



**OAKLAND
WORKFORCE DEVELOPMENT BOARD
EXECUTIVE COMMITTEE
MEETING**

Friday December 16, 2022

8:30 a.m. – 11:00 a.m.

Teleconference

Please see the agenda to participate in the
meeting



Do you need an ASL, Cantonese, Mandarin or Spanish interpreter or other assistance to participate? Please email hlindsay@oaklandca.gov. or call (510) 238-3474 or (510) 238-3254 for TDD/TTY five days in advance.

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OAKLAND WORKFORCE DEVELOPMENT BOARD (OWDB)

EXECUTIVE COMMITTEE MEETING NOTICE

Teleconference
Friday, December 16, 2022
8:30 a.m. – 11:00 a.m.

Pursuant to the Governor's Executive Order N-29-20, all members of the Oakland Workforce Development Board and City Staff will join the meeting via phone/video conference and no teleconference locations are required.

PUBLIC PARTICIPATION

The public may observe and/or participate in this meeting many ways.

OBSERVE:

To observe the meeting by video conference, please click on this link:

<https://us06web.zoom.us/j/84583638580> at the noticed meeting time.

Instructions on how to join a meeting by video conference is available at: <https://support.zoom.us/hc/en-us/articles/201362193-joining-a-Meeting>

To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location US: + US: +1 408 638 0968 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 312 626 6799 or +1 646 876 9923 or +1 301 715 8592.

Webinar ID:[84583638580](https://us06web.zoom.us/j/84583638580)

If asked for a participant ID or code, press #.

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COMMENT:

To comment by Zoom video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on the eligible Agenda item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted.

Instructions on how to “Raise Your Hand” is available at: <https://support.zoom.us/hc/en-us/articles/205566129-Raise-Hand-In-Webinar>.

To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing “*9” to request to speak when Public Comment is being taken on the eligible Agenda Item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted.

Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663-joining-a-meeting-by-phone>.

If you have any questions, please email: owdb@oaklandca.gov

OAKLAND WORKFORCE DEVELOPMENT BOARD (OWDB)

EXECUTIVE COMMITTEE MEETING NOTICE

Teleconference

Friday, December 16, 2022

8:30 a.m. – 11:00 a.m.

AGENDA

*Members of the public who wish to address the Board on published issues should do so at the time the agenda item is being discussed. Raise your hand if you are viewing by video or hit *9 if you are joining by phone. You will have 2-minutes to speak on the item.*

*Issues that the public wishes to address that are not published on the agenda will be heard during the Public Forum section. Raise your hand if you are viewing by video or hit *9 if you are joining by phone. You will have 2-minutes to speak on the item.*

I. PROCEDURAL ITEMS

- a. Call to Order and Roll Call
- b. Chair Remarks
- c. Approval of Meeting Minutes dated September 16, 2022

II. ACTION ITEMS

- a. On-the-Job Training (OJT)/Individual Training Account (ITA) Policy Update
- b. Job Quality Definition/Guiding Principles

III. PUBLIC FORUM

(For items that members of the public wish to address that are NOT on the agenda)

IV. STAFF REPORTS

V. ANNOUNCEMENTS

VI. CLOSING REMARKS & ADJOURN

NEXT SCHEDULED EXECUTIVE COMMITTEE MEETING

FRIDAY, MARCH 17, 2023

8:30 AM-11:00 AM

These WIOA Title I financially assisted programs or activities are “Equal Opportunity Employers/Programs”. Auxiliary aids and services are available upon request to individuals with disabilities.



ITEM I.b - ACTION



To: Oakland Workforce Development Board Executive Committee
From: OWDB Staff
Date: December 12, 2022
Re: Continuance of meetings using teleconferencing

RECOMMENDATION

Staff recommends that the Oakland Workforce Development Board (OWDB) adopt a resolution determining that conducting in-person meetings of the OWDB and its committees would present imminent risks to attendees' health, and electing to continue conducting meetings using teleconferencing in accordance with California Government Code Section 54953(e), a provision of AB-361.

BACKGROUND

Assembly Bill 361 amended provisions of the Brown Act that allows local jurisdictions to meet by teleconference provided the legislative body adopts specific findings in compliance with the new law. The City Attorney's Office has drafted a Resolution for the City Council, and all Oakland Boards and Commissions are instructed to adopt this same Resolution so they may continue meeting via teleconference.

The City Administrator in their capacity as the Director of the Emergency Operations Center (EOC), issued a proclamation of local emergency due to the spread of COVID-19 in Oakland, and on March 12, 2020, the City Council passed Resolution No. 88075 C.M.S. ratifying the proclamation of local emergency pursuant to Oakland Municipal Code (O.M.C.) section 8.50.050, which currently still remains in full effect.

Currently, the City's public-meeting facilities are indoor facilities that are not designed to ensure circulation of fresh / outdoor air, particularly during periods of cold and/or rainy weather, and were not designed to ensure that attendees can remain six (6) feet apart. Holding in-person meetings would encourage community members to come to City facilities and would potentially put the public at high risk of getting very sick from COVID-19. Based on these determinations and consistent with federal, state and local health guidance, conducting in-person meetings would pose imminent risks to the health of attendees

Staff recommends that the Oakland Workforce Development Board (OWDB) adopt a resolution determining that conducting in-person meetings of the OWDB and its committees would present imminent risks to attendees' health, and electing to continue conducting meetings using teleconferencing in accordance with California Government Code Section 54953(e), a provision of AB-361.

Following adoption of the Resolution, this item will be schedule as a recurring item on future Agendas for the OWDB to re-adopt. This process follows the same process whereby City Council continuously adopt Resolutions declaring a local emergency due to the AIDS epidemic, declaring a medical cannabis emergency, and declaring a local emergency on homelessness.

ATTACHMENTS

II.b.1. – Resolution 22-

OAKLAND WORKFORCE DEVELOPMENT BOARD

RESOLUTION NO. 22-

RESOLUTION RENEWING AND CONTINUING THE OAKLAND WORKFORCE DEVELOPMENT BOARD'S DETERMINATION THAT CONDUCTING IN-PERSON MEETINGS OF THE OAKLAND WORKFORCE DEVELOPMENT BOARD AND ITS COMMITTEES WOULD PRESENT IMMINENT RISKS TO ATTENDEES' HEALTH, AND ELECTING TO CONTINUE CONDUCTING MEETINGS USING TELECONFERENCING IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 54953(e), A PROVISION OF AB-361

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency related to COVID-19, pursuant to Government Code Section 8625, and such declaration has not been lifted or rescinded. See <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>

WHEREAS, on March 9, 2020, the City Administrator in their capacity as the Director of the Emergency Operations Center (EOC), issued a proclamation of local emergency due to the spread of COVID-19 in Oakland, and on March 12, 2020, the City Council passed Resolution No. 88075 C.M.S. ratifying the proclamation of local emergency pursuant to Oakland Municipal Code (O.M.C.) section 8.50.050(C); and

WHEREAS, City Council Resolution No. 88075 remains in full force and effect to date; and

WHEREAS, the Centers for Disease Control (CDC) recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated or who are at higher risk of getting very sick from COVID-19. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>;

WHEREAS, the CDC recommends that people who live with unvaccinated people avoid activities that make physical distancing hard. See <https://www.cdc.gov/coronavirus/2019-ncov/your-health/about-covid-19/caring-for-children/families.html>;

WHEREAS, the CDC recommends that older adults limit in-person interactions as much as possible, particularly when indoors. See <https://www.cdc.gov/aging/covid19/covid19-older-adults.html>;

WHEREAS, the CDC, the California Department of Public Health, and the Alameda County Public Health Department all recommend that people experiencing COVID-19 symptoms stay home. *See* <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>;

WHEREAS, persons without symptoms may be able to spread the COVID-19 virus. *See* <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>;

WHEREAS, fully vaccinated persons who become infected with the COVID-19 Delta variant can spread the virus to others. *See* <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>;

WHEREAS, the City's public-meeting facilities are indoor facilities that do not designed to ensure circulation of fresh / outdoor air, particularly during periods of cold and/or rainy weather, and were not designed to ensure that attendees can remain six (6) feet apart; now therefore be it:

WHEREAS, holding in-person meetings would encourage community members to come to City facilities to participate in local government, and some of them would be at high risk of getting very sick from COVID-19 and/or would live with someone who is at high risk; and

WHEREAS, in-person meetings would tempt community members who are experiencing COVID-19 symptoms to leave their homes in order to come to City facilities and participate in local government; and

WHEREAS, attendees would use ride-share services and/or public transit to travel to in-person meetings, thereby putting them in close and prolonged contact with additional people outside of their households; and

WHEREAS, on November 4, 2021 the Oakland Workforce Development Board adopted Resolution No. 21-10-01 determining that conducting in-person meetings would present imminent risks to attendees' health, and electing to continue conducting meetings using teleconferencing in accordance with California Government Code Section 54953(e), a provision of AB-361; and

WHEREAS, on December 17, 2021, the Oakland Workforce Development Board adopted Resolution No. 21-10-02, renewing and continuing the determination that in-person meetings of the City Council and its committees would present imminent risks to attendees' health, and electing to continue conducting meetings using teleconferencing; and

WHEREAS, on March 24, 2022, the Oakland Workforce Development Board adopted Resolution No. 21-10-03, renewing and continuing the determination that in-person meetings of the City Council and its committees would present imminent risks to attendees' health, and electing to continue conducting meetings using teleconferencing; and

WHEREAS, on May 5, 2022, the Oakland Workforce Development Board adopted Resolution No. 21-10-04, renewing and continuing the determination that in-person meetings of

the City Council and its committees would present imminent risks to attendees' health, and electing to continue conducting meetings using teleconferencing; and

WHEREAS, on May 12, 2022, the Oakland Workforce Development Board adopted Resolution No. 21-10-05, renewing and continuing the determination that in-person meetings of the City Council and its committees would present imminent risks to attendees' health, and electing to continue conducting meetings using teleconferencing; and

WHEREAS, on June 16, 2022, the Oakland Workforce Development Board adopted Resolution No. 21-10-06, renewing and continuing the determination that in-person meetings of the City Council and its committees would present imminent risks to attendees' health, and electing to continue conducting meetings using teleconferencing; and

WHEREAS, on August 4, 2022, the Oakland Workforce Development Board adopted Resolution No. 21-10-07, renewing and continuing the determination that in-person meetings of the City Council and its committees would present imminent risks to attendees' health, and electing to continue conducting meetings using teleconferencing; and

WHEREAS, on September 16, 2022, the Oakland Workforce Development Board Executive Committee adopted Resolution No. 21-10-08, renewing and continuing the determination that in-person meetings of the City Council and its committees would present imminent risks to attendees' health, and electing to continue conducting meetings using teleconferencing; and

WHEREAS, on November 3, 2022, the Oakland Workforce Development Board adopted Resolution No. 21-10-09, renewing and continuing the determination that in-person meetings of the City Council and its committees would present imminent risks to attendees' health, and electing to continue conducting meetings using teleconferencing; and now therefore be it

RESOLVED: That the Oakland Workforce Development Board finds and determines that the foregoing recitals are true and correct and hereby adopts and incorporates them into this Resolution; and be it

FURTHER RESOLVED: That, based on these determinations and consistent with federal, state and local health guidance, the Oakland Workforce Development Board determines that conducting in-person meetings would pose imminent risks to the health of attendees; and be it

FURTHER RESOLVED: That the Oakland Workforce Development Board firmly believes that the community's health and safety seriously and the community's right to participate in local government, are both critically important, and is committed to balancing the two by continuing to use teleconferencing to conduct public meetings, in accordance with California Government Code Section 54953(e), a provision of AB-361; and be it

FURTHER RESOLVED: That the Oakland Workforce Development Board will renew these (or similar) findings at least every thirty (30) days in accordance with California Government

Code section 54953(e) until the state of emergency related to COVID-19 has been lifted, or the Oakland Workforce Development Board finds that in-person meetings no longer pose imminent risks to the health of attendees, whichever occurs first.

OAKLAND WORKFORCE DEVELOPMENT BOARD (OWDB)

EXECUTIVE BOARD MEETING

Teleconference
Friday, September 16, 2022

The meeting was called to order by Chair Derreck Johnson at 8:34 a.m.

ROLL CALL: Derreck Johnson, John Brauer, Gilbert Pete, Lee McMurtray, (A) Kalpana Oberoi, (Quorum met)

Chair Derreck Johnson requested a motion to approve the agenda.

Board Member John Brauer moved, Board Member Lee McMurtray seconded to approve the agenda.

Motion passed: Derreck Johnson, John Brauer, Gilbert Pete, Lee McMurtray

Ayes - 4

Noes – 0

Absent – Kalpana Oberoi

Abstention - 0

Excused – 0

Chair Derreck Johnson gave instructions on how the public meeting will proceed in accordance with California Government Code Section 54953(e), a provision of AB-361.

ITEM 1.b - ACTION CONTINUANCE OF MEETINGS USING TELECONFERENCE

Chair Derreck Johnson read staff recommendations that the Oakland Workforce Development Board (OWDB) adopt a resolution renewing and continuing that conducting in-person meetings of the OWDB and its committees would present imminent risks to attendees' health and elected to continue conducting meetings using teleconferencing in accordance with California Government Code Section 54953(e), a provision of AB-361." this resolution is still in effect.

Public Comment: None

Chair Derreck Johnson requested a motion to accept the recommendation.

Board Member Lee McMurtray moved Board Member Gilbert Pete seconded to accept the teleconference resolution.

Motion passed: Derreck Johnson, John Brauer, Gilbert Pete, Lee McMurtray

OAKLAND WORKFORCE DEVELOPMENT BOARD (OWDB)

Ayes - 4
Noes - 0
Absent – Kalpana Oberoi
Abstention - 0
Excused - 0

APPROVAL OF MINUTES – ACTION

Chair Derreck Johnson requested a motion to adopt the minutes of Friday, June 16, 2021, Executive Committee meeting.

Board Member John Brauer moved to approve, Board Member Lee McMurtray seconded to approve minutes of June 16, 2021.

Motion passed: Derreck Johnson, John Brauer, Gilbert Pete, Lee McMurtray

Ayes - 4
Noes - 0
Absent – Kalpana Oberoi
Abstention - 0
Excused - 0

ITEM I. a - INFORMATIONAL

FY 2021- 22 Oakland Private Industry Council WIOA Fiscal Audit Findings

Sofia Navarro Executive Director of the OWDB gave a brief background of the audit procedure she stated that the Oakland Private Industry Council had until September 14, 2022, to respond to the findings of the finance department allowing for a fair process.

Board Member John Brauer requested clarification that OPIC was without its Chief Executive Officer during the period of the review for May 31, 2022, through June 30, 2022, or the longer period FY June 30. 2020.

Sofia Navarro Executive Director of the OWDB confirmed that the review was for the longer grant period and OPIC was without a CEO during that extended time.

Chair Derreck Johnson inquired if the audit with the finance department is a routine occurrence with all the providers and once the findings are determined will they be presented before the OWDB and if there will be an opportunity for the board to discuss and or vote on also what will be the options moving forward.

Sofia Navarro Executive Director of the OWDB explained the procedure moving forward once a response is submitted, the Finance Department will issue a final letter of determination to OPIC, OWDB staff will provide the final recommendation to the full board at the November 2022 meeting. She also shared that this is a routine occurrence with all providers.

Chair Derreck Johnson questioned how staff can mitigate this from happening in the future with our other providers.

OAKLAND WORKFORCE DEVELOPMENT BOARD (OWDB)

Sofia Navarro Executive Director of the OWDB staff is closely engaged with providers to ensure that organizations are staying in communication as much as possible providing understanding of the process for budget contracts and invoices we are doing the best on our end to provide technical within our ability to do so and making sure we continue to give whatever support is possible.

Staff Member Lindsay stated that the City monitors the subcontractors independent auditors annually and the City's report is reflective of OPIC's independent auditors report, OPIC has already began addressing these issues and we should expect some of those responses to continue in some of the reports that are being drafted to the City, staff regularly will work with our providers and if there are conflicts we would like to hear from our providers early on so we can expeditiously work through a solution.

Public Comment:

Richard de Jauregui OPIC stated that OPIC did file a response to the City and they are working through the process they are confident the matter will be brought back to the board in the fashion mentioned.

Pastor Lankford OPIC thanked Sofia and her team for working with OPIC and his team he is confident that this matter will be resolved, OPIC is moving in a great new direction he thanked the OWDB for their oversight and candor and willingness to work with OPIC.

ITEM II b. – INFORMATIONAL

Quality Job Definition and Guiding Principles

Sofia Navarro Executive Director of the OWDB shared that the Oakland Workforce Development Board (OWDB) Executive Committee discuss bringing a recommendation to the full Board regarding the adoption of one of the following 1) a quality jobs definition or 2) guiding principles that describe the attributes of a quality job.

Option 1: DRAFT Quality Jobs Definition

Option 2: Department of Labor and Department of Commerce Job Quality Guiding Principles

1. Recruitment and hiring, 2. Benefits, 3. Diversity, Equity, Inclusion, and Accessibility (DEIA), 4. Empowerment and Representation, 5. Job Security and Working Conditions, 6. Organizational Culture, 7. Pay, 8. Skills and Career Advancement.

Public Comment: None

Board Member John Brawer noted his guiding principles were not necessarily a definition but instead more of elements of job quality he suggested adding a piece for worker voice scheduling, workers to be able to bargain and best practice standards to obtain as an employee move through a particular element of job quality and clear pathways.

The discussion continued regarding what job quality should be, adding an ad hoc committee, being in alignment with our partners and over all efforts, more voice from the OWDB labor members leading instead of following.

OAKLAND WORKFORCE DEVELOPMENT BOARD (OWDB)

III. PUBLIC FORM: None

IV. Staff Reports: None

V. ANNOUNCEMENTS

Sofia Navarro Executive Director of the OWDB mentioned the planning for next year's Summer Youth Employment Program (SYEP) she shared Board elections will be held at the November regular meeting.

Board Member Gilbert Pete shared the annual career options fair that was held at Dewey Academy for students who will be graduating High School in October, he mentioned that the fair showed them the abundance of resource options available to the students he thanked and acknowledged YEP, Lao Family, Treasure Island, Job Corps, OPIC, and Civicorps, for their investment in our youth and young adult.

VI. CLOSING REMARKS & ADJOURN

Chair Derreck Johnson thanked and appreciated everyone for taking the time to join and support today's meeting.

Meeting was adjourned at 9:09 a.m.

NEXT SCHEDULED REGULAR BOARD MEETING
Thursday, November 3, 2022, 8:30 a.m. – 11:30 a.m.

NEXT SCHEDULED EXECUTIVE COMMITTEE MEETING
Friday, December 16, 2022, 8:30 a.m. – 11:30 a.m.



ITEM II - ACTION

To: Oakland Workforce Development Board
From: OWDB Staff
Date: December 14, 2022
Re: Revised Training Policies Individual Training Account (ITA) & On-The-Job (OJT) Training

RECOMMENDATION

Staff recommends that the Oakland Workforce Development Board (OWDB) approve and adopt the revised On-The-Job Training (OJT) and Individual Training Account (ITA) training policies.

BACKGROUND

Local Workforce Development Boards develop policies to direct the investment of federal funds in support of jobseekers and employers for the delivery of services through partnering agencies. The current OWDB OJT and ITA training policies were adopted in 2016 and revised in 2018.

The proposed revision of the OJT policy (22-001) and ITA policy (22-002) will provide additional resources for each client, raising the expenditure cap from \$5,000 per client to \$6,000 in response to increasing costs.

Additionally, policy 22-001 is updated to clarify that employers are eligible for 50% reimbursement of client wages up to the cap per client, rather than require employers to pay the local minimum wage amount prior to receiving reimbursement for wages paid above the minimum wage.

These changes will allow greater resources for providers to support their clients and encourage additional employers to partner with the OWDB to support job training through OJT. Oakland's workforce system does not utilize OJT broadly to support jobseekers or employers. The revised policy will help improve the workforce system's ability to engage employers and provide real work experience and training for jobseekers. The policy will also be more closely in alignment with the region.

ATTACHMENT:

- 22-001: On-The-Job Training Policy
- 22-002: Individual Training Account Policy



CITY OF OAKLAND
OFFICE OF ECONOMIC AND WORKFORCE DEVELOPMENT
OAKLAND WORKFORCE DEVELOPMENT BOARD



DIRECTIVE #: 22-001
TO: All Workforce Innovation and Opportunity Act (WIOA) Funded Oakland Workforce Development Board (OWDB) Service Providers
SUBJECT: On-the-Job Training (OJT) Policy

Background:

On-the-Job Training (OJT) is a work-based training supported by the Workforce Innovation and Opportunity Act (WIOA). The primary purpose of OJT is to provide participants with work-based knowledge and skills upgrade training necessary for the full performance of a job. OJT reimburses employers for the extraordinary costs of providing training and additional supervision.

The purpose of this policy is to provide guidance regarding the limitations and eligibility of individuals and employers to participate in On-the-Job Training (OJT) opportunities.

Definition of Key Terms

The term “**On-the-Job Training**” means training by an employer that is provided to a paid participant while engaged in productive work in a job that:

1. Provides knowledge or skills essential to the full and adequate performance of the occupation.
2. Provides reimbursement to the employer for the costs of providing the training and additional supervision related to the training.
3. Is limited in duration as appropriate to the occupation for which the participant is being trained.

For an individual to qualify for OJT under the WIOA guidelines, they will:

1. Have enrolled in CalJOBS, be determined eligible for WIOA, and be enrolled in WIOA programs.
2. Have completed an initial assessment or evaluation and have been determined to need training to find employment.
3. Have an Individual Employment Plan (IEP), wherein the participant’s interests, abilities and needs are identified.

Employer Eligibility

Potentially eligible employers able to participate in OJT contracting include: private-for-profit businesses, private non-profit organizations, and public sector employers. An employer will NOT be eligible to receive WIOA OJT training reimbursements if:

1. The employer has any other individual that has been laid off or removed from work from the same or substantially equivalent position.
2. The OJT would infringe upon the promotion of or displacement of any currently employed worker or a reduction in their hours.
3. The same or a substantially equivalent position is open due to a hiring freeze.
4. The positions are for seasonal employment.
5. The employer is a private for-profit employment agency, i.e. temporary employment agency, employee leasing firm or staffing agency.
6. The position is not full time (i.e., less than 32 hours per week).

Occupational Eligibility

Seventy percent (70%) of OJT dollars must be used in OWDB priority sectors (Healthcare, Advanced Manufacturing, Transportation and Logistics, Digital Arts & Media, Construction, Government, and Hospitality, Leisure, Retail) which lead to employment opportunities enabling the participant to become economically self-sufficient and which will contribute to the occupational development and upward mobility of the participant. Employment opportunities focused on job quality, equity, worker voice and environmental sustainability are prioritized.

OJT Requirements

1. OJT funding shall be subject to continued availability of that funding under the terms and conditions provided to OWDB under state/federal WIOA regulations.
2. WIOA OJT contracts shall not be made with employers who have previously exhibited a pattern of failing to provide OJT participants with continued long-term employment with livable wages, benefits and working conditions that are equal to those provided to regular employees who have worked a similar length of time and are doing the same type of work.
3. Priority in WIOA OJT contracts will be given for individuals determined to meet WIOA Priority of Service as stated in WIOA Section 134(c)(3)(E) who are “new hires” with an employer.
4. It is the expectation of OWDB staff that employers who use OJT funding will hire the individual completing the training as a full-time employee, provided benefits and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.
5. OJT contracts will not be written for minimal skill jobs that generally would require little or no training.
6. Per WIOA regulations regarding nepotism (20 CFR 683.200(g)), “no individual may be

placed in an employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual." For the purpose of this policy, the term "immediate family" includes a spouse, child, son-in-law, daughter in-law, parent, mother-in-law, father-in-law, sibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, and grandchild.

7. In the event that the OJT activity includes a union benefit package which is paid out to a trust or other union intermediary directly from the base wage of the participant, those may be included as part of the hourly reimbursement of the OJT costs.
8. An appropriate mechanism for the seamless and efficient referral and training of participants and for the prompt payments of training funding to the employer in reimbursement of employer costs. Payment terms for reimbursement of training costs to employer shall at all times remain consistent.
9. A Training Plan outlining the type of training and the hours required for competency must be submitted and approved by OWDB Staff.
10. WIOA OJT contracts between the AJCC Provider, an employer, training provider or other third (3rd) party must ensure that all third (3rd) parties be vetted to ensure that they have the authority and credentials to train and issue industry-recognized certifications in local, City, State, national, and Federal areas and regions. Failure to ensure that the 3rd party trainer and/or employer have proper credentialing/authority will result in non-payment of OWDB WIOA funds.

Employer OJT Expectation

Employers are expected to enter into an OJT contract with the AJCC provider. The following are expected responsibilities of the employer:

1. Development with the training provider, an appropriate curriculum for each specialized training strand leading to permanent employment with the identified employer. Such training will have definitive start and end date and metrics for successful completion by each participant.
2. Issuance of an industry-recognized certificate of completion of specialized training describing the type of training received and successful completion thereof, as well as issuance of an industry-recognized certificate of completion for the OJT element describing the general job training completed.
3. Providing unsubsidized and permanent employment upon completion of the specialized training afforded to each participant supported by the OJT.
4. Treatment of each placed participant as a regular employee in all respects pursuant to WIOA guidelines for the management of OJTs.
5. To work with its designated training provider as an independent contract, consistent with the purpose of this agreement and the contractual obligations hereunder.

WIOA OJT Length

The maximum time frame for an OJT is up to 6 months or 520 hours. Duration of an OJT is dependent on the training needed rather than defaulting to the maximum duration allowed under this policy. Service Providers should consult with the employer and utilize the Occupational Information Network's (ONET) Specific Vocational Preparation Range (SVP) to determine the appropriate occupational training needed.

At the time of completion of the OJT program, individuals must be employed in occupations that meet the following criteria:

1. Hourly wage must comply with City of Oakland minimum wage requirements.
2. Occupation must be listed as an OWDB Priority Sector (seventy percent requirement).
3. The occupations must be for a full-time permanent position following the training (minimum of 32 hours per week).

WIOA OJT Funding Levels

Employers will be reimbursed up to six thousand dollars (\$6,000) for training costs of the Oakland minimum wage. OWDB staff will consider exceptions to the cap on training funds. Exceptions will be considered for trainings in which the recipient receives an industry recognized credential or for employer utilizing OJT services for the first time. Employers interested in training five (5) or more new workers at once should refer to OWDB Customized Job Training policy. OWDB OJT funding may not exceed fifty percent (50%) of the Employer's actual costs unless an exception is granted by OWDB staff. The cap for all customers receiving any type of training or a combination of training services (ex: Individual Training Account, On-the-Job Training, or Customized/Cohort Training) is not to exceed \$6,000. Exceptions may be requested on a case-by-case basis (request must be submitted to the OWDB Program Analyst).

Employer Requirements

Participating employers must guarantee that:

1. All participants shall be provided benefits and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.
2. The position provides the participant benefits per company policy (i.e. insurance, paid leave, profit sharing) other than those required by law.
3. Employees who have financial responsibilities related to the receipt and disbursement of funding under the Agreement shall be covered by fidelity bonding.
4. The training to be provided will be in accordance with WIOA 181(a)(1)(A) and Code of Federal Regulations (CFR) section 683.275 for wage and labor standards. Worker protection requirements are set forth in WIOA Sections 181 and 188.

5. The employer agrees to cooperate with monitoring efforts as required by WIOA legislation and adhere to all other applicable local, state, and federal rules and regulations.
6. Funds are not used to directly or indirectly assist, promote, or deter union organizing.
7. The employer agrees to respond to requests for wage and retention information of participants.
8. The employer commits to retain the trained employees for a period of six months following the completion of training. Failure to do so may result in the employer being ineligible to receive further OWDB training funds for a period of one year.

Employer Reimbursement Rate

OJT training payments are allocated to employers for the cost of extraordinary costs associated with training participants. OWDB will reimburse employers up to fifty percent (50%) of training wages. OWDB may consider increased reimbursement rates for businesses operating in priority industries on a case-by-case basis and serving priority client populations with significant barriers, up to a maximum possible reimbursement rate of seventy-five percent (75%) of wages.

Exceptions

OWDB may reimburse employers up to seventy-five percent (75%) of training wages when they employ individuals who have been formerly incarcerated, persons with disabilities, or other Priority of Service identified individuals in OWDB priority industry sectors. Exceptions to the \$6,000 training cap per client will also be considered for trainings in which the recipient receives an industry recognized credential or for employer utilizing OJT services for the first time. An OJT Exception Form (Attachment A-1) must be completed and submitted to OWDB Staff. OWDB Staff will review and approve the OJT Exception Form along with the justification reason. OWDB Staff will notify the requestor of approval or denial on the same form. Verbal exceptions are not allowable authorizations, the OJT Exception Form must be used at all times.

Attachments

Attachment A-1 – OJT Exception Form

References

- WIOA Section (3)(44)
- WIOA Section 134(c) (3)(h)
- 20 CFR 680.530
- 20 CFR 680.700
- 20 CFR 680.710

- 20 CFR 680.730
- 20 CFR 680.740

Any discrepancies arising between OWDB policy and or procedures with federal and state provisions due to current or future revisions will default to the current minimum federal and state regulations and guidance available. OWDB policy and or procedures may set forth stricter requirements than provided by federal and state guidance, but in no case will OWDB policy and or procedures not meet minimum federal and state policy.

Action Required:

This information should be disseminated to all agency & provider staff.



CITY OF OAKLAND

OFFICE OF ECONOMIC AND WORKFORCE DEVELOPMENT

OAKLAND WORKFORCE DEVELOPMENT BOARD



DIRECTIVE #: 22-002
TO: All Workforce Innovation and Opportunity Act (WIOA) Funded Oakland Workforce Development Board (OWDB) Service Providers
EFFECTIVE: Retroactive to July 1, 2022
SUBJECT: Individual Training Account (ITA) Policy and Procedures

Purpose

An Individual Training Account (ITA) is designed to provide services to participants who are in need of training that prepares them for employment in demand occupations for the City of Oakland Workforce Development Board (OWDB). Participants may access training services through training providers who have met eligibility requirements set by the State in order to be listed on the State-managed Eligible Training Provider List (ETPL).

The ITA Policy and Procedures is designed to ensure consistency among Training Service Providers and streamline the process for customers to obtain an ITA while ensuring the intent of the legislation for informed customer choice is still being met. The policy defines the Workforce Innovation and Opportunity Act (WIOA) tiers of service and outlines the process to issue, document, and track an ITA.

Definition of Services

Under the WIOA there are two levels of services: Basic and Individualized services. A determination that a customer needs individualized and/or training services can be made without regard to how long the individual has been receiving services at each level.

Training Services

Training services are available to those participants who are unable to find employment. WIOA participants must meet eligibility requirements before being provided training services.

Need and ability to benefit from WIOA funds must be established and the customer must have the skills and qualifications to successfully complete the training program.

1. **Assessment**

An individual's need for training shall be determined through an assessment. Training fund disbursement priority will be given to participants that have been identified through the WIOA enrollment process as meeting the definition of a WIOA Priority of Service Category. (Please reference OWDB Directive 16-007 WIOA Priority of Service Policy for detailed guidelines). WIOA Priority of Service groups are as follows, and participants must be served in the following order:

- A. Veteran's and their Eligible Spouses
- B. Individuals receiving Public Assistance or other Low-Income Individuals, Individuals determined to be Basic Skills Deficient, Re-Entry/Formerly Incarcerated and Oakland Residents residing in High Unemployment areas (as defined by Zip Code).
- C. All other WIOA eligible individuals not defined above.

Participants with marketable skills within an in-demand occupation shall not be deemed eligible for WIOA funded training. Training programs must be directly linked to demand occupations in the City of Oakland area and lead to employment paying at least the Oakland minimum wage.

2. Funding of Last Resort

Under WIOA, ITAs will be used when training at no cost cannot be found or provided in a timely manner. Participants must meet the financial need requirement of being unable to obtain grant assistance from other sources to pay partial or full costs of such training.

All other training options and funding sources shall be exhausted prior to utilizing WIOA ITA funds. America's Job Center of California (AJCC) staff shall monitor and track each customer's financial aid. ITAs will provide participants the maximum customer choice in services and in training schools, and the flexibility needed to obtain training in demand occupations in the changing economy of the City of Oakland. Each AJCC Operator shall be accountable for developing and managing an ITA process that provides training opportunities to participants who express an interest in, and need for, training opportunities. AJCC Operators must show evidence of exhausting all other funding sources through documentation in CalJOBS.

3. ITA Training Cost Per Participant

The ITA cap shall not exceed \$6,000 for any customer and \$50,000 for an individual training organization in a fiscal year. For occupations that are in very high demand, the ITA request for a higher amount may be requested on a case-by-case basis (request must be submitted to the OWDB Program Analyst for approval). The ITA cap in place at the time of the ITA Authorization must be adhered to without exception.

4. ITA Research

Following assessment and identifying the need for training, the customer shall begin training research to identify the most appropriate ITA provider and training for their skills, interests and aptitude.

- A. Participants shall complete research on training providers. If the school or training provider is located outside of Oakland, the customer is required to complete a physical site visit to a minimum of one school or training provider (if they are not attending online/distance learning) to determine if the facilities are adequate and accessible. The customer must consider transportation, classroom setting, and if applicable, necessary accommodations for persons with disabilities. Research may be conducted at just one school at the discretion of the AJCC Operator to streamline the ITA process. The justification for a waiver to complete research of only one school or training provider must be documented in CalJOBS.

- B. AJCC staff will enter two CalJOBS case notes with the following subject line: Priority of Service Determination (Eligible or Ineligible) and ITA Research (ITR) under the appropriate grant.
- C. The customer's CalJOBS file must contain documentation that indicates the customer has been screened for WIOA Priority of Service and the requirements for training services have been completed with specific detail as to the schools the customer researched.
- D. The customer's CalJOBS file must contain documentation that indicated Labor & Job Market Information to complete due diligence regarding the feasibility of obtaining employment upon completion of the chosen training program. Participants must determine whether the selected training program meets all employment requirements, (i.e. credentialing, internship, skill standards).
- E. AJCC Staff must ensure that the training selected by the customer is in OWDB-defined high-priority industry sectors. These Priority Employment Sectors must be indicated on the ITA Worksheet and documented in CalJOBS. Priority industry sectors are:
 - a) Advanced Manufacturing
 - b) Healthcare
 - c) Transportation, Distribution and Logistics (TDL)
 - d) Information and communications technologies (ICT)
 - e) Green technology and climate resilience
 - f) Food and beverage production
 - g) Construction
- F. If the customer is requesting training outside the identified WIOA Priority Sectors, there must be documented approval from OWDB Staff with verified fund availability from OWDB.

5. Documentation of ITA for WIOA Participants

When the customer has completed research and has chosen a training program, the AJCC staff shall retain the following documentation:

- CalJOBS ETPL Training Course printout
- Training Provider Agreement (provided by school)
- AJCC staff shall enter the ITA activity (no more than 29 days after start date)
- Any additional case notes pertaining to selection of training programs as appropriate

6. Start of ITA Training

A. Upon the customer's start date of training, AJCC staff shall confirm that the customer started training and shall document confirmation with a CalJOBS Activity. The following sample case note shall be used:

- a) **(Activity 300)** On Date I called Name of School to verify that Name of Customer started training on Date. I spoke with Name of Contact and Contact's Title. Name of Contact verified that Name of Customer attended training program on intended start date.
- b) The above printed CalJOBS Activity may accompany the ITA Invoice in lieu of an attendance report in order to adhere to timely submittal of invoices.

- c) The AJCC staff shall forward the ITA Authorization Form to the training provider for signatures. The ITA Authorization Form shall be signed and dated on or after the customer's training start date.
 - B. AJCC staff shall enter the CalJOBS activity code 300 under the appropriate grant. The appropriate training type shall be selected in the detail section of the activity code. The AJCC staff shall enter the ITA amount used in the detail section of the activity code 300.
7. ITA Modifications and Cancellations

An ITA modification occurs when there is a change to the ITA that affects the training program, training dates, and/or cost. An ITA requiring a cost change shall be documented with case notes in the participant file. ITA revisions must be made by putting one line through the incorrect information, adding the correct information, and initialing the change. Under no circumstances may white out be used on an ITA authorization.

An ITA cancellation occurs when a participant in training no longer continues the program and a cost has still been incurred. The amount should still be billed accordingly, and the CalJOBS activity code 300 completion status marked "dropped out of activity".

An ITA Modification or Cancellation form should be submitted to OWDB Staff.
8. ITA Refunds
 - A. Each AJCC should adhere to training provider refund policy.
 - B. In the event of a school closure, the school must inform AJCC Staff of the planned closure and refund the AJCC the unused WIOA training funds.

Attached Exhibit

Exhibit A – OWDB ITA Authorization Form

References

- The Workforce Innovation and Opportunity Act (WIOA) of 2014 (Public Law (Pub. L. 113-128)) Title I and III, enacted July 22, 2014;
- Title 38 United States Code (38 U.S.C. 4213);
- TEGL No. 10-09, "Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL)," dated November 10, 2009;
- WIOA section 3(24)
- WIOA section 134 (c)(3)
- DOL TEGL 3-15 Priority Populations under WIOA and Priority for Adult Funds
- DOL TEGL 22-04
- EDD WSD21-03 - ETPL Policy and Procedures

Any discrepancies arising between OWDB policy and or procedures with federal and state provisions due to current or future revisions will default to the current minimum federal and state regulations and guidance available. OWDB policy and or procedures may set forth stricter requirements than provided by federal and state guidance, but in no case will OWDB policy and or procedures not meet minimum federal and state policy.

Action Required

This information should be disseminated to all current OWDB WIOA service providers and their staff.

Inquiries

Questions regarding this policy should be directed to the Oakland Workforce Development Board:

City of Oakland Economic & Workforce Development
c/o Executive Director – Workforce
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

or

OWDB@oaklandca.gov

*Please attach the following supporting documents: Comprehensive IEP, CalJOBS Activity Print Out, Letter from Training Provider (if fund discrepancy), ETPL and LMI Print outs, and any relevant docs.

Oakland Workforce Development Board (OWDB)
Select
WIOA Funding
Select

INDIVIDUAL TRAINING ACCOUNT AUTHORIZATION

P.O. Established/Date of Transmittal:		CalJobs Vendor ID:
Name of Training Provider:		Telephone:
Address:		FAX Number:
Contact:		SSN (Last 4):
Email Address:		Telephone:
WIOA Registrant:		Enrollment Date:
WIOA Career Center:		Telephone:
WIOA App #:		FAX Number:
Name of Case Manager:		To: / /
Case Manager Email:		Industry Sector: Select
ITA Training period:	From: / /	
	Program Year: Select	

Program/Course Worksheet from ETPL	Program Code	Course Hours	ETPL Cost
a.	\$ -
b.	\$ -
c.	\$ -
d.	\$ -
Tuition Subtotal:			\$ -
Fees:			\$ -
Other Expenses:			\$ -
Total Amount:			\$ -

Comments:

WIOA is considered LAST RESORT funding.

Have you researched all other funding sources (i.e. TANF, Pell Grant etc.)? Yes No

Have you outlined your due diligence in researching other funding sources in the client case notes? Yes No

Are other funding sources available? Yes No

if Yes please specify

1. Total Cost of Tuition:	\$ -	
a. Amount Obligated by WDB:	.....	\$ -
b. Amount to be Paid by WIOA Registrant:	.....	\$ -
c. Amount to be Paid by Other Sources (Discount):	.....	\$ -
2. Total Cost of Fees:	\$ -	
a. Amount Obligated by WDB:	.....	\$ -
b. Amount to be Paid by WIOA Registrant:	.....	\$ -
c. Amount to be Paid by Other Sources:	.....	\$ -
3. Total Cost of Other Expenses (Physicals/Permits/Tests/Textbooks/Equipment/Materials):	\$ -	
List: Background check, Textbooks, Uniform, Registration		
a. Amount Obligated by WDB:	.....	\$ -
b. Amount to be Paid by WIOA Registrant:	.....	\$ -
c. Amount to be Paid by Other Sources:	.....	\$ -
4. Total Amount to be Paid by WIOA Registrant: (1B+2B+3B)	\$ -	
5. Total Amount to be Paid by other Sources: (1C+2C+3C)	\$ -	
6. Total Amount Obligated by WDB under this ITA: (1A+2A+3A)	\$ -	

PLEASE NOTE! By signing and transmitting this *Career Counselor ITA Purchase Order Worksheet*, the undersigned intends for the Oakland AJCC Provider to rely upon and act in accordance with all of the information contained herein. Invoices are automatically processed upon receipt. You must notify the OPIC of any changes in customer activities, and/or any discrepancies in support documents affecting this ITA Purchase Order.

Case Manager:	.....	.....	.....	/ /
	Name	Title	Signature	Date
Site Manager:	.....	.....	.....	/ /
	Name	Title	Signature	Date
WDB Staff:	.....	.....	.....	/ /
	Name	Title	Signature	Date



ITEM I.b. - INFORMATIONAL

To: Oakland Workforce Development Board Executive Committee
From: OWDB Staff
Date: December 16, 2022
Re: Job Quality

RECOMMENDATION

Staff recommends that the Oakland Workforce Development Board (OWDB) Executive Committee discuss bringing a recommendation to the full Board regarding the adoption of one of the following 1) a quality jobs definition or 2) guiding principles that describe the attributes of a quality job.

EXECUTIVE SUMMARY

The purpose of such action will help to create alignment and understanding among workforce development stakeholders, employers and providers who are creating career pathways and employment opportunities for communities who have faced exclusion and disinvestment. By providing a standard of what a quality job means, this will serve as a roadmap and establish guidelines for the inclusion of the factors which lead to dignified, family-sustaining careers for all Oaklanders.

In November 2021, this item was brought to the OWDB for discussion. Four (4) OWDB members agreed to form an ad hoc committee to develop a quality job definition to be presented to the OWDB. Upon researching and defining quality job characteristics nationally, staff created a working definition, which was then shared with the committee who helped provide additional suggestions and refined the definition. Since then, staff have also reviewed the U.S. Department of Labor and U.S. Department of Commerce's joint guiding principles regarding job quality and have added to the recommendation for the Executive Committee to consider. Staff recommends that the Executive Committee adopt the Quality Jobs definition or adopt guiding principles developed by the U.S. Department of Labor and U.S. Department of Commerce.

Option 1: DRAFT Quality Jobs Definition

The City of Oakland Workforce Development Board (OWDB) works in partnership with community benefit organizations, industry, other city departments, and regional agencies to build pathways to prosperity. We understand that the road to quality, empowered, and meaningful careers requires persistence, collaboration, endurance, investment, capacity building, and innovation. Through our partnerships and investments, we strive to provide the supports and services needed, especially for community members who have been harmed by historical and current systemic disparities and thus face barriers to employment. The pathway to a quality job may take a long-term approach and look differently across industries and populations, but to

create equitable economies, all Oaklanders are entitled to employment with the following characteristics:

- Provides options for full-time, regular employment, paying family-sustaining wages.
- Provides benefits and social protections, such as health, dental, retirement, pension/retirement savings, subsidized dependent care/flex spending, paid family/sick leave, disability insurance.
- Provides safe working conditions.
- Provides disability-friendly and accessible work site(s) and hiring practices.
- Provides employees' training, upskilling and advancement, and transparency of workplace policies.
- Provides stable, automation-resilient pathways (and/or contingency plans for technical/industry advances).
- Provides policies to include workers' voices, expertise, cultures, and perspectives and ability to organize labor unions without obstruction.
- Provides equitable hiring practices and working environments (Takes a systematic, intentional approach to generating opportunity for those who are under-represented and/or face barriers to quality employment.)
- Provides work functions that are environmentally sustainable (and/or employer is actively working towards environmentally sustainable goals given the serious economic implications of climate change and the disproportionate impact on low-income communities & communities of color.)

When combined, the characteristics of a quality job create a platform for workers to not only survive, but also to thrive and advance. Quality careers provide an inclusive, safe environment where equitable values are built into the workplace and cultural norms nurture opportunity, recognition, and belonging for all employees (or worker/owners.)

Option 2: Department of Labor and Department of Commerce Job Quality Guiding Principles

The Departments of Commerce and Labor have partnered to identify what comprises a good job. These eight principles create a framework for workers, businesses, labor unions, advocates, researchers, state and local governments, and federal agencies for a shared vision of job quality.

- 1. Recruitment and Hiring:** Qualified applicants are actively recruited – especially those from underserved communities. Applicants are free from discrimination, including unequal treatment or application of selection criteria that are unrelated to job performance. Applicants are evaluated with relevant skills-based requirements. Unnecessary educational, credentials and experience requirements are minimized.
- 2. Benefits:** Full-time and part-time workers are provided family-sustaining benefits that promote economic security and mobility. These include health insurance, a retirement plan, workers' compensation benefits, work-family benefits such as paid leave and

caregiving supports, and others that may arise from engagement with workers. Workers are empowered and encouraged to use these benefits.

- 3. Diversity, Equity, Inclusion, and Accessibility (DEIA):** All workers have equal opportunity. Workers are respected, empowered, and treated fairly. DEIA is a core value and practiced norm in the workplace. Individuals from underserved communities do not face systemic barriers in the workplace. Underserved communities are persons adversely affected by persistent poverty, discrimination, or inequality, including Black, Indigenous, people of color; LGBTQ+ individuals; women; immigrants; veterans; individuals with disabilities; individuals in rural communities; individuals without a college degree; individuals with or recovering from substance use disorder; and justice-involved individuals.
- 4. Empowerment and Representation:** Workers can form and join unions. Workers can engage in protected, concerted activity without fear of retaliation. Workers contribute to decisions about their work, how it is performed, and organizational direction.
- 5. Job Security and Working Conditions:** Workers have a safe, healthy, and accessible workplace, built on input from workers and their representatives. Workers have job security without arbitrary or discriminatory discipline or dismissal. They have adequate hours and predictable schedules. The use of electronic monitoring, data, and algorithms is transparent, equitable, and carefully deployed with input from workers. Workers are free from harassment, discrimination, and retaliation at work. Workers are properly classified under applicable laws. Temporary or contractor labor solutions are minimized.
- 6. Organizational Culture:** All workers belong, are valued, contribute meaningfully to the organization, and are engaged and respected especially by leadership.
- 7. Pay:** All workers are paid a stable and predictable living wage before overtime, tips, and commissions. Workers' pay is fair, transparent, and equitable. Workers' wages increase with increased skills and experience.
- 8. Skills and Career Advancement:** Workers have equitable opportunities and tools to progress to future good jobs within their organizations or outside them. Workers have transparent promotion or advancement opportunities. Workers have access to quality employer- or labor-management-provided training and education

**Oakland Workforce Development Board
2023 Committee Meeting Calendar**

Thursday - February 2, 2023	Regular Meeting
Friday - March 17, 2023	Executive Committee Meeting
Thursday - May 4, 2023	Regular Meeting
Friday - June 16, 2023	Executive Committee Meeting
Thursday - August 3, 2023	Regular Meeting
Friday - September 15, 2023	Executive Committee Meeting
Thursday - November 2, 2023	Regular Meeting
Friday - December 15, 2023	Executive Committee Meeting

Dates and time subject to change