as Ivan mentioned, federally there are some restrictions around dollars for advertising and promotion. We are working with our federal partners on establishing a plan for targeted outreach. Any dollars spent to advertise or market or promote programs must be under the performance of the award so we have to make sure that it's very clean. In other words, it's not an allowable use of funds to do branding unless it is to reach out to those groups who need specific services so we walk a very fine line there. Rhonnie I really appreciate your question so we want to make sure that we can put the particular language in place and ask for a spend for our local boards so those dollars can directly be tied into a return on participants who will then enroll in and subsequently receive the services they so critically rely upon. We will continue to work with the local areas and keep the state board apprised as the Workforce Services team develops the governance concerning those dollars.

Mr. Greenfield referenced [Oversight Committee] Chair Hatcher's remarks regarding approval at the Oversight Committee level, according to state policy, for changing the factors in funding allocation. He proposed a change to the dislocated worker funding allocation in two areas:

- 1) Rapid Response - There is a reserve associated with it: up to 25% of dislocated worker dollars can be utilized for rapid response activity. The factor has been at 10% for the last few years and the proposal is to elevate it to the maximum of 25% to support businesses and our business services team with emphasis on layoff aversion.
- 2) Weighted factor of declining industries - Over the last few years there's been significant increase in that - a lot of it attributable to COVID. The proposal is to increase that weighted average from 7% to 14% so areas that have sustained a greater impact from declining industries will receive a little more funding. In the overall scheme it's not a lot but it will address an increase for declining industries.

Mr. Greenfield requested approval on increasing the rapid response reserve from 10% to 25% and increasing the weight on the declining industry factor from 7% to 14%.

Chairman Berry called for a motion. It was moved by EL Morton and seconded by Greg Persinger. Chairman Berry asked for discussion or questions about these increases.

**Chairman Berry:** It obviously makes sense to allocate that to focus on the industries that are hardest hit right now so that makes good sense. Are there other pieces that have to give up what they would normally be getting and if so what would those be?

**Ivan Greenfield:** That's a great question, thank you. Two of the factors with the heaviest weighting are unemployment claims filed and unemployment rate. They were both at 35 and were reduced to 31 and 32 to account for the increase in declining industries. Overall, again, the change isn't as material however given the

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percentage increase regarding the declining industry factor, we wanted to increase that to reflect the change.

Chairman Berry asked for additional discussion and questions. Seeing none he asked for any opposition or abstention to the vote. Seeing none, the allocation changes were approved as presented.

Regarding the state reserve budget, Mr. Greenfield asked for approval of the proposed allocations for the \$20.3 million to implement this budget for the upcoming year.

Chairman Berry called for a motion to approve the budget. It was moved by Ben Ferguson and seconded by Vonda McDaniel. Chairman Berry asked for discussion or questions about the motion to approve the budget as presented. Seeing none, he asked for any opposition or abstentions. Seeing none, the reserve funds budget was approved.

#### Key Initiatives

Mr. Greenfield concluded with the following highlights:

- The Fort Campbell grant is a joint effort with Kentucky where \$7.7 million is received to support 1,440 transitioning soldiers. The award was extended this year: 1,536 are enrolled, 428 of those were spouses who were supported. There was an 80% job placement rate for those individuals and the average hourly wage was \$21.70.
- CARES Act dollars were received as discussed in the last meeting of \$9.5M at the divisional level: \$4.1M of that is still being utilized to support connecting participants to work, \$2.8 million supporting worker on-the-job training and upskilling employer level, and \$2 million to enhance our virtual American Job Centers for functionality at the state level to do scheduling and text messaging.
- A CARES-related National Dislocated Worker Grant aims at providing short term relief for unemployment and training services as well. We have been able to support 272 participants and 155 government sites have been cleaned. There's still a lot a lot of work to be done under that award but they are moving in the right direction.

**Ann Hatcher:** I may have seen this National Dislocated Worker Grant associated with COVID data before. Just want to make sure I'm looking at this correctly: this is about \$15 million for 1,500 people so we're looking at about \$10,000 per person served. I would imagine that is a significant amount of money. Can you talk a little bit more about how they're seeing those funds, how that's showing up for them?

**Ivan Greenfield:** Primarily to provide cleanup services and delivery services to people in need. We're not allowed to purchase food, but you can deliver food to vulnerable populations things of that nature. You see a lot of the short-term employment in those types of occupations.

**Ann Hatcher:** So we're employing the 1500 people to deliver food to other people?

**Ivan Greenfield:** Or clean sites - yes it would be short-term work and usually the local board is the employer of record: they worked with the site to track time and things of that nature. The hours are capped at 2080 hours or \$20,000 per participant.

**Ann Hatcher:** Got it – thank you.

Chairman Berry thanked Mr. Greenfield for the detail of the report and the questions he answered and clarified.

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#### Closing Remarks and Adjourn

Chairman Berry thanked the board for their participation and the work that is obviously going forward. He asked for any other comments or questions before adjourning.

**Michelle Falcon:** You said that we should anticipate a list of expectations to set up expectations for the board members. Should we be expecting that this week?

**Chairman Berry:** You will be receiving a copy of the change to the bylaws that just shows the membership increase we talked about. At subsequent meetings we will be talking about those new standards that we will be setting for our board and for the local boards as well. Those won't be coming quite as soon but you'll be hearing about them as we progress through the year.

**Michelle Falcon:** So as board members should we give some suggestions on what those should be?

**Chairman Berry:** We're going to base it on the document that other states have used, but yes, I think we'll present that and I think we'll have some discussion about whether it looks ok and includes everything that we want on it. I think we will have the opportunity to give input on whether this is the right set of metrics we're looking for and the right format we need. But let's wait and see till we have that straw man to look at and then we'll make those adjustments from there.

**Michelle Falcon:** Sounds good – thank you.

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**Chairman Berry:** Deputy Thomas does that sound accurate?

**Deputy Thomas:** You nailed it Chairman Berry. We will make sure we have the overall document available for distribution and to your point, it's really a template but each state workforce board across the country gets to add their own narrative and so you will certainly have an opportunity to do that.

**Chairman Berry:** Very good - excellent question - thank you for asking it and helping us clarify that.

Chairman Berry closed by telling the board he appreciates their time and contribution, noting that he enjoys hearing from everyone and seeing the work that's being done on behalf of the state and on behalf of our workforce in Tennessee. The meeting adjourned at approx. 11:14 am CDT.

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Note: An audio recording of this meeting is on file at the Tennessee Department of Labor and Workforce Development. All meeting minutes and dates are provided on the State Workforce Development Board website.



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Tim Berry, Chairman  
State Workforce Development Board

6-18-21  
Date

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6/18/21