

**New York City's Comments on the New York State Workforce Innovation and Opportunity Act  
(WIOA) Four Year Combined State Plan (Program Years 2016-2019)**

February 8, 2016

New York City respectfully submits this set of comments on the draft New York State WIOA Combined State Plan.

The City is an early adopter of several of the critical new elements contained in WIOA: career pathways, sector strategies, and industry partnerships. The City is transforming the focus of its workforce development system to helping workers secure and retain stable, good-paying jobs through investments in sector-based education and training. The City is also developing industry partnerships in several priority economic sectors, working with employers to identify their labor market needs and ensure that training curricula meet those needs. In short, New York City is aggressively implementing a career pathways framework in alignment with WIOA. Our comments below are meant to support the implementation of these key elements of WIOA for the benefit of New York's workers and businesses.

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**Note:** The NYC Workforce Development Board (WDB) previously submitted section A: Requests for Clarification on Wednesday, January 27<sup>th</sup>, 2016. This additional submission includes additions to that clarification section as well as more substantive recommendations outlined in section B.

**A. Requests for Clarification**

**1. NYS Preliminary Projected Performance Baselines**

**NY State Plan Pages:** 3; 205-208

**Request for Clarification:** Please describe how the New York State Department of Labor calculated the baselines for the Title I Adults, Dislocated Workers, Youth and Wagner-Peyser common measures. Specifically, please indicate the time period for which they were calculated (which quarters were analyzed), and include data *by local area* and, if possible, *also by individual office*.

**2. Federally Required Elements for the Combined State Plan**

**NY State Plan Pages:** 69-80

**Request for Clarification:** The following required elements for the combined state plan (in the USDOL draft released December 9<sup>th</sup>, 2015 and available at the following web site: [https://www.doleta.gov/wioa/docs/ICR\\_30day.pdf](https://www.doleta.gov/wioa/docs/ICR_30day.pdf)), do not appear to be included in this draft of the NY State Plan. We request that the State provide direction to the appropriate pages where the information can be found, or, if not currently included in the plan, to develop draft responses. In the event of new responses, we strongly encourage NYSDOL to share draft responses for new content with the public for comment, or at least with Local Workforce Development Board Directors, in advance of the State finalizing the plan and submitting to USDOL.

***Adult and Dislocated Worker Program Requirements (p. 17 of federal State Plan template)***

- Training provider eligibility procedure: required by USDOL under VI(b)(3)
- Criteria regarding local area transfer of funds between adult and dislocated worker programs: required by USDOL under VI(b)(5)

***Youth Program Requirements (p. 17 of federal State Plan template)***

- State-developed criteria to be used by local boards in awarding grants for youth workforce investment activities: required by USDOL under VI(c)(1)
- How the state will ensure that all 14 program elements...are made available and effectively implemented: required by USDOL under VI(c)(2)
- Language from the State policy for criterion related to both in- and out-of-school youth “requiring additional assistance” to enter or complete education or secure and hold employment: required by USDOL under VI(c)(3)
- The State definition, as defined in law, for “not attending school” and “attending school”: required by USDOL under VI(c)(4)

- State definition for “basic skills deficient,” whether the same or differing from the federal definition: required by USDOL under VI(c)(5)

### **3. Approved TASC Curricula**

**NY State Plan Pages:** 69-80

**Request for Clarification:** Please clarify whether the 2015 CUNY HSE Curriculum Framework and the Queens Library TASC Transitions Curriculum are the only TASC preparation courses currently approved by the NYS Education Department. If not, please describe what other curricula are approved and what the process is for approving additional curricula.

## **B. Recommendations**

### **Adult Education**

#### **1. Integrated Education and Training Definitions**

**Recommendation 1a:** Use consistent terminology for bridge programs and integrated education and training, providing clear definitions for each without *limiting* them to a model similar to I-BEST.

**Rationale:** There are numerous references throughout the State Plan to a variety of “BRIDGE” and “integrated” programs, including: “bridge programs,” “sector-focused bridge programs,” “career bridge programs,” “integrated education and training,” “integrated education and training/bridge programming,” “integrated career pathway/education,” and others. The reader experiences some confusion because consistent terms are not used and because the terms are not clearly defined. We recommend that the state limit the definition of integrated education and training to the definition found in WIOA Sec. 203(11):

INTEGRATED EDUCATION AND TRAINING.—The term “integrated education and training” means a service approach that provides adult education and literacy activities concurrently and contextually with workforce preparation activities and workforce training for a specific occupation or occupational cluster for the purpose of educational and career advancement.

We also recommend that the state define bridge programs differently, and offer a robust definition as suggested below in Recommendation 3. Further, it is critical that the state not equate either bridge programs or integrated education and training with the I-BEST model. I-BEST is perhaps the most well-known form of an integrated education and training program, but there are many other approaches to integrating academic and workforce content. We mention examples of additional approaches in Recommendation 1b.

**Recommendation 1b:** Adopt an expansive definition of bridge programs that includes both contextualized and integrated instruction.

**Rationale:** We argue that bridge programs are one type of integrated education and training program, but that the two are not synonymous. We argue further that the state adopt a definition of bridge programs that includes two approaches: contextualized and integrated.

**Contextualized bridge programs** teach foundational skills (ESOL, literacy and numeracy instruction) against the backdrop of a sector-specific context. This sector focus serves as an engagement technique that grounds coursework in workforce applications by providing workplace- and industry-relevant content. Civics, for example, can be taught in such a context.

**Integrated bridge programs** incorporate foundational skills (ESOL, literacy and numeracy instruction) into an occupation-specific training or certification course. This integration supports individuals learning basic education skills that complement other occupation-specific hard skills, supporting individuals to succeed in the training program and subsequent employment.

Both types of bridge program meet WIOA's definition of "integrated education and training," since they both combine academic and workforce training content. Contextualized bridge programs would generally integrate foundational skills with "workforce training for a specific...occupational cluster."

## **2. Redefining "Bridge" Programs**

**NY State Plan Pages:** 44; 61-62

**Recommendation:** Consider adopting New York City's definition of bridge programs.

**Rationale:** The term "bridge programs" is used throughout the State Plan, but is never clearly defined. As we stated in Recommendation 1 above, we believe strongly that "bridge programs" should not be defined narrowly as being synonymous with the I-BEST model. We view I-BEST as one *type* of bridge program.

NYC has spearheaded several investments piloting bridge models to meet the education and workforce development needs of its residents. The NYC Center for Economic Opportunity is testing the use of the bridge model for its Young Adult Literacy Program, and, as indicated in the State Plan, both the NYC Department of Youth and Community Development and the NYC Human Resources Administration have included bridge programs in their latest concept papers and RFPs.

The City sees bridge programs as a central component of a strategy for Career Pathways, and, accordingly, has worked across stakeholders to establish a definition of bridge that acknowledges the need for flexibility in its delivery based on: a) target population and literacy levels; and b) program structure and goals (whether a literacy program is taking a sector

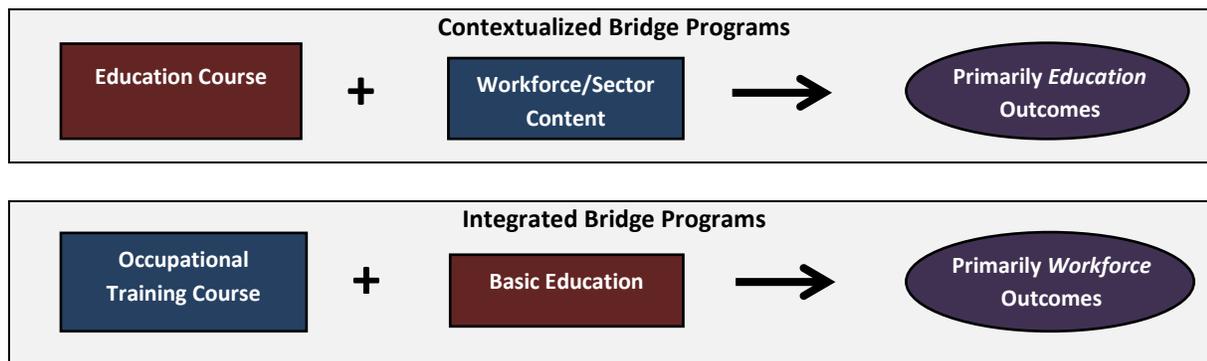
approach or a training program is incorporating basic education instruction). We encourage the State to adopt the City’s definition below.

**Proposed definition of bridge programs:** *Bridge programs prepare individuals with low educational attainment and limited skills for entry into a higher education level, occupational skills training, or career-track jobs – building the competencies necessary for work and education alongside career and supportive services. Bridge programs contextualize programming to specific industry sectors and have established relationships with partners (occupational skills training, education, and/or specific sector employment) who inform program design and serve as the primary “next step” destination for program participants.*

*Bridge programs pair educational instruction and workforce development services using one of two approaches:*

- Contextualized Bridge Programs**  
*Contextualized Bridge Programs teach foundational skills (ESOL, literacy and numeracy instruction) against the backdrop of a sector-specific content. This sector focus serves as an engagement technique that grounds coursework in workforce applications, and importantly complements career counseling services to support participants in exploring occupations in the given sector throughout the duration of the program.*
- Integrated Bridge Programs**  
*Integrated Bridge Programs incorporate foundational skills (ESOL, literacy and numeracy instruction) into an occupation-specific training or certification course. This integration supports individuals learning basic education skills that complement other occupation-specific hard skills, supporting individuals to succeed in the training program and subsequent employment.*

*In both approaches there is strong emphasis on participants’ next step on their career pathway, both in messaging and support to participants, and in the way the program is structured in collaboration with next step partners. Core services are tailored to meet the needs of the target population (e.g. youth, ex-offenders, low income clients, etc.) and bridge destination(s) (e.g. employers, training providers, education providers, etc.).*



### 3. Local Workforce Development Board Review of Title II Proposals

**NY State Plan Pages:** 61

**Recommendation:** The State WIB should adopt a set of performance measures in the State Plan for evaluating the demonstrated effectiveness of Title II programs, but enable local boards to set expected minimum performance levels.

**Rationale:** According to the WIOA legislation, local boards must review all Title II proposals to ensure that they align with the local plan. The State Plan notes that NYSED will work with NYSDOL and the 33 LWDBs to develop and disseminate a review process that enables local boards to determine and rate local WIOA applications for how the applicant’s proposal aligns with the approved local workforce plan. We encourage the State to include performance measures of demonstrated effectiveness in the State Plan that would then be part of a local area’s review of Title II proposals. Local boards would add these measures to their local plans, set their own levels of expected performance, and use these measures as part of their review of how well aligned a proposal is with the local plan.

We propose the following measures, and encourage the State to enable each local area to set the satisfactory level for each measure:

- a. *Minimum number of years of service provision meeting performance goals.* This measure would ensure that seasoned providers with strong track records, regardless of current funding stream, are contracted to provide services.
- b. *Percentage of students persisting in programming.* A high rate of student persistence is a strong measure of program quality, indicating levels of participant trust, satisfaction, and success moving toward goals. “Persistence” could be measured by the percentage of students with a post-test score or exit outcome.
- c. *Percentage of students achieving academic gain in the previous three (3) program years – by measure of 1) NRS level gain, 2) a gain of at least 0.5 within NRS ABE/ASE levels, or 3) a gain of half an NRS ESL Functioning level within ELA levels.* While educational gain should not be the sole measure of program effectiveness, and adult learners have many goals when they enter education programs, academic skills gain remains a key indicator of progress.

### 4. Reinstating Secondary Gain Measures for Title II

**Recommendation:** Continue use of some of the secondary outcomes applied under WIA Title II to track participants’ progress towards the WIOA common measures.

**Rationale:** We propose that the State continue to use the secondary outcome measures previously used under WIA, to capture important indicators of progress *for the lowest-level basic education and ELA students*. These measures enable programs to track key milestones for these participants that:

- a. Support persistence in programs, connecting both directly and indirectly to learners' understanding of and ability to adapt to workforce culture;
- b. Impact an individual's progress in achieving their own career pathways goals, as well as their ability to assist family members in making similar progress;
- c. Enable learners to more fully engage with the workforce system.

Example measures include: attaining the skills needed to pass the US citizenship exam, becoming more involved in children's education, and registering to vote or voting for first time. New York State's ASISTS data system currently used by all WIA/WIOA-funded Title II programs and is already equipped to track these indicators which, again, serve as interim measures of participants' progress towards the WIOA primary outcomes.

### ***System Partners***

#### **5. Local Alignment with Regional Economic Development Councils (REDCs)**

**NY State Plan Pages:** 46-50

**Recommendation:** Mandate local board representation on each of the REDCs.

**Rationale:** As part of its coordination with Empire State Development Corporation, the state agencies party to the State Plan should advocate for a requirement to include at least one representative from at least one local Board within each region – most likely the Director or Board Chair – on each Council. This would increase coordination between economic and workforce development efforts.

#### **6. Alignment and Coordination of Boards and Councils**

**Recommendation:** New York State should establish connections across the various boards and councils active in the state relevant to employment, training, and supportive services to ensure that they communicate and that they are aligned and coordinated.

**Rationale:** The State Plans references a number of boards and councils that serve in an advisory or policymaking capacity for some element of the state workforce development system. There are even some additional bodies relevant to this system not mentioned in the plan. These bodies include:

- State Workforce Investment Board
- Regional Economic Development Councils
- SUNY Regional Planning Councils (and presumably CUNY in NYC)
- New York State Apprenticeship and Training Council
- State Rehabilitation Council for ACCES-VR
- State Rehabilitation Council for New York Commission for the Blind
- New York State Developmental Disabilities Planning Council
- New York State Board of Regents Advisory Council on Postsecondary Education for Students with Disabilities

Many of these bodies exist by statute, making consolidation unlikely. However, to the extent possible, we recommend that the state establish clear, formal connections across the bodies to ensure greater coordination.

## **7. Partnership with TANF**

**NY State Plan Pages:** 30-31

**Recommendation 7a: Ensure recipients of public benefits (TANF, SNAP, etc.) are not penalized for their active participation in WIOA programs.**

**Rationale:** We strongly urge the Office of Temporary and Disability Assistance to take proactive measures establishing waivers that ensure income earned by participants as a part of their participation in WIOA programs does not affect their or their family's eligibility for benefits or the level of benefits. The waiver should apply to income earned by these participants during WIOA internships and/or training that includes stipends. We recommend establishing this waiver for both youth who are dependents in a family receiving benefits as well as non-dependents receiving public benefits.

For example, more than 54,000 young adults participated in New York City's Summer Youth Employment Program in 2015; a young person should not bypass an opportunity for a summer internship because it could impact his or her family's eligibility for benefits.

### **Recommendation 7b: Clarify references to ACCESS NYC.**

The State Plan indicates that ACCESS NYC will be used to enroll individuals into TANF electronically in the immediate future. ACCESS NYC does not currently have the ability to *enroll* individuals; instead, it helps individuals determine their *likely* eligibility for a variety of benefits. The State Plan should be clarified to reflect that. Relatedly, most computers in the resource rooms of the Workforce1 Career Centers already have a short cut icon to ACCESS NYC, and we will ensure that *all* computers have the link. Staff will be retrained on how to promote and use the ACCESS NYC site with customers.

New York City plans to add functionality to ACCESS NYC in the future to enable individuals to apply for benefits online. In the section of the State Plan detailing the WIOA partnership with TANF, please include reference to the use of ACCESS NYC in New York City in addition to references to MyBenefits.

## **8. Expanding Access to Apprenticeships**

**NY State Plan Pages:** 29-31; 46-47

**Recommendation 8a: Make it easier to establish new apprenticeship programs.**

The current process for establishing a new registered apprenticeship can be lengthy. Anecdotally, we have heard that the process can take as much as two years. We strongly

encourage the State to take steps to make the process of registering new apprenticeships clearer, faster, and simpler – an effort we hope will support new businesses and industries in pursuing this tool for effectively training workers in the skills employers need. We also encourage the State to increase efforts to raise awareness of these programs, particularly for young adults, and to enact policies that make it as easy as possible for participants to earn academic credit as part of their program.

**Recommendation 8b: Continue to support and encourage the use of competency-based apprenticeship models.**

We applaud the State for taking the first steps in encouraging the use of competency-based apprenticeship models by approving the first such program in the State in the Direct Support Professional trade. This approach allows apprentices to leverage previous knowledge and work experience to move more quickly through the typical two-year timeframe for an apprenticeship without diminishing the importance of mastering key skills and knowledge. We believe that emphasizing what you can do and how well you can do it, rather than necessarily how long you have been working, will hopefully make apprenticeship models more appealing to non-traditional industries and companies. We encourage the State to promote this approach widely.

**Recommendation 8c: Invest resources to increase awareness of apprenticeship opportunities among young adults.**

We commend the State for taking a step towards integrating the NYSDOL CareerZone website with the Apprenticeship website in order to strengthen the connection between those two services. We encourage the State, however, to do more to facilitate a stronger connection between youth (ages 16-24) and apprenticeship programs. Currently adult workers comprise the bulk of apprentices in the U.S., and the average national age of an apprentice is approximately 30.<sup>1</sup> Apprenticeship Training Representatives should support connections between educational institutions and apprenticeships, to better connect youth to these opportunities.

***Target Populations***

**9. Provision of Services for Youth**

**NY State Plan Pages:** 69-80

**Recommendation:** The SWIB should provide broad guidance and allow local flexibility in setting criteria for awarding grants for youth services and for demonstrating that the fourteen program elements of youth services are being implemented.

**Rationale:** The State Plan template provided by USDOL requires responses to these questions about youth services. We strongly recommend that the SWIB offer broad guidance and

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<sup>1</sup> Chang, Clio. [Can Apprenticeships Help Reduce Youth Unemployment?](#) The Century Foundation. November 2015.

provide flexibility for local areas to determine criteria for awarding grants for services that will best serve the youth in their regions and how best to offer all 14 of the WIOA program elements required for youth services.

#### **10. Recognizing High-Skilled Immigrants as Dislocated Workers**

**Recommendation: Expand the definition of Dislocated Worker to include foreign-trained immigrants.**

**Rationale:** Many foreign-trained immigrants are unable to find a job comparable to the one they held in their home country, due in large part to the difficulty of transferring their professional certifications or academic credentials. Consequently, many foreign-trained immigrants are either underemployed or unemployed in the U.S. In this case, it is the move to the U.S. system that has hindered their ability to fully realize their earning potential and has caused a dislocation from their previous line of work.

Based on data from the Drexel University Center for Labor Markets and Policy, immigrants who earned their college degrees abroad are twice as likely to be under-employed than those with U.S. degrees. According to the [Migration Policy Institute \(MPI\)](#), college educated immigrants were nearly twice as likely to be poor (as defined by living at or below 200 percent of the official poverty threshold) as compared to U.S.-born workers. In New York State, of the foreign born New York residents ages 25 and over with a bachelor, graduate or professional degree, more than half -- 567,000 individuals -- are foreign college-educated.<sup>2</sup>

There is a precedent for recognizing foreign-trained immigrants as a priority category of Dislocated Workers. In 2014, USDOL awarded [Job-Driven National Emergency Grants \(JDNEG\)](#) to serve Dislocated Workers. The Training and Employment Notice explicitly called for proposals serving Dislocated Workers who were:

- Long-term unemployed jobseekers (unemployed for at least 27 weeks in aggregate since the recession of December 2007 - June 2009)
- UI recipients that have been profiled as likely to exhaust their benefits
- ***Foreign-trained immigrant workers, who qualify as Dislocated Workers, and have faced barriers to obtaining employment in their trained field or profession.***

USDOL awarded JDNEG funds to the State of Idaho where they served foreign-trained workers through programs such as [Global Talent Idaho](#).

The definition could be expanded to include an individual who:

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<sup>2</sup> McHugh, Margie and Madeleine Morawski. [Immigrants and WIOA Services: Comparison of Sociodemographic Characteristics of Native- and Foreign-Born Adults in New York](#). Migration Policy Institute. December 2015.

- (i) immigrated to the U.S. but cannot find employment in line with his or her professional certifications or academic credentials earned in another country; and
- (ii) has not yet been able to transfer his or her certifications or credentials to the U.S. system or to earn a comparable U.S. certification or credential; and
- (iii) is unemployed or underemployed as a result;

We strongly encourage the state to go a step further than Idaho and to be a national leader in recognizing this important population. These individuals often need support in finding jobs that match their educational attainment and professional work experience through: transferring and translating credentials, recertifying, learning soft skills needed to be competitive in the U.S. job market, and improving their English, particularly as related to their professional fields. Expanding the definition of Dislocated Worker to include this sixth category would enable more resources to be directed towards supporting them.

### ***Performance and Planning***

#### **11. Title I Customer Service Indicators**

**NY State Plan Pages:** 64-65

**Recommendation:** Connect state interim measures to WIOA outcomes.

The State should regularly review the State interim measures and goals to ensure they directly correlate between near-term activities and WIOA common measures. The process for creating or amending those measures should additionally be shared with LWDBs.

#### **12. Coordinating Services Across Titles**

**Recommendation:** We encourage NYS to support local areas exploring new ways of integrating services across Titles, both programmatically and financially. For example, ACCES-VR and Title I might partner to provide funding and services to support internship programs – expanding the availability of internships for young adults with disabilities.

#### **13. Devising and Communicating an Implementation Plan**

**Recommendation:** Create a companion document to the State Plan that provides a more detailed implementation plan and provide consistent public updates.

**Rationale:** We commend the State for outlining a vision for workforce development services in New York that are guided by regionally and locally informed career pathway and sector strategies and promote collaboration across the WIOA core programs and associated partners. We request that the State provide further guidance, however, as to the four-year implementation strategy for achieving this vision. This could possibly take the form of a companion document to the State Plan that hones in on the new directions articulated for each program and provides further details including timelines and descriptions of partner responsibilities.