

**Workforce Development Board
Executive, Finance and Audit Committee
and RochesterWorks, Inc. Board of Directors
Meeting Minutes
Tuesday, February 16, 2021
8:00AM - 9:00AM
Meeting Scheduled via Zoom**

Committee Members Present: Sergio Esteban, George Scharr, Ana Liss, Romanda Gibson-Stevenson, Seanelle Hawkins

Committee Members Absent: Corinda Crossdale, Daniele Lyman-Torres, Timothy Shortsleeve

RochesterWorks, Inc. Board Present: Sergio Esteban, George Scharr, Ana Liss, Romanda Gibson-Stevenson, Seanelle Hawkins

RochesterWorks, Inc. Board Absent: Corinda Crossdale, Daniele Lyman-Torres, Timothy Shortsleeve

Staff and Guests: Michael DeBole, Behiye Mansour, Lee Koslow, John Premo, Mary McKeown

WORKFORCE DEVELOPMENT BOARD EXECUTIVE, FINANCE AND AUDIT COMMITTEE

Call to Order:

The Executive, Finance and Audit Committee Meeting was called to order by Sergio Esteban at 8:02 A.M.

Approval of Minutes:

A motion to approve the November 17, 2020 Meeting Minutes was made by George Scharr and seconded by Romanda Gibson-Stevenson. The motion was passed unanimously.

Finance Committee:

Financial Report:

Michael DeBole Provided A Packet Covering the Summary of Expenses July 1, 2020 - December 31, 2020

Michael DeBole began his presentation by reviewing the first six months of expenditures for RochesterWorks! Program Year 2020. He included that we're currently on track to meet our 80% spend down for the fiscal year. We are on track with our Operational Expenditures. Provider Payments are on track, although there was a hiccup with our Summer Youth Program this year. Our Direct Services are doing ok as far as expenditures. Overall, we're under budget by 59% after 6 months and this has been the norm for the past 8-9 years.

Michael also included that we've had a change in funding as far as our St. Paul Street Career Center. As of January 1, 2021, our Work Experience Program has been suspended by the State until further notice, so we've had to revise our plan overall. We have laid off seven employees at the St Paul Career Center as of January 31st. We have approximately six full time employees and one part time employee there currently. We made provisions with some of our budget items and they are the ITAs, the WIOA Work Experience Tryouts for Adult and Dislocated Worker, and some of the OJTs are being adjusted to compensate the expenditures for those employees at our St Paul Career Center or at least until the Work Experience Program is reinstated by the County.

Michael added that our funding is now limited and for the next six months to the WIOA funds and they are the Adult, Dislocated Worker and Youth funding. We also have the Employment Assessment Program contract at the St. Paul Career Center and RW receives referrals from the County. On average, we're contacting between 20-30 people via Zoom meetings and are assessing those individuals coming through. The other 2 grants are the Opioid Grant, which is \$200K and we have 2 staff members on this program, and we have the Employment Recovery National Dislocated Worker Grant, which is \$110K. We're starting to gear that up, potentially having one of our career advisors on the program, and this is strictly Dislocated Worker funding. This grant expires September 30, 2022. Michael stated that we're in fair shape, it's a different challenge than what we've normally had in past years, but we've gotten together and put forth a good recovery plan to succeed for the remainder of this year.

Michael included we served 175 participants for our Summer Youth Program. In past years, we've served between 400-450 participants, but with COVID-19 this year, 4 of our Program Providers dropped out of the Summer Youth Program before it really was initiated in June. We had a budget of \$1.5M and we received \$1.2M in advance for the program. However, we had 175 participants that came through, and we were able to spend about \$400K. We had to return \$800K of the funds to the OTDA (Office of Temporary and Disability Assistance) this past month because we didn't spend the funding. We were not the only organization that struggled with the Summer Youth Program.

Michael also reported that we continue to do well with our Individual Training Accounts (ITAs). We have the Isabella Graham School of Nursing, Monroe Community College and Wayne Finger Lakes BOCES, that are still providing services and training for 249 participants, averaging \$3,932 per participant.

Michael added that we are making progress with the challenges that we've been facing this year and he's very proud of our staff and organization with the way we've come together and put forth a promising plan to stay on track for our current year spend down.

Sergio Esteban asked Michael if he had any projections or thoughts on what next year may look like. Michael said from our understanding, the WIOA funding will be approximately the same as this past year. We don't perceive any new grants at this point and if we do, that would be great, but we are looking into those as well. The contract Work Experience Program at our St Paul CC will be reinstated hopefully sometime in the Fall. That is our hope, but there hasn't been any definite word on this at all. It will strictly be WIOA funding, and we'll have to review our budget and staff. These are different times compared to the past years, so there could be some more changes coming down the pipeline.

A motion to approve the Financial Report as presented was made by Seanelle Hawkins and seconded by George Scharr. The motion was passed unanimously.

Executive Committee:

One-Stop Operator Procurement:

Lee Koslow began his presentation by reviewing the Resolution for Procurement of the One-Stop System Operator. Lee reviewed a summary of the Background, which includes that the Workforce Innovation and Opportunity Act requires that we competitively procure what's called a One-Stop System Operator. Minimally, that One-Stop Operator must be a convener for the many different system partners. In our One-Stop System, we have about 15 different partners, including our WIOA Adult, Dislocated Worker and Youth Programs, the New York State Department of Labor, the TANF Program through Monroe County Department of Human Services, Community Service Block Grant Program, for which both ABC and PathStone have funds, YouthBuild, for which Urban League and Catholic Family Center both have programs, Reentry Employment Opportunity grants and a number of other programs. In practice, that operator was procured 4 years ago, and the cycle is up. It was Genesee/Finger Lakes Regional Planning Council, and they would convene all the partners 4 times a year. The goal was to carry out and do what we said we would do in the Memorandum of Understanding among all the system partners, which really included an emphasis on referrals among partners, cross referrals, and co-enrollments among programs, including cross training of different staff and also measuring the impact in terms of change in employment for each program. They have been doing this satisfactorily for the last 4 years and we'd love to keep them on, but the law requires that we go out and competitively bid again, so their last contract is up June 30, 2021. We are seeking approval from this committee and from the Board to put out an RFP. The amount would be \$8,000 per year. We were doing \$6,000 and found in practice that we needed a little bit more time from the operator than \$6,000 would cover, and they actually ran out of money last program year and the GLOW (Genesee Livingston Orleans Wyoming) Workforce Development Board was gracious enough to hold a regional One-Stop System Partners Meeting so that we could have our fourth meeting in June, which is why we're proposing the increase in funding. We would release the RFP around the end of March and then the results would come before the Executive Committee and the Board in June for a July 1st contract start date.

A motion to approve the One-Stop Operator Procurement Process as presented was made by Romanda Gibson-Stevenson and seconded by George Scharr. The motion was passed unanimously.

Update on WIOA One-Stop System Partners' MOU:

Lee Koslow gave an update on how we're doing with the MOU process, which is also a requirement in the WIOA Law. It goes parallel with the One-Stop System Operator Procurement in roughly the same time frame. Actually, we're a year off, but it's really driven by the State because some of our Partners are State Partners, so we kind of have to do what State Policy dictates on the timeframe and even the specific language in the MOU. All of the State Attorneys from the Labor Department, the Department of Education and OTDA have to get together and agree on the language, which they have done, so we have until February 26th. We've been working on this since December to get information from all of the various Partners and to get them to agree on particularly the infrastructure funding agreement, which is kind of a non-binding list of costs for operating our three Career Centers. What's complicated about that part is that not all of the Partners have to sign off on it, only those who are co-located have a share, which is just a small number of Partners. We're on track to hopefully get agreement and get this in for State review by February 26th. If not, they've been pretty generous in granting extensions, since because of COVID-19, they've kind of sat on this until December, rather than getting it rolling in March of last year.

Executive Director Selection Process:

Sergio Esteban began this discussion explaining how he, George Scharr and Timothy Shortsleeve have met with RW Senior Staff over the past few weeks. Sergio has also communicated to RW Staff and Board members an interim management plan including information on how the organization was operating and the shared responsibilities of RW Senior Staff members Michael DeBole, Lee Koslow and John Premo. Sergio and George have been available in case there was any conflict or maybe some decision needed to be made, so with these communications, things have been working properly and running very smoothly.

Sergio explained another step they took was to determine the process to be followed to select the new Executive Director. Sergio provided a little background to newer members of the Executive Committee, sharing a time, such as a few weeks ago, when this happened. Sergio and George were in a similar situation, prior to Peter Pecor, where there was a change in the Executive Director, who left the organization, so there was a time in which they needed to search for another Executive Director. Back then, they went to see the County Executive, who holds responsibilities and weight on these issues, and explained the process they needed to follow. This was important for 2 very simple reasons; 1) This was the process and there was a mandate with some requirements that had to be met and 2) They didn't want the selection of a new Executive Director at that time to be viewed as favoritism toward somebody or for politics to come into the picture. They felt it was in the best interest of the organization, the County Executive, and the County at that time, to follow the process that was supposed to be followed. The County Executive agreed with that and in following through with the process, and with the interest of the people, produced Peter Pecor becoming the Executive Director. Sergio continued that somehow similar to that, today it's even more defined than it was back then. Following the same guidelines this time, Sergio had a conversation with the County Executive and explained, that given the same background as just explained, how we were going to continue with the same philosophy, even though the requirements are a little bit different, but in essence are the same. At the end of the day, we need to follow the process that we outlined and also at the same time, recognize that the County has weight that has to be considered and recognized and that it can be reflected in the process. That way, we are embarking ourselves into these tasks of finding a new Executive Director. Our idea is, like it always has been, to have something that is totally transparent, that follows the procedures and, in the end, produces the best candidate with the understanding and concurrence by everybody involved, and becomes a non-issue, and then we continue business as usual. Obviously, having a new Executive Director, in addition to the requirements and conditions imposed on them, according to what the position is to look like, will give an opportunity for the new person to have his/her own ideas in directing the ship. As Sergio mentioned before, under these circumstances, when something like this happens and a new change must be made in leadership, what we are looking for is not an Executive Director that replaces Peter. Peter was a wonderful leader and did a great job, so it's not to find another Peter. These things never happen. It's someone who takes the work that Peter has done and now brings our organization to the next level. In Sergio's opinion, and this will be part of the conversation, we're looking for someone that brings ideas and recognizes that work has been done and we can go to the next level. We have a very strong, senior staff that are very knowledgeable. It's not easy, as you can tell, that with so many requirements for the Federal, State and many other agencies is like a maze to be able to work and take advantage of their Federal funding that comes to us. Being as it may, we have a very strong staff, so I think the new person that we hire will find our support and internal knowledge, but that doesn't mean that things will be done the same way. Sergio hopes the person that will join us will take advantage of the strengths of the people, some of them are here today at this meeting and many others are in the office and bring this organization to another level. This is the impetus, Sergio thinks, of starting this process.

With this introduction, Sergio asked Lee Koslow to briefly explain the 2 headed organization that we discussed, so that everybody can understand this, as it's difficult to grasp the concept, and how the conditions imposed on us by WIOA and others, and based on that, was distilled into the process that we sent to you, which we are also going to discuss.

Lee Koslow explained that RochesterWorks! has kind of a complex role, multiple roles we call it, within the local Workforce Development System. As RochesterWorks, Inc., we serve as fiscal agent to the County, who is the WIOA grant recipient in our local Workforce Development area. We also serve as Staff to the Monroe County Workforce Development Board, and in addition to that, we provide some of the WIOA Adult, Dislocated Worker and Youth Services. The Executive Director of RochesterWorks! has a dual role. The Executive Director is Executive Director of both the Monroe County/Rochester Workforce Development Board and the 501(c)(3) RochesterWorks, Inc., and for that reason, both the County Executive and the Workforce Development Board have dual authority to appoint this Executive Director, and how that's done is governed by the WIOA Law, the Workforce Development Board By-Laws, and also the RWI Board By-Laws. Lee took the legislation and the 2 sets of by-laws into account in drafting a process that sets forth what we must do in this process and then what are some of the options that the RWI Board, the County Executive, the Executive Committee and the Monroe County/Rochester Workforce Development Board have in making the selection.

Lee provided a handout of the Process Summary for the Executive Committee which breaks the process down into 4 steps and is summarized as follows: This Committee would recommend members that would become part of a Qualifications Committee. The Qualifications Committee would establish a set of objective qualifications for the Executive Director position and would basically write the job description when it comes to what we are looking for on the qualifications side. That would become part of the job posting that goes out. The Qualifications Committee would put together and approve those recommendations, supported by the staff at RochesterWorks! to put together this job posting for your approval before it is advertised. The Executive Committee would also vote on a Selection Committee, and the Selection Committee, once this job posting is advertised, would look at any of the resumes that come in, decide who and how many are going to get interviewed, conduct the interviews, rate all of the candidates, and then make recommendations to the Full Board and to the County Executive for a selection to be made. The Selection Committee would also set the salary and benefits package within what's allowable by the WIOA Law. The Qualifications Committee and the Selection Committee can be the same committee. Lee feels we may be heading this way, but it's really up to members of this Executive Committee whether we want to recommend this to the Board. It's easier to recruit for 1 committee than for 2 committees and it's easier to have that continuity between those who determine the qualifications and those who are judging the candidates based on those qualifications. That selection of the Qualifications and Selection Committee by the Executive Committee could happen today, it could happen right now, or it could happen at a future meeting, bearing in mind that it would be good to have the recommendations ready to go before the Full Board in March.

At this time Romanda Gibson-Steven asked what the City of Rochester's involvement is with this process. Lee Koslow explained that one of the roles within the Workforce Development System is the Chief Elected Officials, so together the County Executive and the Mayor of the City of Rochester are the Chief Elected Officials who have certain responsibilities within the local Workforce Development System and there is an interlocal agreement between the two that outlines those responsibilities. Under the law, one of the responsibilities that isn't a Chief Elected Official's responsibility is the selection of the Board's Executive Director. That is solely under the purview of the Workforce Development Board. So how does the County Executive get involved? If it wasn't for the fact that the RochesterWorks executive director position is a dual role, the County Executive wouldn't have a say in the selection at all. However, because RochesterWorks, Inc. is the fiscal agent to the County for the WIOA budget, and the County Executive is the sole member of RochesterWorks, Inc., the County Executive has the authority to make the selection of the Executive Director for RochesterWorks, Inc. Therefore, what we have is a cooperation between the Board selecting the Executive Director of the Workforce Development Board and the County Executive selecting the Executive

Director of RochesterWorks, Inc., who have historically been the same person, the same individual, the same role.

Sergio Esteban added that every time there is a new Board member joining our own Board, they must be appointed by both the County Executive and City Mayor. Sergio added that, according to the by-laws, the majority of the Selection Committee must be Board members. We were debating on coming to decisions leading to today's meeting on how many people need to be involved in the Selection Committee and obviously, it must be an uneven number, thinking let's make it 5 members, which would include 3 Board members and 2 Non-Board members. This is an item we want to discuss, and Sergio has some ideas how other people can be involved. He continued that the idea would be to have a 5 member Qualifications and Selection Committee that would be formed by 3 Board members and 2 Non-Board members. Sergio's thoughts are to have 2 of the 3 Board members be Officers, which would include both Sergio and George Scharr. Sergio is not self-appointing himself, but among other reasons, the experiences they've both had before would help in this situation. This can be further discussed if need be. Sergio continued, with a suggestion made by Lee, there should be a member on this committee that would represent the interest of the Community at large. We can now decide who that person is today. He added that it would make sense that Ana Liss would represent the County's interests. Ana is part of our Board too, but also works for the County, so that would be a good choice. Then the County Executive could appoint 1 person. We'll talk to him and find out who he'd like that to be. If we do that, Sergio thinks we cover all the requirements, more or less. Lee confirmed that would cover all the requirements. Discussion continued with thoughts on how many Board members to have on this committee.

Sergio continued, when you think about this on the qualifications part of this selection, for all the Executive Committee members here, that you will send to the Qualifications Committee the list of qualifications you think the Board should have. This will open it up to the entire Executive Committee to have an input on that and it will go to these 5 people, and then these 5 people will take that, plus their own ideas, and formulate the final qualifications for the person that we are looking for. Then we'll post the opening, carry on with the interviews and then make a recommendation to the Board for Approval. Regardless, because obviously not everybody on the Executive Committee is going to be on the Selection Committee, you will have an opportunity to send us the kind of qualifications that you see this person should have. This was something that Sergio had in mind and wanted to share with Executive Committee members.

Further discussion included exploring the opportunity of having 7 members on the Selection Committee, giving other Executive Committee members an opportunity to be on the committee. This would be a good number of people working together that could possibly get some divergent thinking on the committee. Lee Koslow added that in terms of does it have to be 5, does it have to be 7, that's not a hard and fast requirement. That's a recommendation that this committee can make to the Board, according to what the Executive Committee wants to do. Sergio asked, to follow the procedure, what is the next step that we must do, as this has to be approved by the Board. Lee responded that if this committee would like to take a vote to put forward the recommendation of the 7-person composition of the committee and have that go forward to the Board, noting probably by the time it goes before the Board, we'll have actually 7 names for the committee as well.

A motion for the Executive Committee to appoint a 7-person Qualifications and Selection Committee to be presented to the Board for their approval and that this committee will take into account the requirements by WIOA and our Board as presented was made by Romanda Gibson-Stevenson and seconded by George Scharr. The motion was passed unanimously with the following wording:

The Executive Committee recommends that the full board appoint an ad hoc *Qualifications and Selection Committee* that will be tasked with

1. Establishing a set of objective qualifications for the Executive Director position, including a recommended salary range and benefits package,
2. Developing a process for recruiting and selecting the Executive Director, and
3. Following the established set of qualifications and process to recruit, interview, rate, and make recommendations for the selection of an Executive Director.

The Committee should be comprised of the following seven members:

- Sergio Esteban
- George Scharr
- Ana Liss
- Romanda Gibson-Stevenson
- Seanelle Hawkins
- 2 more members identified by the County Executive, one of which should be representative of the business community

At this time Sergio suggested, with help from Lee and other staff, that we draft an outline of the ad that will go out. Sergio also requested that all the members of the Executive Committee, and in this case also the Selection Committee, to send the qualifications, that you think are important for this person to have, to Sergio, with a copy to Lee. We can then build those into the format of the advertisement that staff are going to help prepare. Then we'll have a special meeting and start outlining, giving it more of a form. At that point, we'll go to the Board with everything in place and then we'll still seek input from the Board, if they want to make more comments or revisions, to the final ad that will be advertised. At least we'll have something to go to the Board, this is what we've discussed, because obviously we need to be approved to do all of this. In the meantime, we have some work for them to react to, because if you need to wait for a large number of people to give us their comments, it's going to be unmanageable, in Sergio's opinion.

At this time George Scharr raised the question if there is a job description on file for the Executive Director position, not that we want to follow that exactly, but it might be a good starting point for some people to think about. Lee Koslow responded that it's doubtful that we have one, but if we did have one, it's been a little bit better defined under WIOA than it was under the previous law. What we do have at least is a list of roles of the Workforce Development Board, plus the role of RochesterWorks, Inc. as the fiscal agent. The Committee could go off of the different roles or responsibilities that the Executive Director would be responsible for overseeing as staff to the Board. Sergio Esteban asked that Lee follow up on this, noting the references just mentioned will be a good starting point. Lee confirmed and will send follow-up information to the Executive Committee Members.

Sergio Esteban thanked members for the good conversation regarding the Executive Director Selection Process and feels we have some direction here.

RWI Board Meeting:

Resolution Authorizing Senior Management Team to Execute Contracts on Behalf of RWI:

Sergio Esteban began this discussion by suggesting that at this time, when there is a contract that will be signed by the Senior Management Team, to inform the Executive Finance Committee that such contract is going to be signed, then proceed with signing the contract on behalf of RochesterWorks!

Lee Koslow provided the following resolution authorizing the Senior Management Team to execute the following on behalf of RWI:

Background: Section 7.1 and 7.2 of the RWI by-laws give the RWI Board authority to authorize officers or agents to execute contracts and sign checks on behalf of the corporation.

Resolution: The RochesterWorks, Inc. (RWI) Board grants authority

- a. to John Premo, Director of Community and Business Services, to execute On-the-Job Training (OJT) grant contracts (per Sec. 7.1 of the RWI by-laws) on behalf of RWI;
- b. to Lee Koslow, Technical Assistance and Training Manager, and John Premo to execute all other contracts (per Sec. 7.1) on behalf of RWI until such time as an Executive Director is hired; and
- c. to Lee Koslow and John Premo to sign checks, drafts, or other negotiable and non-negotiable instruments of RWI (per Sec. 7.2).

A motion to authorize Senior Management to execute contracts on behalf of RWI as presented was made by George Scharr and seconded by Romanda Gibson-Stevenson. The motion was passed unanimously.

Adjournment:

Sergio Esteban moved to adjourn the meeting at 9:12 A.M.

A motion to adjourn this meeting was made by Romanda Gibson-Stevenson and seconded by George Scharr. The motion was passed unanimously.

Approved

Michael DeBole

Submitted by Mary McKeown

Approved:

Michael DeBole: 2/26/21

Lee Koslow: 2/26/2021

John Premo: 02/26/21 jp