Executive Finance Committee Agenda
1/14/2022 • 1:30 – 3:00

Join online: https://pacmtn-org.zoom.us/j/86761807430?pwd=MkVpMX16N1Nzc2x8TjI4VmFBNjJBQT09
Meeting ID: 867 6180 7430
Passcode: 395149

I. Welcome & Check-In Items
   A. Introductions & Establish Quorum
   B. Board Chair Comments
   C. CEO Highlights

II. Action: Consent Agenda
    The Consent Agenda is a SINGLE item for Board consideration that encompasses items the Board would typically approve with little comment. Procedural items such as approval of Minutes, or other legal or housekeeping items are appropriate for Consent Agenda. There can be explanation of items, but there is no discussion of the Consent Agenda. If discussions warranted or requested ANY item can be immediately removed and placed on the regular Agenda for full board discussion.

    Action Item: Motion to Approve these items on the Consent Agenda:
    - Minutes from EFC Meeting 11/5/2021 (Attachment #1)
    - PacMtn Policy Updates and Additions (Attachment #2)
    - Columbia Bank Signers Update (Attachment #3)

III. Fiscal Items and Administrative Items
    A. Discussion Only: Scheduled Meetings Date/Time Review

IV. Executive Session: Motion to Move to Executive Session
    The Board can move to close the meeting for select and appropriately limited conversation on matters best conducted in confidence including meeting with an auditor on sensitive financial issues, handling top-level personnel matters including the CEO’s compensation and performance review, planning for an important transaction like a real estate deal or a merger, matters where “personal or organizational confidentiality is requested or prudent”, dealing in a preliminary way (including investigation) with crisis situations or with allegations of improper conduct by the CEO or a board member - before disclosure to staff or others who ordinarily attend full board meetings. Any specific action requiring a vote will be taken in the public portion of the meeting.

    No Session is requested at this time

V. Committee & Task Force Updates (Committee Leads)
   A. One Stop Operations Committee
   B. Targeted Populations Committee
   C. Adult Basic Education & Literacy (ABEL)
   D. Business and Sector Engagement (BaSE)
### Proposed 2022 Executive Finance Committee Meetings

<table>
<thead>
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<td>Hybrid: Zoom and PacMtn Offices</td>
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Duty of Attention = Full participation and Practical inquiry
Duty of Allegiance = Address conflict of interest & confidentiality, care about funding sources & potential opportunities
Duty of Agreement = abide by Federal, State & Local laws and PacMtn mission, vision, values, services, policies & programs

Board Member Reminders

Conflict of Interest: In accordance with the Workforce Innovation and Opportunity Act and the standards of honorable business practice. Workforce Development Council members (WDC), as well as members of WDC Committees and Task Forces, who directly represent, are employed by, or act as consultants to organizations or agencies having business before the Council shall not vote on any matter or issue regarding said organization or agency. Any member having a conflict of interest will declare the conflict prior to any discussion on the matter and must recuse themselves from any formal action related to the conflict.

Concern about misuse of public resources: PacMtn Board of Directors takes seriously all matters of fiscal integrity and the ethical and lawful conduct of its business. Any concerns about fraud, abuse or unethical conduct should be reported to a Board Officer, the CEO or the State Auditor’s Office (SAO).
Executive Finance Committee Meeting

2021 ends on a high note….Cheryl Fambles’ time as the CEO has come to an end, capping an extraordinary time of growth and success for the Pacific Mountain Workforce Development Council. During the month of December, and continuing through January 2022, Cheryl has supported the transition of leadership to myself - William Westmoreland. Her guidance, support and consultation during the transition has help to energize staff and set the stage for a smooth transition. Cheryl’s legacy includes a strong focus on poverty reduction and justice impacted participants. This work will continue after her retirement and her remaining time will be used to support the successful launch of some key projects with the city of Olympia and Thurston County focused on these populations. Her retirement celebration is set for January 28th - a day to honor her work and reflect on her success.

Strong 3rd quarter performance….Employment Security’s Grants Director Tim Probst recognized PacMtn’s positive performance on outcomes on WIOA Title 1b formula funds and discretionary grants. Highlights include 200% of goal for adult and meeting Dislocated Worker targets – all of which were negotiated pre-COVID-19:

### Pacific Mountain Workforce Development Council
**Quarter ending September 30, 2021 (March 31, 2021 for employment outcomes)**

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Target</th>
<th>Actual</th>
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<tbody>
<tr>
<td>WIOA Adult Enrollments</td>
<td>402</td>
<td>820</td>
</tr>
<tr>
<td>WIOA DW Enrollments Including RRIE</td>
<td>191</td>
<td>193</td>
</tr>
<tr>
<td>WIOA Youth Enrollments</td>
<td>162</td>
<td>138</td>
</tr>
<tr>
<td>NDWGs Disaster Recovery Exits to Employments</td>
<td>36</td>
<td>34</td>
</tr>
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<td>NDWGs Disaster Recovery Enrollments</td>
<td>104</td>
<td>112</td>
</tr>
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<td>96</td>
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*Goals set pre-COVID-19

2022 Board and Consortium leadership changes…..the PacMtn board recognizes Alissa Shay, Port of Grays Harbor as the incoming Chairperson and Mason County Commissioner Sharon Trask as the Consortium Chair.

Stories of Impact and Meaning

**Changing careers**….A mother of 10 and a military spouse, Pacific county woman was looking for a complete career change. In addition to running their household and caring for herself and husband, she had previously been employed as a bus driver
prior to the pandemic. She saw a newspaper article about the ANEW Construction training and reached out to PacMtn’s business engagement. As a part of the cohort training, she was qualified and enrolled into the WIOA Adult program. This enrollment provided wraparound services that included funding for transportation and clothing. Throughout the training, she doubted her ability to learn new skills and operate the necessary machinery. She also encountered a slight setback due to a COVID protocol issue requiring quarantine. After returning to the training, with the support of her instructor and classmate, she was able to pick back up where she left off and successfully completed the training program. As a part of the training program, she developed an employment plan that prepared her for interviewing and job selection that fit her specific needs. She is now employed as general laborer with Fred Tebb and Sons earning $18/hours. She is thankful for the support provided under the WIOA Adult program and is excited to see how her career will unfold.

Self-sufficient Immigrant….a Thurston county entrepreneur found herself looking for a new occupation after closing a Nutritionist business she shared with a spouse. Additionally her home life was increasing unsafe and it spilled over into their professional time together. Work ethic and self-sufficiency are culturally important to her and held in high regard. All of these conditions, including her mature age, contributed to poor self-esteem and she doubted her ability to start a new life and launch a new career. Her new career goal was to become a Class A CDL Truck Driver. Leveraging worker retraining funding through the college and WIOA dollars, her tuition, truck rental and CDL testing were 100% covered. She also participated in a resume workshop, led by a Life coach that allowed her to target a position with MapItGo. The initial offer was in Snohomish County, but when faced with a lack of housing, MapItGo moved the position to Seattle, where she was able to secure housing. She is now employed at $30/hour, and through her experiences with WorkSource, she became empowered to change her situation and was successful in leaving an unsafe relationship and housing situation.
Executive Finance Committee Minutes
11/05/2021 - 1:30 – 3:00

Join online: https://pacmtn-org.zoom.us/j/89531884989?pwd=NDqwcylG71ZlMzdtM1I8MG13M05UNz09

Meeting ID: 895 3188 4989
Passcode: 259928

Attendees: Jacquelin Earley, Steve Rogers, Alissa Shay, Jonathan Pleger, Lisa Olson, Jennifer Barber, Derek Epps

Staff: Cheryl Fambles, William Westmoreland, Wil Yeager, Arissa De Lima

I. **Welcome & Check-In Items**
   A. Introductions & Establish Quorum
      Jacquelin called the meeting to order at 1:32pm. Quorum was established.

   B. Board Chair Comments
      Jacquelin announced that the Operation Next (ON) Committee leading the search
      for the next CEO is continuing discussions. They are close to moving forward
      candidate negotiations. The Committee hopes to make a public announcement by
      the end of November.

   C. CEO Highlights
      - Review – 2021 Nancie Payne Award Nomination
        Cheryl Fambles reviewed the nomination for the Long Beach Merchants
        Association to receive the 2021 Nancie Payne Award. Other highlights
        discussed were Duane Evans, former Board Chair, gift of $5,000 to the Special
        Assistance Fund, Thurston Strong and City of Olympia contribution of nearly
        $2mil for community-based employment placements, Fambles Retirement
        party January 28, 2021 and National Association of Workforce Boards Forum
        (NAWB) Forum April 11 – 14, 2022. Full CEO Highlights can be found at
        pacmtn.org.

II. **Action: Consent Agenda**
    **Action Item:** Motion to Approve these items on the Consent Agenda:
    - Minutes from EFC Meeting 9/10/2021 (Attachment #1)
    - Minutes from EFC Meeting 10/28/2021 (Attachment #2)
    - PacMtn Policy Updates and Additions (Attachment #3)
    *Steve Rogers Motioned to approve items on the Consent Agenda.*
Derek Epps seconded. **Motion Passes.**

III. **Fiscal Items and Administrative Items**
   A. **Action Item:** Motion to Approve PY21 Final Budget (Attachment #4)
      Wil Yeager reviewed Program Year 2021 Final Budget.
      Lisa Olson Motioned for a DO PASS for the PY21 Final Budget and
      recommendation to move it forward to the full Board at the 11/18/21 Board
      Meeting. Michael Cade Seconded: **Motion Carries.**

IV. **Executive Session: Motion to Move to Executive Session**
    No Session is requested at this time.

V. **Committee & Task Force Updates** (Committee Leads)
   A. One Stop Operations Committee - William Westmoreland reported on
      Committees work.
      1. Committee meetings have been moved to 3rd Thursdays of the month
      2. New One Stop Operator, Jason Hoseney was introduced
   B. Priority Populations Committee - Jonathan Pledger reported on Committees work.
      1. October 2021 meeting was rescheduled, next meeting will be held
      11/2021
   C. Adult Basic Education & Literacy (ABEL) - Jennifer Barber reported on Committees work.
      1. October 2021 meeting was rescheduled, next meeting will be held
      11/2021
   D. Business and Sector Engagement (BaSE) - William Westmoreland reported on Committees work.
      1. Discussed EDA Grant the Committee is working on
      2. Next meeting will be held later this month

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Meeting adjourned at 2:30pm. Submitted by: Arissa De Lima, Executive assistant to
the CEO | WDC Board Secretary

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**Proposed 2021 Executive Finance Committee Meetings**

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MEMORANDUM

To: PacMtn Executive Finance Committee Members

From: William Westmoreland, CEO

Date: January 6, 2021

Subject: PacMtn WIOA Programs & Administrative Policies Approval Request

PacMtn updates policies or develops new local policies as needed to meet federal or state requirements and to best serve the system, our programs and of course, our customers. PacMtn ensures all policies are current and up to date so that staff, service providers and those we serve are well informed on the requirements of our work.

➤ **Local Program Policy – Updated and Renamed:**

**WIOA Adult, Dislocated Worker and Youth Incentive Payment Policy # 6200**

The attached policy previously established and titled as Alternative Compensation Policy # 6200, has now been renamed WIOA Adult, Dislocated Worker and Youth Incentive Payment Policy # 6200. Reviewed in detail and updated accordingly to fully align with and incorporate all applicable new guidance within State Policy 5621-3 (Incentive Payments), issued statewide November 30, 2021.

The policy as updated clearly articulates the details, expectations and allowances for incentive payments. To receive an incentive payment, individuals must have a qualifying program enrollment entered into the MIS system in a WIOA Title I-B Adult, Dislocated Worker, Youth or Statewide Activity funded Program. Incentives can only be provided in the manner outlined in policy.

Additionally, incentive payments must be connected to the recognition of achievement of milestones in the program, tied to work experience or training as well as the goals of WIOA, and assist the participant in meeting state and/or local program performance targets.

➤ **Local Administrative Policies - Updated:**

**Dispute Resolution and Appeals Policy # 3040**

The attached updated policy fully aligns with State Policy 5410-R1 (Dispute Resolution and Appeals) and provides detailed guidance and standards for conflict resolution between partners in the local One-Stop Delivery System. This policy applies to disagreements in general regarding contracts, awards, monitoring outcomes and also specifically applies to those involving PacMtn Memorandum of Understanding, the One-Stop Operator Agreement, and other policies and procedures regarding the integration and coordination of services throughout the One-Stop.
It explains, guides and directs interested parties of the process regarding disputes arising from grievances or complaints pertaining to violations of the requirements within WIOA regulations and programs from any contractor, affected or interested party shall be reviewed by the applicable PacMtn program manager and resolution of issues handled at the lowest possible level between all parties involved.

It informs that all disputes involving two or more One-Stop partners will be handled via the PacMtn dispute resolution procedures. Disputes will generally fall into these categories:

- General conflicts over the normal course of providing employer and job seeker services
- One-Stop Operator disputes, including One-Stop Operator Agreement and amendments
- Memorandum of Understanding (MOU) disputes prior to failure to sign
- MOU disputes regarding failure to sign

**WIOA Administrative Policy Debt Collection # 3150**

The attached policy has been updated to incorporate all applicable guidance and fully align with State Policy # 5265 (Debt Collection). It informs all applicable and interested parties of the process to be that adhered when a subrecipient debt is established. Subrecipient debts will be identified and applicable parties informed when PacMtn determines, through project management, fiscal or performance monitoring, or audit review that a previously reimbursed expense is unreasonable or unallowable in accordance with applicable federal Department of Labor and/or Workforce Innovation and Opportunity Act requirements and guidelines.

PacMtn will formally notify the subrecipient in writing that debt is established, which outlines the exact nature, cause, and violation made that was found in which WIOA funds were used. The communication will include appeal rights, dates and timelines for debt establishment and delinquency, and the sanctions that will be imposed if retribution is not made.

It is the policy of PacMtn to immediately report information or complaints regarding fraud, waste, abuse or mismanagement of federal funds. If incidents or suspected activity includes WIOA funds Employment Security and the Office of Inspector General will be notified. Please refer to PacMtn Local Policy 3090 - Fraud Reporting.

**Motion to Approve**

Recommend approval as presented,

**Attachments:**

- PacMtn WIOA Adult, Dislocated Worker and Youth Incentive Payment Policy # 6200
- PacMtn Dispute Resolution and Appeals Policy # 3040
- PacMtn WIOA Administrative Policy Debt Collection # 3150

*All PacMtn WIOA Adult, DW and Youth Program Policies are accessible for viewing on the PacMtn website ([www.pacmtn.org](http://www.pacmtn.org)) and available upon request.*
Purpose

This policy provides guidance and direction around Incentive Payments provided to individuals determined eligible and enrolled as participants in a WIOA Title I-B Adult, Dislocated Work, Youth and/or Statewide Activity funded programs as allowable under Title I-B of the Workforce Innovation and Opportunity Act (WIOA).

Although there is specific reference in the WIOA final rules regarding incentive payments to youth at 20 CFR 681.640, there is no similar reference to incentive payments or stipends to adults and dislocated workers. Further, although the WIOA final rules and WIOA operating guidance state that guidance in this area is forthcoming, the one-stop system is still awaiting such guidance. Therefore, to provide needed clarification to Washington’s WorkSource (One-Stop) system, PacMtn WDC has updated this policy to eliminate confusion and support comprehensive service delivery. If and when federal guidance is issued, ESD will review the state policy and make necessary and appropriate revisions and the WDC will update this policy.

Policy

PacMtn contractors are authorized to provide incentive payments to individuals enrolled in WIOA Adult, Dislocated Worker, Youth and/or Statewide Activity funded program when participating in training and/or education programs tied to the goals of WIOA and assist them in meeting state and/or local program performance targets.

Incentive payments will be subject to availability of funding and in accordance with allowable cost principles.

Incentive payments are participant support costs as defined at 2 CFR 200.75 and 2 CFR 200.456. Both 2 CFR 200.456 and 2 CFR 200.407(t) direct that participant support costs require prior written approval of the Federal awarding agency.

Policy Guidelines

Incentive payments:

1. Incentives must be directly related to WIOA training services or work experience (WEX), as defined in the WorkSource Services catalogue, or be directly related to entry into unsubsidized employment.

2. Incentives payments with WIOA and statewide activities funds must be connected to recognition of achievement of milestones in the program tied to work experience or training. Such incentives for achievement include improvements marked by credential attainment or other successful outcomes.
3. Incentive structures and policies, which detail incentives tied to non-performance related activity or achievement, are not allowable.

4. Incentives must not be paid to maintain employment in the second and fourth quarters after exit.

5. Incentives are allowable for WIOA Youth participants who have exited and are in Follow Up in accordance with achievement of an education or training milestone.

6. Incentive payment outlines as designed, determined allowable and implemented during any program period (PY), are applicable to each individual PY specifically and must be applied equally for all eligible participants who have earned the incentive, per policy.

7. Changes to the nature and incentives to be awarded during each individual PY must remain in effect throughout the PY and are not subject to change without PacMtn Director approval.

8. Contractors can issue incentive payments only when in accordance and fully compliant with PacMtn’s Incentive Policy # 6200 and Incentive Payments Procedures # 6200P.

The following is the exclusive list of allowable incentive achievements allowed:

- WEX, Employment, and Training Progress based upon achievements and milestones in the program tied to education, work experience, or training marked by credential attainment or other successful outcomes related to a training service.

- Progress or completion of work experience or training services including obtainment of job skills as specified in the training plan, or specific training or WEX attendance or task completion as documented on IEP/ISS or WEX contracts.

- Unsubsidized Employment Attainment during active participation

- Positive Measurable Skills Gain

To be eligible to earn and incentive payment, individuals must:

- Have a program enrollment entered into the MIS system in a WIOA Title I-B Adult, Dislocated Worker, Youth or Statewide Activity funded Program and provided incentives in the manner outlined in this policy.

- Be actively engaged in services offered through a WIOA Adult, Dislocated Worker, Youth or Statewide Activity funded program, in accordance with their Individual Employment Plan (IEP) and or an Individual Service Strategy (ISS) for Youth Program Activities not supported through the IEP or ISS are not be allowable.

All incentives must be in compliance with 2 CFR part 200 (e.g., federal funds must not be spent on entertainment costs, such as movie or sporting event tickets, gift cards to movie theaters, or other venues whose sole purpose is entertainment).

Providers must also internally maintain appropriate and identifiable expenditure records of incentive payments for the purposes of local, state, and federal monitoring/audits.

Provider agencies must safeguard cash and other similar items (e.g., gift cards) with internal controls.
The total amount of incentive payments in a program year (July 1 through June 30) for WIOA Title I-B Adult, Dislocated Worker and Youth participants will be stipulated in the PacMtn Incentive Payment Procedure #6200P.

However, as stated in State Policy 5621-3 Incentive Payments, the allowance for and limits on incentive payments to WIOA Title I youth participants in projects funded by WIOA Title I statewide activities discretionary funds will be set by PacMtn as outlined by the State in the contracts’ special terms and conditions. Program contractors will be notified accordingly.

All incentive payments must documented and case noted by the provider and retained in the participant records. Documentation must include:

- The business case for the incentive payment’s contribution to the participant’s success and
- How the incentive payment was calculated.

Documentation requirements are detailed in the Incentive Payments Procedure #6200P

**Adult and Dislocated Worker Program Participants Only**

PacMtn must request and receive approval from the state annually prior to expending any new WIOA Title I-B formula grants or statewide activities funds on incentives to WIOA Title I-B Adult, Dislocated Worker, or Statewide Activity funded program participants.

- Refer to Incentive Payments Procedure #6200P to access Exhibit 3-700A WIOA Title 1-B Adult and Dislocated Worker Incentive Approval forms as required to request approval to pay WIOA Title 1-B Incentives to Adults and Dislocated Workers.

- Once approved, the state approvals are good for the life of those particular funds.

**Youth Program Participants (In School – IYS /Out of School – OSY) Only**

Prior state approval is not required for incentive payments to WIOA Title I youth participants so long as the criteria outlined in this policy and the guidance within is adhered.

Any discrepancies arising between PacMtn policy and or procedures with federal and state provisions due to current or future revisions will default to the current minimum federal and state regulations and guidance available. PacMtn policy and or procedures may set forth stricter requirements than provided by federal and state guidance, but in no case will PacMtn policy and or procedures not meet minimum federal and state policy.

**References**

Workforce Innovation and Opportunity Act of 2014

OMB Uniform Guidance, 2 CFR 200.456 – Participant Support Costs
OMB Uniform Guidance, 2 CFR 200.75 – Participant Support Costs
OMB Uniform Guidance, 2 CFR 200.407(t) – Prior Written Approval

Training and Employment Guidance Letter’s (TEGL 19-16 & 21-16

WorkSource System Policy 1019, Revision 6, Attachment A- Eligibility Handbook Training
WorkSource System Policy 5602 R3 - Supportive Services and Need Related Payments
WorkSource System Policy 5621 R3 - Incentive Payments to WIOA Title I Participants
Compliance with the state’s eligibility policy will be based on the version of the handbook or state policy in effect at the time of the action or activity that may be at issue.

DATE APPROVED: June 4, 2016, TBD

Direct Inquiries to:
Pacific Mountain Workforce Development Council 1570
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Tumwater, WA 98512
Telephone: (360) 704-3568 Email: info@pacmtn.org

PacMtn is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. WA Relay 711.
Purpose

To provide guidance and standards for conflict resolution between partners in the local One-Stop Delivery System. This policy applies to disagreements in general regarding contracts, awards, monitoring outcomes and also specifically applies to those involving PacMtn Memorandum of Understanding, the One-Stop Operator Agreement, and other policies and procedures regarding the integration and coordination of services throughout the One-Stop.

Policy

Disputes arising from grievances or complaints regarding violations of the requirements within WIOA regulations and programs from any contractor, affected or interested party shall be reviewed by the applicable PacMtn program manager and resolution of issues handled at the lowest possible level between all parties involved. The program manager shall document any dispute and attempt to resolve the issue through negotiations within 60 days. In general, disputes that are not resolved immediately between the parties involved should be brought to the one-stop operator for review, consultation and resolution. If agreement cannot be reached the dispute resolution process will escalate to the Executive Finance Committee and then to ESD as a final measure.

Guidelines

All disputes involving two or more One-Stop partners will be handled via the PacMtn dispute resolution procedures. Disputes should, whenever possible, be resolved at the lowest possible level. All actions taken to resolve disputes will be documented. Disputes will generally fall into these categories:

1. General conflicts over the normal course of providing employer and job seeker services
2. One-Stop Operator disputes, including One-Stop Operator Agreement and amendments
3. Memorandum of Understanding (MOU) disputes prior to failure to sign
4. MOU disputes regarding failure to sign

Dispute resolution, under the first three categories, will proceed as follows:

- All attempts to resolve disputes among or between One-Stop system partners will begin with negotiations between the disagreeing parties. Partners are expected to put forth good faith efforts in communication and compromise to resolve disagreements in a cooperative and timely manner.
- Should the partners be unable to directly resolve their dispute, they will notify the One-Stop Operator of the dispute and provide in writing an explanation of the matter.
• Disputes requiring additional efforts to resolve will be directed to the PacMtn Executive Finance Committee for review and written recommendation.

If the local dispute resolution policy and process have been met and the parties to a dispute cannot reach agreement, they may appeal to the Employment Security Department (ESD) Commissioner for resolution.

The Employment Security Department (ESD) Commissioner who will make a decision in consultation with the PacMtn Board Chair and the local Chief Elected Official(s) within 30 calendar days of receiving appeals.

Disputes regarding failure to sign the MOU
All steps in the previous sections must be completed and documented. When the local board and partners have entered into good faith negotiations and have still reached an impasse, the following additional steps shall be taken:

• The local board and required partners must send a letter to the Employment Security Department (ESD) Commissioner, as the administrative entity of the Workforce Innovation and Opportunity Act, notifying of the impasse and outlining the issues. A copy of that letter must also be sent to the Assistant Commissioner of the WSID. Documentation of the attempts to resolve the dispute should be attached.
• The Commissioner may seek alternatives to propose a resolution.
• If an impasse continues, notifications of failure to sign will be issued with applicable sanctions to the extent of applicable state and federal laws as noted in 20 CFR §662.310(b) & (c). In addition, any local area in which a local board has failed to execute an MOU with all of the required partners is not eligible for state incentive grants.

The above steps are intended to provide assistance to resolve disputes and add clarification. They do not supersede or replace language in the Workforce Innovation & Opportunity Act or regulations.

Disputes Involving Employment Security Department
If the dispute involves ESD, either party to the dispute can request the services of an independent mediator or hearing officer.

1. The selection process for the mediator or hearing officer must be concluded within 10 business days and include the following:
   a. Each party to the dispute will identify one representative.
   b. From the list of three mediators/hearing officers identified through a mutually-agreed upon source (e.g. local dispute resolution councils, State Department of Enterprise Services, etc.), each representative will eliminate one individual with the remaining individual selected by that process of elimination.
   c. Both parties to the dispute agree to share the cost of the mediator/hearing officer equally.

2. The mediator or hearing officer will, within 30 calendar days of being retained, deliver a recommendation, in writing, to the ESD Commissioner.
3. The ESD Commissioner has five business days to render a decision by accepting or rejecting the recommendation with the latter limited to three “just cause” allowances:
   a. Undisclosed conflict of interest on the part of the mediator/hearing officer
   b. Clear misapplication of the law and/or regulations
   c. The finding does not fit the record or facts of the case

4. If the ESD Commissioner rejects the mediator/hearing officer recommendation, either party to the dispute and Commissioner’s (rejection) decision can be appealed to the US Department of Labor as described in WIOA Section 181(c).

If one or more of the parties to the dispute is dissatisfied with the ESD Commissioner’s decision, the decision can be appealed to the US Department of Labor as described in WIOA Section 181(c).

Per WIOA Section 121(h) and proposed 20 CFR 678.725-750, local disputes related to funding of one-stop infrastructure costs are exempt from this policy and will instead be addressed through application of the state one-stop funding mechanism determined by the Governor and subject to a state-level appeals process established by the Governor.

References

State Policy # 5410, Revision 1- Dispute Resolution and Appeals
Public Law 113-128, Workforce Innovation and Opportunity Act of 2014, Section 181(c)-Grievance Procedure

DATE APPROVED: TBD

Direct Inquiries to:
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1570 Irving Street SW Tumwater, WA 98512
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Purpose

The Workforce Innovation and Opportunity Act (WIOA) requires that fiscal controls, including a process for debt collection is established associated with the misexpenditure of WIOA funds incurred by any subrecipients.

Policy

A subrecipient debt is established when PacMtn determines through project management, fiscal or performance monitoring, or audit review that a previously reimbursed expense is unreasonable or unallowable in accordance with applicable federal Department of Labor and/or Workforce Innovation and Opportunity Act requirements and guidelines.

PacMtn will formally notify the subrecipient in writing that debt is established, which outlines the exact nature, cause, and violation made that was found in which WIOA funds were used. This communication shall also include appeal rights, dates and timelines for debt establishment and delinquency, and the sanctions that will be imposed if retribution is not made.

Guidelines

Debt Establishment

If during a PacMtn monitoring of subrecipient financial or program records or upon review of a third party audit report, misuse of funds is found and a finding of a disallowed cost is determined, the subrecipient is required to make repayment in full of those costs.

PacMtn will provide, in writing, a report that details

- The exact finding of disallowed costs and the determination of the amount owed.
- The date the debt will be established as final as per the date of the letter.
- Request for payment of those costs within 30 days of notice.
- Timeline for determination of delinquency
- Appeal rights
- Sanctions
- Interest rate to be charged (if any)

Debt Repayment
All WIOA debts must be paid within 30 calendar days of the date on which the debt was established as final, unless a payment plan has been negotiated based on the size of the debt and the ability of the debtor to pay and such payment plan has been approved by the State Employment Security Department. If an installment repayment agreement is negotiated, it will be of short duration, preferably from 3 to 12 months, but will not exceed 36 months. The length of the repayment agreement will be negotiated based on the size of the debt and the debtor’s ability to pay. An interest rate may be applied to repayment plan options.

The settlement of all debts resulting from fraud, malfeasance, misapplication of funds or other serious violations or illegal acts must be cash from nonfederal sources. Funds collected by LWDBs in settlement of these debts must be returned to ESD immediately, identified as “Debts Collected”, on their receipt to:

Finance and Administrative Services Division
Employment Security Department
PO Box 9046
Olympia, WA 98507-9046

When the debt was not a result of fraud, malfeasance, misapplication of funds or other serious violations or illegal acts, the cash repayment of the disallowance is a credit to the title and year to which it was originally charged. The credit reduces the expenditures of the period of the cost that was refunded. If the year of allocation is still open, local areas may expend the funds within the cost limits. Cash payments received after the fund availability period must be remitted to Financial and Administrative Services Division at the address noted above.

The use of stand-in costs may be considered as a substitute for disallowed costs in audit resolution. The application of stand-in costs occurs at the audit resolution state.

Appeal Rights
Subrecipients have the right to appeal the decision made regarding the disallowed costs. Appeals must be made in writing within 10 business days of receiving the notification of debt establishment. Records that document the actions taken with respect to debt collection, restoration, or other debt resolution activities and records that document why the actions were taken to support their decisions shall be established and retained permanently.

Delinquency
If repayment does not occur within 30 days and no repayment plan has been requested a second debt notice shall be sent to the subrecipient. A third, and final, notice will be sent out after 30 days of the 2nd notice if conditions remain the same. If a repayment plan is started and stopped before full restitution is made, debt notice cycles will start again.

Sanctions
Sanctions will be applied to the subrecipient if no resolution is made to repay or establish a repayment plan after 30 days of the 3rd debt notice. Sanctions will be determined on a case by case
basis and may include additional penalties or interest, termination of any current contracts, declination of any future contracts, debarment or litigation.

Other Considerations

- Debt collection will continue until all available options are exhausted or no longer economically feasible.
- The use of stand-in costs may be considered as a substitute for disallowed costs in audit or other resolution procedures. The application of stand-in costs occurs during the initial resolution process. Stand-in costs must meet the following criteria: a. Have been actually incurred allowable grants costs that are considered to be uncharged to an ETA funded program, included within the scope of the audit and accounted for in the auditee’s financial system as required by 29 CFR Part 95 or 97, as appropriate. Cash match in excess of the required match may also be considered for use as stand-in costs. b. Stand-in costs must come from the same appropriation year as the costs that they are proposed to replace, and they must not cause a violation of the administrative or other costs limitations.
- Notice will be sent to all Chief Elected Officials if the agreed upon payment is not received within 30 calendar days after the date of the third invoice.
- All debt collection actions will be documented and forwarded to the Washington State Employment Security Department Audit Resolution Unit for final review.
- PacMtn will maintain a permanent record of all debt collection cases and their status. This permanent record will include documentation of the actions taken with respect to debt collection, restoration, or other debt resolution activities including actions taken to support their decisions.
- PacMtn will establish an outstanding debt line in its financial statements.
- Where allowable, the local area may terminate debt when all means of collection have been exhausted and after approval of the Washington State Employment Security Department. Where fraud, malfeasance, misapplication of funds or other serious violations or illegal acts exist, the matter will be turned over to the local County Prosecutor for determining further action or litigation.
- It is the policy of PacMtn to immediately report information or complaints regarding fraud, waste, abuse or mismanagement of federal funds. If incidents or suspected activity includes WIOA funds Employment Security and the Office of Inspector General will be notified. Please refer to PacMtn Local Policy 3090 - Fraud Reporting.

References

ESD Policy #5265
Public Law 113-128, Section 184
20 CFR 683.410(a), 683.420(a)(i) and 683.750
2 CFR Part 200
2 CFR Part 200.345
2 CFR Part 230
2 CFR Part 220
DATE APPROVED: TBD

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Current Columbia Bank Signers

**Acct ending 8396- Restricted Funds**
Cheryl Fambles
William Westmoreland
Donald James

**Acct ending 0137- Tumwater**
Cheryl Fambles
Kimberly Baker
William Westmoreland
Donald James

**Acct ending 0376 - C2C**
Cheryl Fambles
Marc Hannon
William Westmoreland
Donald James

Board Action to Add Korbett Mosesly to Bank accounts

**Acct ending 8396- Restricted Funds**
Korbett Mosesly

**Acct ending 0137- Tumwater**
Korbett Mosesly

**Acct ending 0376 - C2C**
Korbett Mosesly

Remove Employee from bank account due to termination

**Acct ending 8396- Restricted Funds**
Cheryl Fambles

**Acct ending 0137- Tumwater**
Cheryl Fambles

**Acct ending 0376 - C2C**
Cheryl Fambles
Marc Hannon
Final Bank Accounts after all activity

**Acct ending 8396- Restricted Funds**
William Westmoreland
Donald James
Korbett Mosesly

**Acct ending 0137- Tumwater**
Kimberly Baker
William Westmoreland
Donald James
Korbett Mosesly

**Acct ending 0376 - C2C**
William Westmoreland
Donald James
Korbett Mosesly