

WIOA Program Year (PY) 2020 & 2021 Local Performance Negotiations Questions & Answers

The following Questions and Answers have been developed and are available to assist Local and State Negotiation Teams throughout the process of planning for and conduct of the local performance goals negotiations for PY'20/'21.

Q1. What are the performance measures to be negotiated for PY'20/21?

- A. There are fifteen performance measures to be negotiated for the three Title I programs (Adult, Dislocated Worker and Youth). These include:
- Employment (or Education for Youth) Rate 2nd Quarter after Exit
 - Employment (or Education for Youth) Rate 4th Quarter after Exit
 - Median Earnings 2nd Quarter
 - Credential Attainment Rate 4th Quarter after Exit
 - Measurable Skill Gains

Q2. Will local performance negotiations require or allow for different proposed goals and negotiated levels of performance for Program Years 2020 and 2021?

- A. No, the negotiations will be for the same proposed goals and negotiated levels of performance in both PY'20 and PY'21. It is allowable to accept different goals for PY'20 and PY'21, based on approved rationale, but the State prefers not to set separate goals for the two PYs and did not negotiate separately with USDOL. There will also not be any renegotiation of agreed levels of performance.

Q3. Will the State (DCEO) accept a submittal from an LWIB of the WIOA Notice 20-NOT-01, Change 1, Attachment G - Proposed Performance Goals Form if there is no supporting data, documentation or rationale at the time of the submittal?

- A. No. The State has requested submission of Attachment G to set a starting point from the Local Negotiation Team for the local negotiations. The State can, during its planning for the negotiation call, identify proposed goals that it will accept and agree upon without the need for discussion during the call. Only with appropriate supporting data and information can the State make an objective decision as to which, if any, of the fifteen proposed goals it may agree to in advance.

Q4. Can an LWIA contact the State (DCEO - Office of Employment and Training) to schedule its local negotiation call if it has not submitted Attachment G – Performance Goals Proposal Form?

- A. No. Only upon receipt of a completed and appropriately signed Attachment G, along with supporting data and information will a negotiation call be scheduled through the Local Negotiation Team lead contact. A representative of the State will contact the Local Negotiation Team Lead individual as identified to schedule a negotiation call indicating the remaining available dates and times to be chosen from. For this reason, it is important to complete and submit the proposal form in a timely manner yet ensuring all necessary considerations have been made in determining the local proposed goals. While the State will be as flexible as possible in meeting the needs of all or most of the Local Negotiation Team

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availability, the Local Negotiation Team should also be prepared to have multiple dates and times that are mutually agreeable.

Q5. What is the WIOA Performance Negotiation Tool and where can I access it?

- A. The Performance Negotiation Tool is a web-based and spreadsheet account of workforce specific historical data and information that should be used by the Local and State Negotiation Teams in preparing for submission of proposed performance goals and negotiation levels of performance. The information contained within includes three years of performance outcomes for each of the fifteen performance measures for each Local Workforce Innovation Area (LWIA) and the State.

A link to the Tool is available on the WIOA Performance and Technology website on Illinois workNet® or directly at WIOA Performance Negotiation Tool. Within the Tool are multiple links to various data related to program employer & wages, skill gains, unemployment trends, and the employment base. Also, there is a link to the PY2019 Local Scorecard which is a Microsoft Excel spreadsheet with the performance outcome trends and rankings across the state over the past three program years.

Q6. What should be done if the information for the WIOA Performance Negotiation Tool or PY2019 Local Scorecard aren't accessible or there are limits in the information available?

- A. There are several identified concerns with access to the data and information about through the Tool. This could be caused by computer limitations; internet bandwidth or speed; local firewalls or restrictions; or other web-based or technology issues.

Due to the extensive quantity of data and information contained within the Tool, it may take several moments to load the site. If you aren't able to access the Tool webpage, or data seems to be missing, we recommend you try one of the following actions: utilize a different web browser; close webpages, documents or applications to free up computer memory and processing power; reboot your computer; or speak to your information technology department for further assistance. If these measures do not correct the problem, you may contact the State to ask for further assistance. (Mark Burgess at mark.a.burgess@illinois.gov).

It is recommended that the PY2019 Local Scorecard be downloaded rather than viewed in your internet browser. The trendlines in the browser version sometimes aren't viewable but are available in the Excel version.

Q7. When I attempt to download the PY2019 Local Scorecard, it requires a log-in to a Dropbox account, but I don't have or can't create one, so how can I access the Excel document?

- A. The PY2019 Local Scorecard Excel file is being hosted on Dropbox as a public access point. The State is looking into other measures that overcome limitations being seen in some organizations seeking to access the file. While some individuals expressed initial concern, they were eventually able to download the file without going through the Dropbox sign-in process by using one or more of the recommended process in the response above, so we recommend attempting the download again. If you continue to experience problems with the download, contact the State for further assistance. (Mark Burgess at mark.a.burgess@illinois.gov).

Q8. Does there need to be supporting data and information as rationale for all of the proposed performance goals submitted by the local area?

- A. No, if the Local Negotiation Team, in submitting their proposed goals, thinks the past historical performance outcomes and ability to assist the State in meeting its negotiated goals is evidence enough, then there is no need to provide additional documentation to support one or more of the proposed goals. The proposed goals should also indicate the LWIA is meeting the requirement for continuous improvement.

In submitting proposed goals and determining what data and information should be included to support the local decisions, it is recommended to think “more is better” as the State team will have only what is readily available to them through the past performance outcomes and WIOA Performance Negotiation Tool to determine if it will accept and agree to the proposed goal if there is no support included.

Q9. If an LWIA proposes a goal that is the same as the State’s negotiated goal in the same performance measures, should justifying data and information be submitted?

- A. There are many factors to consider when determining a local proposed goal (see Four Key Factors in Negotiations below). Because each LWIA affects the State’s overall performance outcomes, it would depend on how you view your ability to contribute to meeting the state’s goals AND if the proposal being made is consistent with past performance outcomes at the local level as to whether matching the State goal in a particular measure is appropriate. Each proposal should be considered independent of each other and the need to include supporting data and information as rationale for the local proposal should be independently made.

Q10. What format should the local proposed goals supporting data and information be utilized?

- A. The State has not outlined specific formats to be utilized in submitting supporting data and information. It is recommended that Microsoft Word or Excel or Adobe Acrobat pdf (portable document format) be considered and might depend on the information to be attached to the proposal form. For example, if the information is a table of unemployment statistics or WIOA participant characteristics, this might be best submitted as a Microsoft Excel or .pdf document, or if it is narrative justification for the proposed goal, Microsoft Word (or a Word document converted to .pdf) might be the best option.

Q11. Can Attachment G – Performance Goals Proposal Form be submitted without the signature of the Local Workforce Innovation Board Chairperson(s) and Chief Elected Official(s) signatures?

- A. No, it must be the LWIB Chair (or Vice Chair where they can sign on behalf of the Chair per their bylaws) and CEO (or their proxy that has been indicated to the State as noted on the LWIA Matrix). This is the same requirement as for signatures for MOUs, LWIB Certification, and other documents requiring the LWIB Chair and CEO signatures, but not others with signature authority. The only exceptions to this are for the LWIB Chair when they have identified the Vice-Chair as able to sign on the Chair’s behalf as outlined in the LWIB By-Laws or the CEO when they have identified a proxy who is recognized by the State (DCEO) and noted on the most current LWIA Matrix.

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Q12. What are the key factors to be considered when planning for submission of proposed performance goals and participating in negotiation calls?

- A. Each local area is expected to consider the following four key factors (outlined in more detail in USDOL, TEGL 11-19 (February 6, 2020)):
1. Take into account how the levels involved compare with the negotiated levels of performance established for other local areas.
 2. Ensure that the levels involved are adjusted using an objective Statistical Adjustment Model (SAM) provided by the Departments and the State.

Note: Based on analysis of performance data and information available at this time, the SAM is not being provided at the local level to provide the estimates and adjustments for use in PY'20/'21 negotiations. However, as required by USDOL, the model will be developed and applied at the local level to adjust PY 2020 negotiated performance goals based on the customer mix and economic conditions experienced during the year.

3. Take into account the extent to which the levels involved promote continuous improvement in performance accountability measures and ensure optimal return on the investment of Federal and State funds.
4. Take into account the extent to which the levels involved will assist the state in meeting the performance goals established by the Secretaries of Education and Labor in accordance with the Government Performance and Results Act of 1993 (GPRA) (section 116(b)(3)(A)(v)(IV) of WIOA).

While the factors outlined in the TEGL speak to State level negotiations, the same considerations should be made during Local negotiations.

Q13. What is the need and importance of submitting data and information to support the Local Proposed Performance Goals as part of Attachment G?

- A. In order for the State to assure the LWIA has made an objective decision in proposing its performance goals, and remove speculation from the discussion and consideration, it is advised that all information not readily available in the [WIOA Performance Negotiation Tool](#), or through previous Program Year Performance Outcomes reports, be submitted for review and planning. This will achieve two purposes: the State can make an objective decision to accept the proposed goal or prepare to negotiate goal(s) based on the objective data and information available and allows for a meaningful and expedited negotiation call by ensuring both sides are prepared as fully as possible.

Q14. How can the Coronavirus pandemic (COVID-19) be factored into planning and determination of proposed performance goals and final negotiated levels of performance?

- A. At this time, there is not sufficient data on the impact that the Coronavirus pandemic will have on performance outcomes. While we realize this may be significant, negotiation conversations based on potential COVID-19 factors are speculative. USDOL has indicated that COVID-19 impacts on performance are being closely examined and negotiated targets

will be adjusted, respectively, by the Statistical Adjustment Model (SAM). Illinois will make the same considerations for adjustment to LWIB performance targets.

Q15. Is there any other statewide or local data or information that is prohibited from being part of the planning and discussions on proposed performance goals and final negotiated levels of performance?

- A. No. We anticipate and recommend that local planning should include review of any data and information that would provide an understanding of the current conditions in the local area and are in part a basis for the local proposed performance goals. This allows the process to take into account other information that local areas consider important when establishing the negotiated levels of performance. While the State may have access to some of this information, information that is produced at the local level may not be part of the State's review and planning and should be included as additional information to support the Attachment G – Performance Goals Proposal Form submission.

Q16. What guidance, including Federal or State policies and communication is available to help as the Local Negotiation Teams prepare to submit their proposed performance goals and enter into negotiations?

- A. There are multiple guidance that has been issued by the US Department of Labor over the past several years regarding WIOA performance and performance negotiations, as well as by the State of Illinois over the past several weeks and months. These include:
- WIOA Notice 20-NOT-01, Change 1, Local Performance Goals Negotiations
 - Local Negotiations Timeline (Attachment A)
 - Illinois Title I Negotiated Levels of Performance for PY'20/'21 (Attachment C)
 - Two [webinars](#) covering an overview of WIOA Notice 20-NOT-01 (August 20, 2020) and the [WIOA Performance Negotiation Tool](#) and Statistical Adjustment Model (SAM) (September 23, 2020)
 - Workforce Innovation and Opportunity Act
 - WIOA Final Regulations
 - USDOL Training and Employment Guidance Letters (TEGL) (Links included in WIOA Notice 20-NOT-01, Change 1, Attachment F)
 - Additional information, including a USDOL-ETA webinar, on the Statistical Adjustment Model (Links included in WIOA Notice 20-NOT-01, Change 1, Attachment F)

Q17. Will the Local Workforce Innovation Board Chairperson(s) and Chief Elected Official(s) be required to sign an agreement of the final goals following the local negotiations?

- A. No, the local negotiation process is a three-step process and will not afford the opportunity for further discussion or negotiation after conclusion of the local negotiation call.
1. **Plan** for the local negotiations including reviewing past performance, the State's final Title I Negotiated Levels of Performance for PY'20/'21, information contained in the [WIOA Performance Negotiation Tool](#), the four negotiation factors, attendance and gathering of information contained in technical assistance and informational

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webinars and documents, and any other data and information necessary to determine the appropriate level of performance for each measure.

2. **Submit** a completed and signed Performance Goals Proposal Form (WIOA Notice 20-NOT-01, Change 1, Attachment G) to the Office of Employment and Training no later than October 2, 2020 for the PY'20/'21 performance negotiations
3. **Participate** as a State or Local Negotiation Team in the local performance negotiation calls on the date and time agreed upon between the identified local lead individual and state contact during which each of fifteen measures over three programs (Adult, Dislocated Worker and Youth) will be negotiated and reach agreement on level of performance will be made. Following the calls, the State will issue a confirmation letter containing all final negotiated levels.

Q18. Who is responsible for conducting the local negotiations?

- A. Local Workforce Innovation Boards (LWIBs), Chief Elected Officials (CEOs) and the Governor must negotiate and reach agreement on local levels of performance based on the State negotiated levels of performance. The Governor of Illinois has provided authority to the Illinois Department of Commerce and Economic Development to negotiate on his behalf. While it is encouraged to have the LWIB Chairperson and/or CEO as an active participant to the negotiations, designation of other individuals to negotiate with or on their behalf as part of a Local Negotiation Team is allowed.

The key is that the Local Negotiation Team will be acting on behalf of the local area in agreeing on final negotiated levels of performance during the negotiation call, so those individuals designated to be on the local team must have appropriate authority to speak on behalf of those designating them. This is to ensure the LWIB Chair and CEO, who have the responsibility for local negotiations as outlined in the WIOA, are informed and making decisions appropriately.

Q19. Who and how many individuals should be part of the Local Negotiation Team?

- A. Local Negotiation Teams should consist of up to five individuals selected from the Local Workforce Innovation Board (LWIB) Chairperson, Chief Elected Official (CEO), LWIB members and staff, One-Stop Operator, Title I Administrator or staff, or others identified as being able to speak on behalf of the LWIA in negotiations and coming to final agreement on levels of performance.

Q20. Can someone not identified as a member of a Local Negotiation Team be involved in the negotiation process?

- A. Yes and No. Only members of the Local Negotiation Team have the responsibility to come to agreement on proposed performance goals to submit to the State for consideration and actively participate in the local negotiation calls. However, any individuals identified as having the ability to contribute during the planning of these critical activities are welcome and advised to provide assistance. These might include individuals representing the local board, performance or planning for the Title I program, data and technology experts to provide necessary demographic, unemployment and other statistics, or others who might be able to provide insight to the unique conditions of the geographic area of the State.

Q21. When are the local negotiation calls being scheduled?

- A. All local negotiation calls will be scheduled during the period of October 13 and 30, 2020. Each call will be scheduled in the morning from 9:00 – 11:00am or in the afternoon from 2:00 – 4:00pm. While it is not anticipated that each call will take the entirety of the two-hour block, this will ensure both the Local and State Negotiation Teams have reserved adequate time to negotiate and come to final agreement on all fifteen measures during the call. Some flexibility to begin earlier or later may be considered with prior notification.

Q22. Will the local performance negotiation calls be teleconference calls or through a webinar platform such as Zoom or WebEx?

- A. Yes. Our reasoning is that in the virtual world, where we are unable to come together in the same room to share documents and have discussions within our local or state teams, we wanted to allow the teams the option to share documents with their team members virtually as proposals and counterproposals are made. It is for this reason we requested substantiating information be provided as rationale for the local proposal submission for the State team to have sharable among its members.

Q23. What should the Local Negotiation Team do if there is a need to change the date and/or time of a previously scheduled local negotiation call?

- A. You should contact Mark Burgess (mark.a.burgess@illinois.gov or 217.970.0061) to indicate the need to request a change of date and/or time and come to a new agreement for conduct of the call from the remaining available dates and times.

Q24. What is the process for the negotiation call?

- A. A State representative will set up a teleconference call, including telephone number, access code and password, as necessary, after a local negotiation call is determined. On the date and time of the negotiation call, the State will initiate the call approximately 5-10 minutes in advance of the start time. Calls will then proceed in the following manner:
1. Upon scheduling of the negotiation call, the State will issue a call-in teleconference number for members of the Local and State Negotiation Teams to access the calls at the appropriate date and time.
 2. The calls will begin with an introduction of the State Negotiation Team members and request from the Local Negotiation Team members to introduce themselves. If a member of the Local or State teams, other than the identified Lead, will be responsible for presentation of proposals, counterproposals and agreement on negotiated levels of performance, it should be indicated during the introductions.
 3. An opening conference will be presented by the State team to provide an overview of the contents of the call including speaking roles, permissible and impermissible data and information during the negotiations, and an opportunity for the Local Negotiation Team members to ask any questions prior to beginning the negotiations.
 4. The State will identify the proposed performance goal(s) that it is agreeing to accept, all remaining goals will be negotiated.

5. Negotiations for each measure will include a statement of each measure, a presentation of a new proposed goal by the State Negotiation Team Lead with introduction of data or information to support the proposed goal.
6. The Local Negotiation Team Lead will accept the State's new proposed goal or present a counterproposal for the measure, following discussion among local team members, as necessary.
7. The State Negotiation Team Lead will accept the LWIA's new proposed goal or present a counterproposal for the measure, following discussion among the state team members, as necessary.
8. This process will continue until a counterproposal is accepted by both the Local and State Negotiation Teams.
9. The State Negotiation Team Lead will proceed to the next performance measure that needs negotiated and the process will repeat as outlined above.
10. While the negotiations might require Local or State team members to speak when presenting supporting data or information, only the Lead for each team will provide the negotiated goal proposals and accept the final negotiated goal.
11. Upon completion of agreements for all fifteen performance measures, the State Negotiation Team Lead will enter into a closing conference at which time each measure will be repeated along with the final negotiated level of performance as either initially accepted by the State from the proposed local goal or through negotiations. Formal agreement from the Local and State Negotiation Team Leads on each measure will be ascertained.
12. Upon completion of the closing conference, the negotiation call will be completed, and all parties will leave the teleconference call.
13. The State will issue a letter within 10 days confirming all of the negotiated levels of performance as official notification to the LWIB Chairperson(s) and CEO(s) with a cc' to all Local Performance Team Members.

Q25. Are there Incentives for Local Workforce Innovation Boards whose Title I program is able to meet or exceed any or all of their negotiated levels of performance?

- A. Yes and No. The State issued WIOA Policy 3.5, Incentives and Sanctions for Performance effective April 5, 2019. While the issuance of incentives is an allowable use of statewide activities funds, it is up to the State, in consultation with the Illinois Workforce Innovation Board, to determine if there are sufficient funds available to support the awarding of incentives. This is determined following each Program Year and issued in a WIOA Notice.

It has been determined that there would not be any incentives awarded for PY'2018, the most recent program year for which performance could be determined and awards issued, so that statewide activities funds could be focused on the issuance of grants to address such strategic areas as apprenticeships, statewide innovation, youth career pathways, and service integration.

In conjunction with the Illinois Workforce innovation Board, the State will determine whether and at what level incentives will be made available to local areas for performance on local performance accountability measures. The decision is made after each Program Year, and it has not yet been determined if performance incentives will be made available for the just completed Program Year 2019 or Program Years 2020 and 2021 for which negotiations of performance goals are forthcoming.

Q26. Are there sanctions for Local Workforce Innovation Boards whose Title I program is unable to meet any or all of their negotiated levels of performance?

- A. Yes. The State issued WIOA Policy 3.5, Incentives and Sanctions for Performance effective April 5, 2019 which outlines at section 3.5.5 the criteria for instances in which technical assistance or sanctions may be applied to a local area that fails to meet the negotiated levels of performance and the minimum training expenditure levels.

To submit additional questions for consideration and response, please contact Mark Burgess, Performance Measures Manager, DCEO – Office of Employment and Training, at mark.a.burgess@illinois.gov.