



**Bluegrass Workforce Innovation Board Meeting**  
**July 19, 2016**  
**Montaplast**  
**Frankfort, KY**

Board Members Present	Staff Present
Adams, Woods	Colliver, Clinton
Boggs, David	Gibson, Ashley
Day, Mark	Turley, Chris
Dougherty, Jon	Guests Present
Gray, David	Back, Adam
Julian, Dr. Augusta	Corcoran, Chris
Lassiter, Jody	
Leary, Brian	
Menke, Kim	
Oney, Regina	
Phillips, John	
Puckett, David	

**I. Call to Order**

**a. Establish Quorum**

Chair Menke established that there was a quorum present.

**b. Introduction of Board Members and Guests**

Chair Menke allowed all members and guests present to introduce themselves.

**c. Minutes from May 12<sup>th</sup> (Executive Committee) and May 18<sup>th</sup> (Full Board) Meetings**

Chair Menke and the rest of the Executive Committee reviewed the minutes from the May 12<sup>th</sup> Executive Committee and May 18<sup>th</sup> Full Board meetings.

*Motion: To approve May 12<sup>th</sup> executive committee minutes and May 18<sup>th</sup> full board minutes.*

*Motion by: Mark Day    Second by: David Puckett    Motion passed*

## **II. Board Organization**

### **a. Board Membership/Committee Structure**

Chair Menke stated that Steve Sigg was approved to be on the board and Chris Turley, Director of Workforce Services, stated that he has received no feedback on Ken Troske position on the BGWIB.

Chair Menke then reviewed the committee chairs: Dr. Augusta Julian-Program Development Committee, David Boggs-Finance Committee, Bill Sisson-Strategic Planning Committee, Mark Day-Youth Programs Committee, John Phillips-Individuals with Disabilities Committee, Woods Adams-One Stop Committee. Adam Back, attorney for the board, stated that now the WIOA regulations are final, a member outside of the BGWIB, with appropriate expertise, must sit on each standing committee. Furthermore, there are still a few questions that cannot be clarified, until Mr. Back reviews more of the regulations. Chair Menke encouraged all board members to briefly look at the final WIOA regulations, as well.

### **b. Transition Current Situation/Current Operation**

Mr. Back then discussed the current transition phase. The Cabinet of Education and Workforce Development, the Bluegrass ADD, the Local Elected Officials, and the Bluegrass WIB have been engaged in an appeals process opposing the Governor's reorganization plan. Instead of transitioning to Kentuckiana Works/ResCare, a decision was made that the current contract would remain in place while the appeals process is pending. Since the contract was received on June 29, 2016, the BGWIB did not have time to meet in order to agree to the terms and conditions. Due to Chair Menke being out of the country at the time, Mr. Puckett, board Vice Chair, signed the WIOA and Trade contracts subject to ratification of the BGWIB. The contract is effective and binding, retroactive to the BGWIB's vote July 1, 2016-10 days after the Bluegrass ADD's appeal process of the Governor's letter has been completed. The appeal process can take up to 45 days after the Secretary of Labor has received the appeal in hand. By Mr. Back's calculation, a decision should be rendered by August 7, 2016.

After this discussion, Mr. Boggs questioned Mr. Turley on youth services and who are providing those services. Before answering his question, Mr. Turley wanted to address the contracts. He stated that services are not consistent with how they were before the Governor's reorganization letter. WIOA staff cannot enroll new clients and can only serve current clients in these programs. Current clients were promised a rate of \$3,250 per semester, but this number has been decreased by \$750 due to the new contract

in place. Furthermore, this contract also affects Trade participants and may cause them to have out-of-pocket expenses, which does not align with the Federal Trade Act. Also, with this new condition, it raised concern with a few board members as no new clients could be enrolled for the fall semester, greatly affecting services provided. Around 60 clients normally start school in the fall.

Mr. Back stated that while these circumstances are unfavorable, ratification by the board is required and if the board does not agree to the contract, then it is potential that services could no longer be provided.

Dr. Augusta Julian suggested late starts for the participants; however, interests and information should be gathered from them for this to be a possibility.

Following this discussion, Mr. Back stated that there are two important time frames from the Governor's letter that were contemplated: July 1, 2016-December 31, 2016 and January 1, 2017-going forward. The first time frame is considered to be an interim period, contracting with Kentuckiana Works and ResCare, while crafting an RFP for January 1, 2017 going forward. With the idea under Kentucky's state procurement law, these contracts were to go out underneath an RFP basis. However, with the very small window of time in regard to the contract, it was not possible for an RFP to be released causing the state cabinet to be involved with the LEO's, the BGWIB, and the Bluegrass ADD. The second time frame, it is hopeful that the BGWIB will have a direct service provider in place through an RFP process, if the Bluegrass ADD does not win the appeal with the Secretary of Labor.

Subsequent to this topic, the board had some discussion concerning the ratification of the signed contract. Jody Lassiter then made the following motion:

*Motion: Conditional approval of both contracts, pending review of the provisions and whether they're contrary to the federal act.*

*Motion by: Jody Lassiter      Second by: Woods Adams*

Before the motion was passed by the board, Dr. Julian questioned if it would be more assertive to use the word "requesting" instead of "pending". Mr. Back stated that conditional approval was not the same as ratification, giving finality to the contracts. He suggested

ratifying the contracts, with requests. Jody then amended his motion to:

*Motion: The Workforce Innovation Board to ratify both contracts conditioned upon a statement of concern relative to the specific provisions, in both the WIOA contract and the Trade contract, which limits, in our opinion, contrary to federal law, the assistance to participants typically regarding the Trade Act.*

*Motion by: Jody Lassiter    Second by: Woods Adams*

After the amended motion, Chair Menke questioned Mr. Lassiter if this motion was including existing and future participants. It was clarified that this would be for existing participants. In order to make the motion more broad, Mr. Lassiter amended his motion once again:

*Motion: The Workforce Innovation Board to ratify both contracts conditioned upon a request for review of the restrictions outlined in section C7 of the WIOA contract and C10 in the Trade contract.*

*Motion by: Jody Lassiter    Second by: Woods Adams*

There was still concern among the board members with the wording, causing Mr. Lassiter to amend his motion again:

*Motion: To ratify both contracts with a strong expression of concern by the board about the restrictions of the two provisions and a request for the Cabinet to review them*

*Motion by: Jody Lassiter/Dr. Augusta Julian    Second by: Woods Adams    Motion passed*

**c. Contracts**

This agenda item was discussed with previous item.

**d. RFPs**

This agenda item was discussed with the Transition Current Situation/Current Operation item.

**e. Partnership Agreement**

Chair Menke stated that the board needs to continue working towards the local plan and finalizing the partnership agreement.

**f. Transition Plans**

This agenda item was discussed with the Transition Current Situation/Current Operation item.

**g. Board Retreat: Training/Work Session**

Chair Menke suggested that the board have an all day training and work session in order to get everyone on the same page. Mr. Boggs proposed that Chair Menke select possible dates after August 10<sup>th</sup>, and then to have Mr. Turley and his staff put together a survey to send out to the BGWIB members.

**III. Finance**

**a. Financials/Bills**

Mr. Turley reviewed the current legal bills from Walther, Gay, & Mack and from Stoll, Keenon, Ogden. Clinton Colliver, WIOA Financial Officer, stated that he is in the process of closing the books for June 2016. The BGWIB budget is 92% expended in Adult program, 81% expended in Dislocated Worker program, and 51% expended in the Youth program. On the administrative side, the budget is 57% expended in Adult, 63% expended in Dislocated Worker, and 49% expended in Youth. Mr. Boggs suggested tabling the legal bills, until the final determination has been reached and recommended to take no action.

**IV. New Business**

**a. \$100 Million Work Ready Skills Initiative**

Chair Menke briefed the board of the most recent workforce grant coming from Governor Bevin. There are several grant request opportunities currently, and there will be more opportunities later this year, and the following.

**b. WIOA Final Rules**

This agenda item was briefly discussed earlier in the meeting.

**c. Future Meeting Schedule/Locations**

Chair Menke stated that a future meeting date will be sent out with the survey in regard to the board retreat.

**V. Adjourn**

There was no motion to adjourn.

DRAFT