



**WORKFORCE DEVELOPMENT BOARD  
MEETING MINUTES  
November 10, 2022**

**BOARD MEMBERS PRESENT**

Moses Alvarez, Colorado Contractors Association  
Dennis Atencio, Apex Transportation  
Angela Atkinson, North Metro Denver Small Business Development Center  
Peter Brissette, DMD Consulting  
Amy Clement, United Power  
Rachel Hoard, Division of Vocational Rehabilitation  
Tricia Johnson, Front Range Community College  
Erika Manuel, Centura Health  
Mark Miller, Pipefitters Local 208  
James Newby, CDLE  
Janet Renden, FutureForward at Bollman  
Maureen Rudy, MSU Adult Education

**BOARD MEMBERS ABSENT**

Larry Caschette, Metal Craft Industries  
Erika Rodriguez, Colorado Laborers and Contractors Education & Training Fund

**GUESTS**

Caitlin Adams, CDLE  
Britta Blodgett, CWDC  
Daniel Chase, CDLE  
Todd Nielsen, CUWA

**STAFF MEMBERS**

Yvonne Castillo, WBC Coordinator/OSO  
Jodie Kammerzell, Local Area Director/WBC Administrator  
Greg McBoat, Administrative Analyst  
Rita McGirr, WBC Manager  
Joel Parriott, Supervisor  
Sonia Rodriguez, WBC Manager

**INTRODUCTIONS AND QUORUM**

A quorum of members was present, and the meeting was called to order at 8:01 A.M. by WDB Chair, Amy Clement. All attendees were welcomed, and introductions were made.

### **EMPLOYMENT SUPPORT FUND (ESF) UPCOMING LEGISLATION**

Guests, Caitlin Adams and Daniel Chase from CDLE were in attendance to discuss the upcoming proposed legislation. The ESF receives its funding through a portion of the Unemployment Insurance (UI) employer premiums and funds some administrative costs and workforce activities. In May 2022, CDLE was notified by USDOL that the structure has been out of compliance for the past 30 years. CDLE is working to minimize the impacts to employers. The proposed change is to split the ESF and the Employment and Training Technology Fund into separate charges. This will not increase employer premiums, but employers will see a surcharge. The employer will still pay the same total year over year, but the distribution would take place during billing, instead of after payment is made and deposited into the UI Trust Fund (UITF).

If left unresolved, the USDOL could pursue Conformity Proceedings against CDLE. The two tools the USDOL has against non-conforming states are:

1. The authority to cut off Colorado's UI administration base grant of just over \$77 million, which currently funds 648 FTE within the UI division; and
2. USDOL can remove the entirety of the Federal Unemployment Tax (FUTA) Credit that all employers receive. The standard FUTA tax rate is 6% on the first \$7,000 of wages subject to FUTA. Generally, employers receive a credit of 5.4%, bringing a net FUTA tax rate of 0.6%. Within the context of conformity, the full credit could be removed, resulting in a tenfold increase, or \$378 increase (to \$420 total) per employee for all Colorado employers.

CDLE did choose a more complicated proposal, but one that will be more equitable for the employers. USDOL is currently reviewing the proposal. This is a top priority for the governor and the bill will be sent through the JBC. There are a lot of supporters and CDLE has been talking with the business community and chambers of commerce regarding these proposed changes to ensure this legislation is passed.

### **APPROVAL OF MINUTES**

Board members reviewed the minutes from September 8, 2022, meeting.

**MOTION** made to approve the September 8, 2022, meeting minutes and was seconded.

**MOTION CARRIED.** The minutes of the September 8, 2022, meeting were approved with no corrections. James Newby abstained from voting.

### **WORKFORCE DEVELOPMENT BOARD MEMBERSHIP**

Amy reported the following changes to the membership:

- Erika Manuel from Centura Health has been appointed to the WDB to replace Emily Atencio.
- Lisa Hough from the Adams County Regional Economic Partnership and Michael Allen from Amazon are scheduled to be appointed to the board at BoCC Public Hearing on 11/22/2022.

### **ONE-STOP OPERATOR MONITORING**

Yvonne Castillo reported that the One-Stop Operator monitoring for PY2021 was completed, reviewed, and approved by the Executive Committee on 10/13/2022.

### **HIGH PERFORMING BOARD APPLICATION**

Amy announced that the Adams County Workforce Development Board (ACWDB) was designated as a High Performing Board for last year, PY21. This is the 4<sup>th</sup> year in a row that the ACWDB has received this designation. Adams County was one of the five local area workforce development boards that were designated. Board members were asked of their interest in pursuing this designation for PY22.

**MOTION** made to pursue High Performing Board designation for PY22 and was seconded.

**MOTION CARRIED.** The ACWDB pursuit of High Performing Board designation for PY22 was approved.

### **MIGRANT SEASONAL FARMWORKER (MSFW) UPDATE**

Jodie Kammerzell reported that a large portion of the Notice of Proposed Rule Making (NPRM) was related to the MSFW program. The ACWBC has been informed that we must begin to implement changes which will no longer allow our currently designated MSFW outreach worker to conduct housing or field inspections. This work will need to be completed by one of our Career Services staff members and we are in the process of training staff. Our MSFW outreach worker also provides coverage in our Brighton office which will no longer be allowed under the NPRM. We have been informed that the MSFW staff member is included in the Wagner-Peyser funding. Not all regions have MSFW staff and Jodie has asked if the MSFW calculation is included in those areas who do not have an MSFW program. We are awaiting a response from CDLE.

### **USDOL AND USDOE JOINT RULE PROPOSAL**

Joel Parriott presented on the NPRM related to the WIOA effectiveness in serving employers performance indicator. Under WIOA the Department of Labor and the Department of Education are required to jointly establish a primary indicator of performance for effectiveness in serving employers. These two departments have been piloting three approaches since 2018:

1. Employee retention – this approach tracks when an employee receives a service and then if they receive another service within a specified time period. The challenge with this is that workforce have no control over customer employment choices nor the retention decisions of an employer.
2. Repeat business customers – job listings are the most frequent service that occurs but generally happens without any staff assistance. Challenges with this indicator is that employers who list the most job orders are generally those with higher turnover rates and low paying jobs which does not measure the effectiveness of services.
3. Employer penetration – this approach measures the percentage of employers served within the area by tracking the FEIN numbers. The downside to this indicator is that several employers have multiple FEIN's which can skew the results.

Joel reported that USDOL has selected Employee Retention as the indicator, but ACWBC and CDLE have concerns about this performance indicator which include:

- Lack of direct employer interaction
- Fails to recognize quality sustainable relationships
- It ignores results where a business need was met successfully

- It doesn't reflect regional focus efforts
- Work-based learning (WBL) priority is not even mentioned

Colorado participated in the pilot by tracking all three proposed measures and there have been concerns about each of them since the beginning. ACWBC in collaboration with CDLE would like to propose the following two alternatives:

1. Employer satisfaction data which is any businesses receiving any of the core services are automatically emailed a customer satisfaction survey. In PY21 the outcomes were 97.2% of employers were satisfied or very satisfied.
2. Increase in Work-based Learning Services that includes services like Internships, On-The-Job Training and apprenticeship take time to develop. When employers have control over the Knowledge, Skills, and Abilities (KSA) that new employees acquire, the skill gap is controllable.

Jodie reported that the comment period deadline for this NPRM is November 14<sup>th</sup> and it is important that ACWBC responds to this collaborative approach with the state. There was discussion about the performance indicators and timeframe for implementation.

**MOTION** was made for ACWBC to respond to the USDOL and USDOE Joint Rule Proposal on behalf of the ACWDB in support of the two proposed alternative performance indicators of Employer Satisfaction and Increasing Work Based Learning Services

**MOTION CARRIED.** ACWBC response to the USDOL and USDOE Joint Rule Proposal on behalf of the ACWDB in support of the two proposed alternative performance indicators of Employer Satisfaction and Increasing Work Based Learning Services was approved.

### **DASHBOARD**

Jodie provided an overview of the fiscal data. We are about a quarter of the way through the program year and have spent approximately 25% of our funding. We are on track to spend the required amounts in our grants. Yvonne reported on the program enrollments. Most programs are exceeding the enrollment goals at this point in the year. Staff continue to work on co-enrolling to leverage funding. Greg provided an update on the status of the Wildly Important Goal (WIG) which is to increase successful outcomes (obtaining employment, obtaining a credential, completing a work experience, or maintaining employment based on the client's goals) from 557 in PY21 to 650 in PY22. He also presented on the economic and labor force data.

### **SUMMATION AND ADJOURNMENT**

The meeting was adjourned at 9:28AM