

**Kane County
and
The River Valley
Workforce Investment Board**



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Background



- Over 25 years of experience in the area of Workforce Development
- Represent the Broward Workforce Development Board, Inc. in Florida and their management team
- Consult nationwide as well as with the US Department of Labor on workforce issues
- Provide training to boards and one-stops
- Wrote the original implementation policies for the State of Illinois
- Represent states and local areas with respect to audit and monitoring findings

Workforce Investment Act

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- Strong role for Boards & Private Sector
- State and Local Flexibility
- Streamlined Services – One Stop
- Universal Access
- Empowering Individuals
- Increased Accountability & Performance
- Connections Between School and Work

Strong role for Boards & Private Sector

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- Boards are majority Private Sector
- Boards are appointed by chief local elected official(s)
- Other members
 - Economic Development
 - Education
 - Organized labor
 - Community based organizations
 - Representatives of other workforce funding streams

Strong role for Boards & Private Sector

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- Select and terminate one stop operators in partnership with local elected officials
- Policy makers
 - Determine aspects of eligibility for adults and dislocated workers
 - Approve schools and courses of training
- Select youth providers
- Localize labor market information
- Ambassadors for workforce in the community

State and Local Flexibility

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- Where the law is silent
 - States may make policy
 - Local boards may make policies
- States may ask for waivers
 - To better serve individuals targeted by the legislation
 - To effectuate better collaboration

Streamlined Services - Universal Access

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- One stop career centers are the lynch pin of the system
 - Individuals are projected to change jobs 9 times over the life of their working lives
 - One stop for all workforce services
 - One stops provider services to all workers
 - ✦ Self help services – for everyone
 - Job search
 - Online courses – resumes, GED, employability skills, occupational skills
 - Referral to other workforce services
 - ✦ Intensive services

Empowering Individuals

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- Select their own course of training
- Choices of
 - Classroom training – individual training accounts
 - On the job training
 - Customized training

Accountability - Performance

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- Started with 17 measures now
 - 3 adult
 - 3 youth
- Performance
 - Entered employment
 - Wage
 - Retention
- Boards can add measures
- Fiscal accountability

The Study

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- Purpose
 - Look at the current structure
 - Make recommendations
 - ✦ For Continuous Improvement
 - ✦ Program and Fiscal Compliance
 - ✦ Identify strengths and weaknesses of the current system
- Methodology
 - Review the Inter governmental agreement
 - Review River Valley Workforce Board Documents
 - Review Fiscal Agent/One Stop
 - ✦ Monitoring Reports
 - ✦ Audit Report
 - ✦ Five Year Plan and Modifications
 - Met or Spoke with
 - ✦ River Valley Workforce Board Members and staff
 - ✦ KCDEE Staff
 - ✦ County Chairs
 - Visited Kane County One-Stop

Context of Study and Recommendations

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- Lagging economy
 - About 5 million dollars to spend on workforce services for Kane, Dekalb and Kendall Counties
 - Need to use the funds strategically
- Pending Workforce Investment Act Reauthorization
- Expect more cuts to domestic programs
- KCDEE is isolated
 - Co-located in Kane County with IDES but operate in separate areas

Context of Study and Recommendations

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- State monitoring reports make many recommendations for improvement to the one-stop
- Annual audit with some issues
- Board is needs to be the policy maker with guidance from Chief Elected Official(s) as appropriate
- KCDEE / one-stop could use a face lift

Context of Study and Recommendations

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- The Fiscal Agency status move to the board from the one-stop
 - ✦ Allow KCDEE (one stop) to focus on participants
 - ✦ Allow board to assume policy role
 - ✦ Retain board staff within the county
 - ✦ County finance would still maintain bank accounts and disburse funds
- Move KCDEE to Office of Community Reinvestment (OCR)
 - ✦ Ahead of the curve on expected changes to legislation
 - ✦ OCR oversees community services grants
 - ✦ OCR shares a similar target population to that of KCDEE
 - ✦ Allow for cost efficiencies in providing client services
 - ✦ Allows for integration – mandatory one stop partner
 - ✦ Allow for rebranding of KCDEE to River Valley workNet in alignment with state branding of one stop centers

Recommendations

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- Executive Committee, Subcommittee reviewed the recommendations
 - Voted to accept the recommendations and move them to the Council of Elected Officials for their approval

Context of Study and Recommendations

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- Council of Elected Officials met and voted to
 - ✦ Amend intergovernmental agreement
 - To make the workforce board and staff the fiscal agent
 - To allow for KCDEE to be located within the county where
 - Effectiveness would be strengthened
 - Eliminate overlap and duplication of services

Next Steps

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- Workforce Board staff will step in to manage the budget and make recommendations regarding investment of resources
- Up to HR Committee to take next step

PURPOSE OF STATE'S ATTORNEY'S DRAFT

SAO asked to review and comment.

Provide legal advice.

Not advocating policy.

Suggested alternative language to attempt to implement County Board's intent to the greatest extent possible.

*This presentation highlights the major issues presented in the State's Attorney draft, but does not address all of the State's Attorney's suggestions.

I. WHO IS GOVERNED BY THE ETHICS ORDINANCE?

The County Board intends that the Ordinance apply to all elected officials except the Circuit Clerk and State's Attorney.

Section 7: County-wide Elected Officers

All county-wide elected officers of Kane County shall be subject to this Ordinance with the exception of the State's Attorney and the Clerk of the Circuit Court to the fullest extent not otherwise prohibited by law.

CIRCUIT CLERK AND STATE'S ATTORNEY

Attorney General Ethics Ordinance Guide

With respect to counties, neither the State's Attorney nor the Circuit Clerk will be subject to the provisions of the Model Ordinance. These officers are State, not county, officers. The exemption of those officers will generally extend to their staffs, as well.

SECTIONS THAT MAY APPLY TO OTHER ELECTED OFFICIALS

- Section 2: Prohibited Political Activities
- Section 3: Gift Ban
 - Each governmental entity ...shall adopt an ordinance or resolution that regulates, in a manner no less restrictive than Section 5-15 and Article 10 of this Act, (i) the political activities of officers and employees of the governmental entity and (ii) the soliciting and accepting of gifts by and the offering and making of gifts to officers and employees of the governmental entity. 5 ILCS 430/70-5.

SECTIONS THAT DO NOT APPLY TO OFFICERS WITH INTERNAL CONTROL AUTHORITY

- Section 8: Training
- Section 10: Contractor Disclosure
- Section 11: Officer Disclosure
- Section 12: Conflict of Interest
- Section 13: Future and Former Employment
- Section 14: Use of Proprietary or Confidential Information.
- Section 16: Lobbying.
- Section 17: Disclosure
- Section 18: Prohibition on Serving on Boards and Commissions
- Section 19: Employment of Family Members
- Section 20: Representation of Third Parties
- Section 21: Dual Pension.

SECTIONS THAT PRESENT IMPLEMENTATION OR PRACTICAL PROBLEMS

- State's Attorney's function requires funding (Section 4.2)
 - Scope of SAO investigatory function needs to be clarified
- Section 4.5 investigations
 - Subpoenas and employee cooperation (5th Amendment)
- Section 10: Contractor Disclosure
 - Wording is complicated and burdens vendors.
- Some parts of Section 12: Conflict of Interest
- Some parts of Section 14: Use of Proprietary or Confidential Information.
 - exempt from disclosure under FOIA, only change
- Some parts of Section 16: Lobbying.
 - Paragraph 1 is ambiguous
- Some parts of Section 20: Representation of Third Parties
 - Some of the language is unclear

SECTIONS THAT ARE UNENFORCEABLE OR INVALID

- Some of the exceptions to the gift ban (Section 3.1: Exceptions)
 - State statute, 5 ILCS 430/10-15, allows only first 12 exceptions
 - 13-24 should be revisited.
- Some aspects of Gift Ban and Honoraria (Section 3(2))
 - (2)we suggested some limiting language
- Section 3.3: Political Contributions.
 - See section 3.1(3)
- Some of the activities prohibited by the Ethics Advisor (Section 4.1).
 - in conflict with the Local Governmental Employee Political Rights Act, 50 ILCS 135/10(a)
- Section 5: Employee Cooperation
 - Compliance with Personnel Policy Handbook

PENALTIES SECTION 4.7

See: Penalties 5 ILCS 430/50-5

- (a) A person is guilty of a Class A misdemeanor if that person intentionally violates (Prohibited political activities some sections)
- (b) A person who intentionally violates (other sections of the prohibited political activities) is guilty of a business offense subject to a fine of at least \$1,001 and up to \$5,000.
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- (c) A person who intentionally violates any provision of Article 10 (gift ban) is guilty of a business offense and subject to a fine of at least \$1,001 and up to \$5,000.

The Attorney General takes the position that to provide a lesser penalty for comparable conduct would clearly result in the provisions of the Ordinance being less restrictive than those of the State Act.

There are complicated policy and legal considerations that we believe the County Board should address.

SUGGESTED THINGS TO DO

- Refine the scope of the State's Attorney's function.
- Revisit the policy regarding penalties.
- Make changes to exceptions to the gift ban (Section 3.1: Exceptions).
- Consider changes to Section 10: Contractor Disclosure
 - This might be the most time consuming and challenging area to deal with.
- Revise definitions to add clarity and eliminate unnecessary definitions.
- Address minor issues with Lobbying, Representation of Third Parties, and Conflicts of Interest sections.
- Make minor changes to language of Ordinance throughout.
 - Section by section review.
- Identify additional concerns the committee may have.