



PLANNING COMMITTEE MEETING

Wednesday, May 19, 2010

7:30 a.m.

Merrimack Valley Workforce Investment Board
Lawrence, MA 01843

Members Present: Peter Matthews, Robert LeBlanc, Michael Munday, Juan Yopez, Charles LoPiano, Kevin Page

Members Absent: Anne Randazzo, Ron Contrado

Staff Present: Ralph Abislaiman, Betty Kirk, Deborah Andrews, Ruth Marrero

Guests Present: Arthur Chilingirian, Tom Connors, Sheryl Scannell, Cheryl Watson, Wanda Carmona

I. Approval of Minutes of April 21, 2010

A quorum being present, Peter Matthews called the meeting to order at 7:40 a.m. Peter then called for a motion on the minutes of the April 21, 2010 meeting.

Robert LeBlanc made a motion to accept the minutes of the April 21, 2010 meeting as submitted. Chick LoPiano seconded the motion and motion passed.

II. ARRA Update

Betty Kirk said that we are finalizing contracts through the group training with start dates of May and June with all money obligated by the end of this year. We also have an employer who expressed an interest in customized training we are currently working on.

III. Update on High Performing WIB Initiative

Betty Kirk said that we resubmitted our application on April 21st and haven't heard back. We had a conference call with Undersecretary of Labor Jennifer James on Monday. She had some suggestions for us and hasn't submitted it to the reviewers yet. Betty said that she resubmitted the narrative answering some very specific questions that were asked. She wanted to make sure that we were addressing some of the issues in a clearer way. Once Betty gets that back from Ms. James, she will tweak it again and hopefully it will go to the review committee.

Ralph said that the conversation with Jennifer James was over forty minutes with a wall of words that seemed to open up other possibilities. Betty said that she feels that they want to make sure that the board and region are stable. Betty said that Joe make the point that during the time that Fred Carberry and now Ralph is here, the board is very stable. There are new people on the Planning Committee and we are moving forward. There is nothing wrong with our plan. Betty also noted that this Mayor is very engaged an interested in what we are doing and that is a big plus.

Betty then asked Odanis Hernandez to comment on the ARRA contracts. Odanis said that we received the last two and we have three contracts with LARE starting on the 17th. We are waiting for some outreach and recruitment and have three more that we are starting on the 24th and one more which will start in August.

IV. Youth Council Recommendation on refunding LARE OSY Training Programs for an additional year

Motion by Robert LeBlanc seconded by Chick LoPiano to remove from the table the Youth Council Recommendation on refunding LARE OSY Training Program. Motion passed.

Bob LeBlanc said that he would like to make a motion to refund the LARE OSY Medical Assisting Program for an additional year. Deborah Andrews said that there were two programs that were tabled the Medical Assisting and the CNA. Chick asked if we were going to talk with LARE.

Chili said that he feels they shouldn't talk with Tom Connors/LARE in this meeting. He noted that this is a public meeting and that the conversation with LARE should have been held outside this meeting. This is not a meeting to talk about a program.

Bob LeBlanc said that the only time board members should have a conversation is in an open public meeting. He doesn't like behind the scenes meetings where policy is decided for this board. It leads to confusion and he wants to have an open and frank discussion deciding how to spend public money. He said that Chili has no standing regarding the Open Meeting Law and Mr. Connors wants to express why he feels that his program was improperly rejected.

Chili said that discussion should have happened before this meeting. Atty. LeBlanc said that we can't have private meetings. We discuss things in open and public. Chick said that he is trying to make this simple and sometimes there are extenuating circumstances and he wants to hear what Tom Connors has to say.

Chili said that this is a group that makes the decision and the discussion should have taken place before this meeting.

Tom Connors said that he would like to state something for the record. He said that he has a draft of the last Planning Committee meeting and Tom quoted from the minutes as follows,

"Joe Bevilacqua suggested committee members may want to table the discussion to allow additional discussion with LARE. Motion by Robert LeBlanc seconded by Chick LoPiano to table the Youth Council recommendation not to fund the three LARE Programs CNA/CHHA, Education & Medical Billing/Coding/Secretarial, and Education & Medical Assisting Programs for an additional year until further discussion with LARE. Motion passed."

Tom said that there has been no discussion with either him or his staff. He said that Deborah Andrews called him and that Fred Carberry said that most likely, this issue would come up at the next meeting and as a public meeting he was free to attend. Tom said that no one has asked him to be here and no one has asked to have discussion but based on the minutes he does have some things he would like to add to the discussion.

Ralph said that on this issue there is a very good argument on both sides. He continued stating that in the minutes it is unclear who was going to discuss and that is part of the problem. Bob LeBlanc asked if he was at the previous meeting and Ralph replied "no." Bob said that the problem was that there was a concern and discussions going on with LARE and city attorneys. We were concerned about performance and the ability of the vendor to perform. The intent of his motion was clearly stated and, if the performance wasn't there, they shouldn't be refunded but he wanted to let them have a fair hearing as to why the performance wasn't there. He didn't hear it from staff and he was vocal in disagreeing with the gaps in presentation. It was his intent to have them invited to this meeting.

Peter Matthews said that he is not sure exactly who was going to meet with Tom and his group but the intent was clearly to meet with them and have a discussion to get to the bottom of the questions.

Ralph said if that is the case and the discussion was unclear as to when it was to occur then it is fine to do it now. He advised that all things create precedents and within the context of any grievance procedure, it needs to be stated what process will be used so that all vendors are enabled to come and appeal the tentative decision made by the Youth Council prior to a final decision. Peter Matthews said that, in this particular case, we have three programs specific to LARE. Deborah said that LARE has only requested the CNA and Medical Assisting Programs be refunded. Betty said that we tabled all the programs and the question was on the Medical Assisting which had five training related placements and good educational outcomes and Atty. LeBlanc was concerned that we should have further questions.

Ralph said that we haven't reached the pros and cons of funding yet, but he said that he wanted to make everyone aware of procedural issues. There is a certain way things have been done. Proposals are reviewed by staff and then the Youth Council makes recommendations and the Planning Committee looks at the recommendations and approves or disapproves. To his knowledge, a vendor has never come in and is given the opportunity to support their proposal at the Planning Committee. Procedurally that sort of thing needs to be institutionalized so that other vendors in the future will know that is a possibility.

Bob LeBlanc said that we don't get minutes of the Youth Council but receive the information from the staff. The purpose is not to advocate but to explain. He wants to know about their experience and explanation of performance vs. staff. There is too much of a gap and filtering by staff before it gets to us.

Ralph said that he went to the Youth Council meeting last week and he wondered why the Chair is not part of the Planning Committee. Then you would have less of a staff bias or analysis of things. He shares the concern that some voices are not heard sufficiently.

Peter Matthews said that this issue is specific to what is presented to us. If we discuss this at length, we are not being unfair to any other vendors as it is to this vendor specifically. If there was an issue with other vendors who should have been invited, which is not the case, he doesn't have a problem with listening to them. Bob LeBlanc said that this is not a grievance issue such as when funding is cut off in the middle and just an opportunity to clear up some questions he has regarding performance.

Mike Munday said that if we are deciding what to fund, we would like to see all the options and asked if there was another program that provides this training. Betty said that there is another vendor but not a group program.

Ralph said that this is a re-contracting issue that could rise to the grievance level. If it happens, under fairness to other vendors, we need to describe a grievance procedure where this becomes an option to all.

Peter Matthews said that they would continue and discuss the programs that were taken off the table. Deborah said that there are only two programs that they are seeking refunding for.

Tom Connors then said that there are some comments in the Planning Committee minutes of 4/21/10. He said that he has been running programs for over thirty years and one thing that sometimes happens is that you get a group of people that is challenging beyond belief. That is what happened in this particular case. He distributed two handouts, one for medical assisting and one for CNA. He said that he would like to go over some problems they encountered with the participants. He said that one participant's grandfather passed away and she was stabbed by her boyfriend. One was the victim of a domestic assault and one become pregnant and finished but did not take a job. Several had housing issues and we can't find them. Sometimes these kinds of things happen. Our performance history for the past four years has been fine; this is just a group that has been a nightmare. Valley Works is also responsible for keeping participants in the program and Maria Payano and Beth Loomis worked very hard to try to keep them involved and they couldn't do it. Tom continued stating that a number of committee members raised the issue of the economy. The economy is no fault of the Career Center but we don't use that in regards to these programs. Valley Works exits and entered employments are at 29% and 31% of plan respectively and these two programs are at 54% and 64%. If we are to use the economy in one way to argue an issue, why not apply it across the board. At risk youth are the last ones on the totem pole. Its

tough getting these kids jobs and that is pretty much the essence of what happened with these two programs. We agree on the Medical billing that we will not have much success and are not looking to continue this program but the other two programs are a different story. You're dealing with an anomaly from past years. He further stated to insinuate that you can take another vendor and have them pick up these contracts is news to him. There is an obligation on the part of ValleyWorks but they couldn't make it work. There was an issue raised on how people were assessed and he doesn't think that was an issue. Programs that were supposed to begin in March were still taking people in July. We asked for an extension in September and August because people were still coming into the program. He is concerned that this committee have the facts and then decides.

Mike Munday said that of the 12 enrolled with only 5 placed makes him wonder about the availability of jobs. Tom referenced a status report that highlights what is going on with the seven remaining students citing several issues in their lives. There was also an issue about a survey and Sheryl Scannell said they were not in fact asked to do a survey. She said that they were monitored by Odanis Hernandez who asked if they had done a survey and she replied "no." She went over how she replied to questions in the RFP that asked for plans for continual improvement and compliance. Sheryl said that when she wrote the RFP she included compliance monitoring, number of completions, number of competencies, etc. In the past, DGA (formerly DTD) have come in and done surveys on the monitoring and every two years we get we get results from that. She said that the monitoring does get surveys at least twice during the monitoring visits.

Odanis Hernandez said that she is the program monitor and under her job and does monitoring across the board. She said that, in fairness, on the three occasions she went to LARE to monitor, there were no students available to get the surveys completed. She did say that part of the RFP and contract on continual quality improvement states that LARE do the surveys. We go out and monitor and do additional surveys. Odanis said that they may have been on interviews or internships. Sheryl said that DGA didn't monitor until students were through the program.

Betty Kirk clarified that when she said that Northeast Tech has a Medical Assisting training program that it is and ITA and not a group training. Ralph Abislaiman said that one alternative, depending on the outcome, would be to move group funds over to ITAs. He said that there are many issues and he sympathizes with American Training. He said that the individual issues that some of the clients have are almost incomprehensible. It is very difficult to gage American Training in this difficult economy because there is no other vendor in the youth category. Should the seven left have another 12 to compete with? Does that justify refunding he asked?

Tom said that the primary issue is the seven people. Chick LoPiano said that they can get trained and the jobs may be out there but the problem is these seven people. Tom said that sometimes you just get a group of people that no matter what you do don't succeed. Chick said that he hears Ralph saying that this program has not performed and why refund it while

Tom is saying that we just had a bad batch this year. Ralph said that he mentioned it as there may not be jobs out there. Bob LeBlanc said that with the issues that these participants have had there are other support mechanisms that need to be put in place. LARE has been involved in jobs training for almost 40 years. He said that 'it takes a village'. There is a need to provide support services. Domestic violence turns people's lives upside down. We can't put it on a vendor who has reasonable performance. They should not be adversely affected.

Juan Yopez wondered whether there should there be some shared risk where the vendor doesn't lose the allocation but that LARE shares some of the risk.

Tom said that he agrees with performance contracts. Tom said that we need to work with ValleyWorks with very clear entrance requirements and it should be a partnership. ValleyWorks selects who they send and then LARE can reject them. Chili said that the decision is between the customer and counselor. Tom said that if you have a program that needs 12 people and on the day the program starts only five have been referred and don't materialize, then you have a problem. Who is referred depends on who walks in the door.

Ralph said that the general rule is that 40% more than enrolled are usually referred. If these kids need a variety of supports but we only have influence and control over a small portion of it, contractual clarity is sacrificed. The contract is clear and if we attempt to address every problem that may occur, the system could fall apart. The major portion of the employment criteria was unmet.

Bob LeBlanc said that we have a small piece of this machine and how we get the other players to partner with us is remains to be seen. He is concerned with the veracity of information that comes to the board. He is still satisfied that we need to continue the medical assisting program. Tom said that they do not want to deal with the billing program but want to continue Medical Assisting and CNA/CHHA.

Juan Yopez wondered about running a smaller program but Tom said that doesn't seem possible. Mike Munday wondered, with everyone looking for work, why the difficulty.

Discussion followed on the money targeting a very difficult population. Deborah Andrews said that 85% of our OSY are males and 15% females. The health related programs are not attractive to males. We have put in for more gender neutral programs. The average age for these programs is 18-19. Mike Munday suggested getting folks that have work experience. Arthur Chilingirian said that we have the third highest number of youth coming in for programs that require strict eligibility and some just want to go to work. Most of the youth are not eligible. We often lose these kids during the process as it takes some time.

Ralph said that we have a state bureaucracy that looks at things like contracts and they sometimes don't have a lot of imagination so they possibly could declare a contract invalid and take back the funding. Tom said that we have entered employment rates in other WIBs at 60-65% but this WIB in trying to look like heroes at 75% and 70%. Chili said that the state

measures us on seventeen performance measures and if our performance measure is 75% why would you put a program on 50%, lower than what the state asks for. Bob LeBlanc doesn't like lowering the standards but the state has allowed other regions to have lower standards. Tom said that this is the worst economy in years and that is why the numbers have been reduced and we are at 29% and 31% of plan. Chili said that Tom is reading that incorrectly. The 29% is plan vs. actual how many exits we have and not our entered employment rate as they are either still working or in job search. Betty said that the entered employments are based on your exits and you are not exiting people because there are no jobs. We have explained this to this committee before and also brought up how high our entered employment rate is and how we compared to other WIBs and what the state looked at. No one wanted to lower the bar but we are dealing with the hardest to serve youth and holding them to a 75% entered employment rate across the bar.

Chick LoPiano said that it appears that Tom has a good explanation. They have a good track record and hit a blip this year. He would like to continue these two programs one more year and wondered what would be the downside of that.

Ralph said that there are three downsides. One is that the main performance criteria was not met so we are making an exception, two is that it would create a precedents making it difficult to manage contractual obligations, and three, folks served may be served incorrectly with no guarantee the economy can absorb them in the same field the seven didn't get employment. We do know we didn't get employment.

Chili said that ValleyWorks is still working to contact them even though the contract with LARE has ended as the Career Center doesn't get a placement but is continuing to try to work with these clients.

Juan Yopez asked Odanis if she would recommend refunding based on her experiences. Odanis said that she had prepared the reports that were taken from the actual contract as far as what the entered employment and plan was for the program. She also said that with the monitoring and vendor meetings that took place, she doesn't recommend funding for another year. Based on what Ralph has expressed, why put 12 more people into a program when we don't know if they are going to get a job at the end of the program. We may have the same situation next year. She wondered why take the risk.

Bob LeBlanc asked what risk. Odanis said that the risk is to not meet the employment goal of which is part of the contract. Deborah said that she understands what Tom is saying and what the population is but the other risk is to put folks into a program which is a big struggle for them to come and a big struggle for them to finish and then to not have appropriate jobs for them. They have wasted their time and good intentions in addition to not meeting our criteria and potentially wasting money. We should be a sure as we can be when we go into a program that there are going to be as many jobs as possible. Chick said that aren't these programs supposed to be written for where the jobs are. Betty said that they are and that

there may be jobs for medical assistants but they want experience and with a youth and adults going for a job, the adult will win out.

Mike Munday asked if those placed were placed at the jobs for which they were trained. Chili said that they were placed in good jobs which they were trained for. Mike Munday felt that LAREs core competency is training and that the Career Center should be doing placement.

Ralph said there was a contract several years ago at the International Institute and they placed everyone in the program. Chili said that some vendors put a job developer in their program and meet monthly with Career Center staff. It is a combined effort. Once the contract ends, it is the Career Centers responsibility and if we place them we give LARE the placement. Kevin Page wondered if we need to target youth. Betty said that the money is specific for youth.

Peter Matthews asked if we feel that there aren't sufficient jobs in medical assisting. Ralph said that there are jobs but they may not be sufficient to warrant a program focused on youth. Deborah said that they may be looking for more mature candidates but mentioned that the two new programs with LARE this year are gender neutral.

Peter Matthews said that he feels that if 5 out of 12 difficult youth get jobs in the current economy he sees that as a plus. Juan Yepez wondered if they could run a smaller program and Chili said that it would not be affordable as the cost for 5 would be the same for 12. He could go back to an ITA system instead of a group program. Discussion followed on how the ITAs would work and how referrals are sent. Ralph noted that with the criteria of the eligibility of the youth, you are never sure of who you are getting and if the candidate will succeed. Juan Yepez wondered if this program is not funded would they be able to go into an ITA. Chili said they could but that some youth money would have to be moved from group to ITA and then it becomes customer choice to decide the most appropriate program with the counselor for all the eligible ITAs. Bob LeBlanc said that we are not talking about a lot of money and Chili replied that it is not a lot of money, but the performance and the precedent that you are setting here because these goals are negotiated with the vendor and DGA as part of the contract negotiation.

Bob LeBlanc said that taking the long view evaluating performance is the way to look at it and the fact of the matter is that the performance is pretty steady. He hit a road block this year and you need to take the long view on them getting the job done. They have done their job well over the years. Chili said that these are federal dollars that we are spending.

Motion by Robert LeBlanc to refund the LARE OSY Education and CNA/CHHA and OSY Education and Medical Assisting Program for one year. Chick LoPiano seconded the motion based on the performance history of LARE and expressed the view that it won't hurt the WIB.

Peter asked that if we approve this and set 75% goal and a year from now if the program does the same and five out of 12 again are the only placements how are we harmed.

Ralph Abislaiman said that nowhere in the state is a 40% or 50% successful completion rate acceptable.

Peter Matthews then called the question and the motion passed five to one with Juan Yepez voting "no."

V. Funding, Expenditures & Obligations

Robert LeBlanc said that committee members are in receipt of the e-mail regarding reassigning FY09 WIA youth customer training/support lag as of June 30, 2010 to FY'10 VWCC WIA Youth staff costs. There is currently \$55,000 in unobligated FY09 WIA Youth Customer Support/Training Lag, which must be expended by June 30, 2010.

Arthur Chilingirian explained that without this transaction, we would have to return any unexpended FY09 WIA Youth Funds back to the Division of Career Services.

Motion by Robert LeBlanc seconded by Juan Yepez to approve reassigning \$55,000 FY09 WIA Youth Customer Training/Support Lag. Motion passed.

VI. New Initiatives: Public Education Programs Concerning the Anti-Discrimination Provision of the Immigration and Nationality Act – US Dept of Justice

Ralph Abislaiman said that the US Dept. of Justice has a program which has been around for some time and deals with folks who speak accented English and the possibility of some sort of discrimination as people misunderstand them as being undocumented. This proposal attempts to explain to folks the difference between documented and undocumented and creates a mechanism whereby folks who feel that they have been discriminated against have redress.

This is a small program but in this economic environment people start behaving competitively. This attempts to raise the issue, especially in a city like Lawrence, that all people need to be treated with respect and that whether or not you speak accented English if you are an American citizen then you are an American citizen. The International Institute applied about five years ago and was unsuccessful but Ralph feels that the WIB has a better chance submitting a proposal.

Bob LeBlanc said that other ethnic groups have had the same problem in the past he supports this initiative as a matter of policy. After discussion Ralph agreed to send the proposal to the chairman of this committee.

Motion by Bob LeBlanc seconded by Mike Munday as a matter of policy to support the staff initiatives regarding programs the Anti-discrimination Provision of the Immigration and Nationality Act – US Dept of Justice. Motion passed.

VII. Other Business

Deborah Andrews said that YouthWorks will serve 150 youth through the lottery where 400 plus youth were determined eligible. Deborah also reported that there is \$23,000 of remaining ARRA funds that the Governor has targeted for summer youth. The Governor has also requested that the fiscal year 2011 YouthWorks be allowed this year but that has not been voted on yet.

Ralph Abislaiman informed the committee that he is no longer executive director of the International Institute. The board of the International Institute has requested an opinion from the state Ethics Commission on whether Ralph can serve as a member of the board of the International Institute. He also mentioned that there is some deferred compensation towards his retirement. Mr. Abislaiman said that he did contact the city attorney who suggested he get a ruling from the Ethics Commission. Ralph said that he was waiting to contact the Ethics Commission until he brought this matter to the Planning Committee.

The committee wondered if we have any contracts with the International Institute and Ralph said that we currently have a \$73,000 ARRA contract for FY2011. He said that he would not have applied for this funding had he know he would be in this position. Subsequently, he was asked by Mayor Lantigua to accept this position. He wanted to disclose this to the Planning Committee stating that he would not want this matter to arise and come back and reflect poorly on the Mayor.

Atty. LeBlanc said that under MGL Chapter 268A the disclosure covers Mr. Abislaiman. He said that the city attorney can rule on this. All Mr. Abislaiman would need to do is abstain from any matter where they may be a conflict.

VIII. Adjourn

Having no further business Chick LoPiano made a motion to adjourn the meeting seconded by Mike Munday. Motion passed and the meeting adjourned.

Respectfully submitted,

Mary Kivell

Recorder