

EXHIBIT 18

WORKFORCE INVESTMENT NOTICE: 06-05

SUBJECT: Revised Technical Assistance and Reorganization Policy for WIA
Failed Performance – Effective for PY 2006

DATE: December 13, 2006

1. PURPOSE

To provide the WIAs with a revised Technical Assistance and Reorganization Policy for failed performance. This policy supersedes WIN 01-04.

2. BACKGROUND

Section 666.420 of Workforce Investment Act Regulations gives the Governor the responsibility for imposing a Technical Assistance and Reorganization Plan for Local Areas failing to meet required performance.

The Governor must provide technical assistance if a local area fails to meet the levels of performance agreed to under Sec. 666.310 for the core indicators of performance or customer satisfaction indicators for a program in any program year. The technical assistance may include the development of a performance improvement plan, a modified local plan, or other actions designed to assist the local area in improving performance. **[Sec. 666.420(a)]**

3. DISCUSSION

The WIA Technical Assistance and Reorganization Policy provides for the steps to be taken in the event a WIA fails to meet performance standards for any given

year. First year failure results in a technical assistance plan that is focused on improving WIA performance. The State Workforce Investment Office (SWIO) in conjunction with the WIA staff and the LWIB will develop the plan. Second year failure of the performance standards results in a reorganization plan that requires certain actions to be taken to address the failed performance. The degree or severity of the reorganization is determined after a comprehensive evaluation of the WIA's program delivery system. The reorganization plan is developed by the State Workforce Investment Office (SWIO) in conjunction with the WIA and LWIB representatives and is presented as an action item to the Planning and Evaluation Committee of the Governor's Workforce Board and to the full Board for approval.

4. TECHNICAL ASSISTANCE AND REORGANIZATION PLANS

A. FIRST YEAR FAILURE: WIA TECHNICAL ASSISTANCE PLAN

At the end of the first year in which a WIA fails to meet performance standards, staff from the State SWIO in conjunction with WIA staff will conduct a program review. The purpose of this program review is to identify the program factors and/or conditions that contributed to the failure of the performance standard(s). The product of this review is a Technical Assistance Plan.

Once problem areas have been identified, designated SWIO staff will consult with the WIA in developing the Technical Assistance Plan by which program performance can be improved during the course of the program year following the failure of the performance standard(s). The Technical Assistance Plan is meant to be an agreement between the WIA Administrative Entity, the WIB, and the State WIA Liaison that outlines efforts at both the state and local level to improve the WIA's performance. Such Technical Assistance Plans will include at a minimum:

- identification of standard(s) failed
- program deficiencies which contributed to the failure
- program compliance and/or audit findings (if any)
- extenuating circumstances contributing to the failure
- discussion of actions to be taken to enhance performance
- time line for actions
- expected results of the actions taken

The implementation of the Technical Assistance Plan will be reviewed monthly by the designated SWIO staff, the WIA Liaison and reported quarterly to the Planning and Evaluation Committee of the Governor's Workforce Board.

B. SECOND YEAR FAILURE: WIA REORGANIZATION PLAN

A WIA that has failed to meet performance standards for a second consecutive program year is subject to WIA reorganization. Such reorganization activities would be determined upon completion of a comprehensive review of the WIAs programs, to include an assessment of the effectiveness of technical assistance activities which were undertaken during the previous program year, a review of the WIA's administrative capabilities and a review of the effectiveness of the WIB in its oversight with the WIA Administrative Entity. The product of this comprehensive review is the WIA Reorganization Plan.

The WIA Reorganization Plan will detail specific actions to be taken by the WIA to strengthen WIA administration and improve program performance. The Plan will include those elements of the Technical Assistance Plan mentioned above as well as an assessment of why the Plan implemented in the previous year failed to

improve performance. The WIA Reorganization Plan will be developed by State SWIO staff in conjunction with the WIA Director, the WIB Chairperson and the Chief Elected Official(s). The Plan will be reviewed and approved by the WIA Liaison, approved and acted upon by the Planning and Evaluation Committee of the Governor's Workforce Board and the full Board. Such actions that may be required include:

- (1) The appointment and certification of a new Local Board;
- (2) Prohibits the use of particular service providers or One-Stop partners that have been identified as achieving poor levels of performance; or
- (3) Requires other appropriate measures designed to improve the performance of the local area.

Only performance that is less than 80 percent of the negotiated levels will be deemed to be a failure and subject to this policy.

5. TECHNICAL ASSISTANCE PLAN PROCEDURES

A. Performance Assessment and Analysis:

End-of-year predicted performance and actual WIA performance against negotiated standards are calculated using the performance report generated by the SWIO.

The State SWIO Representative assigned to the WIA is responsible for the development of the Technical Assistance Plan using data and other information from the Local Plan and Monitoring and Compliance Reviews.

B. Technical Assistance Plan Development:

As a result of the in-house review and discussions with the WIA staff, the WIA Representative will develop the Technical Assistance Plan, with assistance, as necessary from other SWIO staff. The plan will include both WIA actions and State technical assistance actions directed at improving WIA performance as well as a timeline for activities. Draft copies of the plan will be forwarded to the WIA Director and the WIB Chairperson for their review and signature. The Final Plan must be in place no later than ninety days after the end of any given Program Year.

C. Assessment of Technical Assistance Plan Activities:

WIAs subject to a Technical Assistance Plan will report in writing to the State SWIO actions taken on a monthly basis. The assigned Representative is responsible for the ongoing assessment of Plan actions through the review of monthly reports from the WIA. A summary of Plan actions and compliance with the Plan will be

reported monthly to the WIA Liaison and quarterly to the Planning and Evaluation Committee of the GWB.

6. WIA REORGANIZATION PLAN PROCEDURES

A. Performance Assessment and Analysis:

End-of-year performance reports and fiscal information will be analyzed to determine second-year performance standard failure. A comprehensive program review will be conducted to include any program compliance and audit findings, as well as an assessment of the Technical Assistance Plan activities conducted during the previous program year to determine why actions taken under the Technical Assistance Plan had failed to improve performance. WIA Representatives will meet with the SWIO Administrator to review the results of the program assessment and analysis.

B. WIA Meeting:

Upon completion of the in-house review, the WIA Representative will schedule a meeting with the SWIO Administrator, WIA Director and the WIB Chairperson to discuss the results of the in-house review and to give the WIA Director and WIB Chairperson the opportunity to present their own assessment of the performance failure.

C. WIA Reorganization Plan Development:

The WIA Representative will schedule a meeting of the SWIO Administrator and other SWIO staff to discuss the results of the in-house program review, the meeting with the WIA representatives, and consider recommendations for action to reorganize the program delivery system in the WIA. The assigned WIA Representative will present the options for action. The recommended actions, in the form of a reorganization plan are then presented to the WIA Liaison for approval.

D. Council Review and Action:

The WIA Reorganization Plan is presented to the Planning and Evaluation Committee and then to the Governor's Workforce Board as an action item. The WIA Director, the WIB Chairperson and the Chief Elected Official should be present at the meeting to provide additional information to Planning and Evaluation Committee members, as necessary, and to present alternative actions if they so choose.

E. Board Action and Hearing:

Upon approval of the WIA Reorganization Plan by the Governor's Workforce Board, the GWB will issue a written statement no later than November 15th confirming the approved Reorganization Plan.

The WIA Director, WIB Chairperson and the Chief Elected Official will be notified in writing of the GWB's decision and its right to an appeal. If the WIA representatives choose not to exercise their appeal rights, the WIA Liaison will enforce the implementation of the Reorganization Plan.

7. APPEAL

A local area may appeal to the Governor to rescind or revise a reorganization plan imposed under paragraph (b) of this section not later than thirty (30) days after receiving notice of the plan. The Governor must make a final decision within 30 days after receipt of the appeal. The Governor's final decision may be appealed by the Local Board to the Secretary under 20 CFR 667.650(b) not later than thirty (30) days after the local area receives the decision. The decision by the Governor to impose a reorganization plan becomes effective at the time it is issued, and remains effective unless the Secretary rescinds or revises the reorganization plan. Upon receipt of the appeal from the local area, the Secretary must make a final decision within thirty (30) days. (WIA sec. 136(h).)

8. ASSESSMENT OF WIA REORGANIZATION PLAN ACTIVITIES

WIAs subject to a reorganization plan will report in writing to the State Workforce Investment Office (SWIO) and to the WIA Liaison actions taken on a monthly basis. The assigned (SWIO) WIA Representative is responsible for the ongoing assessment of these actions through the review of monthly reports from the WIA.