

NATIONAL LABOR EXCHANGE (NLX) STEERING COMMITTEE MEETING

The Hotel Hershey
Hershey, PA

December 3-4, 2015

In attendance:

State Workforce Agency Representatives:

Christine Bohannon, *Director, AJLA-TS, Kansas Department of Commerce*

Liz Carver, *Program Manager, Workforce Development Division, Utah Department of Workforce Services*

Mike Cooney, *Deputy Commissioner, Montana Department of Labor and Industry*

William Dowling, *Director, Colorado Department of Labor and Employment*

Robert Grimmie, *Director, Center for Occupational Employment Information, New Jersey Department of Labor & Workforce Development*

Lisa Marsh, *Deputy Commissioner, Washington Employment Security Department*

Charlie Palumbo, *Veterans Outreach Coordinator, Virginia Employment Commission*

Julie Toskey, *Staff Director, Employment Support Programs – MinnesotaWorks.net, Minnesota Department of Employment & Economic Development*

Employer Representatives:

Dana Deason, *Supervisor, Human Resources, ABF Freight System, Inc.*

Susan DeSack, *Senior Manager, OFCCP Compliance, Staples*

Chris Liakos, *Manager, EEO Compliance, Northrop Grumman*

Paul White, *Director of Talent Acquisition, Mohawk Industries*

NASWA

Lori Adams, *NLx Special Projects Manager, NASWA*

Pam Gerassimides, *NLx Operations Committee Co-Chair & Assistant Executive Director, NASWA*

Josie Link, *NLx Operations Manager, NASWA*

DirectEmployers Association

Candee Chambers, *NLx Operations Committee Co-Chair & VP Compliance and Partnerships, DirectEmployers Association*

Christy Merriman, *NLx Operations Manager, DirectEmployers Association*

Bill Warren, *Executive Director, DirectEmployers Association*

Guests

Greer L. Sisson, *Iowa State Director, Office of Apprenticeship, U.S. Department of Labor*

Welcome/Committee Introductions/National Update

Ms. Pam Gerassimides, Assistant Executive Director, NASWA, and National Labor Exchange (NLx) Steering Committee Chair, welcomed the group to Hershey, PA. The attendees went around the room and introduced themselves. She walked through the agenda, in addition to giving an update on national activities. The next meeting is planned for early April, but a location has not been chosen.

NASWA has experienced senior management changes – Mr. Scott Sanders, NASWA Executive Director, has been on board for a year, and Mr. Bob Simoneau, NASWA Deputy Executive Director, recently retired. NASWA also has a new communications director, Ms. Michelle Marshel. Mr. Charlie Terrell has returned to NASWA to manage a Workforce Innovation and Opportunity Act (WIOA) Intergovernmental Organization (IGO) grant from the U.S. Department of Labor (USDOL).

Ms. Gerassimides gave an overview of the numerical scope, mission, and goals of the NLx. On average per day, the NLx national file contains 2.1 million jobs. Within the NLx job file, 10,000 employers have their jobs indexed daily from their corporate career website, with many small and medium sized employers uploaded from the state job banks. The NLx receives job seeker traffic from many federal portals, including eBenefits, a joint effort between the Department of Veterans Affairs, the Department of Labor, and the Department of Defense. In 2014, the NLx feed had 136 million unique visits with around 10 million unique jobs.

While US.jobs serves as a national job bank, the mission of the NLx is not to create a front-facing national job bank. The goal is to create a feed of clean, real, and fresh jobs to make available to partners at no cost. As a membership association for both employment services agencies and unemployment insurance agencies, NASWA's goal is to get jobs in front of job seekers as fast as possible to reduce the time job seekers spend looking for employment. Another goal is to provide quality business services to employers engaged in the NLx. Since the workforce system is charged with ensuring priority of service to veterans, state workforce agency staff has a natural reason to connect with federal contractors looking to hire veterans. To help assist both state workforce agency staff and employers in understanding the labor market with their own data, the NLx began collecting a historical record of the job feed three years ago.

The main challenges the NLx faces are maintaining relationships and constant education for both the state workforce agencies and employers. The branding of the NLx is difficult due to our goal of not being the front facing job bank. Thus, we are not always recognized as being part of two established organizations, or are looked at as a vendor, instead of as a systemic public good. Ms. Gerassimides hopes to reexamine the NLx five year strategic plan at the next Steering Committee meeting.

In other NASWA-related news, NASWA has been asked to assist in the WIOA National Convening. States are expected to come to Washington, D.C. on January 26-28, 2016 with teams

across agencies, including the state workforce agencies, state vocational rehabilitation agencies, agencies that administer adult education programs, and Temporary Assistance for Needy Families (TANF). The NASWA Winter Policy Forum on February 18-19 immediately follows the WIOA National Convening. Many NASWA staff are worried about attendance to both conferences. Mr. Bill Dowling, Director, Colorado Department of Labor and Employment, explained Colorado was deciding whether they should attend due to the high cost of attendance. He asked for NASWA to share any specific information on the agenda or plan of action that would encourage them to attend.

In addition to the WIOA National Convening and the Winter Policy Forum, NASWA is also sponsoring a Veterans Conference in June or July. Ms. Lori Adams, NLx Special Projects Manager, NASWA, is taking on the NASWA Veterans Committee liaison role, after Mr. Simoneau's retirement. Ms. Gerassimides also encouraged everyone in the room, especially the state staff, to attend the National Industry Liaison Group (NILG) Conference on August 2-5 in Charlotte, NC and the DirectEmployers Annual Conference on May 18-20 in Indianapolis, IN. The NILG is a national organization of federal contractors, so there is a built-in audience of employers who are looking to outreach to states. Ms. Susan DeSack, Senior Manager, OFCCP Compliance, Staples suggested coordinating the NASWA Veterans Conference with the NILG Conference, so it would be easier for everyone to attend.

Over the past year and a half, NASWA has been busy with the enactment of WIOA, which is the founding piece of legislation for the workforce system. Last spring, USDOL released thousands of pages of regulations and the workforce system had 60 calendar days to provide comments. The final regulations will be out in this spring but the state workforce agencies have to submit state plans earlier.

State workforce agencies have been coordinating more tightly with vocational rehabilitation, adult education, and TANF, which are in separate agencies in most states. However, their corresponding federal agencies have not issued any guidance, which has not helped relationships between the state agencies in some states. WIOA also requires states to establish a review system for eligible training providers, including a certified scorecard verifying training providers have met certain criteria; many of the providers under the Workforce Investment Act (WIA) were grandfathered in. New timelines set-up under WIOA for this transition is aggressive and many states believe unrealistic. WIOA also shifted the focus of the youth programs from in-school youth to out-of-school youth, with 75% of the funds devoted to out-of-school youth.

Two areas of WIOA pertaining to employers include (1) the employer performance measure, which has room for discussion, so it is key for the NLx Steering Committee to provide feedback around it, and (2) the shift from self-service to staff-assisted services, which will drive the system to work towards self-assisted performance. These measures could make the NLx less relevant since we operate primarily in a self-service space.

In response to these updates, Mr. Chris Liakos, Manager, EEO Compliance, Northrop Grumman, asked what the performance measure is actually measuring, pointing to the fact employers have different needs in each state, so the measure may not be a fair reflection of those requirements.

Ms. Gerassimides explained from the federal level, states are measured on entered employment rate, however, some states take a more traditional approach of direct placement measures or have their own internal measures. Mr. Dowling responded the problem is time lag of performance measures and how to become nimble about emerging industries. By the time an area has failed performance, they failed a long time ago, making it harder to address the problem. He also mentioned how WIOA targets those who are hardest to employ, with decades of system investment focusing on staff-assisted services. Self-service job seekers can help themselves, and eliminate the backlog of demand, which frees up more time and resources to focus on staff-assisted services. Ms. Gerassimides added job training has been embraced on a federal level, while employment services are viewed as more nebulous, even though employment services have a proven positive effect on employment. Mr. Bob Grimmie, Director, Center for Occupational Employment Information, New Jersey Department of Labor & Workforce Development indicated the danger of this attitude, especially since the job market is radically different from when WIA passed in the late 1990s. He believes we need more real-time analytics to reenergize individuals back into the job market.

Ms. DeSack asked for a visual of what NASWA is and how they interact with other organizations. Mr. Grimmie echoed that sentiment, asking for one-page marketing pieces in general on the NLx, which could help bring these concepts to life and make it easier for the committee to serve as advocates while disseminating this information to their peers.

Mr. Paul White, Director of Talent Acquisition, Mohawk Industries, questioned why his jobs were being delivered in the NLx feed to Georgia, but the locals did not use the feed. Ms. Gerassimides indicated staff-assisted services on the local level do not always use the indexed feed. Mr. White also added training certification can slow down the hiring process; their employees have to be certified before being hired even if someone has almost completed certification.

Mr. White emphasized employers are being pushed by OFCCP to put everything online, but for Mohawk Industries, the best manufacturing workers do not always work well with computers, which is where the state workforce agency helps. Mr. Grimmie explained there is nothing on the New Jersey website to show an applicant how to navigate an applicant tracking system. Ms. Lisa Marsh, Deputy Commissioner, Washington Employment Security Department, said since states are no longer getting credit for helping employers and their job seekers navigate their system, there is a need to measure both self-service and staff-assisted services.

Ms. Gerassimides described vendors in the state job bank space and how the NLx continues to cultivate relationships with those vendors. For example, the NLx team discovered suppressed employer jobs in Geographic Solutions states were not being uploaded to the NLx national file. The NLx team will be reaching out to other Geographic Solutions states to discuss this issue. Ms. Christy Merriman, NLx Operations Manager, DirectEmployers, added DirectEmployers has been working on a sample MOU for vendors on what they have permission to do with NLx data, using it for job content only. In some cases, vendors have been picking up the NLx file and selling it back to the states.

Compliance Developments Update

Ms. Candee Chambers, NLx Operations Committee Co-Chair & VP Compliance and Partnerships, DirectEmployers Association, discussed updates in the Office of Federal Contract Compliance Programs (OFCCP) sphere. At the last NLx Steering Committee meeting, Debra Carr, Director, Division of Policy and Program Development, OFCCP, USDOL, spoke on the need to educate compliance officers on OFCCP regulations, especially when it came to listing jobs versus posting jobs. Ms. Carr suggested including training materials in their Federal Contract Compliance Manual (FCCM). Ms. Gerassimides and Ms. Chambers met with Ms. Carr and Mr. Chris Seely, Branch Chief for Regulatory, Legislative, and Policy Development, Division of Policy and Program Development, OFCCP, to discuss the NLx materials they included in the FCCM. Ms. Carr indicated the FCCM will be updated in January. She also invited Ms. Gerassimides and Ms. Chambers to participate in regular OFCCP leadership calls.

Over the past few months, several DirectEmployers members experienced audits and state workforce agency staff in New Jersey, Florida, Georgia, and Mississippi, assisted in showing proof of listing in their states for these employers. Oftentimes, the OFCCP will call a local vet rep and ask if the company has posted jobs in state job bank, then the local vet rep will look at employers in registered state job bank, instead of the external NLx feed. NASWA maintains a list of OFCCP state audit contacts who the OFCCP should contact in the case of an audit, since this person has knowledge of the regulations and the NLx. While this is a process of constant education, some compliance officers do not want to accept VetCentral reports as proof of compliance and believe the employer only meets compliance if they are listed as a “preferred employer” in the state job bank. Ms. Carr mentioned in the last meeting she wants audit problems to be sent to the national office so they can be aware of what their field officers are saying. Ms. DeSack thanked the NLx team for their tremendous response to her company’s audit. In another instance of misinformation, a compliance officer in California was requesting information on the number of veterans referred to each posting and other unnecessary information. OFCCP does not require states to supply that information.

Although there is misinformation on the local level, the NLx has many great advocates on the federal level. At an Easter Seals event, Mr. Bob McDonald, Secretary of Veterans Affairs, said the best way for veterans to find jobs is through the NLx. Ms. Terry Gerton, Deputy Assistant Secretary for Policy, Veterans’ Employment & Training Service, endorsed the NLx on webinars.

NLx Operations Update

Ms. Josie Link, NLx Operations Manager, NASWA, provided an update on uploads, downloads, different levels of involvement in the NLx, and the status of two compliance tools, VetCentral and Return Receipt. Several states, Kentucky, New Mexico, and West Virginia are not sending their state job file to the national NLx feed. Only one state, Maine, is not taking the NLx job file into their state job bank, but that will change when they implement AJLA in June.

Ms. Link also discussed different levels of taking the NLx job file; the first level being taking the basic job file, the second level being engaging in an indexing program, and the third level as integrating NLx jobs into the manually entered jobs in the state job bank. The NLx team also wants to explore a partnership with NEOGOV, which is the applicant tracking system for state

and local government jobs. Ms. Liz Carver, Program Manager, Workforce Development Division, Utah Department of Workforce Services, said Utah has NEOGOV jobs in their state job bank, so NLx staff will follow up with her. Ms. Link refreshed the group on the VetCentral compliance report tool and indicated that 40 states had implemented Return Receipt, with a few states in process.

Ms. Adams gave a presentation on the value of job indexing. She highlighted Minnesota's job bank growth due to their indexing program. In response to concerns over performance, Ms. Julie Toskey, Staff Director, Employment Support Programs – MinnesotaWorks.net, Minnesota Department of Employment & Economic Development, stated Minnesota adds the number of indexed jobs to their USDOL-ETA 9002e report on a separate line, so they have a more accurate representation of the total number of jobs in their state.

In response to a question from Ms. Gerassimides on how states with legalized marijuana treat jobs in that industry, Mr. Dowling replied hemp jobs and marijuana jobs were not allowed, but might be included in the future. Many of the hemp jobs are transformative in these Colorado communities, bringing higher wages to economically depressed areas.

Mr. Grimmie asked why indexed NLx jobs are not run through the Burning Glass job matching algorithm. Ms. Gerassimides responded they were able to run them through the job matching tool in New York. Ms. Toskey added Minnesota uses the Burning Glass tool as well and they are able to rerun the jobs through the "black box." Mr. Grimmie stated with WIOA, he has been bogged down with other priorities so he hopes to revisit this soon.

On the performance question, Ms. Charlie Palumbo, Veterans Outreach Coordinator, Virginia Employment Commission, stated they are measured in Virginia on the direct hires number, and having face-to-face interaction with preferred employers, the state is able to gauge how effective it has been in helping that business get employees.

Building your Talent Pipeline and Facilitating the US Labor Exchange

Ms. Adams introduced Greer L. Sisson, Iowa State Director, Office of Apprenticeship, U.S. Department of Labor, who presented on USDOL registered apprenticeship. The programs have focused on high growth industries, including healthcare and IT, with support from the Secretary of Labor who wants to double the number of apprenticeships. Following Ms. Adams's introduction, she played a video about an apprenticeship program in the culinary arts run by a community college, to show how the programs work in action.

Ms. Sisson highlighted registered apprenticeship has both union and non-union programs. Employer involvement plays an integral role. While the program can be run by an employer, there are several different models of partnership among community colleges, state workforce agencies, and other supportive services. Apprentices can also complete a registered apprenticeship in a variety of ways, with the options of a time-based program, competency-based approach, or a hybrid approach.

In terms of the administrative breakdown of the programs, 25 states have a federal-state relationship, and 26 states have apprenticeship agencies. Most states in the room, except Montana, did not have apprenticeship in their agency.

In connection to new WIOA regulations, Ms. Adams added it is important to look at apprenticeships as another tool in the toolbox for business engagement, and can help count positively towards a state's performance. In addition, registered apprenticeship is a mandatory listing on the Eligible Training Provider List (ETPL). For the job seeker, it is an opportunity to earn while learning and still be able to support themselves or their family.

Mr. Dowling asked if there was a database between states of registered apprenticeships. Ms. Sisson pointed out that agencies do not share information very well, but they should be working towards having a database. Mr. Dowling indicated Colorado was working on developing registered apprenticeships in healthcare with community colleges, and would benefit from sharing best practices or seeing what was available in other states.

Finally, Ms. Sisson spoke more specifically about the program in Iowa, indicating there are more applicants to registered apprenticeship programs than spots. Mr. Mike Cooney, Deputy Commissioner, Montana Department of Labor and Industry, lauded the apprenticeship program in Montana, saying the model makes a lot of sense in their state. Capitalizing on the connections made in this meeting, Ms. Chambers indicated DirectEmployers will be providing education and webinars on registered apprenticeship to their membership.

Partnership Update

The NLx team has been exploring partnership options to look further into the NLx data. The NLx staff will be hiring the LMI Institute, in conjunction with Andrew Reamer, Research Professor, The George Washington University, to delve into the NLx data and help identify the best research questions to explore, while looking for other sources of research funding. NASWA, DirectEmployers, and Georgetown University recently signed an MOU on a resume sharing research project, which will analyze resumes from US.jobs to analyze career pathways in reverse, while trying to improve job matching tools for accuracy.

Ms. Marsh wondered whether Georgetown had developed a plan for the resume sharing project. Ms. Gerassimides and Ms. Chambers responded we needed to give them a chance to look in the data and the NLx team would be going along with them in the research process. Georgetown has never had resumes to look at before so it is hard for them to produce a detailed plan.

Ms. Gerassimides also highlighted conferences and ongoing discussions with other workforce, employer, and veterans organizations, including the National Industry Liaison Group (NILG), LinkedIn, Joining Forces, Hilton, and the National Veterans' Training Institute (NVTI). In late October, Ms. Adams, Ms. Merriman, and Ms. Link traveled to NVTI in Denver, CO to discuss embedding NLx content in various mediums in their courses. Conversations with NVTI staff are ongoing.

Microsites Update

Ms. Merriman gave an update on microsites and the value they bring to state workforce agencies. When a job seeker is searching for specific types of jobs on a search engine, results from inside the state job banks do not show up in the first page of results. Thus, as part of the NASWA membership, states are offered 10 .jobs microsites at no additional cost. The NLx staff encourage states to start with a mirror site of their job bank and a veteran's site with an MOC translator, both with all of the jobs from their state job banks included. Advantages of using microsites include not using state technical staff resources since most of the work is done by DirectEmployers, ability to tie into sector strategies or governor's initiatives, and building traffic to your state job bank. These sites are also mobile enabled and search engine optimized. Search engines recognize the trusted value of government agency websites so being connected to those sites will only help the microsites increase their search engine optimization. Ms. Merriman reiterated building traffic happens organically, and it may take a little time to build up the job seeker traffic at first, but eventually the state will start seeing results.

Draft Veterans' Program Letter (VPL)

Ms. Adams introduced a draft Veterans' Program Letter (VPL) as a systematic approach to dealing with compliance issues and OFCCP audits. This VPL will be an addition to a previous joint VPL with ETA, OFCCP, and VETS. The purpose of this VPL is to clarify VetCentral emails and what state staff need to do with those emails. With the refocusing of JVSG staff's roles and responsibilities, the entire business services staff in the career center is also required to provide priority of service to veterans, and thus, should understand how to use VetCentral.

Ms. Gerassimides explained the different roles of the State Veterans Program Coordinators, DVETs, and the new super LVER position and emphasized the importance of coordinating VetCentral within an existing infrastructure. Ms. DeSack wanted the VPL to include language about how NLx employers do not have to be preferred employers, because the employers cannot control how state policy is determined.

Survey White Paper

Ms. Link reviewed the NLx Survey white paper and the issue briefs developed from the results. Several state staff and employers were interested in the purpose of the veterans' hold. Ms. Gerassimides emphasized that priority referral has not been defined in OFCCP regulations. States have flexibility in determining what that means for online services while federal regulations do not require "holding" jobs. Ms. Palumbo explained Virginia's vets match process, where they put the jobs on hold, but if no one matches the job, the state can release the hold after less than 24 hours. On the other hand, Virginia transitioning service members cannot see jobs on the veterans hold because they are not defined as a veteran in the Geographic Solutions (GeoSol) system, based on the federal definition of a veteran by USDOL VETS. Ms. Gerassimides asked Ms. Palumbo if GeoSol using states have any organized calls and Ms. Palumbo said yes, and would ask on suppressed employer uploads.

Virtual Jobs

One of the issue briefs NLx staff crafted was focused on virtual jobs. These jobs create confusion around where to list the jobs, since the employee can work from anywhere. State job bank staff want to ensure these jobs are real. One solution employers suggest is listing the jobs where the hiring manager is, but what happens when the hiring manager is also telecommuting? Ms. Carver mentioned employers could mark virtual jobs as statewide jobs so they would show up in all the results across the state. Ms. Marsh suggested adding a section to the issue briefs with technical recommendations and lessons learned from other states once a state job bank decides to include virtual jobs. Ms. DeSack and Ms. Carver agreed to provide comments on the virtual jobs issue brief.

Provisional Contract Jobs

Mr. Dowling brought up the issue of provisional contract jobs. Some states are not allowing these jobs to be posted since they are not immediate job openings, but Mr. Dowling encouraged states to give the employer the opportunity to recruit and give job seekers the opportunity to decide whether they want to apply for a provisional job. Mr. Dowling and Mr. Liakos agreed to provide comments on a provisional contracts issue brief.

Evergreen jobs

Evergreen jobs are defined as positions that are always open, either due to high turnover or high quantity demands. The Wagner-Peyser Act requires there to be an employer-employee relationship, yet most evergreen jobs do not have an immediate opening and are instead left continuously opened. From the employer's perspective, Ms. DeSack explained they have to report how they look at applicant pools, which entails looking at the applications in the order they arrived and establishing criteria for a search mechanism within the applicant pool. From the state workforce agency perspective, Mr. Cooney illustrated the problem of small employers constantly posting jobs for the sole purpose of seeing what type of job seekers are available. Ms. Carver echoed the difficulty between knowing the real employers from someone who is fishing to see what types of job seekers are in the applicant pool. Ms. DeSack asked if there was a different way to present these jobs, so they would not be viewed negatively by job seekers or state job bank staff. Ms. DeSack offered to provide comments on the evergreen jobs issue brief, as well. Similar to the virtual jobs issue brief, Ms. Marsh suggested adding a section to the evergreen jobs issue brief on what states should specifically do with these jobs in their state job banks.

Job Indexing Issue Brief

Ms. Gerassimides explained the concept of job indexing again and pointed out to the alternative to free job indexing is paying for a spider. Job indexing gives states the opportunity to take control of increasing the number of jobs in their job bank in a clean way. Ms. Palumbo asked how much spidered feeds cost a state workforce agency. Ms. Gerassimides hoped to reach out to states with indigenous job banks first, since other states with vendors have made more investments in spidered feeds. Ms. Carver explained Utah's staff used to have a team of eight people writing job orders in the system, but with job indexing, half of the team can spend their time in other productive ways.

ETA 9002 Report Comments

State workforce agency staff is hesitant to incorporate the NLx feed into their preferred employers because NLx jobs do not have NAICS codes, which are a reporting requirement. In addition, WIOA performance measures are still being discussed, so NLx staff wants to submit comments to be part of that discussion. The comments are a review of current policy and apply directly both to NLx and veteran's issues. Ms. Adams began the discussion by explaining this report does not include employers as participants. NLx job openings and other spidered jobs are not included in the actual data reporting line, even though those jobs make up half of the job openings available in some state job banks. The NLx staff recommend eliminating the requirement to include NAICS codes in 9002 reporting, or at least give states more flexibility in how they report job openings. There are also several unnecessary reporting requirements that should be streamlined. Mr. Dowling mentioned it is difficult to identify poor performance without more timely region-specific information; most of the problem areas are hard to correct after the fact.

Action Items

- Ms. DeSack asked for a visual of what NASWA is and how they interact with other organizations. Mr. Bob Grimmie, Director, Center for Occupational Employment Information, New Jersey Department of Labor & Workforce Development, echoed that sentiment, asking for one-page marketing pieces in general on the NLx, which could help bring these concepts to life and make it easier for the committee to serve as advocates while disseminating this information to their peers.
- Ms. Carver said Utah has NEOGOV jobs in their state job bank, so NLx staff will follow up with her.
- Ms. DeSack wanted the VPL to include language about how NLx employers do not have to be preferred employers, because the employers cannot control how state policy is determined.
- Ms. Gerassimides asked Ms. Palumbo about an organized GeoSol user group and Ms. Palumbo said she would include her in the next monthly call.
- FCCM, VPL, 9002e comments, issue briefs to be sent out in separate emails to group with specific instructions. Ms. Adams requested comments to the draft VPL by the close of business Monday, Dec. 14, and the draft 9002 document by the close of business Friday, Dec. 18.