

VII. Workforce Development

Youth Job Training

81. How does your agency prioritize between in- and out-of-school programs?

DOES leverages the WIOA statute as well as relevant data and information on all 8 Wards to evaluate where the greatest programmatic needs are. We specifically leverage our federal investment, which mandates that 75 percent of grant expenditures be used on OSY, to guide our overall investment.

82. Which youth programs are funded with local funds? What portion of total funds for each program are local funds? How does your agency integrate federal funds and local funds to ensure cohesive youth service delivery? Where does each of these programs fit in the District's continuum of youth services, and what specific needs (based on the demographic information outlined in the State Plan) does each program seek to address?

The Marion S. Barry Young Leaders Institute (MBYLI) and the Marion S. Barry Summer Youth Employment Program (MBSYEP) are 100 percent locally funded, while the Out of School Programs is funded with 50 percent local funds, 50 percent federals.

DOES leverages the federal investment and regulations as a guide for integrating local programs. MBSYEP services more than 10,000 participants annually and serves as the gateway into federal programs. We also leverage ancillary District offerings through MOU agency services and programs or other codified resources to ensure targeted handoffs across the continuum of youth services. This strategic coordination is in line with the state plan and is geared towards serving the populations outlined in the plan.

83. How frequently and in what manner were programs monitored and assessed for effectiveness? What were the results of such monitoring?

The MBSEYP program is monitored three times during the program period. The Year Round program which includes the in-school and out-of-school programs is internally reviewed twice a month. DOES is currently planning its annual monitoring activities.

Monitoring includes but is not limited to verification of work sites, program compliance, and record maintenance with host agreements and/or federal and local laws. As a result of monitoring, DOES has provided technical assistance, and has implemented new communication strategies between worksites, as well as programmatic adjustments as appropriate.

84. Are there any plans for changes in program vendors or the program model for FY17?

There are no program changes scheduled to occur in FY17. Vendors are continuously evaluated, and enhancements are made available where appropriate.

85. What is the cost associated with the digital badging program? Is this pilot locally funded? How will employers be engaged to understand the value of the

badges? We understand that an MOU was proposed but not executed. Please discuss this and if it is true, explain why.

DOES does not currently have a digital badging program. The agency is currently exploring a variety of innovative program enhancements including but not limited to digital badging.

86. How will enhancements to the Virtual One Stop (VOS) system affect the District's efforts to draw youth into year round programming? Will the VOS interface be built into the DC Youth Re-engagement Center's BackOnTrack.org?

All new enhancements to VOS in the near-term are based around achieving compliance with the new federal performance requirements and are unlikely to have an impact on recruitment for year-round programming. There are no plans to connect VOS and BackOnTrack.org. VOS is the District's system of record and is not necessarily a tool for recruitment.

87. Please describe the process by which the Office of Youth Programs solicits and responds to community concerns, including workers, businesses, researchers, advocates, and education/training providers. Please cite specific examples of these efforts in FY16 and FY17, to date.

DOES is in compliance with the District-wide customer service policy and DOES responds to all email inquiries in a timely manner. The program utilizes summerjobs@dc.gov and youthjobs@dc.gov email addresses to receive and reply to community concerns. The Office also uses a combination of list serves and document tracking systems to track concerns and feedback. For example, such feedback includes questions that range from how youth applicants for MBSYEP or a year-round program can be deemed eligible as well as matters that include payroll,

We have leveraged this feedback to guide revisions to the MBSYEP 2017 Youth Handbook, which now has clearer language and instruction for how youth and their host employers should track time reported (e.g., ensure accuracy in timekeeping).

88. Please detail any and all technical assistance or capacity-building support DOES provides to host sites, grantees, government agencies, or private sector employers for each youth job training program.

DOES monitors all programmatic worksites; monitors and liaisons then provide technical assistance to employers and contractors based on the results of monitoring activities. All year round programs host monthly meetings with providers to ensure programs are on track to meet federal/local requirements. DOES also conducts similar monitoring activities of providers.

89. Is there a timeline to begin the development of a career pathways program for youth?

a. Will these include apprenticeship and pre-apprenticeship opportunities for both in-school and out-of-school youth?

DOES currently offers programs that clearly define pathways into high demand industries. DOES also offers pre-apprenticeship and apprenticeships for in- and out of school participants, and providers outline their plan for retention.

- b. Will providers be encouraged or required to identify in their contract agreements the partners or next steps appropriate for the youth they transition out of their programs, in order to create a continuum of services?**

DOES is continually evaluating contracts and grant agreements. Currently, all contracts under ISY/OSY require providers to outline their retention and follow up services.

- 90. Please detail the membership and activity to date of the Youth Apprenticeship Advisory Committee.**

DOES is working with the Mayor's Office of Talent Acquisition (MOTA) to recruit, screen and recommend qualified District residents for appointment to the Youth Apprenticeship Advisory Committee. The initial group of appointees is in final stages of processing, and expected to be introduced to Council in the coming weeks.

- 91. How will the Career Connections program be funded in FY17-18? Are there any plans for Career Connections services be competitively bid in future program years?**

In FY17, DC Career Connections continues to be locally funded. DOES is currently evaluating the already successful services delivery model for potential enhancements to potentially include a procurement model.

- 92. For Pathways for Youth Adults Program (PYAP), in FY16 and FY17, to date:**

- a. How many participants were referred to the program by DC government agencies? By community based organizations?**

Until recently, these referrals were not tracked based on agency or community-based organizations. However, DOES has updated strategies around referrals. These strategies are referenced in the Corrective Action Plan strategies submitted via DMGEO's questions.

- b. How many PYAP participants completed the on-the-job training portion of the program in FY16?**

For FY16, 71 youth completed the on-the-job training portion of the program.

- c. How many youth aged 18-24 received a nationally-recognized credential through the PYAP in FY16? What credentials did those youth receive?**

For FY16, 77 youth received credentials. The youth receive credentials in COMPTIA A+ certification, GED, National Retail Federation, Microsoft Office Suite, and Flooring and Installation.

93. Please describe how PYAP employer host sites are recruited, monitored, and assessed.

Grantees serve as providers for the Pathways for Young Adults Program (PYAP). Grantees are responsible for all activities sponsored through the program. Host employers are recruited by grantees that provide commitment letters through the grant process and approved by DOES. Before a participant is placed, a DOES representative conducts a site visits to ensure youth can be accommodated by the provider.

94. Please provide an overview of the LEAP program, including activities, target population, and outcomes for FY16 and FY17, to date. How is this program integrated with WIOA and the larger workforce development system, from both a management and a customer perspective?

Program Overview

The LEAP Academy was launched in April 2015 to connect unemployed District residents to government job opportunities.

Target Population and Program Activities

The primary pool of candidates for LEAP are TANF participants who have received TANF assistance for longer than 60 months. LEAP offers wrap around services and supports that align with WIOA. This service model aligns with the District’s focus on work-based occupational skills training.

Outcomes for 3 Classes, April 2015 – November 2016

	Cohort 1 (Apr 2015)	Cohort 2 (Aug 2015)	Cohort 3 (DPR) (Nov 2015)	Cohort 3 (DPW) (Nov 2015)	Backfills	Total
Accepted	16	30	38	27	2	111
Permanently Hired	12	28	32	20	1	93
Terminated, Resigned or Expired	4	2	4	7	1	18

95. Please describe the current status of the initiative to expand the LEAP Academy to the private sector. Additionally, please explain:

LEAP is a branded work-based learning activity. The expansion into the private sector in August of 2016, is in alignment with the WIOA State Plan to connect to business and industry in a more meaningful way. The initial DOES pilot identified 11 employers, 13 total opportunities. As we expand LEAP into the private sector, DOES is exploring consolidating this effort into other business-friendly workforce offerings.

a. How much money was spent on this in FY16?

DHS Funding in FY16 was \$1,880,000.
City Supplemental Funds (supporting positions at DPR and DPW) in FY16 were \$2,300,000.

b. Is additional funding needed for FY17, to either complete the pilot or embark on a new one?

We are working with the Mayor's Budget Office and the Deputy Mayor for Greater Economic Opportunity on developing our FY18 budget. We will be happy to share the Mayor's FY18 budget once it has been submitted to the Council.

96. Please describe how the Office of Youth Programs and the Summer Youth Employment Program work with DC Public Schools and charter schools to provide employment and training services.

DOES and MBSYEP offer summer jobs to youth ages 14-24 and work with DCPS to ensure youth participating in various DCPS programs have the opportunity to apply and become eligible for all DOES programs. The agency allows DCPS to utilize summer bridge, career academies and study abroad programs as summer jobs. DOES also offers in-school programming, allowing high school youth the opportunity to participate in internships and work readiness programs throughout the school year. DOES offers recruitment sessions in schools and gives DCPS students the opportunity to receive information early from the program.

Mayor Marion S. Barry Summer Youth Employment Program ("MBSYEP")

97. In FY16, how many youth were placed in the "work readiness" track and how many were placed in the "work experience" track? On what basis is such a decision made? From those youth in the "work experience" track, how many youth were placed in private sector job placements?

Youth ages 14-15 are placed in work readiness tracks – 9,464
Youth ages 17-24 are placed in work experience tracks – 2,678
1,715 youth were placed in private sector job placements.

98. Please list the private employers and government agency employers who participated in the 2016 program and the number of youth employees assigned to each.

(See attachment 21)

a. What specific actions has DOES taken to increase the number of private sector placements?

DOES continues its engagement with the private sector by hosting employer sessions, initiating new connections with businesses, and regularly visiting business to increase the placements for MBSYEP. DOES also hosts information sessions geared towards recruiting private sector employers and fine-tuning our presentation to potential business partners about the opportunities for job placement, training, and the social value of participation in youth programs.

b. What is DOES' goal for the number of private sector placements in 2017?

DOES has a goal of 1500 private sector placements in 2017.

99. Please provide the outcomes for all MBSYEP participants in FY16, broken out by age group, including:

a. Hours worked;

Total: 1,410,450

b. Length of job (weeks);

6 weeks (29 days).

c. Total and average wages; and

Gross pay earned: \$11,351,163

Net pay earned: \$9,861,569

Gross earnings:

- \$2,087,557 for ages 14 – 15
- \$7,817,915 for ages 16 – 21
- \$1,445,691 for ages 22 – 24

d. For all out of school participants, the number connected to:

- i. Year-round employment, broken down by subsidized and unsubsidized**
- ii. Job training**

DOES does not track this information.

100. For out of school youth, please provide:

a. For those who were connected to year-round employment in 2016, detail on the types of jobs (occupations) they were connected to and average wages.

Youth are connected to a fairly wide range of occupations, including but not limited to Administrative Assistant, Office Assistant, Support Assistant, Help Desk Technician, Customer Service Technician, Support Service Technician, IT Technician, and Flooring Installation Specialist. The average wage for out-of-school youth connected to the year round program is \$18.77/hour

b. For those who were connected to year-round training in 2016, detail on the training programs they were connected to, including expected certifications.

The training programs that youth were referred to as part of the year round program include COMPTIA A+ certification, GED, National Retail Federation, Microsoft Office Suite, and Flooring and Installation.

101. Please discuss how timekeeping was handled for youth in the 2016 program. How many individuals had the authority to enter and approve time for participants? What were their titles?

All host sites are required to have an identified time keeper. Time keepers are required to enter participant time and verify the accuracy. Host sites also scanned and emailed a copy of the timesheets to the program if there was a need to validate time.

The ability to enter time for participants is dependent on the worksite. Those individuals are identified by the site and a fill list will be provided.

102. Please describe the role of SYEP monitors. Please describe the process, curriculum, and duration of training for SYEP monitors.

- a. How many monitors were employed in FY16?
- b. How many will be employed in FY17?
- c. How many times are they directed to each host site, and what are they directed to observe and document?
- d. Please detail the costs of employing SYEP monitors in FY16.
- e. What will be the costs of employing SYEP monitors in FY17?

Program Monitors are responsible for making sure all MBSYEP work sites and programs are compliant with the host agreements as well as all federal and local laws. The objective is to monitor all sites to ensure that every participant is provided with an enriching and constructive summer work experience. Other duties include: collection and distribution of forms between work sites and DOES HQ; provision of technical assistance; monitoring of worksites for activities and enrichment; monitoring participant time and attendance; facilitation of communication between work sites and DOES HQ.

30 monitors were employed in 2016. 30 monitors will be employed in 2107. The cost to employ the monitors is \$471,193.11.

103. What are the eligibility criteria for MBSYEP 2017, and have there been any changes in eligibility criteria from FY16? How was the eligibility criteria established?

The 2017 MBSYEP eligibility criteria is completion of the W-4, a quiz on financial literacy, and submission of the required residency documents. Criteria are established based on program objectives and statutory requirements.

104. How will youth access the 2017 registration process? How will youth receive work assignments in the 2017 program?

As of January 27, 2017, Youth have the opportunity to apply online at www.summerjobs.dc.gov. Youth can apply from any computer with a working internet connection.

Youth are assigned to job positions based on their selections and the selections made by employers, career interest, distance from home, and their eligibility for the position.

105. Please discuss the agency's planned payment process. Specifically, please describe how payroll information will flow between the agency, host agencies, payroll processors, and the banking institution.

All participating employers are responsible for reporting time and attendance of MBSYEP employed youth. Employers enter time each week via the online Time Entry System at www.summerjobs.dc.gov.

DOES staff will review and verify all submitted time and attendance information for errors and to ensure entries are in compliance with all program rules. Once verified, a pay register file indicating the amount of money to be paid to each youth is sent to the Office of the CFO who then sends a wire transfer to either the specific bank of the participant or to the District's debit card vendor, Citibank along with the requisite file. Then the bank distributes the funds directly to the youth based on the verified information submitted.

a. Who will be responsible for maintaining and processing timesheets?

Host employers identify a timekeeper within their organization who will maintain and process timesheets and who are required to submit a copy via email to DOES each week.

DOES requires all timekeepers to email a copy of the time to syvertime@dc.gov for auditing purposes as needed.

b. How will that process be managed?

Employers will maintain all timesheets on-site throughout the summer so that they can quickly resolve any potential pay disputes. DOES will provide management and oversight to all employers. At the end of the program, timesheets will be collected by DOES Program Monitors.

106. The WIOA State Plan mentions that DOES will make new efforts to better link the Marion S. Barry Summer Youth Employment Program with the Year Round Youth programming. What is the status of this initiative? How many youth were served through this process in FY16?

This initiative is active and on-going. In FY16, DOES referred all eligible participants from MBSEYP to the year round program. Of whom, 228 enrolled in the program.

DOES utilizes data captured in registration for MBSYEP participants to determine pre-eligibility for WIOA programs. Youth receive announcements regarding workforce training opportunities through federal WIOA programs and are given early access for consideration.

Apprenticeship

107. What were the goals and accomplishments of the Apprenticeship Council/staff in FY16? What are the goals for FY17?

DOES apprenticeship goals for FY16 included: coordinating pre-apprenticeship training initiatives to assist District residents with certain deficiencies to meet apprenticeship eligibility requirements and to expand registered apprenticeships outside the construction industry.

DOES successfully coordinated five (5) pre-apprenticeship training initiatives in partnership with union and non-union apprenticeship sponsors to assist DC residents to meet apprenticeship eligible requirements.

During FY16, DOES successfully secured the first Information Technology apprenticeship sponsor to be approved by the DC Apprenticeship Council. The new apprenticeship sponsor, SecureTech360, hired three (3) District residents as apprentices.

DOES goals for FY17 are to add six (6) new apprenticeship programs outside the construction industry,; coordinate a school-to-work partnership initiative with DC Public Schools and participating apprenticeship sponsors that will result in direct entry for high school graduating seniors; and conduct at least fifty monitoring site visits to District government-assisted construction projects to ensure compliance with the city’s mandatory apprenticeship law under DC law 2-156.

108. Please provide an updated list of Apprenticeship Council members. Identify any vacancies on the Apprenticeship Council in FY16 and FY17, to date, and how long they have been vacant.

Below are current Apprenticeship Council members and their representations:

Frederick Howell, Chairman	Public Representative
William Dean	Employer Representative
John Xanthos	Employer Representative
Frank Chiaramonte	Employer Representative
Violet Carter	Employee Representative
Steve Lanning	Employee Representative
Leroy Watson	Employee Representative
Courtland Cox	Public Representative
Vacant	Public Representative
Alicia Bolden	Representing Chancellor of DC Public Schools
Odie Donald II	Representative of Mayor of District of Columbia

There is currently one (1) vacancy on the Apprenticeship Council. DOES is working MOTA to recruit, screen and recommend a qualified District residents for appointment to the Apprenticeship Council, and we look forward to introduce the Mayor’s nominee soon.

109. How is the Apprenticeship Council working to expose District high school students and disconnected youth to apprenticeship opportunities?

During FY16, DOES staff expanded outreach to District of Columbia Public and Charter schools. Ongoing information sessions were conducted for high school and recently disconnected students throughout all 8 wards. DOES has delivered apprenticeship information sessions to more than 300 administrators, counselors, faculty, and DC public and charter school students throughout FY16.

a. Are there any specific partnerships that focus on chronically truant students or students who recently dropped out of high school?

During FY17, DOES has partnered with organizations that work with disconnected youth. Additionally, DOES created a Step-Up Apprenticeship initiative that allows

high school dropouts to be accepted as registered apprentices up to twelve (12) months. Currently, seven (7) trade union apprenticeship sponsors have adopted the Step-Up apprenticeship initiative as part of their apprenticeship standards that was approved by the DC Apprenticeship Council.

110. Please provide an up-to-date listing of all apprenticeship programs registered with OAIT, including for each:

- a. Sponsor name;**
- b. Occupation;**
- c. Any certifications participants will receive; and**
- d. Number of participants, including breakdown by gender, in FY16 and FY17 to date.**

(See attachment 22)

111. Which apprenticeship programs are included on the Eligible Training Provider List? What actions is DOES taking to include them on the list?

At present, no apprenticeship sponsors are included on the Eligibility Training Partnership list. DOES is coordinating with the Workforce Investment Council (WIC) to evaluate the WIOA final regulations specific to eligible training providers and registered apprenticeships. DOES is also working with the list of current Eligible Training Providers to identify synergies between them and unions offering apprenticeships.

112. How many apprenticeship program sponsorship applications were received in FY16 and FY17, to date? Of those received, how many were accepted, and how many were rejected?

During FY16 and FY17 to date, forty-nine (49) new apprenticeship program standards were received; forty-three (43) were approved by the DC Apprenticeship Council, and six (6) were tabled. During the same period, six (6) current apprenticeship programs were re-certified.

113. How many District apprentices were there in FY16 and FY17, to date? What percentage of the workforce did that represent on DC government-assisted projects?

During FY16 there were 1,247 active DC resident apprentices. In FY17 to date, there are 1,257 active DC resident apprentices registered with DOES. Based on monitoring of District government assisted construction projects, the percentage of DC residents employed as apprentices ranges based on projects and the month evaluated. The percentage ranged from 64% to 79%.

114. How many apprenticeship program quality assurance reviews were conducted in FY16 and FY17, to date?

During FY-16 and FY-17 to date, twenty-five (25) quality assurance reviews have been completed,

a. How were the apprenticeship programs selected for quality assurance review?

Apprenticeship programs with four (4) or fewer registered apprentices are selected for quality assurance reviews.

b. What are the factors used to assess program quality?

- On-the-job learning in their trade area;
- Enrollment in related or supplemental training;
- Scheduled incremental pay rates;
- Journey-worker/apprentice ratio; and
- Maintenance of program records.

c. How many reviews found deficiencies?

Seven (7) apprenticeship programs were found to have deficiencies.

d. Were any apprenticeship programs decertified in FY16 and FY17, to date as a result of the quality assurance review?

No.

115. Does OAIT enforce apprenticeship requirements for contractors? Please explain your enforcement process. In addition:

Yes. In accordance with District government mandatory apprenticeship law (DC Law 2-156), applicable contractors are monitored to ensure compliance with approved apprenticeship standards and apprenticeship regulations. Contractors are provided updates on compliance, those that are out of compliance are provided corrective action, counseling as appropriate, or penalties as applicable.

a. How many contractor compliance reviews were conducted in FY16 and FY17, to date?

Ten (10) compliance reviews were conducted on apprenticeship sponsors during this period.

b. How were the contractors selected for compliance review? How does DOES verify if the contractor is in compliance?

Compliance reviews are based on five (5) or more registered participants in an apprenticeship program based on the State Plan for Equal Employment Opportunity and/or apprentices' complaints cannot be resolved between apprentice and sponsor.

Verification of apprenticeship compliance is based on:

- Affirmative Action implementation;
- Diversity inclusion;
- Maintenance of records for compliance with local and federal apprenticeship regulations.

c. How many violations were identified? How many contractors were cited for a violation and what form did that citation or notice take?

Four (4) apprenticeship sponsors were found to have deficiencies and received follow-up written reports of the findings for corrective actions to be implemented as instructed.

d. Were any monetary fines levied?

No.

116. What promising or emerging practices is DOES considering or implementing to improve the Registered Apprenticeship program?

DOES will be working with several apprenticeship sponsors and individual DC Public High Schools to implement an apprenticeship school-to-work initiative that will both educate and expose DC high school students to the apprenticeship system and to available apprenticeship opportunities as viable career options. Participating high school students will have direct entry in the participating apprenticeship sponsors' apprenticeship programs. 11th and 12 graders will participate, and in some cases, be able to be find employment with participating sponsors for summer work.

117. What are OAIT's plans to comply with recently updated federal regulations on Equal Employment Opportunity in Apprenticeship?

DOES has been engaged with the Department of Labor, Office of Apprenticeship webinar sessions as well as other State Apprenticeship Agencies (SAA) on the revised federal regulations CFR 29 part 30 State Plan for Equal Employment Opportunities in Apprenticeship. All State Apprenticeship Agencies (SAA), including the District of Columbia are required to revise their local State Plan to conform to the national regulations by July 2018.

Transitional Employment Program (TEP)

118. Please describe the TEP program. In addition, please provide the following information:

The Project Empowerment Program serves District resident ages 22 to 54 that have multiple barriers to employment. The program design includes 3 weeks of job readiness/life skills training and up to six months of subsidized work experience. Participants also receive basic computer training and financial literacy training. Extensive case management is offered throughout enrollment including the assignment of a job coach during the work experience component, and the assignment of a retention specialist for individuals who obtain permanent, unsubsidized employment.

Participants receive \$9.00 per hour for the duration of program enrollment. Their wages are subsidized in full by DOES for the duration of enrollment.

Participating Employers (Subsidized)

Participants spent an average of 160 days in unsubsidized employment. The skills in which participants receive training is reflected in the kind of jobs obtained by program participants.

Employer Partners (Unsubsidized)

Female – 117

Male – 302

Occupation	Number
Administrative Assistant	80
Auto Mechanic	1
Carpenter Helper	1
Concierge	6
Counselor	3
Data Entry Operator	1
Dental Assistant	1
Dispatcher	9
Driver	13
Electrician Helper	2
Environmental Technician	1
File Clerk	2
Flagger	11
Food Service Worker	48
Forklift Operator	2
Housekeeping	15
HVAC Technician	1
IT Technician	4
Laborer	98
Leasing Agent	5
Legal Assistant	3
Mailroom Clerk	6
Maintenance Worker	67
Outreach Worker	4
Plumber's Helper	1
Recreational Aide	7
Sanitation Worker	20
Teacher's Assistant	2
Warehouse Worker	6

- a. The names of participating employers; by employer, number and occupation (including by gender) of the TEP participants; the length of placements in the subsidized jobs; for what skills the participants received training; the level or portion of wages subsidized by the program; and any credentials received.**

(See attachment 23)

119. Has your agency noticed any commonalities among those participants who are successful in retaining their employment?

Yes.

The percentage of women who obtain unsubsidized employment is nearly identical to overall participation. Similarly, the average age of a participant who obtained unsubsidized employment was 40 years old. This would indicate that neither gender nor age is a significant indicator of program success. Conversely, less than 10% of participants who lacked a diploma or GED obtained unsubsidized employment, while 15% had a Bachelor's Degree or higher. These figures are disproportionately low and high in comparison to overall enrollment and could establish education as an important indicator. Moving forward, Project Empowerment will make a concerted effort to engage participants in GED classes in lieu of or in addition to work experience.

a. What percentage of the employment positions which were filled with TEP participants in FY16 and FY17, to date, were unsubsidized positions and what percentage were subsidized positions?

Unsubsidized Placements – 585
Subsidized Placements – 1003

Project Empowerment

120. Please describe the Project Empowerment program. In addition, please provide the following:

a. What are the eligibility requirements for participation?

All potential Project Empowerment participants must meet the following requirements for enrollment:

- Age 22 to 54;
- Be a District resident (as verified through the submission of valid state-issued identification bearing a District address and the submission of one additional document to verify District residency¹);
- Currently unemployed;
- Not receiving government assistance, such as TANF and Unemployment Compensation (Food Stamps are acceptable); and
- Not currently using any illegal substances (there will be a urinalysis conducted at Orientation).

¹ The list of accepted documentation of accepted documentation is as follows:

- Recent utility bill in participant's name, not more than 30 days old (gas, water, electric, cell phone);
- Current unexpired lease agreement in which participant's name is listed;
- TANF/Food stamps verification letter, no more than 30 days old;
- Current child support letter, no more than 30 days old;
- Notarized letter from the leaseholder or homeowner, no more than 30 days old (Attachment A);
- Letter from transitional housing facility/half-way house, no more than 30 days old (Attachment B);
- Letter from a DC shelter, no more than 30 days old (letter must be on shelter letterhead); or
- Letter from the Court Services Offender Supervision Agency (CSOSA), no more than 30 days old.

In addition, all potential Project Empowerment participants must demonstrate a substantial need for intensive employment assistance by exhibiting at least three (3) of the following six (6) barriers to employment:

- 1) Basic skills deficiency, demonstrated by a lack of sufficient mastery of basic educational skills exhibited by CASAS scores below the 8th grade reading level and/or an English language deficiency with an inability to speak, read, or write the English language;
- 2) Lack of a secondary school educational credential (high school diploma or its recognized equivalent);
- 3) A documented history of substance abuse;
- 4) Homelessness;
- 5) A history of Job Cycling in which he/she has not maintained employment for more than one (1) consecutive quarter in the past eight (8) quarters, as verified through UI Wage Bumps; or
- 6) A conviction of a felony.

b. How many individuals does Project Empowerment refer to training providers for skills training? How many complete training?

Eight (8) participants obtained certifications as Product Technicians (CPT) and Autodesk Certified Users (CAD). An additional eight (8) participants obtained CompTIA/A+ certifications.

c. How are participants selected or recruited for participation? Does the program partner with correctional institutions to recruit participants?

Most participants are referred to Project Empowerment by an American Job Center (AJC) following an intake an assessment with a member of the AJC staff.

Project Empowerment has an MOU with the Court Services and Offender Supervision Agency (CSOSA) that allows for them to serve up to 75 District residents through a CSOSA-Run Project Empowerment program. CSOSA instructors utilize the same DOES curriculum and participants are held to the same attendance and behavioral standards as the DOES program.

Project Empowerment staff continues to participate in a number of community of events to inform residents about the services offered by Project Empowerment and to refer them to one of the AJCs to begin the enrollment process. Staff also attends webinars sponsored by CSOSA that are broadcast to Federal Correctional Institutions. Community events hosted by Bread for the City and various faith-based organizations are also excellent sources for recruitment.

In accordance with Mayor Bowser's 100-Day Plan, the D.C. Jail Work Readiness Program, a DOES/DOC workforce development initiative, was launched on July 13th, 2015. The six week program provides pre-release inmates with Job Readiness Training, life skills training, and basic computer training from within the confines of a dedicated unit at the jail. A DOES facilitator and AJC case manager are permanently assigned to the program, and program graduates are urged to continue receiving services at DOES within 48 hours of release.

d. Please describe partnerships with education and training programs.

Project Empowerment partners with the Community College Preparatory Academy (CC Prep) to provide adult basic education and GED preparation for interested participants.

e. Beyond placement, what services, such as career counseling, does the program provide?

- Transportation Assistance
- Substance Abuse:
- Clothing Assistance
- Childcare

f. Is there a written program plan with rules for how the program will be run? If so, please provide it.

(See attachment 24)

g. Please provide detail on employment outcomes for participants, including initial placement and retention.

The Project Empowerment Program produced 727 graduates of its intensive, three-week Job Readiness Training (JRT) in Fiscal Year 2016, a slight increase from the previous fiscal year. Male participation remained high at 71%, and for the second year in a row the average participant was 39 years of age. Residents of Wards 8 continue to lead enrollment, accounting for 42% of program graduates.

In FY16, Project Empowerment continued to develop partnerships with employers across public, private, and non-profit sectors to provide participants with up to six months of substantive work experience following successful completion of JRT. Private sector employers represent a substantial 70% of employer partners, while public and non-profit employers split the remaining thirty percent relatively evenly – 16 and 14 percent respectively.

In FY16, 421 participants who were assigned to subsidized work experience obtained unsubsidized employment. This marks the first time in program history that unsubsidized placements have met or exceeded 400 over the course of a fiscal year. Given that Project Empowerment enrolls approximately 700 residents each year, this figure represents a placement rate that well exceeds fifty percent. Participants earned an average hourly wage of \$14.89 -- an amount that exceeds the District's minimum wage by more than \$4.00 and the living wage by more than \$0.30. A large majority of unsubsidized positions obtained by Project Empowerment participants were in the private sector.

Both hospitality and custodial occupations accounted for 20% of the unsubsidized jobs obtained by program participants. As was the case for FY15, construction jobs accounted for the largest share of jobs at 27 percent. However, administrative occupations were nearly as prevalent at 25 percent. Placements in the IT industry remained at less than 1% for FY16, but the introduction of TechHire DC to the menu of

occupational skills training offered by DOES may serve to increase the number of participants able to enter the IT field in FY17.

121. Are there any major programmatic changes planned for FY17?

Increase Outreach to the Homeless

Homelessness is one of six barriers to long-term employment that Project Empowerment has identified as prevalent among the District’s hardest to serve. Project Empowerment has begun to employ a targeted approach to serve this vulnerable population by visiting the DHS Adams Place Day Center, a resource center for people experiencing homelessness, on a weekly basis to conduct Project Empowerment information sessions. This initiative bridges the employment gap faced by homeless residents by bringing them information about available DOES services and providing instant access to programming.

122. How do Project Empowerment and Career Connections relate to each other?

Project Empowerment and Career Connections are both locally-funded transitional employment programs. The Career Connections program has been adjusted to align with the Project Empowerment model, which has a proven track record of effectiveness.

In addition to sharing a suite in the DOES headquarters, Project Empowerment and Career Connections staff attend weekly division meetings and share professional development opportunities. While Career Connections follows the Project Empowerment program model (of three weeks of Job Readiness Training followed by subsidized Work Experience combined with continuous wraparound services), Career Connections focuses more on credentialing and occupational skills training as an avenue to career development and long-term employment.

On the Job Training (OJT)

123. For the OJT program in FY16 and FY17, to date, please provide the names of participating employers; by employer, the number and occupation (by gender) of the OJT participants; the length of placements in the training; for what skills the participants received training, the level or portion of wages subsidized by the program, and any credentials received.

Employer	Occupation(s)	Participant Gender	Reimbursement Level	Program Length
Agility Construction	Accounting & Administrative Assistant (1); Carpentry Assistant (1)	Male (1); Female (1)	75%	6 months
Bridges Academy	Teacher aide	Male (1); Female (2)	75%	6 months
Capital Construction Group	Superintendent (1); Asst. superintendent (1)	Male (2)	75%	6 months
DC Central Kitchen	Line Cook II	Male (3)	75%	6 months
DC Downtown BID	Maintenance Worker	Male (1)	75%	6 months
East River Bagel	Asst. Manager	Female (1)	75%	1 month

Inc. / Eclectic Café				
Edward C. Mazique	Teacher Assistant	Female (3)	75%	4 months
Evergreen Information Technology	Marketing Specialist (3); IT Helpdesk Analyst (1)	Male (1); Female (3)	75%	6 months
Front Street Management	Office assistant (1); Asst. Community Manager (1)	Male (1); Female (1)	75%	6 months
Keystone Plus Construction	Project accountant (1); Administrative Asst. (1); Estimator (1)	Male (2); Female (1)	75%	6 months (2); 1 early termination
Miles Away Charter	Office Manager (1)	Female (1)	75%	6 months
National Cherry Blossom Festival, Inc.	External Programs Associate (1); Admin. Asst. to President (1)	Female (2)	75%	6 months (1); 2.5 months—trainee separated early (1)
New Beginnings, LLC	Admin. Asst.	Male (1)	75%	6 months
Rita's Frozen Ice	Asst. Store Manager	Male (1); Female (2)	75%	6 months
Robbin's Nest Learning Center	Teacher aide	Female (2)	75%	6 months
Simple Technology Solutions	Administrative Operations Analyst (1); IT Cloud tech (1)	Male (1); Female (1)	75%	6 months
Tenleytown Trash	Admin. Asst. (1); Customer Relationship Rep.	Male (1); Female (1)	75%	6 months
YMCA of Metro Washington	Group Leader	Male (1); Female (8)	75%	6 months (7); 3 months (1); 4 months—trainee separated early (1)

124. What are the eligibility requirements to be a partner business for this program and what are the eligibility requirements to be an individual participant in this program?

Individual participants must meet DOES participant eligibility guidelines. The eligibility requirements for businesses participating in the OJT are:

- Must have a physical location in the Washington Metropolitan Area, have at least one employee and be in full compliance with payment of Unemployment Insurance/Contribution taxes to the state or of the District.
- Must provide IRS Employer Identification Number and comply with all labor laws including wage and hour, and health and safety.

- Must have Workers Compensation or similar insurance for employees.
- Must be willing to provide documentation for a Pre-Award Survey (application) process. Once determined eligible must be willing to sign a Contractual agreement with the Department of Employment Services.
- Must intend to provide permanent employment to the participant/trainee and maintain hours and wages beyond the agreement period.
- Must be a private sector, for-profit or non-profit organization that has not moved its primary location within the last 120 days.
- Must not be an organization that is a gambling establishment, adult entertainment establishment, swimming pool, aquarium, zoo, or golf course.

All participating businesses must demonstrate that they are in good standing with the District of Columbia.

125. Are there any major programmatic changes planned for FY17?

DOES is evaluating the initial OJT pilot program and making strategic enhancements based on the guidance of the new Director.

Rapid Response

126. Please provide an overview of the activities of the rapid response program in FY16 and FY17, to date. Also provide:

Through FY16 and FY17 so far, the Rapid Response team has received 15 W.A.R.N. ACT Notices and completed 23 Rapid Response Events, including 17 at Federal Agencies due to the transition of the presidential administration.

a. What was the source of funding for rapid response staff?

The funding for Rapid Response is federally sourced.

b. How many FTEs work on the rapid response program?

Three (3).

c. In what sub agency is the rapid response program located?

Bureau of Workforce Development.

d. What was the source of funding for any FTEs?

The funding for Rapid Response is federally sourced.

VIII. First Source

127. How many First Source agreements have been signed to date?

In FY16 and FY17 to date, 881 active agreements have been executed.

- a. Please provide a list of agreements, including the project title, project timeframe, and agreed upon hiring goals.
- b. How many positions have been created from these agreements, in total and by project?

(See attachment 25)

- c. How many District residents were hired from these created positions, in total and by project?

First Source Position Created and DC Residents Hired FY 16 and FY17				
Fiscal Year	Period	Total Hires	Total District Hires	% of District Hires
FY16	10/1/2015 - 9/30/2016	993	575	57.9%
FY17	10/1/2016 - 2/23/2016	393	184	46.8%
The Wharf FY16	10/1/2015 - 9/30/2016	577	287	49.7%
The Wharf FY17	10/1/2016 - 2/23/2016	241	112	48.8%
Total FY16 and FY17		2204	1158	52.5%

128. Please compare the agency’s FY16 and FY17 First Source Employment Agreement Program performance with the following goals:

- a. What percentage of agreements of a contractual nature that met the First Source threshold, signed First Source Employment Agreements?

100% have met the threshold.

- b. On average, what percentage of all new jobs created by the projects was performed by District residents?

52.5% were performed by District residents.

- c. On average, what percentage of apprentices and trainees registered in programs approved by the D.C. Apprenticeship Council were DC residents?

According to federal regulations the Office of Apprenticeship Information and Training cannot require sponsors to hire 100% District residents, even on District funded projects.

- d. What changes were made in FY16 and FY17, to date to improve the implementation of this law and what changes are planned to get ready for the implementation of the newly reformed First Source law?

First Source has developed and is implementing a plan to enhance operations by establishing a standardized and centralized record maintenance system, improving the database system and conducting on-going internal program evaluations.

Implementation of the plan will effectuate fully informed compliance decisions, ensuring residents receive the benefits mandated by the law.

The revised operations plan establishes:

1. Base-level file documentation requirements and checklists for all First Source files.
2. Improvements in the First Source database and tracking systems.
3. An internal Auditing Team to conduct scheduled and unscheduled program evaluations.
4. Continued meetings with and presentations to District agency partners and business groups.

Finally, as was noted in the Agency's FY15 responses, the creation and revision of the First Source agreement and documents needed to support the program were completed; however, First Source has identified additional formatting and revisions that will enhance the functionality and usefulness of the documents. The First Source Program will make the additional revisions to the documents to improve functionality and usefulness.

129. How many non-compliant letters were sent out in FY16 and FY17, to date?

292 non-compliant letters were sent out in FY16. For FY17, a revised process is in place. The program delivered regular status updates to all employers. As appropriate, non-compliant letters will be issued at the end of the project.

a. What are the next steps if these employers do not comply?

New processes and procedures have been established for Employers that are delinquent in reporting and/or not meeting the hiring or hours worked percentages. DOES monitors and delivers regular status updates to the Employers until completion of their scope of work or project. At the end of the project, when the final FSCO contract compliance report is submitted and if it shows that the Employer did not meet the hiring or hours worked requirements, DOES will proceed with the notification, penalties, and appeals process.

b. Who is responsible for ensuring the compliance of participating employers?

The Office of Wage-Hour.

130. How does DOES track employers who have executed a First Source agreement?

All First Source employer hiring activity and reporting is tracked in the First Source Online Portal. To track First Source employer activity and compliance, FS monitors also:

- Conduct meetings, trainings and provide technical assistance involving the First Source Employment Agreement requirements and First Source reporting process with all FS Employers, company officials and other stakeholders.
- Visit construction sites regularly to determine if an Employer's on site workforce is consistent with the executed submitted Agreement and monthly compliance reports.

- Review and complete statistical reports that identify the overall contract/project, contractor, and subcontractors' hiring and hours worked percentages.

IX. Unemployment Compensation

131. For FY15, FY16, and FY17 (to date), please provide the number of initial unemployment insurance claims, the number of extended claims, and the number of claimants with expired unemployment insurance benefits.

Claims	FY15	FY16	FY17 (to date)
Initial	31,821	29,571	13,222
Extended	0	0	0
Expired	21,781	31,823	6,768

132. For FY13, FY14, FY15, FY16, and FY17 (to date), what were the District's Unemployment Compensation Fund's total receipts, total benefits paid, and ending balance?

Time Period	Total Receipts	Total Benefits Paid	Ending Balance
FY13	\$137,131,011.36	\$159,239,316	\$313,953,820.98
FY14	\$140,296,412.83	\$154,742,361	\$317,408,163.58
FY15	\$141,928,203.90	\$120,053,826	\$357,995,109.05
FY16	\$144,125,117.44	\$111,078,690	\$406,650,523.00
FY17 (to date)	\$33,260,757.96	\$52,491,083	\$392,175,186.08

133. Please provide an update on the status of all Supplemental Budget Requests (SBRs) discussed in the agency's answers to the FY14-15 and FY15-16 performance questions. These should include SBRs 13-14, 13-15, 16-16, 18-15, 26-11, 18-12, 15-13, 27-13, and 17-13 as well as any other SBRs that were issued to the District during those years. In each case, please discuss whether the deadline for implementation of the projects within the awards was met, an explanation of any delays, what has been accomplished to date, and what remains to be done under the SBR and on what timeline. Please indicate the recipient of any grant from DOES. Please also discuss whether the agency returned any SBR funding for any of these projects and if so, the reason and how much funding for each project.

Supplemental Budget Request (SBR) 13-14

During FY14, DOL awarded funding for Supplemental Budget Request 13-14 to work on integrity-related projects within UI. DOL awarded DOES \$1,498,800 to complete the activities, and the implementation deadline for most of the projects within the award was September 30, 2016.

Status of Projects under UIPL 13-14

SIDES Expansion – DOL awarded \$100,000 to fund the expansion of employer responses in the State Information Data Exchange System (SIDES) E-Response.

Lexis Nexis Integration – DOL awarded \$650,000 to implement a Lexis Nexis solution, using Instant Verification and Instant Authentication to prevent fraudulent activity on UI initial claims.

Merit Staffing – DOL awarded \$249,600 to fund merit staff to increase prevention, detection, and recovery of improper payments in the District.

Work Search Verification Unit – DOL awarded \$499,200 to fund the establishment of the Work Search Verification Unit to ensure claimants are completing two job searches per week, as required by D.C. Code §51-109(4)(B).

Supplemental Budget Request (SBR) 13-15

During FY15, DOL awarded Supplemental Budget Request 13-15 funding for a total of \$654,478 to continue the administration of the Reemployment Services and Eligibility Assessment (RESEA) program in the District.

Supplemental Budget Request (SBR) 07-16

DOL awarded Supplemental Budget Request 07-16 funding for a total of \$525,182 to continue the administration of the Reemployment Services and Eligibility Assessment (RESEA) program in the District.

Supplemental Budget Request (SBR) 03-17

DOL awarded Supplemental Budget Request 03-17 funding for a total of \$596,188 to continue the administration of the Reemployment Services and Eligibility Assessment (RESEA) program in the District.

Supplemental Budget Request (SBR) 16-15

During FY16, DOL awarded Supplemental Budget Request 16-15 funding for three grants totaling \$500,000.

Status of Projects under UIPL 16-15:

SIDES Database/Disaster Recovery Plan – DOL awarded \$114,864.00 to the District in its efforts to migrate the standalone SIDES database to a new datacenter, affording High Availability in the event of a database disaster.

UI Database Vulnerability Assessment & Penetration Testing – DOL awarded \$208,361.00 to the District to hire a Senior Application and Database Security Consultant to conduct a thorough technical vulnerability assessment and ethical penetration testing to exploit public facing UI applications.

UI Accessibility – DOL awarded \$176,775.00 to fund language access initiatives and document the current state of the Webs Enabled Benefit System in DOES' efforts to create an initial claim application in Spanish and provide more accessibility to claimants whose language of preference is Spanish.

Supplemental Budget Request (SBR) 18-15

During FY16, DOL awarded Supplemental Budget Request 18-15 funding for two grants totaling \$276,310, which focus on the prevention and detection of worker misclassification.

Status of Projects under UIPL 18-15:

Misclassification Audit Software Implementation – DOL awarded \$84,310 to deploy a .Net framework-based application (NeoFraud) to consume employer 1099 data and analyze against in-house Tax databases.

Federal Tax Information (FTI) Safeguard Security Compliance – DOL awarded \$192,000 to the District to fund a resource who supports IRS Safeguard compliance activities.

Supplemental Budget Request (SBR) 19-16

During FY 17, DOL awarded Supplemental Budget Request 19-16 funding for two grants totaling \$500,000 which focus on the prevention and detection of UI improper benefit payments and the implementation SIDES Web Services with all available employers and TPAs.

Status of Projects under UIPL 19-16:

Defend Integrity Initiative – DOL awarded \$430,032 to fund this improper payment prevention strategy.

SIDES TPA Registration Interface – DOL awarded \$69,968 to fund this project, which will implement SIDES Web Services for all available employers and TPAs currently participating in SIDES, and beginning the SIDES data exchange with new participating employers and TPAs within 12 months.

\$650,000.00 was allocated to the Lexis Nexis Integration, of which 92.54 percent (\$601,512.13) was utilized. A balance of \$48,487.87 was returned to the federal government. These funds were unexpended due to a strategic decision to develop the application in house versus the original plan to develop it externally. This option was more cost efficient and allowed DOES to maintain complete control of the code and relevant applications.

134. With regard to the Supplemental Budget Request to improve Unemployment Insurance accessibility that the agency planned to use to translate the online application for Unemployment Insurance and other documents into Spanish:

a. How has DOES spent the funds?

Please refer to answer for Question 133.

b. How many funds are left to spend before the 9/30/2017 deadline?

Of the \$176,775 dedicated to improving UI accessibility for Spanish speakers, \$88,292.38 has been expended as of 12/31/16.

c. How has UI accessibility improved as a result of these expenditures?

The supplemental budget request for Unemployment Insurance (UI) accessibility has been utilized to hire a bilingual program support assistant and translate several UI

resources for Limited English Proficiency (LEP) claimants. The bilingual program support assistant serves as a first point of contact for LEP claimants and is also responsible for creating innovative methods to best support this population.

d. Has the online application for UI been translated into Spanish?

The online application has not been translated into Spanish. UI’s current vendor does not have the capability to translate the online application into Spanish, which has caused this project to be pushed under UI Modernization. In the meantime, DOES is developing a UI Spanish-language video to assist LEP claimants with filing an initial claim online. This video will be offered on-site at all AJCs Centers and will be available via a link on Spanish-language correspondence as well.

e. What other UI documents, if any, have been translated into Spanish and the other languages required by the DC Language Access Act?

A total number of 35 documents have been translated into Spanish, including but not limited to determination letters, FAQs, questionnaires, overpayment recovery letters, issue-specific correspondence letters, and the claimant rights and responsibilities handbook. All documents are pending final revisions and approval to be used by claims examiners. Additionally, UI is in the process of translating UI language access informational packages into the 6 languages required under the D.C. Language Act.

135. Please provide the amounts and current status of all new Supplemental Budget Request initiatives for the Unemployment Insurance program. Has the agency returned any SBR funding and if so, why and how much funding?

The agency returned \$48,777.79. The funds that were returned were not related to non-performance issues. The agency was able to complete the Lexis Nexus Integration project under budget.

136. What changes have been made to the IT systems for electronically filing and for processing and evaluating unemployment claims? What additional IT changes are being planned or considered and what is the timeline for the changes to occur?

DOES made minor changes to increase the employer registration to SIDES. The BARTS upgrade includes enabling the SIDES Earning and Verification (E&V) Module. Modifications to WEBS and SIDES to enable the routing of SIDES separation request to DC agencies.

Enable SIDES E-Response to send DC employees Separation Requests to their assigned DC agency contacts. A Separation Request will be segregated so an agency will only receive and respond to Separation Requests for claimants who previously worked for that agency.

Corrected estimated completion date is 3/31/2017.

System Name	Duration	Start	Finish	Assigned To	% Complete	Status
-------------	----------	-------	--------	-------------	------------	--------

SIDES Registration	2 weeks	06/9/2017	06/23/2017	Lingam	100%	Completed
SIDES Earning and Verification	17 months	07/28/2014	12/18/2015	Lingam	100%	Completed
SIDES DCHR Modification	6 weeks	02/13/2017	Estimated 04/01/2017	Lingam	15%	In Progress

137. In the Fiscal Year 2017 Budget Support Act, the D.C. Council raised the maximum weekly unemployment benefit from \$359 to \$425. How many claimants were affected by this change and how much on average in additional benefits did each receive?

12,486 claimants were affected by this change. On average, these claimants received a Weekly Benefit Amount increase of \$60.00 and a Maximum Benefit Amount increase of \$1,344.00.

138. In the Fiscal Year 2017 Budget Support Act, the D.C. Council also increased the benefits available to unemployment claimants who are partially unemployed. How many claimants were affected by this change and how much on average in additional benefits did each receive?

When the UI WMBA project was deployed, the number of partial payments was not isolated from those who would have their payments increased. As a result, DOES is unable to provide an accurate count of partial payments for the project.

139. DOES has previously reported that the percentage of first UI payments made to eligible claimants within 14 days decreased from 74.14% in FY13 to 68.28% in FY14. What percentage of first UI payments made to eligible claimants was within 14 days in FY15, FY16, and FY17 (to date)? When DC residents lose their jobs, they often have very little savings to rely on while waiting for their unemployment insurance payments, so these delays can pose a real hardship. What steps is DOES taking and what resources does it need to ensure that at least 87% of these payments are made within two weeks? For initial claims that are not resolved within DOL timeframes, what are the primary reasons for the delays?

For payments made to eligible claimants with 14 days, OUC has achieved a rate of 82.4% and 82.3% for FY15 and FY16, respectively. To date in FY17, OUC has achieved a percentage of 86.6%.

The most significant improvement has been a result of modifications made to the office's Monetary Redetermination Process. In an effort to become more efficient in this area, both the UI Benefits and Tax divisions have worked closely together to improve the process as a whole, and changes have been implemented to shorten the amount of time for completion. As a result of these modifications, the office has experienced substantial improvement in this area, and the Monetary Redetermination Process no longer has a large negative impact on the First Payment Promptness as it did in the past.

To comply with the Acceptable Level of Performance of 87%, OUC will continue to monitor performance on a weekly basis and address all identified deficiencies. Additional training on this measure has recently been provided to claims examiners, and their workload has been structured to prioritize cases that have an upcoming first payment due date. OUC is also in the process of implementing a system modification that will prevent claimants from filing their first certification form late, resulting in an untimely first payment. OUC has made great strides in the area of First Payment Promptness over the past two fiscal years, and the goal is to achieve the Acceptable Level of Performance by the end of FY17.

140. Please discuss the agency's efforts to achieve federal Unemployment Insurance Tax Enforcement goals. How many audits were performed in FY16? How many audits were performed in FY17 to date? How many are required to be performed by the Department of Labor?

Staff members of the Tax Division have been diligently processing/denying employers' requests for out-of-wage credits to properly assess amounts owed on accounts. Collection cases are being assigned quarterly to aggressively pursue funds due to the agency as the Field Audit Unit continues to encumber employers' accounts with liens for failure to satisfy District Unemployment Tax obligations.

In June of calendar year 2016, Tax Division staff met with the agency Office of General Counsel (OGC) to discuss permissible collection activities and/or limitations. Topics discussed were:

- 1) Assessments;
- 2) Liens;
- 3) Civil Actions (scope, extent and cost of reinstating methods used previously and instituting new methods);
- 4) Seeking suspension or cancellation of business, professional, alcoholic beverage, occupancy, or any other license held by employing entities subject to Title 51 of the District's Code;
- 5) A contact person at the Office of Attorney General (OAG) to assist with the formalities of the Bankruptcy process and provide general guidance as needed;
- 6) Scope and extent and limitations of the District's regulations;
- 7) Key departments in the collections process (e.g. other agency division, other District agencies, etc.).

Since then, Tax Division staff has composed, with the approval of OGC, a certified audit letter which is used to compel employers with delinquencies to furnish financial records at a designated time and place (generally, DOES headquarters) in order to obtain missing wage report information, gather information for possible levy or garnishment of assets, and ascertain an employer's ability to fulfill their tax obligations. The Tax Division has also worked with OGC to reinstate levy and garnishment actions and continues to engage with external entities (OAG, OTR, etc.) to discuss and strategize future collection activities and a possible collaborative collection effort with those stakeholders. Finally, all Tax Standard Operating Procedures were updated and approved in December 2016.

328 audits were performed in FY16. To date, 173 audits have been performed in FY17. The Department of Labor required 317 audits to be performed in CY16 and 322 audits to be performed in CY17.

141. What safeguards are in place within the agency to prevent fraud and abuse issues within the Unemployment Compensation unit?

The Benefit Payment Control Branch (BPC) handles all fraud and overpayment issues for unemployment compensation claims using a variety of cross matches, the Fraud Hotline, and tips and leads the benefit wage cross match is run quarterly, and this cross match allows BPC to determine if there are any claimants receiving unemployment and who have wages reported for the quarter concerned. Utilizing the weekly National Directory of New Hire (NDNH) and daily State Directory of New Hire (SDNH) cross match, an administrative stop is placed on any claim where a claimant is identified as “potentially working” on a weekly basis. The weekly APPRISS prison cross match determines if there are any claimants who are incarcerated and receiving unemployment compensation. Also, a quarterly worker’s compensation cross match is performed to determine if there are any claimants simultaneously receiving both unemployment compensation and worker’s compensation. Finally, BPC works closely with other states and the Department of Labor regarding fraud schemes, specifically IP addresses previously associated with fraudulent activity.

In January 2016, DOES added an Information Security Office (ISO) which constantly evaluates and enforces the agency’s internal and external information security policies and procedures. The ISO office proactively audits all systems to find company names and IP addresses that have been identified by DOL as being unknown and or fraudulent. The DOES has put in place policy that requires all staff and partners to take security awareness training annually. This training has been created and implemented by the DOES Information Security Office and helps provide increased security awareness on the protection of Personally Identifiable Information (PII) and Federal Tax Information (FTI). This in turn helps mitigate the risk of fraud by DOES staff and partners. DOES’s data share agreements with external entities have been and are being re-evaluated to recommend new information security technologies and counter-measures against threats to information and/or privacy fraud.

142. Under the Language Access Act, vital documents must be translated into “any non-English language spoken by a limited or no-English proficient population that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered, or likely to be served or encountered” by the agency. For the populations served, encountered, or likely to be encountered by DOES, which non-English languages are required under this standard?

The Spanish language is the only non-English language required under this standard.

IT intends to launch the program four years from the date of award. OIT expects it to be awarded this FY (FY17). Anticipated year of completion is 2021.

143. How is DOES currently serving unemployment compensation claimants with limited English proficiency in accordance with the requirements of the D.C. Language Access Act? What additional resources are need to ensure full compliance with the D.C. Language Access Act? Last year, DOES committed that the Unemployment Compensation’s system will be translated into Spanish during the modernization of the UI system. Has that been done? If so, when was it complete? If not, please explain why and the timeline for completion.

The Department of Employment Services (DOES) utilizes the following services to assist non-English proficient (LEP) and limited-English proficient (LEP) claimants:

- The Language Line is a telephone service that provides oral language services to LEP and NEP Unemployment Compensation claimants.
- In-person interpretation services are administered through FLUENT and DuPont Computers to further serve LEP/NEP Unemployment Compensation claimants.
- Unemployment Compensation’s vital documents are translated into a non-English language spoken by LEP/NEP population that constitutes 3% or 500 individuals, whichever is less, of the population served, encountered, or likely to be encountered, by DOES. The translated documents are also available to DOES’ website. Additionally, letters that are sent to claimants are translated if needed.
- Unemployment Compensation’s system will be translated into Spanish during the modernization of the UI system.

144. The Unemployment Compensation Reform Amendment Act of 2010 (L18-0192) required that unemployment compensation “shall not be denied to any otherwise eligible individual who leaves his or her most recent work to care for an ill or disabled family member” (D.C. Code § 51-110(d)(5)).

a. How does DOES process claims under this provision?

When a claimant states they left their most recent work to care for an ill or disabled family member, an investigation is conducted by a claims examiner to determine if they qualify to receive unemployment insurance benefits. Fact finding is completed by the examiner to obtain the required information from both the claimant and the employer. If it is found that the claimant left their most recent work to care for an ill or disabled family member, then they are found qualified to receive benefits.

b. What evidentiary proof that a claimant satisfies this exception, if any, is required?

Claimants are required to provide documented proof to support their assertion that they left their most recent work to care for an ill or disabled family member.

c. Does DOES require that claimants to notify their employer of their family members’ illness or disability before quitting? If so, what is that legal justification for that requirement, given that the statute is silent on evidentiary requirements and no regulations have been promulgated?

DOES does not require claimants to notify their employer of their family members’ illness or disability before quitting.

145. Please provide the Committee with the three most recent annual reports required under D.C. Code § 51-135 on the number of individuals who received benefits for separation from employment due to domestic violence.

Year	Number of Claimants
2014	2

2015	4
2016	15

146. How does DOES implement the Department of Labor proof of identification requirements for claimants?

- a. How are claimants notified that they need to present proof of identification? If this has changed over time, please explain the changes and the reason for them.**

A claims examiner contacts them by phone and requests that they provide their proof of identification documents within 48 business hours. If a claimant fails the Identify Verification and Authentication process conducted by the Lexis Nexis web service, they are contacted via email and a request is made for them to provide their proof of identification documents within seven (7) business days.

- b. In FY15, FY16, and FY17 (to date), how many claimants were selected for identification checks?**

Time Period	Claimants Selected for Identification Checks
FY15	233
FY16	844
FY17 (to date)	3,795

- c. In FY15, FY16, and FY17 (to date), how many of these claimants had their benefits terminated temporarily or permanently as a result of a failure to respond?**

Time Period	Claimants Held Ineligible for a Failure to Respond
FY15	55
FY16	182
FY17 (to date)	908

147. When DOES attempts to collect on unemployment insurance overpayments:

- a. How does DOES notify claimants of their opportunity to request waivers based on financial hardship?**

The Benefit Payment Control Unit begins collection efforts at the conclusion of the fifteen (15) day appeal period on all established overpayments. After this time, each claimant is sent a restitution agreement, which outlines a twelve (12) month repayment plan for DC Government Employees and a twenty-four (24) month repayment plan for all other claimants. Claimants are also sent monthly billing statements that outline their minimum monthly repayments in order to be compliant with their restitution agreements. Claimants are notified about the opportunity to request a waiver due to financial hardship via section 51-119(d), which is written on all determinations of overpayment notices, as well as via messaging on the IVR and the web.

- b. Please share any policies or guidelines in place for determining when to grant overpayment waivers and how DOES ensures that these decisions are not arbitrary or capricious.**

Fraud overpayments are not eligible for a waiver. Those claimants with non-fraud overpayments who submit a written request for a waiver are individually analyzed and reviewed, including an assessment of the claimant's wage history and supporting documentation reflecting their financial hardship, to determine if a waiver can be granted. This is a case by case process that analyzes each individual claimant's unique facts and circumstances.

- c. In the FY15-16 Performance Review answers, DOES stated that it considers each claimant's financial background and "unique facts and circumstances" when assessing a request for a waiver. In addition to the claimant's financial background, what "facts and circumstances" does the agency consider to determine whether a claimant is at fault in accruing the overpayment?**

In addition to a claimant's financial background, DOES also considers the overall facts of the case, from the initial claim process to the establishment of the overpayment. DOES will also consider any serious medical conditions or disabilities that may affect a claimant's ability to work and make repayments on their overpayments.

- d. In the FY15-16 Performance Review answers, DOES explained that "Claimants are notified about the opportunity to request a waiver due to financial hardship via section 51-119(d), which is written on all determinations of overpayment notices." However, the Department of Labor's Unemployment Insurance Program Letter No 1-16 explains that DOES has an obligation to provide a plain language explanation of the waiver process, including providing "enough information to enable the individual to understand under what circumstances a waiver may be granted and how to request such a waiver." How will DOES meet this requirement in the coming year?**

DOES will meet this requirement by developing the appropriate approved waiver policy in coordination and compliance with USDOL requirements.

- e. When assessing overpayment and analyzing requests for waivers, how does DOES safeguard particularly vulnerable claimants – including those who are elderly, have limited literacy or English proficiency, or who are disabled – to ensure these claimants are not disproportionately impacted?**

DOES understands that improving language access services is paramount to providing a good customer service experience to all of its claimants. In an effort to assist claimants who have limited English proficiency, DOES has improved its language access by adding more bilingual staff members to each unit throughout the Office of Unemployment Compensation and translating all documents into common languages, beginning with Spanish. Claimants are also strongly encouraged to visit one of the many American Job Center (AJC) locations to receive assistance with understanding

and completing all documentation associated with Unemployment Insurance. See response to Question 148b for more information.

148. Please provide DOES’s policies for determining whether a claimant committed unemployment fraud under D.C. Code § 51-119(e).

a. How does the agency determine that a claimant knowingly made a false statement for the purpose of obtaining more in unemployment benefits?

DOES follows federal standards and regulations related to unemployment benefits. The Agency regularly monitors activity related to filings and compares applicable data and compare it to other available relevant information as a part of normal day-to-day operating procedures. These processes allow DOES to compare time stamped information, required documents, and other tools to make a determination.

b. How does the agency safeguard for vulnerabilities such as limited literacy, disability, or limited English proficiency that might cause a claimant to make a false statement without knowing they are doing so?

The agency follows all ADA guidelines as well as leverages Language Access as a tool to ensure claimants are able to file claims appropriately. These services include a TTY phone, sign language, and RESEA training courses. As with all activities, DOES is reviewing potential process improvements to better serve District residents, including those with limited literacy, disability, or limited English proficiency.

c. For FY15, FY16, and FY17 (to date):

i. How many 15% fraud penalties did DOES assess?

Time Period	15% Fraud Penalties Assessed
FY15	1,907
FY16	2,768
FY17 (to date)	675

ii. What is the total amount of fraud penalties assessed?

Time Period	Total Amount of Fraud Penalties Assessed
FY15	\$364,479
FY16	\$418,758
FY17 (to date)	\$151,281

iii. Of the amount assessed, how much has been collected to date?

Time Period	Total Amount Collected to Date
FY15	\$29,078
FY16	\$18,559
FY17 (to date)	\$1,454

*Note: These numbers are cumulative. If the penalty is paid, the total cumulative number is reduced.

iv. How many notices of fraud penalties have been appealed to the Office of Administrative Hearings?

Six (6).

v. Of these appeals, how many were overturned by the Office of Administrative Hearings?

Five (5) Overpayments were affirmed and penalties reversed; one (1) overpayment affirmed and penalty affirmed.

X. Labor Standards

149. Please describe the structure of the Labor Standards Bureau, Office of Labor Law and Enforcement, and Office of Wage-Hour and the leadership, staffing, and functions of each of their component offices. How do these offices relate to one another?

The Labor Standards Bureau (LSB) administers and enforces the District of Columbia labor laws. The office investigates wage complaints, evaluates employee and employer safety/health in the workplace, and adjudicates compensation/medical care claims for private-sector employees injured in the course of employment. In addition, the office provides administrative and semi-judicial proceedings to assist in resolving disputes that may arise in connection with claims filed for workers' compensation benefits. Within the LSB, there are five operational components: Office of Labor Law and Enforcement (formerly the Office of Wage-Hour), Occupational Safety and Health (Private Sector), Office of Workers' Compensation (Private Sector), the Administrative Hearings Division and the Compensation Review Board. The LSB Deputy Director who has oversight of these offices is Mohammad R. Sheikh; the staffing level is 23 FTEs.

LSB enforces the District of Columbia wage-hour laws for the benefit of private sector employees, ensuring that employees are paid at least the mandated minimum wage, overtime (when required), living wage, and all earned and promised wages. LSB performs wage-hour investigations, audits and conducts enforcement activities, determining if a cause of action exists.

The Labor Standards Bureau Deputy Director regularly meets with the Associate Directors of the Offices of Labor Law and Enforcement, Workers' Compensation, and Occupational Safety and Health to exchange vital information and develop plans/strategies to implement compliance and enforcement activities.

Outreach

150. Please describe DOES Office of Labor Law and Enforcement's outreach to inform the public of Paid Sick Days, Minimum Wage, Wage Theft and other employment law requirements. Please include:

- a. **Outreach budget**
- b. **Staffing enforcement at Labor and Law Enforcement’s**
- c. **Number of investigators**
- d. **Number of Spanish speaking staff**
- e. **List each education and outreach activity – including webinars, know your rights or other in-person classes, or other activities – noting whether the intended audience was employers or employees and the number people who attended**

The Office has scheduled and attended regular meetings with community advocates, business members and employees as well as participated in labor studies conducted by several universities. The office also held several webinars to educate the public. For fiscal year 2017, \$33,110 is allocated to outreach. Currently, there are 16 staff assigned to enforcement, included in this total are 11 investigators and 5 Spanish speaking staff persons.

The following is a list of education and outreach activities sponsored by the office:

<i>Activity</i>	<i>Type</i>	<i>Audience</i>	<i>Number of Participants</i>
Round Table	Outreach/Education	Employers	50
ASSLA Advertisements	Outreach/Education	General Public	Unknown
Living Wage Webinar	Education	Employers	TBD
ASSLA Day	Outreach	Employers/Employees	TBD
First Source Round Table	Outreach/Education	Employers	TBD
Roundtable	Education	Restaurant Employers	TBD
Roundtable	Education	Hospitality/Health Employers	TBD
Sick Leave Webinar	Education	Employers/Employees	TBD

151. Please describe “the Zip Code project” and/or “the foot patrol” outreach program, including all metrics collected by DOES, and explaining the difference between these programs.

The Zip Code Project began during FY15 to provide education to employers about the various wage laws amended in the Wage Theft Prevention Amendment Act and to perform compliance visits to businesses to ensure proper postings of wage laws on their premises. To date, over 1,000 D.C. businesses have been visited. However, the project was halted during FY16 due to implications concerning unreasonable search and seizure issues as outlined in *Patel et al.* Since the halt of the Project, the LSB has sought alternative means of providing education to District employers and for ensuring compliance with posting requirements.

Alternatively, the “Foot Patrol” is for “educational visits,” and also bringing in employers for educational seminars during FY 2016 and 2017. These educational programs/meetings focus on particular industries for each session.

- 152. What additional outreach and education activities does DOES intend to undertake in the next year? What new initiatives are envisioned? Will all of the recently passed employment laws be incorporated in a streamlined single presentation or will educational efforts focus on only one or two of the laws at a time?**

The LSB “Public Education Campaign” was expanded to include numerous Labor Law Webinars and Forums which will include all recently passed employment laws. A special focus this year will be on business industries that historically have had numerous complaints. Furthermore, LSB will expand the compliance efforts by increasing the number of random company audits to investigate compliance with labor laws mandating ASSLA, Minimum Wage and overtime pay, and proper payment to tipped workers. LSB will continue to work in partnership with the Mayor’s Office of Asian and Pacific Islander Affairs (MOAPIA) to provide posters and copies of required notices in additional languages to employers with workers speaking foreign languages.

- 153. The Office of Wage and Hour has expressed interest in starting an advertising campaign to create and post Metro and bus ads explaining the new workers’ rights laws in the District. What is the status of this project? Is additional funding or staff required to implement it?**

In coordination with the advocacy community, LSB has an ongoing initiative for advertisement for Sick and Safe Leave. These advertisements will inform the public of their rights regarding access to Sick and Safe Leave. The advertisements have been designed and approved and are now in the procurement process for placement on both the Metro buses and trains.

Regulation and Implementation

- 154. How much funding, and how many staff, and what regulations are needed to properly implement the new Building Service Employees Minimum Work Week Act that passed in 2016?**

The Office of the Chief Financial Officer issued a FIS accompanying the Building Service Employees Minimum Work Week Act of 2016. The bill will cost \$445,500 in FY 2017 and \$1,916,646 over a four year period. The FIS noted that DOES will require five (5) FTEs to implement the investigative enforcement, and education requirements of the bill.

- 155. DC Rule 7-902.4(g) states that minors are not protected by the District’s \$11.50 minimum wage and may instead be paid only the federal minimum wage of \$7.25. The Minimum Wage Revision Act does not contain this exemption. What is the statutory basis of this exemption under local District law? Does DOES have the authority to create regulatory exemptions to the minimum wage when the law passed by the D.C. Council does not contain similar exemptions?**

The statutory basis for DC Rule 7-902.4(g) is D.C. Code § 32-1006 (c)(1) that provides in pertinent part, “(c) The Mayor may make regulations in order to: (1) Define and govern the employment of workers under 18 years of age and provide minimum wages for these workers at a rate lower than that specified in § 32-1003.”

- 156. DC Rule 7-902.5 states that those employed as “a private household worker who lives on the premises of the employer or “a companion for the aged or infirm” are exempt from overtime. What is the statutory basis of this exemption under local District law? Does DOES have the authority to create regulatory exemptions to overtime requirements when the law passed by the D.C. Council does not contain similar exemptions?**

The Department of Labor has over-turned DC Rule 7-902.5. Workers as companions for the aged or infirmed are no longer exempt from overtime protection. LSB began taking claims from these workers to pursue overtime complaints on November 15, 2015.

- 157. The Minimum Wage Amendment Act of 2013 required the Mayor to “create an Internet-based portal for online reporting of the quarterly wage reports” and to “perform random reporting audits after each quarterly report deadline to ensure compliance” with the requirement that restaurants and other employers of tipped employees ensure that their employees receive a combined wage and gratuity income that is no less than the full minimum wage.**

- a. Has the online reporting portal been created?**

The on-line portal has been created and is live. Business may access the portal through the following link: <https://essp.does.dc.gov/>.

- b. When were the first quarterly reports filed?**

The first reports filed through ESSP were for the 2016 2nd quarter reporting period (April, May, and June).

- c. How many audits have been conducted?**

As of February 14, 2017, approximately 263 audits have been conducted.

- d. In how many cases were minimum wage or other employment law violations found?**

As of February 14, 2017, approximately 80 violations were found.

- e. What remedies were provided to the employees involved?**

Most employers paid the back wages to the employees and others appealed and provided the documentation that no funds were owed.

- 158. DOES’ responses to performance questions in 2016 said that DOES would “conduct a review of the current [Accrued Sick and Safe Leave Act of 2013] regulations and examine the areas where clarification is required. What were the results of that review? What is the status of updating regulations for the Act based on amendments that have been made to the act in 2013 or later?**

This Fiscal Year, the agency will publish the significant changes of the regulations within the new wage theft laws, including the enforcement of carry-over sick leave and the process for employers to file for hardship exemptions.

159. Will DOES be issuing any regulations to implement the Wage Theft Prevention Amendment Act of 2014 and any of the amendments made to that Act? If so, by when will the regulations be issued and what topics will they include?

DOES is currently reviewing the recently passed “Wage Theft Prevention Clarification and Overtime Fairness Amendment Act of 2016”, to determine what action, if any, is necessary.

160. Are there any other regulations DOES plans to propose in the current or upcoming Fiscal Year? What topics will they cover?

DOES is consistently reviewing regulations and anticipates future proposed regulations. The Committee will be notified as these decisions are made and regulations are sent to publishing.

161. What office receives claims under the Protecting Pregnant Workers Fairness Act, the Office of Human Rights, OLLE, or another office? Please prove the committee with the appropriate claim form and any Memorandum of Understanding pertaining to the Protecting Pregnant Workers Fairness Act.

OLLE is exercising its authority to investigate cases, and will work with OHR to transfer cases to OLLE.

(See attachment 26)

Targeted Enforcement

162. Has the Office of Wage-Hour implemented a policy in which they will investigate an entire employer when they receive a single complaint from a single employee? If so, please provide:

Yes.

- **Priority for Audit Selection:** 100% of employers that reported having employees not making \$2.77 per tipped hour worked or the minimum wage including tips per tipped hour worked shall be flagged and asked for time, pay records, and tip records specifically for the employees flagged. 30% or less of employers with no employees flagged from the Tip Portal Analysis will be sent a pre-audit letter with a general request for records. Employers, regardless of having tipped employees, may be randomly selected at the discretion of OWH management, and sent a Pre-Audit Letter.
 - a) The Associate Director will be responsible for audit selection.
 - b) The designee assigned by the Associate Director will review the Tip Portal continuously throughout the reporting period to ensure employer compliance.
 - c) Be sure to request documents for all employees flagged in the Tip Portal Analysis
 - d) Consider requesting documents for a sample of employees not flagged in the Tip Portal Analysis.
- An important phase of Random Auditing is audit planning. Audit preparation begins long before the audit staff physically encounters the employer. The Random Audit

process begins with the selection of the employer to be audited. For purposes of illustration, this document will address primarily the Random Audit.

a) **Selection Criteria Determined by Management:** The audit process begins with the selection of the covered employer. The selection can be limited by the number of employees, zip code, payroll amount, or various other factors such as industry classification. However, in the interest of fairness and accuracy, the selection process is generally completely random.

a. How many employers were investigated in this manner in FY 2016 and FY 2017 (to date)?

In FY16, 140 employers were investigated; in FY17 to date, 15 employers have been investigated.

b. For each employer investigated, how many additional employees were found to have their rights violated?

Thirty-six (36) employees were found to have their rights violated in FY16. To date in FY17, there have been ten (10) employees.

c. Have complaints been filed for all the employees identified in (b)?

Complaints have not been filed for all employees identified in Item b.

d. In what percentage of these cases are additional violations beyond the original complaint found?

In FY2016, 26 percent of these cases were found to have additional violations; in FY17 to date, 35 percent of these cases have been found to have additional violations.

e. How much is the total value in wages owed and damages owed of these additional violations unearthed due to broader investigations?

In FY16, there was a total of \$265,493.10 wages and damages owed; and \$42,000.00 owed in FY17.

f. If multiple complaints are received from one establishment does DOES always visit the site? And, if so, does DOES put up posters at the site?

If multiple complaints are received for a single employer, at the discretion of management, LSB will conduct an onsite investigation as well as a full audit of employee's records. Posters are displayed at the worksite in a common area to notify employees that an investigation is underway, and to contact LSB if they suspect that they are victims of wage theft.

g. Are any other enforcement steps taken in these cases?

LSB will pursue enhanced penalties as necessary.

h. Are additional staff and/or funding at OWH needed to continue with this policy?

LSB fully investigates all claims and violations according to the law and will make internal adjustments as necessary.

Complaint Processing

- 163. If a claimant does not have photo identification, what options does OWH make available to them to conduct an interview accompanying a claim if the claimant is not comfortable discussing the details of the case and filling out the complaint in the lobby of the DOES building? What other options are being explored?**

The Office of Wage-Hour sends a representative to the lobby to speak with individuals without proper ID who are requesting services from the program. The staff will escort the claimant to begin the intake process. All claimants without valid identification must be escorted through the DOES building. Claimants are advised that a claim can also be filed online and claim forms can be mailed or emailed upon request.

- 164. DOES' responses to performance questions in 2016 said that Wage-Hour was "in the planning stages of developing an MOU with the Office of Administrative Hearings to conduct hearings for the violations of Wage-Hour laws."**

- a. What is the status of developing that MOU? Is an MOU still necessary now that the Wage Theft Prevention Clarification and Overtime Fairness Emergency Amendment Act of 2016 has passed?**

DOES entered into an MOU that allowed the referral of cases to the Office of Administrative Hearings (OAH) beginning October 1, 2017.

- b. Has the agency begun holding formal hearings for violations of wage and hour laws? If so, when did this begin and what are the procedures for the hearings? If not, why not and when will the hearings required by the 2014 wage theft law begin?**

LSB forwarded 46 claims to OAH on November 17, 2016. To date, activity has begun on at least 14 claims and OAH continues to issue "Final Orders." LSB follows the procedures administered by OAH.

- 165. Can wage theft complainants submit claims through DOES while concurrently pursuing the claims in court? If not, please provide reference to code or law that requires that claimants pursue only one of those avenues at a time.**

Under internal policy procedures, LSB takes an assignment of wage-theft claims to investigate, sue, or settle on behalf of the complainant. In doing so, LSB may work in conjunction with the US Department of Labor Law or other parties investigating the same claim, but may ultimately dismiss the LSB claim if it is decided that the claim within another enforcement department or other private right of action will reach the same, quicker, or better disposition for the Complainant.

There is no code that requires complainants to pursue only one avenue at a time, but a court will not enforce multiple judgments that arise out of the same claim from a single Complainant that succeeded in multiple jurisdictions.

166. What training do OWH employees receive on each of the acts within its jurisdiction? Please provide any manual or training materials as an attachment for the Committee.

During FY16 staff participated in a Department of Labor webinar on the Fair Labor Standards Act, specifically on Overtime and the Protecting Pregnant Workers Fairness Act training, hosted by the Office of Human Rights. Staff also received internal training on the DC Commuter Benefits Law as well as reviewed pending legislation related to scheduling for janitorial and retail workers. Staff will also receive continuous refreshers on all wage laws and processes throughout the year.

Staff attended the CLASP Conference, to develop an understanding on how to resolve issues concerning ASSLA enforcement. Participation at other educational conferences is routinely scheduled for staff.

Staff attended the Interstate Labor Standards Association Conference whose purpose is to encourage and assist in improving the administration of the laws and regulations. The conference covered the following topics:

- Investigation, Adjudication, and Collection—a multi-state review of best practices in resolving wage complaints
- Case studies of state enactments to address gender pay gap issues and family friendly labor standards
- Peer to Peer related to child labor educational outreach; child labor awareness and social media strategies
- Protecting vulnerable workers—an overview of new state labor standards for employees in the domestic service and temporary staffing industries
- The Rise of Public/Private Partnerships and their effect on prevailing wage requirements
- Evaluating the Effectiveness of contractor registration programs in multiple states

Staff attended the Association of Commuter Transportation Conference. The Office of Wage-Hour is charged with enforcing the District's Commuter Benefits for over 20,000 employers. As of January 1, 2016, employers, with 20 or more employees in DC, must offer access to one or more transit benefit options. The Association for Commuter Transportation (ACT) is an international trade association and leading advocate for commuter transportation and transportation demand management.

Compliance staff attended USDOL's Wage and Hour Division three-day prevailing wage and compliance training specifically designed to educate regional stakeholders such as state agencies with updates to laws and best practices for investigating compliance and enforcement processes.

On January 30, 2017, LSB staff received 36 hours of "Lead Auditor Training" for certification in auditing

(See attachment 27)

- 167. What are the procedures by which OWH investigators identify whether an individual who files a wage claim is an employee or an independent contractor? Is it assumed that any employee who received a 1099 rather than W2 is an independent contractor?**

LSB investigates misclassifications of employee claims according to the authority of the District's Wage-Hour Rules, the Fair Labor Standards Act (FLSA) and the District's Workplace Fraud Amendment Act of 2012. The application of the FLSA's "Suffer or Permit" standard is applied in the identification of employees who are misclassified as independent contractors. The Workplace Fraud Amendment Act of 2012 provides for the payment and collection of wages in the District of Columbia as well as providing for a penalty for "construction services" on employers who misclassify an employee as an independent contractor.

- 168. If an investigator discovers an instance of misclassification of an employee as an independent contractor, which usually also violates the District's tax and unemployment compensation laws, what steps are taken to cooperate with other agencies to audit the employer and ensure compliance?**

If the Office of Wage-Hour discovers noncompliance outside of the realm of responsibility, standard procedure is to report the finding to the appropriate entity, follow-up in writing, provide relevant information as needed and maintain contact and obtain needed information on the claim if applicable.

- 169. The Wage Payment Act, Living Wage Act, Minimum Wage Revision Act and Accrued Sick and Safe Leave Act all provide for wage theft victims to receive liquidated damages in addition to the back wages owed. Without these liquidated damages, claimants are not compensated at all for the delay in receiving their wages and the hardships they suffer as a result of that delay. How often has the Office of Wage-Hour sought liquidated damages for workers who file claims under each of these laws this year? If the OWH has not been seeking liquidated damages, why has it made the choice to ignore this remedy that the DC Council provided for workers?**

Liquidated damages are sought for 100% of the claims filed.

- 170. What are the procedures by which OWH investigators apply the presumption required by D.C. Code § 32-1305(b), which requires that "the remuneration promised by an employer to an employee shall be presumed to be at least the amount required by federal law, including federal law requiring the payment of prevailing wages, or by District law"? Although the District cannot directly enforce federal prevailing wage laws like Davis Bacon and the Service Contract Act, aren't claimants working on public contracts who file claims under the District's local Wage Payment Act entitled to avail themselves of this presumed promised wage level when they are paid less than federal prevailing wage laws require for their position? If not, why not?**

The Office of Wage-Hour (OWH) readily applies *Chapter 13: Payment and Collection of Wages* to all valid claims and wage laws investigated and enforced by DOES. However, OWH does not have enforcement jurisdiction over Davis-Bacon. In those instances, the

office works in coordination with the Department of Labor or the contracting agency to address the particular violation. Claimants working on Davis-Bacon contracts are protected by the District's Wage Payment Act.

If an employee is promised a certain pay by an employer in the District, that employee is able to file a claim for any wage theft that may arise out of the employer's failure to pay the promised wage. OWH can investigate and enforce the payment of stated wages that were not paid, enforce underpayment of minimum wage or living wage, and enforce payment of overtime compensation.

171. In how many cases did employers fail to respond or fully cooperate with the administrative process? What are some of the ways in which they failed to cooperate?

46 employers failed to fully cooperate with the administrative process. Some of the ways in which they fail to cooperate include ignoring correspondence completely, failing to respond to subpoenas, provide necessary records, attend Fact Finding conferences, illogically deny applicability of the law and cease communication.

172. In situations where employers have failed to keep legally-required records and an employee testifies credibly regarding the hours they have worked or the wage they are promised, is the employee's testimony sufficient to obtain the wages they allege to be owed?

Yes, if the employee provides credible testimony, and the employer fails to provide adequate records to rebut an employee's testimony, the employee's testimony can be found legally sufficient to find liability for wage theft.

173. Is the three-year Statute of Limitations tolled from the time a complaint is filed with OWH, including while OWH investigations are being conducted, or are workers who have suffered longstanding violations potentially losing eligibility for back pay with each day that passes during the investigations? How does § 32-1308(c)(2) affect the tolling of the Statute of Limitations?

D.C. Code 32-1308 (C)(1), a person may bring civil action in a court of competent jurisdiction against an employer, and the cause of action must be commenced within 3 years after the cause of action accrued or on the last occurrence of a continued violation.

As standard procedure, OWH will only investigate 3 years into the past of a company's records. D.C. Code 32-1308 (C)(2)(A) and (B) states that the period is tolled from the date the employee files an administrative complaint with OWH until OWH notifies the employee in writing that the administrative during any period that the employer failed to provide the employee with actual or constructive notice of the employee's rights.

Therefore, from the date the complaint is filed with OWH, the statute of limitations is tolled, and any employer liability found within the prior 3 years may be pursued.

174. What is OWH's procedure for determining when to close a case? If an employer pays a portion of an employee's claim, is the case ever closed even though the employee still believes more is owed? If OWH decides to accept on an employee's behalf less than the employee believes s/he is owed, what

options does the employee have to appeal or contest that decision? Does accepting partial payment limit the employee’s ability to avail themselves of those options?

OWH’s procedure for determining when to close a case is outlined below:

- Case is settled by all parties and damages are paid in full;
- Unable to locate employer or employee after exhausting all investigative activities;
- Lack of evidence; and
- Statute of Limitations has expired.

A case is closed upon resolution of claim; either the employer paid in full or the compliance specialist found the employer to be compliant and no employer liability was found due. If the employer only pays a portion of a claim but the employee did not agree to settle for a lesser amount, then the remaining balance may be pursued by filing a complaint with Administrative Hearings.

If an employee believes she is owed more than what an OWH audit or compliance review found to be owed, then the employee may appeal the decision to the Associate Director or his designee for secondary review. If the employee is still unsatisfied with the amount found due, the employee may file a claim with Administrative Hearings and bring forth any proof or testimony to support their contention to be paid.

An employer must pay the entire amount due before the case is closed. If OWH is unable to collect the remaining balance, the case may be referred to OAG for prosecution. OWH will not accept an agreement without the employee's consent. If an employee agrees to settle, that agreement is binding, and the employee cannot seek additional damages. If there is no agreement, the case is referred to the OAG for prosecution.

175. What steps, if any, does DOES take to apprise claimants of the status of their case after it has been referred to the office of Attorney General and before a settlement is reached?

OWH sends written notice that their case is being transferred to the OAG or OAH, and as OAG provides updates to OWH, the Claimant is regularly apprised of any significant progress within the case.

176. If an employee files a complaint with his or her employer because they have not received the wages or sick days they are owed and the employer fires them in retaliation, how would the OWH be able to assist them if they filed a retaliation complaint? How has OWH’s authority to order reinstatement of a victim of retaliation changed as a result of Section 2(g) of the “Wage Theft Prevention Clarification and Overtime Fairness Emergency Amendment Act of 2016,” which lists the forms of relief that shall be included in the Mayor’s administrative order and includes “reinstatement in employment, and other injunctive relief”?

Currently, the Retaliation Process includes the following:

- Filing a Complaint
- Investigation

- Informal Conference
- Determination
- OAH

OWH has the authority to investigate and make a determination for Retaliation Claims. OWH can determine that reinstatement is the remedy, however the enforcement authority for retaliation is provided to the Office of Administrative Hearings.

177. Some residents have said that they have been referred to the Office of Human Rights to seek a remedy of retaliation in a wage theft dispute, only to be told by the Office of Human Rights that they cannot enforce retaliation protections in wage and hour disputes. What role, if any, does the Office of Human Rights play in adjudicating these disputes and what is the legal basis for OHR to play a role?

If a resident or person employed within the District of Columbia was referred to the Office of Human Rights (OHR), and it was determined that the complaint involved issues of discrimination or other protected rights OHR would have jurisdiction to investigate or enforce. LSB will investigate all retaliation claims that are a result of complainants pursuing wage-theft and sick leave claims.

LSB's policy is to accept all claims concerning various wage-theft complaints and retaliation claims for wage-theft and to issue a determination based on the results of an official wage-theft investigation.

178. D.C. Official Code § 32-131.12(d) states that “If the Mayor determines that an employer has violated any provision of this act, the Mayor shall order the employer to provide affirmative remedies including . . .(2) Reinstatement or other injunctive relief.” Please explain how OWH decides when to use that authority and how often it has ordered reinstatement in each of the past two fiscal years.

If reinstatement is recommended, the authority to reinstate the employee is enforced through OAH. Therefore, if an employer refuses to reinstate an employee at the end of OWH's investigation, the case must be transferred to OAH for remedy.

179. Please provide the number of cases in FY16 and FY17, to date, referred to the Office of Attorney General for prosecution. How many of those cases that have been settled, reached final judgment, are currently in litigation, or are not in litigation, but remain unresolved? Please list the type of violation and settlement amount in each case.

There were no cases assigned in FY16 because the Office of the Attorney General (OAG) lacked assignment authority.

With the passage of the Wage Theft Prevention Clarification and Overtime Fairness Amendment Act, LSB will begin preparing cases for referral to OAG as well.

180. The Living Wage Act of 2006 requires that the living wage rate be adjusted annually to reflect increases in the cost of living, allowing the Mayor discretion only in cases where inflation exceeds 3%. What was the living wage

rate in calendar years 2016 and 2017? Would it be easier for DOES and for contractors and grant recipients if the living wage rate were calculated each fiscal year instead of each calendar year? Would a statutory change to require calculation of the new living wage rate further in advance of its effective date make it easier for DOES, contractors, and grant recipients to budget for the annual increases?

The Department of Employment Services determines the Living Wage Rate based on yearly change from September of the prior year and September of the current year using the Consumer Price Index for all Urban Consumers in the Washington Metropolitan Statistical Area as required by law. Once the rate is determined the department confers with the Office of Contracts and Procurement and finalizes the approved rate. New notices and information sheets are updated to reflect the new rate.

Living Wage Rates:

Effective Date	January 2016	January 2017
Rate of Pay	\$13.85	\$13.95

181. Are more resources needed, such as additional FTEs, to properly implement and monitor compliance of wage-hour complaints?

DOES investigates all wage violations and will make internal adjustments as necessary.

Compliance with Wage Standards on District Contracts

182. Please provide the number of Davis Bacon wage claims processed in FY16 and FY17, to date.

In FY16, LSB assisted with two (2) claims; and four (4) claims in FY17. To date in FY17, has investigated four (4) retaliation claims that arose out of Davis Bacon contracts.

183. For the claims under Davis Bacon or the Living Wage Act, what steps are taken to relay information to other agencies involved with the DC contracts in question?

The Office of Wage-Hour works with the Office of Contracting and Procurement and/or the appropriate District of Columbia agency and Business. If the violation is discovered during the investigation period, the appropriate entity is sent correspondence alerting them of the contractor(s) in question and requesting the necessary documentation required for the investigation. The office works closely with other agencies on any and all alleged violations.

184. Do awarding agencies or DOES maintain a cross-agency list of contractors that have violated the Davis-Bacon Act, the Service Contract Act, the Living Wage Act, and other laws pertaining to wage and benefit standards on projects funded by the District in order to hold offenders accountable or in order to aid contract officers, investigators, or developers in knowing which contractors are following these laws? Such a list might include instances of misclassification, wage theft, certified payroll record fraud, tax fraud, wrongful termination retaliations, or other violations. If so, please include in your responses.

The Department maintains a listing of all complaints filed and works in coordination with other agencies to investigate Davis Bacon complaints, the Service Contract Act, the Living Wage Act, and other laws pertaining to wage and benefit standards on projects funded by the District. The Office adheres to current laws and authorities regarding the sharing of information and ensuring that each investigation is conducted accordingly.

185. How does the District government ensure that construction companies with contracts with the District comply with the Davis Bacon Act wages required by their contracts with the District? How does DOES work with other agencies' contracting officers ensure that employees on public contracts are properly paid? Are third party compliance contractors ever hired to ensure that construction contractors properly maintain certified payroll records demonstrating compliance with Davis Bacon Act requirements? If so, how long are those contracts and what services are the third party compliance contractors required to deliver?

The Office of Wage-Hour (OWH) readily applies *Chapter 13: Payment and Collection of Wages* to all valid claims and wage laws investigated and enforced by DOES. However, OWH does not have enforcement jurisdiction over Davis-Bacon. In those instances, the office works in coordination with the Department of Labor or the contracting agency to address the particular violation. Claimants working on Davis-Bacon contracts are protected by the District's Wage Payment Act.

If an employee is promised a certain pay by an employer in the District, that employee is able to file a claim for any wage theft that may arise out of the employer's failure to pay the promised wage. OWH can investigate and enforce the payment of stated wages that were not paid, enforce underpayment of minimum wage or living wage, and enforce payment of overtime compensation.

DOES also works in coordination with DCRA and other agencies on educating businesses to the District Wage laws, adherence to the Living Wage Act and ensuring that our sister agencies are aware of all pertinent wage laws. This past year, DOES hosted a series of train-the-trainer sessions for DC agencies on the Minimum Wage and Living Wage Laws.

No third party contractors are hired by DOES.

Private Sector Workers' Compensation

186. Please provide the number of new workers compensation claims in FY16 and FY17, to date. What was the total assessment? What was the average time to process the claims and make a determination? How does this compare with FY14?

Number of New Workers' Compensation Claims: The Office of Workers' Compensation received 13,380 new claims in FY16, and 4,036 in FY17 (as of February 17, 2017).

Total Assessment:

Funds	FY 2016	FY 2017
Administration Fund	\$16,148,034.84	\$17,866,089.18

Special Fund	\$4,500,000.00	\$4,500,000.00
--------------	----------------	----------------

Average Time to Process Claim and Make a Determination: The average time to process uncontroverted lost-time and/or medical claims received in the Office of Workers' Compensation is three (3) days. Where either liability for the payment of, or a right to the receipt of, benefits is controverted by a party, the processing time from the date of an informal conference to a determination by a Claims Examiner either denying, or granting benefits is twenty-five (25) working days.

Comparison to FY14: The average processing time in FY16 for uncontroverted claims remained the same: three (3) days. Where a matter is controverted, the processing time from request for dispute resolution to determination remains comparable to that in FY14.

187. What has DOES done to help Administrative Law Judges work to expedite backlogged cases and ensure cases are resolved timely in compliance with all requirements?

DOES has utilized a two-pronged strategy to help ALJs expedite backlogged cases and ensure that cases are resolved timely. First, during the two year period from 2014 to 2016, the agency hired 6 ALJs [5 new hires and one reinstatement]. This has allowed the number of new cases to be assigned to 12 ALJs, thus relieving the pressure on those judges with backlogged cases. Second, those judges with the most number of backlogged cases were not assigned any new hearing cases and tasked with solely writing backlogged decisions, with an emphasis on the oldest cases being written first.

a. What is the current backlog and what is the average length of time prior to a decision being issued?

The previously existing backlog of cases has been effectively eliminated. The average time after the close of the record for current decisions to be issued is approximately 25 – 29 days.

Wage Theft Metrics

Wage Payment Act

188. For FY15, FY16, and FY17 (to date), please provide a chart with the following data on all complaints filed under the Wage Payment Act on the:

- a. Number of initial complaints received**
- b. Number of complaints brought by an employee who receives tips**
- c. Number of these cases in which a notice of violation was sent to the employer**
- d. Number of hearings held on these complaints**
- e. Number of on-site investigations**
- f. Number of notices of violation**
- g. Total unpaid wages originally alleged to be owed**
- h. Number of cases in which retaliation by the employer was alleged**
- i. Number of cases in which OWH or an ALJ ordered an employee reinstated because of retaliation**

j. Number of initial complaints filed in each industry for the top five most common industries

COMPLAINT DATA	FY 2015	FY 2016	FY 2017 (as of February 22)
Initial complaints received	483	544	144
Complaints brought by an employee who receives tips	-	-	18*
Cases in which a notice of violation was sent to employer	60%	100%	100%
Hearings held on these complaints	0	0	0
Notices of on-site investigations	0	0	0
Notices of violations	60%	100%	100%
Total unpaid wages originally alleged to be owed	\$305,517	\$555,377	\$152,647
Cases in which retaliation by the employer was alleged	-	-	8
Cases in which OWH or ALJ ordered an employee reinstatement because of retaliation	-	-	1
Initial complaints filed in each industry for top five most common industries	Data not captured		

**Note: Fifteen (15) complaints were from OWH's review of the tip portal causing a random audit. Three (3) complaints were physically filed by employees.*

189. For FY15, FY16, and FY17 (to date), please provide a chart with the following data on complaints filed under the Wage Payment Act that remain open:

- a. Number of complaints that remain currently open
- b. Number of these cases in which a notice of violation was sent to the employer
- c. Number of hearings held on these complaints
- d. Average length of time since the initial filing
- e. Number of cases that have been open longer than 60 days
- f. Number of cases that have been open longer than 180 days
- g. Number of cases that have been referred to the Office of Attorney General
- h. Total unpaid wages originally alleged to be owed in cases that remain open
- i. Number of cases in which retaliation by the employer was alleged

Wage Payment Act	FY15	FY16	FY17
Number of complaints that remain currently open	27*	163	94
Number of these cases in which a notice of violation was sent to the employer	0	100%	100%
Number of hearings held on these complaints	0	0	0**
Average length of time since the initial filing	180*c	120*c	69
Number of cases that have been open longer than 60 days	0	44	48
Number of cases that have been open longer than 180 days	0	0	0
Number of cases that have been referred to the Office of Attorney General	14	0	4 pending Transfer
Total unpaid wages originally alleged to be owed in	\$127,725.58	\$150,000	\$190,218.70

cases that remain open			
Number of cases in which retaliation by the employer was alleged	0	5	8

- a) **Although Wage Payment cases remain open, determinations have been made by OWH and transferred to OAH or OAG for resolution.*
- b) ***75% of all WP cases have informal fact finding conferences at the OWH office. However, only one ALJ hearing has been held based on an appeal of an OWH Initial Determination.*
- c) *The cases from prior year that remain open are either on a payment plan, pending civil litigation with OAG or pending further investigation.*

190. For FY15, FY16, and FY17 (to date), please provide a chart with the following data on complaints filed under the Wage Payment Act in which an initial determination has been made:

- a. **Number of complaints closed with an initial determination**
- b. **Number of these cases in which a notice of violation was sent to the employer**
- c. **Number of hearings held on these complaints**
- d. **Average length of time from initial filing to determination**
- e. **Average length of time from determination to payment to the claimant**
- f. **Total unpaid wages originally alleged to be owed**
- g. **Total unpaid wages found to be owed**
- h. **Total number of claimants for which wages were found to be owed**
- i. **Total number of claimants for which the wages found to be owed were less than the unpaid wages originally alleged to be owed**
- j. **Total liquidated damages assessed**
- k. **Total number of claimants for which liquidated damages were found to be owed**
- l. **Total number of penalties assessed**
- m. **Total amount of penalties assessed**
- n. **Total unpaid wages collected for the claimant to date**
- o. **Total liquidated damages collected for the claimant to date**
- p. **Total penalties collected**
- q. **Number of cases in which retaliation by the employer was alleged**
- r. **Number of cases in which OWH or an ALJ ordered an employee reinstated because of retaliation**
- s. **Number of cases that have been referred to the Office of Attorney General**

Wage Payment Act	FY15	FY16	FY17 AS OF 2/2/17
Number of complaints closed with an initial determination		351	33
Number of these cases in which a notice of violation was sent to the employer	100%	100%	100%
Number of hearings held on these complaints	0	0	0
Average length of time from initial filing to determination	60 Days	31 Days	20 Days
Average length of time from determination to payment to the claimant	N/A	N/A	N/A

Total unpaid wages originally alleged to be owed	\$337,725.58	\$455,984	\$223,245.70
Total unpaid wages found to be owed	\$305,517	\$1,416,966	
Total number of claimants for which wages were found to be owed	255	275	33
Total number of claimants for which the wages found to be owed were less than the unpaid wages originally alleged to be owed	N/A	N/A	N/A
Total liquidated damages assessed	0	\$27,147.28	TBD
Total number of claimants for which liquidated damages were found to be owed	0	\$1,216,443	TBD
Total number of penalties assessed	0	14**	29**
Total amount of penalties assessed	\$0	\$18,683.32**	\$49,070.49**
Total unpaid wages collected for the claimant to date			
Total liquidated damages collected for the claimant to date			TBD
Total penalties collected			\$49,070.49**
Number of cases in which retaliation by the employer was alleged	N/A	N/A	N/A
Number of cases in which OWH or an ALJ ordered an employee reinstated because of retaliation	N/A	N/A	N/A
Number of cases that have been referred to the Office of Attorney General	14	0	0

Note: N/A reflects that OWH currently does not capture this data.

*** Penalty was assessed.*

191. For FY15, FY16, and FY17 (to date), please provide the following data on complaints filed under the Wage Payment Act that have been closed without an initial determination:

- a. Number of complaints closed without a determination**
- b. Number of these cases in which a notice of violation was sent to the employer**
- c. Number of hearings held on these complaints**
- d. Various reasons these complaints were closed and the number of complaints closed for each reason**
- e. Average length of time from determination to closure**
- f. Total unpaid wages alleged to be owed**

Wage Payment Act	FY15	FY16	FY17
Number of complaints closed without a determination	N/A	N/A	N/A
Number of these cases in which a notice of violation was sent to the employer	100%	100%	100%
Number of hearings held on these complaints	0	0	0
Various reasons these complaints were closed and the number of complaints closed for each reason	N/A	N/A	N/A
Average length of time from determination to closure	N/A	N/A	N/A
Total unpaid wages alleged to be owed	N/A	N/A	N/A

Note: N/A reflects that OWH currently does not capture this data.

Overtime

192. For FY15, FY16, and FY17 (to date), please provide a chart with the following data on all overtime complaints on the:

- a. Number of initial complaints received**
- b. Number of complaints brought by an employee who receives tips**
- c. Number of these cases in which a notice of violation was sent to the employer**
- d. Number of hearings held on these complaints**
- e. Number of on-site investigations**
- f. Number of notices of violation**
- g. Total unpaid wages originally alleged to be owed**
- h. Number of cases in which retaliation by the employer was alleged**
- i. Number of cases in which OWH or an ALJ ordered an employee reinstated because of retaliation**
- j. Number of initial complaints filed in each industry for the top five most common industries**

OWH currently does not capture this data. For overtime complaints data please refer to MINIMUM WAGE data tables. Historically, OWH does not collect overtime complaint data separately as these are filed jointly.

193. For FY15, FY16, and FY17 (to date), please provide a chart with the following data on overtime complaints that remain open:

- a. Number of complaints that remain currently open**
- b. Number of these cases in which a notice of violation was sent to the employer**
- c. Number of hearings held on these complaints**
- d. Average length of time since the initial filing**
- e. Number of cases that have been open longer than 60 days**
- f. Number of cases that have been open longer than 180 days**
- g. Number of cases that have been referred to the Office of Attorney General**
- h. Total unpaid wages originally alleged to be owed in cases that remain open**
- i. Number of cases in which retaliation by the employer was alleged**

OWH currently does not capture this data.

194. For FY15, FY16, and FY17 (to date), please provide a chart with the following data on overtime complaints in which an initial determination has been made:

- a. Number of complaints closed with an initial determination**
- b. Number of these cases in which a notice of violation was sent to the employer**
- c. Number of hearings held on these complaints**
- d. Average length of time from initial filing to determination**

- e. Average length of time from determination to payment to the claimant
- f. Total unpaid wages originally alleged to be owed
- g. Total unpaid wages found to be owed
- h. Total number of claimants for which wages were found to be owed
- i. Total number of claimants for which the wages found to be owed were less than the unpaid wages originally alleged to be owed
- j. Total liquidated damages assessed
- k. Total number of claimants for which liquidated damages were found to be owed
- l. Total number of penalties assessed
- m. Total amount of penalties assessed
- n. Total unpaid wages collected for the claimant to date
- o. Total liquidated damages collected for the claimant to date
- p. Total penalties collected
- q. Number of cases in which retaliation by the employer was alleged
- r. Number of cases in which OWH or an ALJ ordered an employee reinstated because of retaliation
- s. Number of cases that have been referred to the Office of Attorney General
- t. In how many cases was the complainant determined to be considered exempt from overtime?
- u. Which exemptions were the five most common exemptions that were found to apply in these cases and how many complaints were found to fall within each exemption?

OWH currently does not capture this data. For overtime complaints data please refer to MINIMUM WAGE data tables. Historically, OWH does not collect overtime complaint data separately as these are filed jointly.

195. For FY15, FY16, and FY17 (to date), please provide the following data on overtime complaints that have been closed without an initial determination:

- a. Number of complaints closed without a determination
- b. Number of these cases in which a notice of violation was sent to the employer
- c. Number of hearings held on these complaints
- d. Various reasons these complaints were closed and the number of complaints closed for each reason
- e. Average length of time from determination to closure
- f. Total unpaid wages originally alleged to be owed

OWH currently does not capture this data. For overtime complaints data please refer to MINIMUM WAGE data tables. Historically, OWH does not collect overtime complaint data separately as these are filed jointly.

Minimum Wage

196. For FY15, FY16, and FY17 (to date), please provide a chart with the following data on all minimum wage complaints on the:

- a. Number of initial complaints received
- b. Number of complaints brought by an employee who receives tips

- c. Number of these cases in which a notice of violation was sent to the employer
- d. Number of hearings held on these complaints
- e. Number of on-site investigations
- f. Number of notices of violation
- g. Total unpaid wages originally alleged to be owed
- h. Number of cases in which retaliation by the employer was alleged
- i. Number of cases in which OWH or an ALJ ordered an employee reinstated because of retaliation
- j. Number of initial complaints filed in each industry for the top five most common industries

OWH currently does not capture this data.

197. For FY15, FY16, and FY17 (to date), please provide a chart with the following data on minimum wage complaints that remain open:

- a. Number of complaints that remain currently open
- b. Number of these cases in which a notice of violation was sent to the employer
- c. Number of hearings held on these complaints
- d. Average length of time since the initial filing
- e. Number of cases that have been open longer than 60 days
- f. Number of cases that have been open longer than 180 days
- g. Number of cases that have been referred to the Office of Attorney General
- h. Total unpaid wages originally alleged to be owed in cases that remain open
- i. Number of cases in which retaliation by the employer was alleged

MINIMUM WAGE	FY15	FY16	FY17 as of 2/17/17
Number of complaints that remain currently open	103	87	19
Number of these cases in which a notice of violation was sent to the employer	100%	100%	100%
Number of hearings held on these complaints	0	0	0
Average length of time since the initial filing	241	168	35
Number of cases that have been open longer than 60 days	12	35	3
Number of cases that have been open longer than 180 days	8	5	0
Number of cases that have been referred to the Office of Attorney General	N/A	1	N/A
Total unpaid wages originally alleged to be owed in cases that remain open	N/A	N/A	N/A
Number of cases in which retaliation by the employer was alleged	3	4	3

198. For FY15, FY16, and FY17 (to date), please provide a chart with the following data on minimum wage complaints in which an initial determination has been made:

- a. Number of complaints closed with an initial determination
- b. Number of these cases in which a notice of violation was sent to the employer

- c. Number of hearings held on these complaints
- d. Average length of time from initial filing to determination
- e. Average length of time from determination to payment to the claimant
- f. Total unpaid wages originally alleged to be owed
- g. Total unpaid wages found to be owed
- h. Total number of claimants for which wages were found to be owed
- i. Total number of claimants for which the wages found to be owed were less than the unpaid wages originally alleged to be owed
- j. Total liquidated damages assessed
- k. Total number of claimants for which liquidated damages were found to be owed
- l. Total number of penalties assessed
- m. Total amount of penalties assessed
- n. Total unpaid wages collected for the claimant to date
- o. Total liquidated damages collected for the claimant to date
- p. Total penalties collected
- q. Number of cases in which retaliation by the employer was alleged
- r. Number of cases in which OWH or an ALJ ordered an employee reinstated because of retaliation
- s. Number of cases that have been referred to the Office of Attorney General

MINIMUM WAGE	FY15	FY16	FY17
Number of complaints closed with an initial determination		76	2
Number of these cases in which a notice of violation was sent to the employer	100%	100%	100%
Number of hearings held on these complaints	0	0	0
Average length of time from initial filing to determination	91 Days	71 Days	28 Days
Average length of time from determination to payment to the claimant	N/A	N/A	N/A
Total unpaid wages originally alleged to be owed	N/A	N/A	N/A
Total unpaid wages found to be owed	N/A	N/A	N/A
Total number of claimants for which wages were found to be owed	To be determined	To be determined	To be determined
Total number of claimants for which the wages found to be owed were less than the unpaid wages originally alleged to be owed	N/A	N/A	N/A
Total liquidated damages assessed	0	\$38,463	7,000
Total number of claimants for which liquidated damages were found to be owed		10	
Total number of penalties assessed	0	8	14
Total amount of penalties assessed	To be determined	To be determined	To be determined
Total unpaid wages collected for the claimant to date	\$287,275	\$154,606	
Total liquidated damages collected for the claimant to date	0	\$4,096.99	\$5,000
Total penalties collected	0	\$6,183	\$29,616
Number of cases in which retaliation by the employer was alleged	2	5	3

Number of cases in which OWH or an ALJ ordered an employee reinstated because of retaliation	0	0	0
Number of cases that have been referred to the Office of Attorney General	10	0	0

Note: N/A reflects that OWH currently does not capture this data.

199. For FY15, FY16, and FY17 (to date), please provide the following data on minimum wage complaints that have been closed without an initial determination:

- a. Number of complaints closed without a determination
- b. Number of these cases in which a notice of violation was sent to the employer
- c. Number of hearings held on these complaints
- d. Various reasons these complaints were closed and the number of complaints closed for each reason
- e. Average length of time from determination to closure
- f. Total unpaid wages originally alleged to be owed

MINIMUM WAGE	FY15	FY16	FY17
Number of complaints closed without a determination	2	4	6
Number of these cases in which a notice of violation was sent to the employer	0	2	2
Number of hearings held on these complaints	0	0	0
Various reasons these complaints were closed and the number of complaints closed for each reason	N/A	N/A	N/A
Average length of time from determination to closure	N/A	N/A	N/A
Total unpaid wages originally alleged to be owed	N/A	N/A	N/A

Note: N/A reflects that OWH currently does not capture this data.

Living Wage Act

200. For FY15, FY16, and FY17 (to date), please provide a chart with the following data on all living wage complaints on the:

- a. Number of initial complaints received
- b. Number of these cases in which a notice of violation was sent to the employer
- c. Number of hearings held on these complaints
- d. Number of on-site investigations
- e. Number of notices of violation
- f. Total unpaid wages originally alleged to be owed
- g. Number of cases in which retaliation by the employer was alleged
- h. Number of cases in which OWH or an ALJ ordered an employee reinstated because of retaliation
- i. Number of initial complaints filed in each industry for the top five most common industries

LIVING WAGE	FY15	FY16	FY17
Number of complaints received	50	40	8
Number of these cases in which a notice of violation was sent to the employer	100%	100%	100%
Number of hearings held on these complaints	0	0	0
Number of on-site investigations	--	3	0
Number of notices of violation (meaning: Notice that a complaint was filed) (Initial Determination list violations)	50	40	8
Total unpaid wages originally alleged to be owed	Note 1	Note 1	Note 1
Number of cases in which retaliation by the employer was alleged	--	0	0
Number of cases in which OWH or an ALG ordered an employee reinstated	--	0	0
Number of initial complaints filed in each industry for the top five most common industries	N/A*	N/A*	N/A*

N/A = OWH currently does not capture this data.*

Note 1: There is no allegation of an amount owed for Living Wage complaints. Instead, violations of law are alleged, and OWH is requested to investigate and determine the amount of back wages due.

201. For FY15, FY16, and FY17 (to date), please provide a chart with the following data on living wage complaints that remain open:

- a. Number of complaints that remain currently open**
- b. Number of these cases in which a notice of violation was sent to the employer**
- c. Number of hearings held on these complaints**
- d. Average length of time since the initial filing**
- e. Number of cases that have been open longer than 60 days**
- f. Number of cases that have been open longer than 180 days**
- g. Number of cases that have been referred to the Office of Attorney General**
- h. Total unpaid wages originally alleged to be owed in cases that remain open**
- i. Number of cases in which retaliation by the employer was alleged**

LIVING WAGE	FY15	FY16	FY17
Number of complaints that remain currently open	93	0	0
Number of these cases in which a notice of violation was sent to the employer	100%		8
Number of hearings held on these complaints	0		0
Average length of time since the initial filing	126		14 Days
Number of cases that have been open longer than 60 days	52		0
Number of cases that have been open longer than 180 days	0		0
Number of cases that have been referred to the Office of Attorney General	10		0
Total unpaid wages originally alleged to be owed in cases that remain open	0		0
Number of cases in which retaliation by the employer was alleged	0		0

202. For FY15, FY16, and FY17 (to date), please provide a chart with the following data on living wage complaints in which an initial determination has been made:

- a. Number of complaints closed with an initial determination
- b. Number of these cases in which a notice of violation was sent to the employer
- c. Number of hearings held on these complaints
- d. Average length of time from initial filing to determination
- e. Average length of time from determination to payment to the claimant
- f. Total unpaid wages originally alleged to be owed
- g. Total unpaid wages found to be owed
- h. Total number of claimants for which wages were found to be owed
- i. Total number of claimants for which the wages found to be owed were less than the unpaid wages originally alleged to be owed
- j. Total liquidated damages assessed
- k. Total number of claimants for which liquidated damages were found to be owed
- l. Total number of penalties assessed
- m. Total amount of penalties assessed
- n. Total unpaid wages collected for the claimant to date
- o. Total liquidated damages collected for the claimant to date
- p. Total penalties collected
- q. Number of cases in which retaliation by the employer was alleged
- r. Number of cases in which OWH or an ALJ ordered an employee reinstated because of retaliation
- s. Number of cases that have been referred to the Office of Attorney General

LIVING WAGE	FY15	FY16	FY17
Number of complaints closed with an initial determination	76		7
Number of these cases in which a notice of violation was sent to the employer	0		0
Number of hearings held on these complaints	0		0
Average length of time from initial filing to determination			14 Days
Average length of time from determination to payment to the claimant	N/A*	N/A*	N/A*
Total unpaid wages originally alleged to be owed	0	0	0
Total unpaid wages found to be owed	\$20,549,215.43	\$751,034	0
Total number of claimants for which wages were found to be owed	93	150	0
Total number of claimants for which the wages found to be owed were less than the unpaid wages originally alleged to be owed	0	0	0
Total liquidated damages assessed	\$20,549,215.43	\$131,215.88	0
Total number of claimants for which liquidated damages were found to be owed	0	0	0
Total number of penalties assessed	0		1
Total amount of penalties assessed	0	0	\$110,000.00
Total unpaid wages collected for the claimant to	\$20,538,247.27	\$751,034.67	0

date			
Total liquidated damages collected for the claimant to date	0	0	0
Total penalties collected	0	0	0*
Number of cases in which retaliation by the employer was alleged	0	0	0
Number of cases in which OWH or an ALJ ordered an employee reinstated because of retaliation	0	0	0
Number of cases that have been referred to the Office of Attorney General	10		0

* OWH has focused on collecting back wages for claimants first. Penalties will be collected on payment plans starting March 2017.

203. For FY15, FY16, and FY17 (to date), please provide the following data on living wage complaints that have been closed without an initial determination:

- a. Number of complaints closed without a determination
- b. Number of these cases in which a notice of violation was sent to the employer
- c. Number of hearings held on these complaints
- d. Various reasons these complaints were closed and the number of complaints closed for each reason
- e. Average length of time from determination to closure
- f. Total unpaid wages originally alleged to be owed

LIVING WAGE	FY15	FY16	FY17
Number of complaints closed without a determination	0	0	0
Number of these cases in which a notice of violation was sent to the employer	100%	100%	100%
Number of hearings held on these complaints	0	0	0
Various reasons these complaints were closed and the number of complaints closed for each reason			There were no Living Wage violations found
Average length of time from determination to closure			0
Total unpaid wages originally alleged to be owed			0

Accrued Sick and Safe Leave Act

204. For FY15, FY16, and FY17 (to date), please provide a chart with the following data on all sick and safe complaints on the:

- a. Number of initial complaints received
- b. Number of complaints brought by an employee who receives tips
- c. Number of these cases in which a notice of violation was sent to the employer
- d. Number of hearings held on these complaints
- e. Number of on-site investigations

- f. **Number of notices of violation**
- g. **Total unpaid wages originally alleged to be owed**
- h. **Number of cases in which retaliation by the employer was alleged**
- i. **Number of cases in which OWH or an ALJ ordered an employee reinstated because of retaliation**
- j. **Number of initial complaints filed in each industry for the top five most common industries**

ASSLA	FY15	FY16	FY17
Number of initial complaints received	20	16	6
Number of complaints brought by an employee who receives tips	N/A	N/A	N/A
Number of these cases in which a notice of violation was sent to the employer	N/A*	100%	All
Number of hearings held on these complaints	0*	0*	Note 1
Number of on-site investigations	831*	120	50
Number of notices of violation	20	15	Note 2
Total unpaid wages originally alleged to be owed	2,761	3,333	8,962
Number of cases in which retaliation by the employer was alleged	0	5	2
Number of cases in which OWH or an ALJ ordered an employee reinstated because of retaliation	0	0	0
Number of initial complaints filed in each industry for the top five most common industries	N/A	N/A	Note 3

Note: N/A reflects that OWH currently does not capture this data.

Note 1: 75% of all ASSLA cases have informal fact finding conferences at the OWH office. However, no ALJ hearings have been held based on an appeal of an OWH Initial Determination.

Note 2: 100% of all valid claims are followed up with a Notice of Violation sent to the respondent company.

Note 3: OWH did the most ASSLA Visits in the following industries:

- Home Health – 23
- Retail – 10
- Construction – 7
- Staffing Firm – 6
- Day Care – 4

205. For FY15, FY16, and FY17 (to date), please provide a chart with the following data on sick and safe complaints that remain open:

- a. **Number of complaints that remain currently open**
- b. **Number of these cases in which a notice of violation was sent to the employer**
- c. **Number of hearings held on these complaints**
- d. **Average length of time since the initial filing**
- e. **Number of cases that have been open longer than 60 days**
- f. **Number of cases that have been open longer than 180 days**
- g. **Number of cases that have been referred to the Office of Attorney General**

- h. Total unpaid wages originally alleged to be owed in cases that remain open**
- i. Number of cases in which retaliation by the employer was alleged**

ASSLA	FY15	FY16	FY17
Number of complaints that remain currently open	0	0	2
Number of these cases in which a notice of violation was sent to the employer	100%	100%	100%
Number of hearings held on these complaints	0	0	0
Average length of time since the initial filing	N/A*	N/A*	N/A*
Number of cases that have been open longer than 60 days	0	0	1
Number of cases that have been open longer than 180 days	0	0	0
Number of cases that have been referred to the of Office of Attorney General	0	0	0
Number of cases in which retaliation by the employer was alleged	Note 1	Note 1	Note 1
Total unpaid wages originally alleged to be owed in cases that remain open	0	0	\$8,962
Number of cases in which retaliation by the employer was alleged	Note 1	Note 1	Note 1

N/A = This data is not mandated by law; OWH currently does not capture this data.
 Note 1: Wage Theft retaliation claims are received without specification of a wage law in accordance with WTPAA. The total numbers of Retaliation claims are reported here in the Wage Payment section.*

206. For FY15, FY16, and FY17 (to date), please provide a chart with the following data on sick and safe complaints in which an initial determination has been made:

- a. Number of complaints closed with an initial determination**
- b. Number of these cases in which a notice of violation was sent to the employer**
- c. Number of hearings held on these complaints**
- d. Average length of time from initial filing to determination**
- e. Average length of time from determination to payment to the claimant**
- f. Total unpaid wages originally alleged to be owed**
- g. Total unpaid wages found to be owed**
- h. Total number of claimants for which wages were found to be owed**
- i. Total number of claimants for which the wages found to be owed were less than the unpaid wages originally alleged to be owed**
- j. Total liquidated damages assessed**
- k. Total number of claimants for which liquidated damages were found to be owed**
- l. Total number of penalties assessed**
- m. Total amount of penalties assessed**
- n. Total unpaid wages collected for the claimant to date**
- o. Total liquidated damages collected for the claimant to date**
- p. Total penalties collected**

- q. Number of cases in which retaliation by the employer was alleged
- r. Number of cases in which OWH or an ALJ ordered an employee reinstated because of retaliation
- s. Number of cases that have been referred to the Office of Attorney General

Sick and Safe Leave	FY15	FY16	FY17
Number of complaints closed with an initial determination	100%	100%	100%
Number of these cases in which a notice of violation was sent to the employer	100%	100%	100%
Number of hearings held on these complaints	0	0	0
Average length of time from initial filing to determination	N/A*	N/A*	N/A*
Average length of time from determination to payment to the claimant	N/A*	N/A*	N/A*
Total unpaid wages originally alleged to be owed	\$2,521.80	\$4,562.38	\$8,962
Total unpaid wages found to be owed	\$108.80	\$4,767.20	\$5,981.00
Total number of claimants for which wages were found to be owed	1	7	1
Total number of claimants for which the wages found to be owed were less than the unpaid wages originally alleged to be owed	N/A*	N/A*	N/A*
Total liquidated damages assessed	0	\$2,098.87	0
Total number of claimants for which liquidated damages were found to be owed	0	3	0
Total number of penalties assessed	0	3	0
Total amount of penalties assessed	0	\$750	0
Total unpaid wages collected for the claimant to date	\$108.80	\$5,997.20	\$904.11
Total liquidated damages collected for the claimant to date	0	\$1,512.41	0
Total penalties collected	0	\$2,000	0
Number of cases in which retaliation by the employer was alleged	Note 1	Note 1	Note 1
Number of cases in which OWH or an ALJ ordered an employee reinstated because of retaliation	0	0	0
Number of cases that have been referred to the Office of Attorney General	0	0	0

N/A* = OWH currently does not capture this data.

Note 1: Wage Theft retaliation claims are received without specification of a wage law in accordance with WTPAA. The total numbers of Retaliation claims are reported here in the Wage Payment section.

207. For FY15, FY16, and FY17 (to date), please provide the following data on sick and safe complaints that have been closed without an initial determination:

- a. Number of complaints closed without a determination
- b. Number of these cases in which a notice of violation was sent to the employer
- c. Number of hearings held on these complaints
- d. Various reasons these complaints were closed and the number of complaints closed for each reason

- e. Average length of time from determination to closure
 f. Total unpaid wages originally alleged to be owed

Sick and Safe Leave	FY15	FY16	FY17
Number of complaints closed without a determination	8	6	2
Number of these cases in which a notice of violation was sent to the employer	0	0	0
Number of hearings held on these complaints	0	0	0
Various reasons these complaints were closed and the number of complaints closed for each reason	No sick leave accrued, Cash out claims, No jurisdiction	No sick leave accrued, Cash out claims, No jurisdiction	No jurisdiction
Average length of time from determination to closure	N/A*	N/A*	N/A*
Total unpaid wages originally alleged to be owed	\$1,333	\$553.60	0

N/A* = OWH currently does not capture this data.

* Wages are not alleged to be owed, the amount of wages owed are determined as a result of an investigation.

208. In each of the past three fiscal years, under each of the following statutes, in how many cases has DOES initiated investigations of a workplace or employer that extended beyond the original employee or employees who brought the complaint?

D.C. Wage Theft Statutes	Number of workplace investigations conducted that extended beyond the original employee(s) who brought the complaint		
	FY17 (to date)	FY16	FY15
Accrued Sick and Safe Leave	2	1	0
Minimum Wage Revision Act	2	10	0
Wage Payment Act	0	140	3
Living Wage Act	0	2	0
TOTAL	4	153	3

209. How many OWH complaints involving how many employees were referred to the Office of Attorney General, and how much compensation were the employees alleging they were owed?

D.C. Wage Theft Statutes	Cases Referred to OAG			Total employees involved in cases			Compensation allegedly owed		
	FY17	FY16	FY15	FY17	FY16	FY15	FY17	FY16	FY15
Accrued Sick and	0	0	0	0	0	0	\$0	\$0	\$0

Safe Leave Act									
Minimum Wage Revision Act	0	0	6	0	0	9	\$0	\$0	\$321,678.68
Wage Payment Act	0	0	14	0	0	34	\$0	\$0	\$127,725.58
Living Wage Act	0	0	2	0	0	365	\$0	\$0	\$3,623,968.20
Contract Compliance / Davis Bacon	0	0	0	0	0	0	\$0	\$0	\$0
TOTAL	0	0	22	0	0	399	\$0	\$0	\$4,073,372.46

Note 1: There is no allegation of an amount owed for MW & OT complaints. Instead violations of law are alleged and OWH is requested to investigate and determine the amount of back wages due. The figure above reflects the total that was potentially due as a result of an investigation.

Note: OWH was not authorized to transfer cases to OAG in 2016; however, cases will be transferred in 2017 due to Wage Theft Prevention Clarification and Overtime Fairness Amendment Act of 2016.

During FY15, a total of 34 employee complaints were referred to the Office of the Attorney General, these complaints totaled \$127,725.58 owed. Additionally, a Living Wage Audit was referred consisting of 365 employees was referred, totaling \$3,623,968.20.

XI. Other

Trade Adjustment Assistance (TAA)

210. On TAA, please provide:

- a. An overview of on the activities of the TAA program in FY16 and FY17, to date.**

To date, the TAA program has seen just one (1) participant via a transfer petition from Oregon. The participant is enrolled at Gallaudet University, where he is pursuing a Bachelor of Arts in Interpretation. Upon completion (estimated May of 2018), he will be seeking his certification as an American Sign Language Interpreter.

- b. How many FTEs work on the TAA program?**

One (1)

- c. Which sub agency is responsible for implementing TAA?**

The Bureau of Workforce Development

- d. How many people were eligible for TAA in FY16 and FY17, to date?**

One (1)

e. How many of those received TAA services?

One (1)

f. Which services did they receive?

Training in the pursuit of a Bachelor's Degree

g. Which employers had workforce reductions that resulted in an approved TAA petition?

No employers had workforce reductions that resulted in an approved TAA petition in Washington, DC. The participant originates from Oregon, where his former employer, WestRock, was granted a petition. Oregon is the Agent State while DC is the Liable State.

h. How is TAA integrated with WIOA and the larger workforce development system, from both a program management and customer perspective?

The TAA Program is housed in the Bureau of Workforce Development, enabling it to be integrated with the following programs: Rapid Response, On-the-Job Training, Workforce Opportunity Tax Credit, Apprenticeship, Employment Opportunity Team, the Business Services Group and the American Jobs Centers (AJC). TAA participants are connected to a Case Manager in the AJC, whose responsibility it is to ensure they are on track to complete their training in a timely manner and have access to dislocated worker services.

Foreign Labor Certification (FLC)

211. On FLC, please provide:

- a. An overview of the activities of FLC in FY16 and FY17, to date.**
- b. How many FTEs work on the FLC program?**
- c. Which sub agency is responsible for implementing FLC?**
- d. What was the source of funding for the FLC program?**

The Department of Employment Services does not collect this information.

Work Opportunity Tax Credit (WOTC)

212. On WOTC, please provide:

- a. An overview of the activities of the WOTC program in FY16 and FY17.**
- b. How many District employers utilized the credit.**
- c. From which "target groups" were new hires and the number of District employees who were part of each "target group."**

The District of Columbia's Work Opportunity Tax Credit (WOTC) is a Federal tax credit available to employers for new hires of certain target groups with barriers to employment. The number of District employers that have utilized the credit is not explicitly available in

the WOTC data. There have been 3,245 WOTC certifications over FY16 and FY17 to date. Eighty percent (80%), or 2,608, of these certifications are District residents.

In FY16, the Districts WOTC produced 4,903 denials and 3,037 certifications. The chart below provides a detailed view of certifications by the target group and potential tax credit amounts.

WOTC Target Group	Number of Certifications	Potential Tax Credits (up to)
Short-Term Temporary Assistance for Needy Families (TANF) Recipient	159	381,600
Long-Term Temporary Assistance for Needy Families (TANF) Recipient	834	7,506,000
Supplemental Nutritional Assistance Program (SNAP-food stamps) Recipient	1,951	4,682,400
Veterans	20	48,000
Unemployed Veterans (including disabled veterans)	36	86,400 to 345,000
Designated Community Residents*	3	7,200
Summer Youth Employees*	0	n/a
Vocational Rehabilitation and Ticket to Work Referrals	8	19,200
Ex-Offenders	21	50,400
Supplemental Security Income (SSI) Recipients	5	12,000
Qualified Long-Term Unemployment Recipient**	N/A	N/A

**Applicable EZs expired in DC in 2011. District Residents living in those zones do not qualify. However, states that have active EZs may qualify.*

***New target group enacted January 1, 2016.*

In FY17 to date, as of February 8th, the District's WOTC produced 208 certifications and 1,045 denials. The chart below provides a detailed view of certifications by the target group and potential tax credit amounts.

WOTC Target Group	Number of Certifications	Potential Tax Credits
Short-Term Temporary Assistance for Needy Families (TANF) Recipient	13	31,200
Long-Term Temporary Assistance for Needy Families (TANF) Recipient	66	594,000
Supplemental Nutritional Assistance Program (SNAP-food stamps)	120	288,000
Veterans	7	16,800
Unemployed Veterans (including disabled veterans)	2	4,800 to 19,200
Designated Community Residents*	0	N/A
Summer Youth Employees*	0	N/A
Vocational Rehabilitation and Ticket to Work Referrals	0	N/A

Ex-Offenders	0	N/A
Supplemental Security Income (SSI) Recipients	0	N/A
Qualified Long-Term Unemployment Recipient**	0	N/A

**Applicable EZs expired in DC in 2011. District Residents living in those zones do not qualify. However, states that have active EZs may qualify.*

***New target group enacted January 1, 2016.*

Labor Statistics

213. On Labor Statistics, please provide:

a. An overview of the activities of the Labor Statistics program in FY16 and FY17, to date.

The Office of Economic Research, Performance and Data Analytics (OERPDA) manages Bureau of Labor Statistics (BLS) Cooperative Agreement programs and Employment and Training Administration (ETA) Workforce Information Grant.

Bureau of Labor Statistics (BLS) programs

- The Quarterly Census of Employment and Wages Program (QCEW) provide data on monthly employment, quarterly total wages, taxable wages, and contributions to the Unemployment Insurance (UI) System.
- Current Employment Statistics Program (CES) collects data each month on employment, hours and earnings from a sample of establishments in all non-agricultural activities.
- The Local Area Unemployment Statistics Program (LAUS) calculates monthly estimates of labor force, employment, unemployment, and unemployment rates in the District of Columbia.
- The Occupational Employment Statistics (OES) program is a semi-annual mail survey conducted by State Workforce Agencies (SWAs) to obtain occupational employment and earnings data.

Workforce Information Grant (WIG)

The Employment and Training Administration (ETA) of the U.S. Department of Labor (US DOL) administers the Workforce Information Grant (WIG), which supports the development, management, and delivery of labor market information and workforce information core and special information services to the District of Columbia's Workforce Investment Council (WIC), D.C. American Job Centers (DCAJC), employers, and job seekers.

b. What was the source of funding for Labor Statistics staff?

90% of the funding for the Labor Statistics staff comes from US Department Labor Bureau of Labor Statistics (BLS) and Employment Training Administration (ETA). 10% of their funding comes from local budget funds. Only the Associate Director's position is locally funded.

c. How many FTEs work on the Labor Statistics program?

Ten (10) FTEs

d. In what sub-agency is the Labor Statistics program located.

Performance, Data, Innovation and Youth Opportunities