

Response to Regional Comments on Administrative Policy: **Corrective Action and Reorganization Plan for Failure to Meet Local Performance**

General Response to All Comments:

Comment	Response
<ul style="list-style-type: none"> • Policy should include: “standards have been negotiated with the local workforce boards and any concerns/dissentions the Boards may have had to the final agreed upon standards be in writing and documented throughout this process. Therefore, if the standard is failed 1 or 2 years – this documentation may be taken into consideration during the technical assistance and/or PIP. • Include representatives from the local board in the state negotiations with USDOL. 	<ol style="list-style-type: none"> 1. While this may be a good suggestion to make when establishing performance standards, (and later application in case of a corrective action plan), it is not the kind of language which should be included in the CAP. 2. Again, while this may be a good suggestion to make for negotiating standards with USDOL, it is not appropriate for language in the CAP.
<ul style="list-style-type: none"> • The new Administrative Policy on Failure to Meet Performance Standards uses language such as “regional workforce boards” which is not consistent with language in WIOA. WIOA refers to the local workforce areas. So that the policy can carry forward past July 1, 2015 and that it doesn’t get confused with the new regional measures that will be created, we believe the language should be consistent for clarity. • CareerSource Flagler Volusia also agrees that representatives from local workforce areas should be included in performance negotiations with US DOL and that any concerns a local area has with final negotiated metrics should be documented in writing, and considered in the event of technical assistance and or a PIP. • On page 4 under the heading “Reorganization Plan”, item 3 “Require other appropriate measures designed to improve the performance of the RWB; is too vague and too broad. • Measures that will not carry forward with WIOA should not be part of the performance review, i.e., numeracy/literacy goals. 	<ol style="list-style-type: none"> 3. Agreed—(with the caveat that for the next few years, the CAP will be applied to WIA standards.) Nevertheless, pursuant to your suggestion, all the references to “regional workforce board” and “RWB” were changed to “Local Board. 4. See #1 and 2 above. 5. This language is lifted, word for word, from 20 CFR 666.420(b)(3). Its “ambiguity” allows the Governor (and CSF) the “flexibility” to meet the many different situations which may arise under the CAP. 6. The appropriate standards will apply as the workforce system transitions from WIA or WIOA. That is a matter of law.

<ul style="list-style-type: none"> • Section IV – Customer satisfaction: What will be the methodology or process by this will be measured? Annual Performance Reports: How will DEO ensure there is a consistent process to negotiate performance measures? We would like to recommend that there be an established timeline to receive, review, negotiate, and finalize performance benchmarks. • Technical Assistance: Will regions have the option of selecting options for technical assistance? Will only DEO staff provide such assistance? We would like to recommend that there be an option. • Variables to achieving performance: Suggest that “significant changes in organization leadership in the preceding 12-24 months of the period of review” be considered for addition. If a region is reorganized due to factors not related to performance, it may have the potential to disrupt a region’s ability to perform. • PIP Level 1 – Suggest the following – “Develop and internal review process to evaluate implementation of revised processes and/or policies, and provide reports to DEO as part of quarterly review efforts.” During Level 1 it appears that process and procedures will need to be evaluated to determine if they are helping a region improve performance. • PIP Level 2 – recommend including DEO program management staff as consulting with the workgroup • PIP status – how will “showing performance” be determined or negotiated? 	<p>7. While it is agreed that these are good questions for future establishment of performance standards and monitoring performance, these are not appropriate comments to incorporate into the CAP (which is looking at past standards and past monitoring.)</p> <p>8. 20 CFR 666.420(a) states “technical assistance must be provided by the Governor...” Therefore, the Governor (through CSF and DEO) decides what technical assistance is to be given. However, the words “in coordination with the Local Board” has been added in response to this comment to provide for Local Board input.</p> <p>9. It is believed that the language “DEO will take into consideration extenuating circumstances and/or variables not within the Local Board’s Control” would include “significant changes in organization leadership...” (2nd paragraph under “Failure to Meet Local Performance Standards.”)</p> <p>10. At your request, this language was added.</p> <p>11. It is believed that the language “assemble a team of experts or a workgroup” is sufficiently broad to include DEO staff if desired.</p> <p>12. No phrase “showing performance” was found in the draft CAP.</p>
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<ul style="list-style-type: none"> • Include language that leaves room for other currently unknown extenuating circumstances (and would also allow CSF/DEO to take into consideration the concerns/dissentions of the local board) as noted: “As part of the evaluation process, DEO will take into consideration extenuating circumstances and/or variables not within the RWB’s control that may have impacted local performance such as, but not limited to: • Specify what criteria determines where something is level 1 or level 2 PIP (currently too subjective) 	<p>13. See #8 above. This language should be sufficient to meet your concerns. In response to your comment, the language “including, but not limited to” was added.</p> <p>14. This comment was well taken. The labels “Level 1” and “Level 2” were eliminated and the subjective labels of “less serious” and “more serious” were added. This is admittedly subjective. There is no intention to set objective standards for when “less serious” or “more serious” applies, only to give general guidance, through examples, of what actions may possibly be taken under either situation.</p>
<p><u>Policies and Procedures</u></p> <p>The last paragraph states: The DEO will conduct annual programmatic monitoring, provide annual performance reports and communicate performance standards during annual meeting to ensure that RWBs are aware of local performance standing and provide technical assistance to address performance deficiencies.</p> <p>CSBD Response:</p> <ul style="list-style-type: none"> • Annual meetings and reports should occur at least mid-year, so that RWBs are informed well in advance of deficient areas so they can improve them by year end. • When monitoring is conducted, the time period is usually covering a time period where performance has already been reported. How will this help with performance? • The draft policy also mentions the “core indicators of performance”; what are these? The Common Measures? Audit results? Performance Funding Model? 	<p>15. While this may be a suggestion to make as to future monitoring, this monitoring language is not appropriate for the CAP which is based upon monitoring which has already occurred.</p> <p>16. Monitoring is intended to be a pro-active tool to identify deficiencies and correct them.</p> <p>17. It is those measures listed in 20 CFR 666.100(a)</p>

Annual Monitoring

CSBD Response:

- It is unclear what is meant by “deficiencies” in this section of the draft policy?

- Is there a target error rate?

- There is also an implication there are findings that are not “higher risk.” Which findings fall into this category?

- How does previous monitoring factor in performance?

Annual Performance Reports

CSBD Response:

- There is no mention of the performance funding model. How is that impacted here?
- We need real time access to back-end data that makes up these report so that we can see how we are meeting the goals on a timely basis.

- DEO needs to play a role in providing the regions with better leading indicators to help ensure performance is met instead of lagging indicators. Meetings and reports after the fact aren’t timely and don’t foster continuous improvement.

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18. “Deficiencies” should be interpreted as its general vernacular use: “lacking in some essential; incomplete; defective.” It does not have a specialized meaning under the CAP.

19. No

20. Examples were given of “higher risk” findings because of their importance and impact in the CAP process. In order to be succinct, there was no value to including examples of “lower risk” findings. As implied, “lower risks” would not be included as “findings” in the Local Board’s monitoring report so they are irrelevant to the CAP.

21. See #16. The CAP is based on two years of monitoring therefore “previous monitoring,” if it includes the prior year, is significant. However, this appears to be a general question about monitoring as opposed to a specific question about the CAP.

22. This CAP is based on the past two years of performance which does not include the performance funding model, so there is no immediate impact. The CAP, like everything else, will have to be modified as the workforce system transitions.

23. This comment is not a comment specifically pertaining to the CAP language or process and not appropriate to be included in the CAP.

24. Your suggestion about future monitoring is appreciated, but is not a specific comment about the proposed CAP.

- What are the variables in the regression model? To know these variables would give us insight on what we would need to do to improve by implementing improvement strategies that affect those variables.

Failure to Meet Local Performance Standards

CSBD Response:

In the meeting local performance section it states, “if upon review of the annual performance data DEO determines that a RWB has failed to meet a negotiated performance standard for two consecutive program years, the RWB will be notified immediately.”

- We would like a timeframe for “immediately.” It seems as though the RWB will be notified almost 2 ½ years later because of the lag in the data. Is that accurate?
- There is reference to technical assistance just be “training.” However, we believe that technical assistance takes many forms, such as root cause analysis to identify viable and effective improvement strategies, best practices learned in other regions to be disseminated throughout state.
- Will this be aligned with the performance funding model; we did not see any connection to the two.

Performance Improvement Plan

CSBD Response:

- What does technical assistance mean?

25. Your question and comment is not a specific comment about the proposed CAP.

26. Based on your comment, the term “immediately” has been changed to “within 30 days of final determination of failed performance.” No, that is not accurate as the Local Board will have learned of the first-year’s failed performance a year earlier.

27. Agreed. The language of “Performance Improvement Plans” has been changed by adding “including, but not limited to” which will allow technical assistance other than that listed in (former) Level 1 and (former) Level 2.

28. Eventually it may be impacted, but not now. Since the current CAP will apply to the past two years and the coming year, all under WIA standards, the performance funding model will currently not be connected.

29. “Technical assistance” under 20 CFR 666.420(a) includes, but is not limited to, a “performance improvement plan” [PIP], a modified local plan or other actions designed to assist the local area improving performance” so it appears to be open to broad interpretation.

<ul style="list-style-type: none">• The draft policy states DEO will conduct quarterly performance status meeting. How, when and where will we get the data needed for this?	<p>30. The draft CAP states that one of the <u>possible</u> PIP actions is to “conduct quarterly performance status meetings.” Details as to how that would be accomplished would have to be decided on if and when that alternative was pursued.</p>
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