

**MINUTES**  
**Executive Committee of the**  
**ARKANSAS WORKFORCE DEVELOPMENT BOARD**  
**September 15, 2022**

The Executive Committee of the Arkansas Workforce Development Board convened its meeting through electronic means on September 15, 2022, beginning at 10:01 a.m. The meeting was conducted via Zoom. Chairman Tom Anderson presided with the following members voicing their presence: Tom Anderson, Ms. Karen Breashears, Judge Brandon Ellison, and Dr. Julie Roberson. During roll call, Mr. Thorne was present but was having technical difficulties and could not hear his name called by staff. Ms. Karen Breashears received a message from Mr. Thorne to inform staff that he was present at which point Ms. Breashears placed it in the zoom chat. Staff acknowledged and marked him as present.

Executive Committee member Ms. Abby Houseworth was unable to attend.

Chairman's Opening Comments: Chairman Anderson called the meeting to order at 10:01 a.m. after staff conducted a roll call to determine a quorum. Chairman Anderson gave a summary for the purpose of the Executive Committee meeting which was to review and approve various WIOA program policies. Chairman Anderson commented that after review and approval, these policies will be ratified at the next full Board Meeting.

**Agenda Item 1 – ACTION – ADWS Policy No. WIOA I-B – 4.3, Change 1 (Requirements for Local Grievance, Complaint, and Appeal Procedures) Approval:** Chairman Tom Anderson introduced agenda item one by sharing need for Arkansas Division of Workforce Services (ADWS) to update this policy at which point he introduced Assistant Director (AD) Eddie Thomas to present the revisions to the Executive Committee.

AD Thomas began by letting the members know that four policies for WIOA Title I activities will be brought before them for approval and reminded the members that strategic, not administrative, policies will be brought before the Board for approval. AD Thomas explained that this is an existing policy which has been revised to meet the criteria of the Department of Labor (DOL). AD Thomas turned over the presentation to Dr. Claudia Griffin to explain the revisions to the Executive Committee.

Dr. Griffin made note that some are confused and think this policy is the state grievance procedure and policy; however, it is the requirements for the Local Area's who must have this included in their grievance and complaint procedures. Dr. Griffin concluded her presentation and opened the floor for questions. Chairman Anderson also asked the members if there were any questions and hearing none, Chairman Asked Anderson asked for a motion to approve this policy.

**Hearing none, a motion to accept the policy revisions was made by Robert Thorne, followed by a second motion by Judge Brandon Ellison. The motion carried unanimously with none opposed and was conducted as a voice vote instead of roll call.**

Next, Chairman Anderson introduced the Agenda Item 2, the Eligible Training Provider (ETP) policy, and turned the presentation over to AD Thomas.

**Agenda Item 2 – ACTION – ADWS Policy No. ADWS Policy No. 4.5- WIOA Title I-B, Eligible Training Provider Policy and Procedures Approval.** Chairman Anderson recognized AD Thomas to present the policy to the committee. AD Thomas began his presentation by explaining that this is another policy that is being revised to focus on the eligible training provider list and its procedures and criteria for all stakeholders including all training providers, local workforce development boards, state and local staff, and all other stakeholders involved. AD Thomas turned the presentation over to Deputy Assistant (DA) Beverly Lovett to explain the details of this policy.

DA Lovett provided a brief history of the ETP policy and reminded the members that these procedures were created in June of 2018 as a requirement of the Workforce Innovation and Opportunity Act (WIOA), at which point the draft procedures were shared with the AWDB in 2020. The ETPL procedures were initially titled the Initial Eligibility Certification Process which required the eligible training providers to that their training programs must be listed as in demand occupations for participant enrollments in occupational skills training. The initial procedures included the following areas: the Projected Employment Opportunities List in the State of Arkansas, Initial Eligibility Certification Process, State Minimum Performance Standards for Training providers, Continued Eligibility Certification Process, Registered Apprenticeship Programs, and AKERS Registered Apprenticeship Form. In December 2020 ADWS began transitioning AKERS to the Arkansas Job Link (AJL) because AJL includes a menu of the required performance data to add the ETP annual report for the DOL. AKERS was phased out on June 30, 2021. With this change, the ETPL procedures has been transitioned to the ETPL policy and procedures change. This policy change includes all the initial procedures that was just mentioned. At this time, DA Lovett went through and provided an in-depth explanation of the pages in the packet that included the changes. DA Lovett concluded her presentation and opened the floor for questions.

Judge Brandon Ellison asked if this policy tweak was brought on due to issues brought on by the past or is this a requirement of the federal government? DA Lovett explained that these are new requirements and nothing in the past has been the reason for the changes. DA Lovett stated that we are adding the language to what the regulations are for the DOL.

AD Thomas added additional comments on the switch from the previous system to the new system and made note that there are new processes that we have to implement and ADWS needed to make sure those requirements were clearly spelled out for all stakeholders.

Karen Breashears directed staff to look at Page 9 addresses the Local Workforce Development Board's (LWDB) responsibilities and stated that several of the Local Boards contacted her after these policies with changes were made public the LWDB's are stating that much of this redundancy. Ms. Breashears mentioned that she sent her notes to Director Chad Brown and the question that keeps arising is that the LWDB's have not been given an opportunity to provide input and that some of this is done on the state level and now it is being required on the local level and asked, "what the purpose of this redundancy"? AD Thomas explained to Ms. Breashears the process of policy revision and policy creation with the state and how those policies are vetted. AD Thomas went on to explain that many of the standard procedures are provided through the provider link; however, those responsibilities needed to be spelled out in this policy.

Karen Breashears asked to look at the second sentence under the LWDB responsibilities section that states the "LWDB must maintain a local list" and went on to explain that the list is already maintained in AJL and asked for clarity on what this means. AD Thomas addressed Ms. Breashears question and stated that it is not a requirement of the Local Area and that the State is already doing this on behalf of the LWDB's. Ms. Breashears replied to AD Thomas and stated that many of the questions she has received from the Local Area's regarding that eighty percent (80%) of the stuff listed are either already available in AJL or it is happening through the state level, but when reading it is interpreted as their (LWDB) responsibility. Ms. Breashears then stated that it implies that local area's will have to maintain a different document and when

they are monitored that they will be expected to produce this documentation. The local areas were just wanting clarification.

Karen Breshears then asked the local area's maintaining procedures to determine eligibility of a training provider. She stated that this is the same thing as before and already done in AJL so will a local area have to draft a new policy and procedures? Ad Thomas replied and stated that the Local area's will need to use this policy and adopt it to their own policy so they can place their own spin/discretion on it. During AD Thomas' explanation, Ms. Breshears interrupted and stated that she could not hear his answer due to a phone that was not muted. Ad Thomas asked Ms. Breshears to restate her question. Ms. Breshears repeated her previous question and asked if the state is wanting the local to develop an internal policy to determine who can be a training provider and who cannot, but that is already predetermined by the state and federal level, so this is not a policy you want them to write but adhere to what's existing? AD Thomas stated that the pertaining to that question then yes, the local areas will have to adopt their own policy which can mirror the state's policy, but it will need to specifically define anything that is specific to the local workforce development area. AD Thomas further explained that the reason for this is because each local area has the discretion to expand their criteria based on their priorities and based on their preferences by their Board. Because of that, they will need to write their own policies to govern how they go about approaching this, but a good starting tool is always the state policy.

Karen Breshears then asked, "And the same thing with monitoring training providers?" Ms. Breshears used NATF as an example and asked if NATF would get monitored by all ten (10) local areas? Ad Thomas responded by saying that the state will monitor the local workforce areas who in turn should be working with each training provider to ensure all their criteria is met so it may not be a formal monitoring as if we or DOL facilitates, but there should be some type of engagement or evaluation system in place to make sure training providers are meeting this criterion. Ms. Breshears then asked if those training providers that are covered by the state going to be monitored by all ten (10) locals? Ad Thomas asked for clarification to make sure he understood her question and Ms. Breshears repeated her question as previously stated. She asked if the training provider is a statewide provider, does that mean the training provider will be monitored by all ten (10) local areas. Ad Thomas stated that it would be more of an evaluation versus a monitoring and further explained this would not be an official monitoring where we would go down an extensive checklist, but based on the criteria set in those policies, they are just evaluating those criteria to make sure those policies are met. Ms. Breshears followed stating that the limit is already being pushed with training providers and that they are already up-in-arms about some of this reporting. Ms. Breshears used herself as an example and stated that if she gets a call from all ten (10) local areas, then about the third call she is not going to be happy as a training provider. She mentioned that there has to be a better way to do this if the state is already monitoring and making sure we are doing what we are supposed to be doing. Ms. Breshears used a two-year college as an example and stated that they can serviced people throughout the state so now you are putting that on all ten (10) locals to develop a policy and call on these training providers. We don't want to lose any training providers because we need as many as we can get, and Ms. Breshears stated that she thinks that is an issue. AD Thomas continued to explain that the state will making sure that the training provider is reporting outcomes, wages, any performance information in provider link and it may not be as extensive as a person coming to each site monitoring and reviewing documents, but it can be maintained through provider link. Ad Thomas also stated that most of this is already in place, but we need to make sure that local board's and local area's do have system's and procedures in place to make sure they are meeting compliance and performance. Ms. Breshears concluded by stating that this policy is implying a lot of things and is not very clear and believes we will have interpretation issues down the road. Ms. Breshears added that this (interpretation) is something that she has discussed in depth with Director Chad Brown, Robert Thorne and the Forest City Board, Hot Springs Board and anything we can do to make things more clear where it is not left up to interpretation will save a lot of heartburn and headaches down the road. AD Thomas stated that his staff will provide technical assistance to the local areas and also to the training providers to make sure this policy is clear.

Ad Thomas proposed to the Executive Committee that if there is any language that needs to be adjusted then he and his staff will be open to it. Robert Thorne followed and stated that it is something we probably need to look at because interpretation can cause a chain reaction, so we really need to look at this before we approve it.

Chairman Anderson asked if it would be appropriate to entertain a motion to table this policy until we look at it further and maybe Robert and Karen participate with Director Thomas on wording. Mr. Thorne and Ms. Breashears agreed to work with AD Thomas. Ms. Breashears stated that she has six or seven pages of notes from the locals that she is willing to share with why they are looking at this differently.

**Karen Breashears made a motion to table this particular issuance for further review, followed by a second motion by Robert Thorne. The motion carried unanimously with none opposed and was conducted as a voice vote instead of roll call.**

**Agenda Item 3 – ACTION – ADWS Policy No. WIOA I – 5.2 (Arkansas WIOA Title I Debt Collection Policy and Procedures) Approval.** Chairman Anderson recognized AD Eddie Thomas to present the Debt Collection Policy. AD Thomas stated that this policy focuses in on the state's responsibility as the grant recipient and Governor's administrative entity to make sure we have procedures in place to establish debt and to make sure the state has processes in place to ensure that compliance is being carried out. AD Thomas mentioned that several of the local workforce development boards monitoring reports had questioned costs that resulted in becoming disallowed costs and over the past few years, there are pending reports that have not been resolved due to the nonpayment of disallowed costs whereas AD Thomas explained a recent situation with the DOL regarding waiver of liability requests from two local areas. ADWS supported the waiver of liability for these two areas; however, both requests were denied by DOL. DOL's feedback was that ADWS did not make a concerted effort to establish and collect the debt and that the local areas did not make a concerted effort to pay the debt and collect monies from the Chief Elected Officials.

Next AD Thomas went through various sections of the policy and provided an explanation of the process in accordance with the policy. Lastly, AD Thomas opened the floor for questions from the members.

Karen Breashears asked if DOL charges a percentage rate on anything that is owed. AD Thomas replied yes, and Ms. Breashears asked if they charge the full 10%? AD Thomas stated that he would like to get more clarification and asked DOL for assistance but has yet to get a response. Ms. Breashears made a point that if the state charges 10% and the DOL charges 8%, then that would be a revenue stream for the state and recommended that the policy be revised to include a rate equal to what DOL charges. AD Thomas agreed and stated that ADWS does not benefit from the percentage rate.

Karen Breashears stated that the other issues around this policy are the timelines, for example, the appeals process and how long it takes to get back the initial report. She explained that the longer the appeals process takes the more interest that accrues while the local areas accrue while waiting on the state. AD Thomas stated that ADWS is working on the process and the timelines associated with the process to tighten some of our internal controls. AD Thomas acknowledged that ADWS has several years of reports that fell behind, but he and his staff are working to get all past reports caught up. AD Thomas asked Dr. Claudia Griffin for assistance in explaining the timeline of the percentage rate at which point Dr. Griffin explained. Dr. Griffin agreed with the recommendation to revise the policy to reflect a mirrored rate to DOL's.

Chairman Anderson opened the floor for any other questions. Judge Brandon Ellison commended Karen Breashears for looking into the situation and stated that we have to be careful not to punish folks when appealing when it could be a simple misunderstanding. Judge Ellison stated if a motion were made to approve the policy with the changes, then he expects the changes to be made. Chairman Anderson concurred.

Chairman Anderson asked for a motion to include the two changes: 1) debt at the same rate as DOL, and 2) interest will not accrue till final appeal is determined. Judge Brandon Ellison **made a motion to approve the policy with the two changes, followed by a second motion by Robert Thorne. The motion carried unanimously with none opposed and was conducted as a voice vote instead of roll call.**

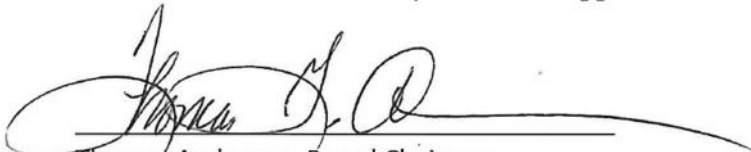
**Agenda Item 4 – ACTION – ADWS Policy No. WIOA I – 6.1, Change 3 (Arkansas Grievance, Complaint, and Appeal Procedures for WIOA Title I Activities) Approval.** Chairman Anderson recognized Ad Thomas to present this policy at which point he turned the presentation over to Dr. Claudia Griffin. Dr. Griffin acknowledged that the dates on the policies were incorrect and stated they would be corrected. She provided a brief history and summary of the revisions in the policy.

Dr. Griffin asked for questions. Karen Breashears complimented the individual that wrote this policy and stated that she loves the CFR's being listed throughout the policy. Chairman Anderson opened the floor for further questions.

**Hearing none, a motion to accept the policy revisions was made by Robert Thorne, followed by a second motion by Judge Brandon Ellison. The motion carried unanimously with none opposed and was conducted as a voice vote instead of roll call.**

At this time Chairman Anderson opened the floor for public comment. No comments or questions were asked.

**Adjourn:** As presented, Chairman Anderson adjourned the Executive Committee meeting, on a motion made by Karen Breashears, followed by Robert Thorne making the second motion. The motion carried unanimously with none opposed.



Thomas Anderson, Board Chairman  
Arkansas Workforce Development Board



Chad Brown, Director Workforce Development  
Arkansas Division of Workforce Services

*Minutes recorded by Chad Brown  
Arkansas Division of Workforce Services Staff*