



**BOARD OF DIRECTORS MEETING
AGENDA**

DATE: June 30, 2011
Thursday
TIME: 5:00 p.m.

PLACE: Workforce Solutions Cameron
Conference Room
245 East Levee
Brownsville, Texas 78520
(956) 548-6700

Items may not be considered in the order they appear.

1. Call Meeting to Order – **Page 1**
2. Public Comments – **Page 1**
3. Discussion, Consideration and Possible Action Accepting the Board Meeting minutes of May 26, 2011. – **Pages 2-8**
4. Committees
 - A. Personnel Policies Ad-Hoc Committee Report – **Page 9**
 - B. Operations Committee Report
 - a. Discussion, Consideration and Possible Action Regarding Relocation Plan for moving Board Staff to Old Alice Workforce Center – **Pages 10-12**
 - b. Discussion, Consideration and Possible Action Regarding New Contractor Profit Model – **Page 13**
 - C. Audit Committee Report
 - a. Discussion, Consideration and Possible Action Regarding approval of expenses not to exceed \$125K for Renovation of Old Alice Center to accommodate relocation of Board Staff – **Pages 14-16**
 - b. Discussion, Consideration and Possible Action Regarding New Contractor Profit Model – **Pages 17-23**
5. CONSENT AGENDA

Discussion, Consideration and Possible Action on the following policy: - **Pages 24-27**

 - a. Fraud Policy
6. Discussion, Consideration and Possible Action on items withdrawn from Consent Agenda - **Page 28**
7. Discussion, Consideration and Possible Action Regarding Appointment of Nominating Ad-Hoc Committee for 2011/2012 Board Officers – **Page 29**
8. Operational Update – **Page 30**

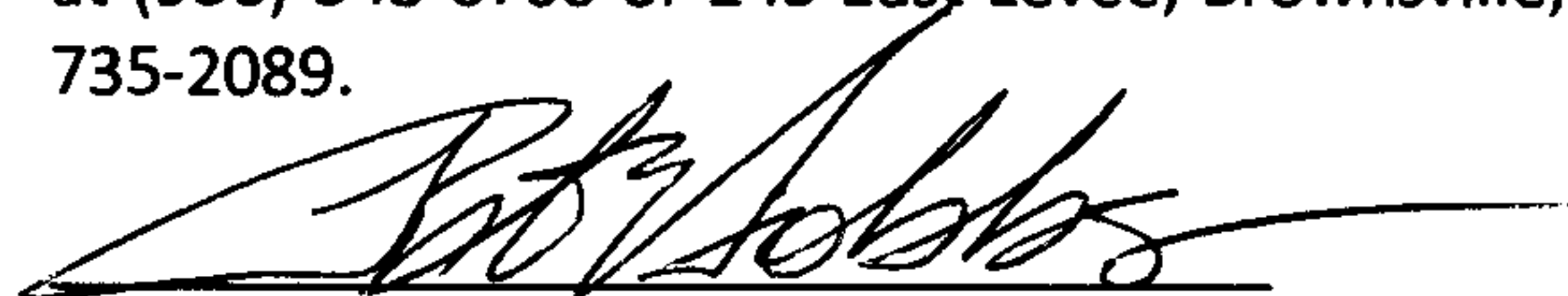
Executive Director's reports on the following:

 - a. Return of funds from Louisiana for Mobile Lab
 - b. Receipt of Adult, Youth and Dislocated Worker 2012 Funding

9. Other Business – Page 31

10. Adjournment – Page 31

If during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Board shall convene in such executive session or closed session in accordance with the Texas Open Meeting Act, Texas Government Code Section 551.071 to 551.075. Before any such session is convened, the presiding officer shall publicly identify the section or sections of the act authorizing the executive session. All final votes, actions, or decisions shall be taken in open session. Auxiliary services and aids are available to persons with disabilities by contacting the Workforce Board office at (956) 548-6700 or 245 East Levee, Brownsville, Texas prior to the meeting. Hearing impaired may use Relay Texas 1-800-735-2089.



Pat Hobbs, Executive Director

June 24, 2011

Date

Mission:

To promote and support a workforce system that provides employers and individuals of Cameron County the opportunity to achieve and sustain economic prosperity.

1. Call Meeting to order
2. Public Comments

WORKFORCE SOLUTIONS CAMERON Agenda Item Information

Meeting Date	Thursday, June 30, 2011
Agenda Item Topic	3. Discussion, Consideration and Possible Action Accepting the Board Meeting minutes for May 26, 2011.
Committee	Full Board
Type of Action	<input type="checkbox"/> Briefing/Information <input type="checkbox"/> Policy Briefing Item <input checked="" type="checkbox"/> Action Item
Presenter(s)	Federico Garza, Board Chair
Summary of Item	Requested Action: The Board is requested to modify and or approve the minutes of the Board Meeting minutes of May 26, 2011.
Attachments	May 26, 2011 Board Minutes (Pages 3-8)
Comments	Contact Pat Hobbs at 548-6700 for questions/information on this agenda item.

**Workforce Solutions Cameron
Board Minutes for May 26, 2011**

1. CALL TO ORDER

The board meeting of May 26, 2011 was called to order at 5:15 p.m. by Mr. Federico Garza, Board Chair. The meeting was held at the Workforce Solutions Cameron Corporate office, 245 E. Levee, Brownsville, Texas.

Chair ascertained agenda had been posted and a quorum was present.

Members present were:

Ms. Linda V. Alaniz
Mr. Francisco Rendon
Ms. Debbie Alford
Mr. David Day
Mr. Jaime Escobedo
Mr. Federico V. Garza
Ms. Laura Gilmore
Mr. Polo Leal
Mr. Robert Sanchez
Mr. Eddie Long
Mr. Ron Rogers
Ms. Clarissa Roewe
Ms. Celeste Sanchez
Mr. Baldomero Treviño
Ms. Sonia Walsh

Others present were:

Mr. Ernesto Gamez, Jr., Attorney
Mr. Pat Hobbs
Mr. Juan Garcia
Mr. Ben Paredes
Ms. Nelda Torres-Najera
Ms. Marisa Peña
SWK staff

At this point Board Chair skipped to Items 12 E & F listed under Operational Update.

Website Demonstration and Childcare Quality Awareness Campaign was provided by Mr. Santana Galvan.

Mr. Hobbs reported that it was important that the Board see the work being done by Santana and IT folks. This website is more modern, user friendly, and more accurate.

The Board also viewed commercial developed for the childcare campaign showing quality care.

The Board had the opportunity to ask questions regarding new website.

2. Public Comments

No public comments were presented.

3. Discussion, Consideration, and Possible Action Accepting the Board minutes of March 24, 2011.

Motion was made by Ms. Clarissa Roewe to accept the Board minutes of March 24, 2011 Board of Directors Meeting.

Motion seconded by Ms. Laura Gilmore. Motion carried.

4. Executive Session

Personnel Matters, Litigation and Property Acquisitions, Consultation with Attorney and Conference with Employees as provided under Texas Government Code, Sections 551.071 to 551.075.

A. Discussion Regarding Executive Director's Contract

The Board didn't go into Executive Session.

5. Discussion, Consideration and Possible Action as a result of Executive Session listed under Item 4A above.

N/A

6. Committee Reports

A. Executive Committee

a. Contract for Executive Director

Committee Chair reported that the Committee met to discuss the Executive Director's contract. The Committee also reviewed 6 month evaluation, car allowance, discussed performance objectives and the salary agreed upon during previous Board of Director's Meeting. The Committee discussed the contract during previous Executive Committee and is ready to make recommendation.

Motion was made by Ms. Clarissa Roewe to approve Executive Director's contract and to allow Legal Counsel to review before signing.

Motion seconded by Ms. Linda Alaniz. Motion carried.

For the record, Legal Counsel reported that during the March 24, 2011 Executive Director was selected and the Board unanimously voted to hire Mr. Pat Hobbs. It was during this meeting that the Board also recommended to have the Executive Committee review, and approve Executive Director's contract. Final review will be done by Legal Counsel. At this time Attorney has not finished reviewing contract.

b. Transportation Policy Change

Committee referred this policy to the Operations Committee, therefore Committee will not be making recommendation.

B. Operations Committee

- a. Discussion, Consideration and Possible Action Regarding UI Work Search Requirement
Motion was made by Ms. Clarissa Roewe to approve UI Work Search Requirement and to submit appropriate paperwork to TWC reflecting 3 visits per week.

Motion seconded by Ms. Sonia Walsh. Motion Carried.

- b. Procurement Policy
c. Intensive Services policy Update
d. Customer Satisfaction Survey Update
e. Monitoring Report
f. Performance Report
g. RFP/RFAs Update

No action required for items listed under b, c, d, e, f, and g. Policies have been placed under consent agenda for approval.

C. Economic Development Committee

Committee Chair reported on Economic Development Committee held on May 11, 2011.

- a. Committee Agenda Development Report
Committee discussed how agenda items should be developed based on the role of Committee goals. Committee also discussed how the Board Staff and the Board Members can do more outreach to promote Workforce Solutions Cameron.
- b. Employer Needs Survey
Committee discussed draft Employer Needs Survey that has been completed. Survey will have 14 questions on employer needs, future hiring plans, and satisfaction with Workforce Solutions Cameron's services.
- c. Post Referral Employer Survey
Post Referral Employer Survey is in the development stages.
- d. RFP Employer's Services Training BSU
An RFP has been published to procure training for the Business Services Unit. The Board's idea is to change the approach to working with employers.
- e. Small Cities Coalition
Committee Chair reported that the Small Cities Coalition grant had expired and that the Board didn't have any funds to continue technical assistance. Recommendation was made to form a coalition of all cities of the different counties to continue with this coalition.
- f. RFP/RFA's
Committee Chair reported on 5 RFPs currently being advertised.

No action required.

D. Audit Committee

- a. Discussion, Consideration and Possible Action Regarding Contingency Plan to Address Potential Budget Cuts
Motion was made Ms. Clarissa Roewe to authorize Executive Director to close the Port Isabel satellite office, effective June 30, 2011 due to insufficient activity. Motion seconded by Mr. Baldomero Trevino. Motion Carried.

- b. Procurement Policy
Procurement Policy will be discussed under consent agenda.
- c. Financial Reports
No concerns were reported regarding budgets that were presented to the Board. At this time the Board is currently meeting expenditure requirements.
- d. Funds Transfer
Discussion regarding TWC's approval regarding Workforce Solutions Cameron's request to a transfer designation of Adult funds to Dislocated Workers up to \$200K due to low balance remaining in the Dislocated Worker account.
- e. Performance
The Board reviewed Monthly Performance Report. The Board is currently exceeding 9 measures, meeting performance on 3 measures and not meeting performance on 3 measures. Performance measures puts the Board at #4 compared to 28 total Boards in the state.
- f. TWC's Monitoring Response
Executive Director reported that the Board had submitted corrective action response to TWC regarding three outstanding issues.
- g. RFA/RFA's
Committee Chair reported on 5 RFPs currently being advertised.

E. Personnel Policies Ad-Hoc Committee Report

Committee Chair reported that Committee met on May 14th to discuss policies. Board staff will be doing final editing of the revisions that the Committee has been working on and will then forward to Legal Counsel for final review. At this time there is no recommendation from the Committee.

7. Consent Agenda

Discussion, Consideration and Possible Action on the following policies:

- a. ITA Policy (lifetime & 12 month cycle)
*Motion was made by Ms. Clarissa Roewe to approve ITA Policy #BCY08-009.
Motion seconded by Ms. Celeste Sanchez. Motion Carried.*
- b. Monitoring Policy
*Motion was made by Ms. Celeste Sanchez to approve New Monitoring Policy #BCY11-003.
Motion seconded by Ms. Clarissa Roewe. Motion Carried.*
- c. Support Services Policy – Transportation Cap, Policy #BCY08-005, Revision #4
*Motion was made by Ms. Clarissa Roewe to approve Support Services Policy.
Motion seconded by Mr. Tony Campos. Motion Carried.*
- d. Eligible Training Provider System – Training Programs Policy #BCY11-005.
*Motion was made by Ms. Clarissa Roewe to approve New Eligible Training Provider System –
Training Programs Policy.
Motion seconded by Mr. Tony Campos. Motion Carried.*
- e. Procurement Policy
*NOTE: Procurement Policy# BCY11-004 was withdrawn from consent agenda and discussed
under open session.*

8. Discussion, Consideration and Possible Action on items withdrawn from Consent Agenda

*Motion was made by Mr. Tony Campos to approve Procurement Policy #BCY11-004.
Motion seconded by Ms. Celeste Sanchez. Motion Carried.*

9. Discussion, Consideration and Possible Action Regarding RFP/RFAs Procurement Contingency Process for board Approval

Executive Director reported that the board has a board meeting every other month and that sometimes the Board has items that need Board approval.

Sometimes RFPs/RFAs are received after the Board agenda has been posted. Executive Director asked for a process in case bids come in after board meets. He asked if the Executive Committee can then have the final board ratify during the Board Meeting.

After further discussion, the Board decided to have the Executive Director work on specific wording with Legal Counsel, for an agenda item that allows this type of action. No Action taken.

10. Discussion, Consideration and Possible Action Regarding Minimum Performance Standards for ETPS

*Motion was made by Ms. Laura Gilmore to adopt Minimum Performance Standards for ETPS.
Motion seconded by Ms. Clarissa Roewe. Motion Carried.*

11. Southwest Key Workforce Development LLC Contractor's Report

Mr. Henry Castillo reported on Performance Measures and informed the Board that Workforce Solutions Cameron's Board was one of only 4 Boards in Texas exceeding 9 measures. Report regarding total customers served was also provided.

Ms. Mera Champion reported on the Childcare Conference that was held in May. She stated that they had a wonderful turnout.

12. Operational Update

Executive Director's reports on the following:

- a. Board Committee Vitalization
- b. Board Retreat Initiatives
- c. "Cross Training" of Staff
- d. Upcoming Review of Incentive Profit to Contractor
- e. Website Demo
- f. Childcare Quality Awareness Campaign

Executive Director will be providing Operational update during the next Board of Director's Meeting.

Items e and f were taken at the beginning of the meeting and will not be brought back to the board.

No action required.

8. Adjournment

With no further action, motion to adjourn the meeting was made by Mr. Tony Campos. Motion seconded by Mr. Polo Leal. Motion carried.

The Board of Director's Meeting of May 26, 2011 was adjourned by the Board Chair at approximately 6:50 p.m.

Respectfully Submitted:

Linda V. Alaniz, Workforce Solutions Cameron Board Secretary

WORKFORCE SOLUTIONS CAMERON Agenda Item Information

Meeting Date	Thursday, June 30, 2011
Agenda Item Topic	4. Committee Reports
Committee	A. Personnel Policies Ad-Hoc Committee
Type of Action	<input type="checkbox"/> Briefing/Information <input type="checkbox"/> Policy Briefing Item <input checked="" type="checkbox"/> Action Item
Presenter(s)	Sonia Walsh, Committee Chair
Summary of Item	<p>Committee met on Thursday, June 16, 2011 discuss the personnel policies.</p> <p>Committee requested for policies to be forwarded to Legal Counsel for final review and editing, and then will be presented to the Board of Directors for approval during the next scheduled meeting.</p>
Attachments	None
Comments	Contact Pat Hobbs at 548-6700 for questions/information on this agenda item.

WORKFORCE SOLUTIONS CAMERON Agenda Item Information

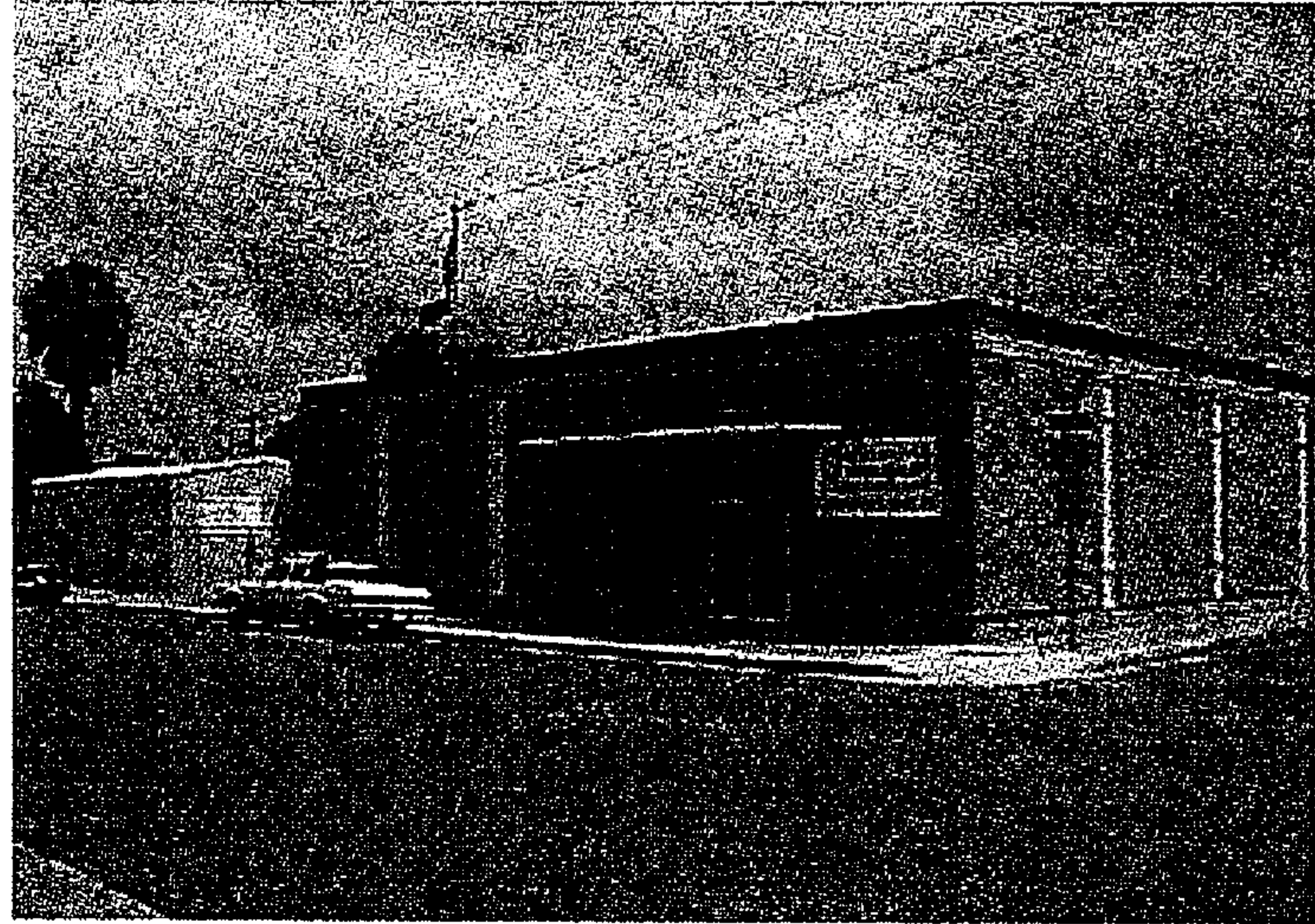
Meeting Date	Thursday, June 30, 2011
Agenda Item Topic	4. Committee Reports
Committee	B. Operations Committee
Type of Action	<input type="checkbox"/> Briefing/Information <input type="checkbox"/> Policy Briefing Item <input checked="" type="checkbox"/> Action Item
Presenter(s)	Clarissa Roewe, Committee Chair
Summary of Item	<p>Committee met on Monday, June 20, 2011 to discuss the following:</p> <p style="padding-left: 40px;">a. Discussion, Consideration and Possible Action Regarding Relocation Plan for moving Board Staff to Old Alice Workforce Center</p> <p style="padding-left: 40px;">The Committee recommended that the Board approve the relocation of the Board's Administrative Offices to the Old Alice Workforce Center.</p> <p style="padding-left: 40px;">The committee also recommended that the decision on cost be forwarded to the Audit Committee for consideration and approval.</p>
Attachments	Report on Relocation of Levee Offices (Pages 11 & 12)
Comments	Contact Pat Hobbs at 548-6700 for questions/information on this agenda item.

Facility Detail

Building Information

Brownsville

County: Cameron
LWDA: 24
Lease/AOB#: 24-AOB01
Square Feet: 7,800
Year Built/Acquired: 1967/1964
Current Use: Workforce Center
Market Value: \$380,000
Appraisal Date: 01/30/2009



245 E Levee St

Building Systems

Note: Blank HVAC installation and/or useful life expiration dates indicate various system components have been upgraded or replaced. Roof useful life expiration dates have been extended beyond the normal 20-year life cycle where major roof repairs have occurred in the interim.

<u>SYSTEM</u>	<u>INSTALLATION DATE</u>	<u>USEFUL LIFE EXPIRATION DATE</u>	<u>SYSTEM TYPE</u>
HVAC	07/26/1998	07/26/2013	Roof Top Units and Wall/Window Units
Roof	10/28/1998	10/28/2008	Coal Tar BUR

Deferred Maintenance Recommendations

<u>RISK RATING</u>	<u>PROJECT</u>	<u>PROJECT DESCRIPTION</u>	<u>COST</u>
12	SAFETY AND HEALTH	Remove and replace sheetrock (ACM abatement)	\$135,000
21	SAFETY AND HEALTH	Fire alarm system repairs and upgrades (ACM abatement)	\$65,000
24	HVAC	Replace HVAC system, DDC	\$145,000
36	STRUCTURAL	Clean, caulk and waterproof building exterior	\$62,000
108	ROOF	Remove and replace roof	\$175,000

Total Estimated Costs: \$582,000

Projects Completed Since November 2001

<u>DATE</u>	<u>PROJECT</u>	<u>PROJECT DESCRIPTION</u>	<u>COST</u>
07/17/2002	RENOVATIONS	Building renovations	\$387,861
08/22/2003	RENOVATIONS	Interior renovations	\$35,690
08/31/2008	SAFETY AND HEALTH	Install Windstorm Shutters	\$9,864

Total Expenditures: \$433,415

Levee Facility Related Cost

Description	Feb-11	Mar-11	Apr-11	
Telephone & Long Distance	\$1,673.68	\$2,101.85	\$2,078.35	
Broadband & cellphones	\$540.00	\$2,074.03	\$1,656.79	
Water, electric, sewage	\$966.53	\$1,229.75	\$1,394.81	
Electric for Security	\$70.95	\$72.24	\$71.37	
Gas	\$43.53	\$38.40	\$76.80	
Copiers	\$765.95	\$765.95	\$706.32	
Storage Rental	\$400.00	\$400.00	\$400.00	
TWC building Rental	\$188.29	\$188.29	\$188.29	
Parking Lot Rent	\$300.00	\$300.00	\$300.00	
Facility Repair & Maintenance	\$634.00	\$44.00	\$534.00	
Janitorial Supplies		\$15.76		
Contract - Janitorial			\$8,488.84	
Total	\$5,582.93	\$7,230.27	\$15,895.57	3 month avg \$9,569.59
				\$114,835 Annual
Estimated Savings	\$3,000/Mo.	\$36,000/year		

\$125,000/\$36,000= 3.5 Years Payout

WORKFORCE SOLUTIONS CAMERON Agenda Item Information

Meeting Date	Thursday, June 30, 2011
Agenda Item Topic	4. Committee Reports
Committee	B. Operations Committee
Type of Action	<input type="checkbox"/> Briefing/Information <input type="checkbox"/> Policy Briefing Item <input checked="" type="checkbox"/> Action Item
Presenter(s)	Clarissa Roewe, Committee Chair
Summary of Item	<p>Committee met on Monday, June 20, 2011 to discuss the following:</p> <p style="padding-left: 40px;">b. Discussion, Consideration and Possible Action Regarding New Contractor Profit Model</p> <p style="padding-left: 40px;">Committee recommended that the new profit model be adopted and that such model be included in a contract modification for approval by the Board on June 30th.</p>
Attachments	None
Comments	Contact Pat Hobbs at 548-6700 for questions/information on this agenda item.

WORKFORCE SOLUTIONS CAMERON Agenda Item Information

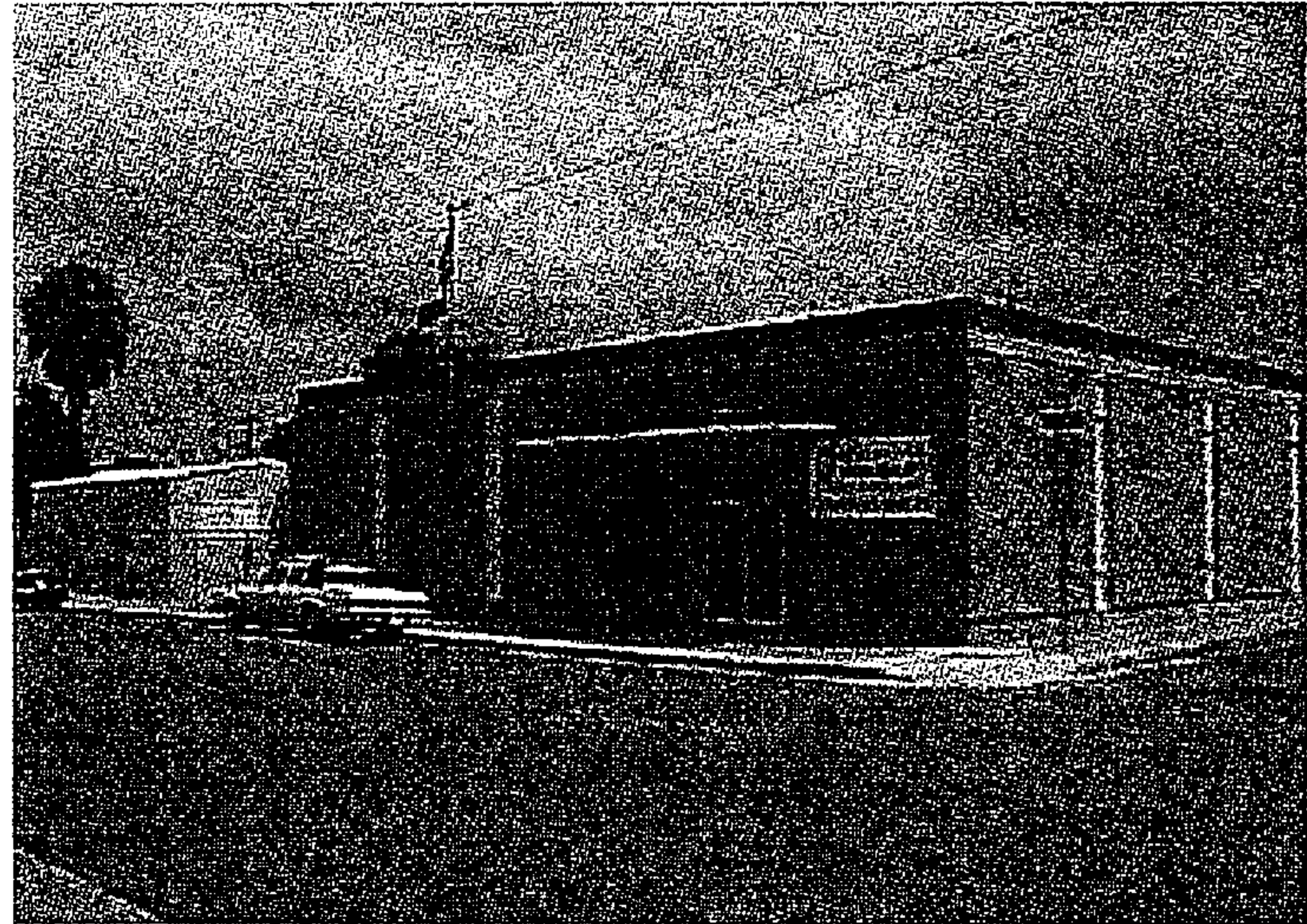
Meeting Date	Thursday, June 30, 2011
Agenda Item Topic	4. Committee Reports
Committee	C. Audit Committee
Type of Action	<input type="checkbox"/> Briefing/Information <input type="checkbox"/> Policy Briefing Item <input checked="" type="checkbox"/> Action Item
Presenter(s)	David V. Day, Committee Chair
Summary of Item	<p>Committee met on Tuesday, June 22, 2011 to discuss the following:</p> <p style="padding-left: 40px;">a. Discussion, Consideration and Possible Action Regarding approval of expenses not to exceed \$125K for Renovation of Old Alice Center to accommodate relocation of Board Staff.</p> <p style="padding-left: 40px;">The Committee recommended that the Board approve the relocation of the Board's Administrative Offices to Old Alice Workforce Center with associated costs not to exceed \$125,000 for the required construction and renovation.</p>
Attachments	Report on Relocation of Levee Offices (Pages 15 & 16)
Comments	Contact Pat Hobbs at 548-6700 for questions/information on this agenda item.

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Total Estimated Costs: \$582,000

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WORKFORCE SOLUTIONS CAMERON Agenda Item Information

Meeting Date	Thursday, June 30, 2011
Agenda Item Topic	4. Committee Reports
Committee	C. Audit Committee
Type of Action	<input type="checkbox"/> Briefing/Information <input type="checkbox"/> Policy Briefing Item <input checked="" type="checkbox"/> Action Item
Presenter(s)	Clarissa Roewe, Committee Chair
Summary of Item	<p>Committee met on Monday, June 20, 2011 to discuss the following:</p> <p style="padding-left: 40px;">b. Discussion, Consideration and Possible Action Regarding New Contractor Profit Model.</p> <p style="padding-left: 40px;">The Committee recommended that the new profit model be adopted and that such model be included in a contract modification for approval by the Board of Directors at the June 30, 2011 meeting.</p>
Attachments	Contractor New Profit Model (Pages 18-23)
Comments	Contact Pat Hobbs at 548-6700 for questions/information on this agenda item.

DRAFT

**Attachment A
Performance Documents**

SECTION 1

Process for issuing Corrective Action for Performance on the Contract Requirements, Program and Expenditures

The Board's process for subcontractor non-performance under this contract is as follows:

- 1) **Contractors who fail to meet minimum contract requirements and performance standards as required by the contract, at the end of a specified performance reporting period, may be required to prepare and submit a Performance Improvement Plan (PIP) to the Board within ten working days of notification of failure. The plan must include the following elements, at a minimum:**
 - a) **Problem identification**
 - b) **Discussion of contributing factors**
 - c) **Planned corrective action, including time frames and individual(s) responsible for implementation for such action**
- 2) **Failure to submit a corrective action plan, as specified, could result in any or all of the following:**
 - a) **Mandatory on-site technical assistance**
 - b) **Suspension or reduction of funds**
 - c) **Termination of the contract**
- 3) **Contractors who fail to meet contract requirements and performance standards after the implementation of a corrective action plan will be subject to one or more of the following actions:**
 - a) **Development of an additional corrective action plan**
 - b) **Mandatory technical assistance and bi-monthly on-site monitoring and evaluation**
 - c) **Reduction or de-obligation of funds**
 - d) **Suspension and/or modification of contract**
 - e) **Termination of the contract**
- 4) **Contractors who fail to meet contract performance and performance standards during a program year and subsequently request program funding during the next program year may be considered for refunding. However, information regarding their performance will be presented to all individuals involved in the program evaluation process and will result in a lowered evaluation score.**

Section 2
BCY11 Board Approved Performance Targets

Reemployment and Employer Engagement	State Target
Claimant Reemployment	60%
Claimant Reemployment within 10 weeks	50%
Staff Created Job Openings Filled	65.00%
Market Share	32.00%

Integrated Common Measures	Target
Staff Guided Entered Employment	62%
At Risk Employment Retention	72%
Educational Achievement	82%

WIA Youth Measures	Target
Placement in Employment or Education	58%
Attainment of Degree or Certificate	53%
Literacy and Numeracy Gains	35%

Other Contracted Measures	Target
Choices Two-Parent Participation Rate	55%
Choices Single Parent Participation Rate	40%
RIO Customers Served	502

Section 3 ONESTOP PROFIT SCHEDULE

1. Profit shall be based upon monthly expenditures and shall not exceed 2 % of total salary and fringe expenditures.
2. Profit shall be paid on a quarterly basis unless otherwise identified within the following chart
3. All profit will be earned beginning the first Quarter of the Fiscal Year.
4. No profit will be paid in programs that the contractor is under a Performance Improvement Plan, Sanctions or Corrective Action Plan instituted by the Texas Workforce Commission.
5. No profit will be paid in any program that the contractor is under a sanction instituted by the Board and or the Texas Workforce Commission.

Profit Base	Target	Payment Amount	Comments/Validation
All Program Expenditures	Meeting Expenditures as outlined in Contractor's expenditure plan within a = +/- 5% variance.	The Contractor may receive up to 25% of approved quarterly profit amount	Paid quarterly based upon the expenditure reports from the Board's Fiscal System.
Board Ranking Incentives	None Established	N/A	N/A
National Workforce Institute Certification	90 % of new staff certified Level I 50% of the current Level I staff have been certified Level II	The Contractor may receive up to 10% of approved profit amount	Paid end of the fiscal year based upon the NWI Report.
Program Performance	Meeting Local Board performance targets established in Section 2, and maintaining average minimum of 80% of Total Measures at MP and +P level from MPR Activity-At-a-Glance reports, and attaining average quarterly standings on TWC MPR Reports at stated performance levels in Payment Amount column.	The Contractor may receive 65% of the approved quarterly profit amount based upon State performance targets and MPR ratings met, (100% of target or greater) according to the following schedule: 13 Measures at +P = 100% 12 Measures at +P = 85% 11 Measures at +P = 75% 10 Measures at +P = 70% 09 Measures at +P = 60% 08 Measures at +P = 50% 07 Measures at +P = 40% 02-06 Measures at +P = 25%	Paid quarterly based upon the average monthly performance targets and monthly final MPR reports received from TWC.

22

SECTION 4

**OPERATION AND MANAGEMENT
OF DELIVERABLES FOR THE WORKFORCE CENTER**

Management Fee Deliverable	Target	Comments/Validation
<ol style="list-style-type: none"> 1. Staff Training Assessment Report 2. Professional Development Training Plan 	December 30, 2010	<p>The Contractor must submit the report and the training plan for implementation to verify actual deliverable.</p> <p>The Board will monitor the plan to ensure the training is taking place as listed in the plan.</p>
<ol style="list-style-type: none"> 1. Local Monitoring Plan 2. Local Monitoring Schedule 3. Local Monitoring Reports 	<p>November 30, 2010</p> <p>Quarterly Reports</p>	<p>The Contractor must submit the monitoring plan and the monitoring schedule.</p> <p>The Board will monitor the plan and schedule of monitoring to verify actual deliverable.</p> <p>The Contractor must submit quarterly report for the monitoring according to the schedule.</p>
<ol style="list-style-type: none"> 1. Expenditure Plan 2. Updated Expenditure Plan 	<p>November 30, 2010</p> <p>The contractor must update the expenditure plan the 1st month following the quarter ending.</p>	<ol style="list-style-type: none"> 1. The expenditure plan should reflect overall projected expenditure by funds and line items. 2. The contractor must update the expenditure plan or notify the Board in writing that updates are not required.
<ol style="list-style-type: none"> 1. Cost Allocation Plan 2. Accounting Policies and Procedures 	November 30, 2010	The Contractor must submit within 45 days any updates to the cost allocation plan and accounting policies and procedure or notify the Board in writing that updates are not required.

WORKFORCE SOLUTIONS CAMERON Agenda Item Information

Meeting Date	Thursday, June 30, 2011
Agenda Item Topic	5. Consent Agenda
Committee	N/A
Type of Action	<input type="checkbox"/> Briefing/Information <input type="checkbox"/> Policy Briefing Item <input checked="" type="checkbox"/> Action Item
Presenter(s)	Pat Hobbs, Executive Director
Summary of Item	<p>Discussion, Consideration and Possible Action on the following policy:</p> <p style="padding-left: 40px;">a. Fraud Policy Committee recommends adoption of the revised BCY11-006, Reporting, Fact-Finding, and Prosecution of Fraud, Waste, Theft, and Program Abuse Cases, and Collection of Overpayments to the Board.</p> <p>Mr. Hobbs will report to the Board.</p>
Attachments	Fraud Policy (Pages 25-27)
Comments	Contact Pat Hobbs at 548-6700 for questions/information on this agenda item.

Changes to Current Fraud Policy:

Current Policy is too specific. Includes specific procedural items that have now changed due to new guidance from TWC through WD 13-11, Issued May 20, 2011.

- New Policy is broad based so that we don't change every time there is a change from TWC.
- The required changes in WD Letter 13-11 are incorporated into implementation procedures.

The changes are:

- Fact-Finding: the threshold for reporting suspected fraud, waste, and abuse to TWC has been increased from \$500 to \$3,000.
- All cases of suspected fraud, waste, and abuse that involve workforce employees must be reported to TWC, regardless of the amount.
- Boards are solely responsible for nonemployee-related cases that are less than \$3,000.
- TWC determines on a case-by-case basis who takes the lead in conducting fact-finding for cases that involve employees, or nonemployee cases over \$3,000.
- After fact finding, TWC determines whether the State assumes responsibility for prosecution, or whether the Board assumes the lead for final action.
- New reporting requirements.

Board Policy

CATEGORY: Board Administration

Policy No: BCY11-006

SUBJECT: Reporting, Fact-Finding, and Prosecution of Fraud, Waste, Theft, and Program Abuse Cases, and Collection of Overpayments.

EFFECTIVE:

BOARD APPROVAL:

PURPOSE:

To set policy parameters for reporting and conducting fact-finding for suspected fraud, waste, theft, program abuse, or violation of state or federal law or Texas Workforce Commission (Commission) policy (fraud, waste, or abuse).

DEFINITIONS:

Due Diligence - the diligence reasonably expected from, and ordinarily exercised by, a person who seeks to satisfy a legal requirement or to discharge an obligation. Also termed *reasonable diligence*; *common diligence*. (Note: Reasonable diligence is defined as “[a] fair degree of diligence expected from someone of ordinary prudence under circumstances like those at issue.”). (*Black’s Law Dictionary*, 9th ed. (2009)).

Fraud - the misrepresentation or intentional concealment of information to obtain services or financial gain.

REFERENCE /APPLICABLE CITE(s):

- WD Letter 13-11, Issued May 20, 2011, entitled “Requirements for Reporting, Fact-Finding, and Prosecution of Fraud, Waste, Theft, and Program Abuse Cases, and Collection of Overpayments”
- Office of the Governor, Executive Order RP36, issued July 12, 2004, and entitled “Relating to Preventing, Detecting, and Eliminating Fraud, Waste, and Abuse”
- Texas Workforce Commission Child Care Services Rules: 40 TAC, Chapter 809
- Texas Workforce Commission Integrity of the Texas Workforce System Rules: 40 TAC, Chapter 802
- Texas Workforce Commission Agency-Board Agreement
- WD Letter 05-04, Change 1, issued May 26, 2004, and entitled “Change and Clarification on Overpayment Recovery of Child Care Related Funds”

POLICY:

Commission-contracted funds for services must be spent only for individuals who meet eligibility requirements. Workforce Solutions Cameron has a legal and contractual duty to ensure funds are spent in



Board Policy

this manner. Funds not spent in accordance with this requirement create overpayments that Workforce Solutions Cameron must attempt to collect.

- Workforce Solutions Cameron shall exercise “due diligence” in reporting, fact-finding, collecting overpayments, and as appropriate, prosecution referral for cases involving suspected fraud, waste, and abuse.
- Workforce Solutions Cameron shall report and conduct fact-finding in cases of suspected fraud, waste, or abuse discovered by Board staff, workforce service provider, or the Commission’s Regulatory Integrity Division’s (RID) OI.
- All cases of suspected fraud, waste, and abuse that involve TWC, Board Contractor or Service Provider employees must be reported to OI regardless of the amount. OI shall have sole jurisdiction in these cases.
- Workforce Solutions Cameron shall adhere to thresholds for reporting suspected fraud, waste, and abuse to the Office of Investigations (OI) established in appropriate TWC Workforce Development (WD) Letters.
- Workforce Solutions Cameron shall submit a Final Action Report to the OI on all cases in which final action has been taken.
- Workforce Solutions Cameron shall develop procedures to implement this policy in accordance with current Commission WD Letter guidance.

ACTION REQUIRED:

Contractor shall coordinate with Board in the implementation of this policy. Procedures developed by the Board shall be disseminated to the contractor to enable seamless coordination.

Policy #: BCY11-006

Executive Director: _____
Pat Hobbs

Approval: _____
Date

6. Discussion, consideration and possible action on items withdrawn from consent agenda.

WORKFORCE SOLUTIONS CAMERON Agenda Item Information

Meeting Date	Thursday, June 30, 2011
Agenda Item Topic	7. Discussion, Consideration and Possible Action Regarding Appointment of Nominating Ad-Hoc Committee for 2011/2012 Board Officers
Committee	N/A
Type of Action	<input checked="" type="checkbox"/> Briefing/Information <input type="checkbox"/> Policy Briefing Item <input type="checkbox"/> Action Item
Presenter(s)	Federico Garza, Board Chair
Summary of Item	Mr. Garza will be appointing Nominating Ad-Hoc Committee.
Attachments	None
Comments	Contact Pat Hobbs at 548-6700 for questions/information on this agenda item.

WORKFORCE SOLUTIONS CAMERON Agenda Item Information

Meeting Date	Thursday, June 30, 2011
Agenda Item Topic	8. Operational Update
Committee	N/A
Type of Action	<input checked="" type="checkbox"/> Briefing/Information <input type="checkbox"/> Policy Briefing Item <input type="checkbox"/> Action Item
Presenter(s)	Pat Hobbs, Executive Director
Summary of Item	<p>Executive Director's reports on the following:</p> <ul style="list-style-type: none"> a. Return of funds for Louisiana Mobile Lab b. Receipt of Adult, Youth and Dislocated Worker 2012 Funding <p>Mr. Hobbs will report to the Board.</p>
Attachments	None
Comments	Contact Pat Hobbs at 548-6700 for questions/information on this agenda item.

9. Other Business

10. Adjournment