

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Department of Employment Services**



**Responses to Fiscal Year 2018-2019  
Performance Oversight Questions**

**Dr. Unique Morris-Hughes  
Director**

**Submission to**

**Committee on Labor and Workforce Development  
Council of the District of Columbia  
The Honorable Elissa Silverman, Chairperson**

February 15, 2019

John A. Wilson Building  
1350 Pennsylvania Ave. NW  
Washington, DC 20004

**DEPARTMENT OF EMPLOYMENT SERVICES**  
**FY18-19 Performance Oversight Questions**  
**Committee on Labor and Workforce Development**  
**Councilmember Elissa Silverman (At-Large), Chair**

I. Agency Priorities, Performance, and Evaluation .....	2
II. Budget and Expenditures .....	8
III. Agency Organization and Personnel.....	11
IV. Grants and Contracts.....	12
V. Wage and Hour .....	15
VI. Workforce Development .....	22
VII. First Source.....	33
VIII. Office of Youth Programs:.....	37
IX. Apprenticeship.....	51
X. Division of State Initiatives (DSI) .....	54
XI. Infrastructure Academy .....	56
XII. Unemployment Insurance.....	58
XIII. Office of Workers’ Compensation.....	68
XIV. Agency Operations and Disputes.....	69

## **I. Agency Priorities, Performance, and Evaluation**

- 1. Please discuss the agency's top five priorities in FY18 and FY19. FY2018? How does the agency expect to address its priorities in FY2019? How did the agency address its top five priorities in FY2018? How does the agency expect to address its priorities in FY2019.**

DOES priorities are realized through multi-year initiatives focused on improving performance and service through:

- Promoting the District's human capital;
- Bridging the gap between education and workforce development;
- Expanding access to DOES programs;
- Developing an integrated and tiered service delivery model to serve our customers; and
- Developing and implementing a comprehensive data and system-infrastructure strategy.

These priorities are guiding our efforts as we strive for a more effective and efficient agency. The initiatives below, many of which began in FY18 and are still priorities in FY19, are essential to realizing the agencies priorities. In FY18, DOES began working on:

- Standing up the DC Infrastructure Academy (DCIA) - DOES has brought new programs to the DCIA, achieved strategic training partnerships, begun retrofitting the space, and doing outreach. In the future we plan to continue this progress and bring more resources to the DCIA in FY19.
- Establishing the Universal Paid Leave program - DOES began hiring, doing outreach, procuring the technology, and publishing the rules for implementation. In FY19, DOES will finalize the rules, stand up the taxation system, and prepare for full implementation.
- 1,000 Opportunities Initiative - DOES brought hiring opportunities to at-risk youth in communities around the city. Additionally, there were training, educational, and professional development services provided. DOES is examining whether the program will move into the summer of FY19.
- Removing DOES programs from "At Risk" status by the U.S. Department of Labor (USDOL) - DOES removed itself from at risk status through stronger USDOL compliance and correspondence.
- Improving Community Engagement and Outreach – DOES revamped its outreach in several different programs in FY18 to prepare for a more aggressive outreach strategy in FY19. In FY19, the agency is looking for more strategic partnerships, stronger business outreach, and to continue to improve customer service at our American Job Centers (AJCs) and DOES headquarters.

- Improving Access to Agency Programs – DOES has increased access to job placement services through launching a separate, Spanish-language website for DOES. The agency also vastly simplified the paperwork connected to the Marion S. Barry Summer Youth Employment Program and expanded its reach to young adults. Finally, the agency has increased the wraparound services for many of our programs to increase the opportunity for success for those who participate.

Each initiative embodies the aforementioned DOES principles. As the agency creates new initiatives, they will be shared with the Council.

**2. Please describe any initiatives that the agency implemented in FY2018 or FY2019, to date, to improve the internal operations of the agency or the interaction of the agency with outside parties. Please describe the results, or expected results, of each initiative.**

- 1,000 Opportunities Initiative – Mayor Bowser announced that the District had matched more than 1,000 Washingtonians with job opportunities as part of the 1000 Opportunities summer initiative. DOES provided training opportunities to participants through Project Empowerment, DC Quick Path to Transportation, and Back to Work 50+.
- DC Infrastructure Academy (DCIA) – A key initiative of Mayor Muriel Bowser's Administration, led by DOES, was standing up DCIA. It opened in March 2018 in the Anacostia neighborhood in Ward 8 to meet the need for skilled infrastructure professionals. Over 1,000 residents have completed a DCIA application. 560 DC residents enrolled in infrastructure training programs related to energy, transportation, construction and safety, and information technology.
- Spearheaded the redesign of the AJC headquarters and the DOES office space, to accommodate the new Paid Family Leave program, resulting in 100 additional spaces. The total addition of 450 square feet of space saved taxpayers an average of \$1.2 million per year in lease expenditures.
- Office of Information Security – Established this new office which designed and launched Security Awareness Training Courses. These courses trained 402 agency employees one year in advance of the Mayor's mandate to implement Federal Tax Information (FTI) training across District agencies Updated agency-wide Security and IT policies to include Personally Identifiable Information (PII) and FTI.
- Wage Theft Outreach – DOES launched a public education mini-grant program for two community-based organizations—Ethiopian Community Center and Veterans Enterprise Group—to expand on existing outreach efforts.
- Transitional Residential Program – Providing short-term housing (up to six months) for participants that have retained unsubsidized employment, but continue to experience housing insecurity. In addition to providing housing, the program affords participants an

opportunity to make significant financial gains that will put them on a path to obtain and maintain sustainable housing.

- Healthy Living and Mindfulness Pilot Program – Launched with the intent of assisting participants to incorporate healthy living practices that result in physical and mental wellness, the program requires grantees to develop and deliver a physical and mental health fitness program that has an overall objective and system to develop wellness plans that meet each participant’s needs.
- Tattoo Removal Services Pilot Program – To reduce the possibility of participants being deemed unfit for positions due to visible tattoos, Division of State Initiatives (DIS) integrated services to remove tattoos from the hand, face, or neck of participants active in a DIS program.

3. **Please list each new program implemented by the agency during FY2018 and FY2019, to date. For each program, please provide:**
- a. **A description of the program;**
  - b. **The funding required to implement to the program;**
  - c. **The program and activity codes in the budget; and**
  - d. **Any documented results of the program.**

Universal Paid Leave

- a. DOES’s Office of Paid Family Leave (OPFL) is tasked with the implementation of the Universal Paid Leave Amendment Act of 2016, which provides a Paid Family Leave (PFL) program to private employees in the District of Columbia, regardless of their residence. The law provides for three types of qualifying leave: two weeks of medical leave to take care of one’s own serious health condition, six weeks of family leave to care for a family member with a serious health condition, and eight weeks of parental leave to bond with a new child, for every 52 weeks worked. Tax collection must commence by July 1, 2019, and the administration of benefits must commence by July 1, 2020. District government and federal government employees are not eligible to participate in this program.
- b. The PFL tax system is estimated to cost approximately \$10,000,000, and the PFL benefits administration system is estimated to cost approximately \$38,000,000. For FY19, it will cost approximately \$5,042,496.16 to fund the operations of the OPFL, which includes personnel costs and administrative services. The benefit is funded by a 0.62 percent employer payroll tax.
- c. The local budget for the PFL program utilizes the following program codes: Overall Paid Family Leave – 6000, Administration – 6100, Benefits – 6200, Tax – 6300, and Appeals & Adjudication – 6400.
- d. See Attachment Q003 (New Programs) to find five quarterly progress reports on the implementation of the PFL program.

District of Columbia Infrastructure Academy (DCIA)

- a. The District of Columbia Infrastructure Academy (DCIA) is a key initiative of Mayor Muriel Bowser's Administration. Infrastructure is one of the fastest growing industries in the country. DOES opened DCIA to meet the need for skilled infrastructure professionals in Washington, DC. DCIA coordinates, trains, screens, and recruits residents to fulfill the needs of the infrastructure industry and infrastructure jobs with leading companies. DCIA is located in the Anacostia neighborhood in Ward 8.

Programs and services include:

- Commercial Driver's License (CDL);
  - Energy & Utilities;
  - Auto Mechanic Training;
  - OSHA 10;
  - Solar Panel Installation; and
  - Professional Development Workshops (Interview Skills, Resume & Cover Letter building assistance).
- b. [See Attachment Q003 \(New Programs\)](#).
  - c. [See Attachment Q003 \(New Programs\)](#).
  - d. The answer to Question 4 provides additional performance data.

4. **Please provide a copy of the agency's FY2018 performance accountability report.**
  - a. **Please explain which performance plan strategic objectives and key performance indicators (KPIs) were met or completed in FY18 and which were not.**
  - b. **For any met or completed objective, also note whether they were completed by the project completion date of the objective and/or KPI and within budget. If they were not on time or within budget, please provide an explanation.**
  - c. **For any objective not met or completed, please provide an explanation.**

The FY18 Performance Accountability Report can be found [HERE](#).

Not Completed:

1. Establish and Implement Paid Family Leave Program:
  - a. The establishment portion was completed within the time frame required. Staff has been hired for both key leadership positions and the tax division as required. In addition, the paperless paid-leave system is in process. Lastly, the rules and regulations were being internally reviewed and put up for external review at the end of the fiscal year.
  - b. This strategic initiative is continuing in FY2019 in order to get the entire department up and running, serving District citizens before FY2020. The final approvals of the rules and regulations will be completed by Q2 FY2019 which should mean implementation will be complete by the end of Q4 FY2019.

Completed:

1. Increase Customer Service and Satisfaction:
  - a. As a result of a comprehensive employee engagement program including both DOES leadership and staff, DOES revised the agency's mission and vision statements. In addition, community conversations and business roundtables were held to improve our customer service with both of our major customer bases. DOES established the Customer Navigation Center. Feedback was received both orally and via customer satisfaction surveys.
2. Improve and Increase Staff Capabilities:
  - a. Multiple Academy DOES classes were held at both the leadership and employee levels. The DSI, OYP, and administration areas of the agency have all completed the "Creating World Class Customer Service" class. By the end of the fourth quarter of FY18, over 70 percent of the front-line staff had completed it. MSS staff received coaching from the George Washington University program. Several other seminars have been designed to reflect the needs of specific departments. The Lean-in Group was formed to support the agency's women leaders. All employees have been encouraged to participate in Brown Bag discussions, the OTPD Book Club, and training both at DCHR and other publicly available certification programs.
3. Increase and Improve Business Engagement:
  - a. In FY18, the Business Services Group developed and implemented the DOES "Business Tool Kit." Each AJC now has an account manager on-site to improve customer access to job opportunities.
4. Establish and Implement the DC Infrastructure Academy:
  - a. DCIA opened officially in the last three weeks of the second quarter of FY18. Since opening on March 12, 2018, through the end of the FY18, 1,200 residents visited DCIA for training enrollment, information sessions, employment opportunities, and various inquiries. Of that number, 283 residents were from Ward 7 and 564 residents were from Ward 8. Available training included installation of solar panels, CDL training, Help Desk and/or A+ computer certifications offered on three different time tables, and construction/infrastructure training.
5. Improve Unified and Universal Branding:
  - a. DOES improved its website to make it mobile friendly and to include: updated contact numbers, program reports, translated documents, and a special programs page. In addition, nine podcasts, eight Op-Eds, four media buys, and an ASSLA metro bus/rail campaign highlighted DOES programs and services. DOES employees attended training and conferences across the country to learn best practices, gain industry knowledge, and promote the work of the District's Workforce Agency. Internal branding has been reinforced with the daily newsletter, "The Oracle."
  - b. The Office of Youth Programs (OYP) will have its branding revamped to reflect its 40th anniversary during FY19.

Unmet KPI:

1. Average number of calendar days to access training from enrollment in WIOA (required days was 14, average for the year was 95 days)
  2. For FY19, the wording on this question has been changed to better reflect the actual workings of getting WIOA training. A customer may enroll in WIOA and request only job search assistance. If this customer later decides to enter training, after several weeks or months of looking, the training package is completed, submitted, and approved.
5. **Regarding your agency's FY2019 performance plan:**
- a. **Please provide a copy of your agency's FY2019 performance plan as submitted to the Office of the City Administrator.**
  - b. **Discuss any changes to any outcomes measurements in FY2018 or FY2019, including the outcomes to be measured or changes to the targets or goals of outcomes; list each specifically and explain why it was dropped, added, or changed.**

[Please see Attachment Q005 \(Performance Plan\).](#)

DOES made substantial changes to the "Workload Measure" section of the agency's Plan. The workload measures now include 94 measures that cover 14 programs and AJC performance metrics. The updated format allows for an accurate picture of the agency's performance across all federal and local programs each quarter.

6. **Please provide a list of all studies, research papers, reports, evaluations, and analyses, including contractors' or consultants' reports, that the agency prepared or contracted for during FY2018 and FY2019, to date.**
- a. **For each study, paper, report, or analysis, please include:**
    - 1) **Report name;**
    - 2) **Author name, whether the agency or an outside party;**
    - 3) **Status, including actual or expected completion date;**
    - 4) **Purpose and description of contents;**
    - 5) **Source of funding (program and activity codes); and**
    - 6) **Contract number or grant name if the report was produced by a contractor or grantee.**
  - b. **Please attach a copy if the study, research paper, report, evaluation, or analysis is complete.**

[See Attachment Q006 \(Studies Reports\).](#)

Additionally, DOES published the Marion S. Barry Summer Youth Employment Program (MBSYEP) evaluation produced in FY19 by the Coles Group and in FY18 by the Blue Point Consulting. Both externally released documents are produced to determine how the program affects participants' job skills, workforce readiness, and opportunities for career exploration.

7. **Please list and describe any investigations, audits, or reports by outside entities that involve the agency or any employee that were conducted during FY2018 and FY2019, to**

date, or that are ongoing. *Attach copies of any such document. Include any routine or ad hoc monitoring, site reviews, desk audits, or other reviews or audits by federal agencies (such as the U.S. Department of Labor Employment and Training Administration or DOL's Inspector General), the District of Columbia Inspector General, Board of Ethics and Government Accountability, the DC Auditor, or any other local or federal governmental entity.*

No cases have been referred for investigation in FY19 to date.

In FY18, DOES referred two cases to BEGA for investigation. One of the cases is still under investigation and the details cannot be disclosed at this time. The other case was resolved. [See Attachment Q007 \(Negotiated Disposition\)](#) for the decision from BEGA.

In FY18, DOES referred one case to OIG for investigation at this time. The case referred to the OIG is still under investigation and the details cannot be disclosed.

## FOIA

8. **Please attach a log of all FOIA requests received in FY2017, FY2018, and FY2019 with the request number, the name of the requestor, and a brief description of the documents requested.**

[See Attachment Q008 \(FOIA Requests Report\)](#). Please note that DOES uses the FOIAXpress system and does not keep any independent log of FOIA requests.

9. **Please explain why DOES does not post all FOIA responses on the DC Government FOIA Reading Room, at <https://foia-dc.gov/App/ReadingRoom.aspx>.**

DOES does not post the responses to FOIA requests on the DC Government FOIA Reading Room because the majority of the requests are for information that is personal to the requestor, contains PII, is not of general interest, or does not reflect the policies, procedures, or decisions of DOES.

## **II. Budget and Expenditures**

### **Budget**

10. **Budget. Please *complete the attached tables* in Excel showing your agency's budget, including Council-approved original budget, revised budget (after reprogrammings, etc.), and actual expenditures, by program and activity, for fiscal years 2018, and the first quarter of 2019. For each program, please include total budget and break down the budget by funding source (federal, local, special purpose revenue, or intra-district funds). Include any over- or under-spending on the activity level, and explain any variances between the revised budget and actual expenditures for fiscal year 2018 for each activity code.**

[See Attachment Q010 \(DOES FY18 FY19 Budget\)](#).

11. **In FY2017 or FY2018, did the agency have any federal funds that lapsed or that had to be returned? If so, please provide a full accounting, including amounts, fund sources (e.g. grant name), whether the funds lapsed or were returned, and the and reason the funds lapsed or had to be returned.**

In FY17, \$109,369.33 in funding lapsed from the Trade (TAA) Training Program grant (TAAPRG/15). This was due to a low number of participants in the program. In FY18, \$32,813.12 in funding lapsed from the Unemployment Insurance Integrity Performance Improvements grant (UIPIP2/15). All activities under the grant were executed; however, they were savings that were not approved for reallocation prior to the end of the grant.

12. **Please provide the following information for all intra-District memoranda of understanding (MOUs) for FY2018 and FY2019 to date, including anticipated MOUs for the remainder of FY2019.**
- a. *Attach copies of all intra-district MOUs, other than those for overhead or logistical services, such as routine IT services or security.*
  - b. **For each MOU, including anticipated MOUs, complete the attached table in Excel.**

[See Attachment Q012 \(MOUs-MOAs\).](#)

13. **Please provide the following information for all intra-District memoranda of agreement (MOAs) for FY2018 and FY2019 to date, including anticipated MOAs for the remainder of FY2019.**
- a. *Attach copies of all intra-district MOAs, other than those for overhead or logistical services, such as routine IT services or security.*
  - b. **For each MOU, including anticipated MOUs, complete the table below:**

[See Attachment Q013 \(MOA-MOU\).](#)

14. **Please provide the following information for each interagency reprogramming of funds into and out of the agency for FY2018 and FY2019, to date, including anticipated inter-agency reprogrammings for the remainder of FY2019.**
- a. *Please attach copies of the reprogramming documents, including the Agency Fiscal Officer's request memo and the AFO's reprogramming chart.*
  - b. **For each reprogramming, including anticipated reprogrammings, complete the attached chart in Excel.**

[See Attachment Q014 \(Interagency Reprogramming\).](#)

15. **Please provide the following for each intra-agency reprogramming *within* your agency during FY2018 and FY2019, to date, as well as any anticipated intra-agency reprogrammings for the remainder of FY2019.**
- a. *Please attach copies of any reprogramming documents.*
  - b. **For each reprogramming, including anticipated reprogrammings, complete the attached chart in Excel.**

[See Attachment Q015 \(Intra-agency Reprogramming\).](#)

16. Please list each grant or sub-grant, including multi-year grants and federal grants, received by your agency in FY2018 and FY2019, to date. Separate funding streams, where relevant. Include the following information:
- Source,
  - Purpose,
  - Timeframe,
  - Dollar amount received in each year of FY18 and FY19,
  - Amount expended in each year of FY18 and FY19,
  - How the grant is allocated if it is a multi-year grant, i.e. the dollar amounts to specific DOES offices or programs; and
  - How many FTEs are dependent on each grant's funding, and if the grant is set to expire, what plans, if any, are in place to continue funding the FTEs.

[See Attachment Q016 \(FY18 and FY19 Grants\).](#)

17. Please attach all budget enhancement requests submitted by your agency to the Mayor or Chief Financial Officer as part of the budget process for previous fiscal years of FY2017, FY2018, and FY2019.

DOES works with the Mayor's Office of Budget and Performance to develop its annual budget. The annual budget submitted by the Mayor reflects those efforts.

## **Expenditures**

18. Regarding purchase cards and credit cards, please complete the following table with information on all credit card, p-card, or purchase card purchases and expenditures for FY2018 and 2019, to date. Alternatively, you may attach monthly statements with this same information; however, please name the ultimate vendor and specific purpose of the purchase for any Pay Pal or other transaction with an indirect payment service like Pay Pal.

[See Attachment Q018 \(Purchase Cards\).](#)

19. Please identify all information technology systems maintained by your agency, and provide the following information on each:
- A detailed description of the information tracked or maintained within each system;
  - Whether the public can be granted access to all or part of each system.
  - Related expenditures in each year of FY2016, 2017, 2018, and 2019. Explain any increase or decrease in expenditures of more than 10 percent total for any one system over the 2016-2019 time period.
  - Funding source (e.g. federal, local SPR).
  - Program, activity, and fund codes in the budget.

- f. **Contract number and contractor name for any contracted work, such as maintenance or upgrades;**

[See Attachment Q019 \(IT Database Answer\).](#)

20. **For any upgrades to existing technology in FY18 or FY19 or new technology to be acquired during the remainder of FY2019 or FY2020, provide the following information:**
  - a. **Describe new technology's functions or if existing technology is being upgraded, explain which functions are to be upgraded and why**
  - b. **The total anticipated cost of acquiring or upgrading the technology; delineate costs for any system that will be both acquired and upgraded in the FY2017 through FY2019 period**
  - c. **Contract number or solicitation number if a contract has not yet been executed**
  - d. **Funding source (e.g. federal, local SPR)**
  - e. **Program, activity, and fund codes in the budget**
  - f. **Anticipated expenditures in each year of 2019 and FY2020**

[See Attachment Q20 \(IT Database Answer\).](#)

### **III. Agency Organization and Personnel**

21. **Please provide a current organizational chart for the agency, arranged by division and subdivision, as of Feb. 1, 2019.**
  - a. **Show for each division and subdivision:**
    - 1) **The names and titles of all personnel;**
    - 2) **The number of vacant, frozen, and filled positions;**
  - b. **Please provide an explanation of the roles and responsibilities of each division and subdivision.**
  - c. **Please provide a narrative explanation of any changes to the organizational chart made during FY18 or FY19, to date.**
  - d. **Note on the chart the date of the information.**

[See Attachment Q021 \(Org Charts\).](#)

22. **Please complete the attached table in Excel with a chart of all positions at the agency, as of February 1, 2019.**

[See Attachment Q022 \(Schedule A\).](#)

23. **Regarding FTEs and vacancies:**
  - a. **Please provide the total number of FTEs in the agency as of Feb. 1, 2019, the number of active (i.e. filled) FTEs, and the total number of vacant positions.**
  - b. **Please list each vacant position's position number and provide: (1) the date on which it became vacant and (2) the step or status of the hiring process for the position as of Feb. 1, 2019.**

- a. 724 Active FTEs; 639 Filled FTEs; 85 Vacant FTEs.
- b. [See Attachment Q023 \(FTEs and Vacancies\)](#).

24. Please list any position numbers developed during FY19; that is, any new positions created after October 1, 2019, and their effective date.

[See Attachment Q024 \(FY19 New PNs\)](#).

25. Regarding term and temp employees:

- a. By position number, for *each* term and temp employee who started in the position in FY2018 or FY2019, please provide a brief narrative to specify why the hire was done on a term or temp basis and not on a continuing basis.
- b. For each term or temp employee employed at the agency as of Feb. 1, 2019, indicate the start date of the position and the expected end date; and
- c. For *each* term employee employed as of Feb. 1, 2019 whose hire date is before FY2015, please explain why the employee is term and has not been converted to a permanent employee.

[See Attachment Q025 \(Term and Temp Employees\)](#).

26. Please complete the following table on contract workers in the agency during FY2018 or FY2019:

[See Attachment Q026 \(Contract Workers\)](#).

27. How many and what percentage of all employees at the agency as of Feb. 1, 2019, were District residents?

District residents make up 54.63 percent of DOES employees.

28. Please complete the following charts about the residency of new hires in FY18 and FY19, to date:

[See Attachment Q028 \(New Hire Residency\)](#).

## **IV. Grants and Contracts**

### **Grantmaking**

29. Please *complete the attached table* in Excel with information on each grant awarded by your agency during FY2018 and FY2019 as of Feb. 1, 2019.

[See Attachment Q029 \(DOES Grants Awarded FY 2018 – FY 2019\)](#).

**30. How does DOES conduct due diligence to review and verify past performance claims made by applicants? Please explain the process in detail.**

When past performance is requested as a part of a Notice of Funding Availability (NOFA) or Requests for Application (RFA), DOES relies on the representations of the applicant if the applicant has no prior experience with DOES. If the applicant has prior grants or contracts with DOES, we look to our documentation of past performance on those grants or contracts.

**31. Please create and fill in a table with the following information on all grant competitions run by DOES in FY18 and FY19 to date, including those not ultimately awarded. Add columns as necessary move the table to Excel if necessary because of size.**

[See Attachment Q031 \(DOES Grant Competitions\).](#)

Every fiscal year, DOES posts all NOFAs and RFAs on the DOES website grant opportunities become available. DOES also provides NOFAs and RFAs to the Office Partnerships and Grants Services for posting on their website, and to the DC Register for publication. DOES removes the NOFAs from its website when the funding is no longer available. DOES removes the RFAs from its website after the application close date. Any NOFA or RFA deadlines that were less than 20 days were to ensure programs had adequate time to provide programming for FY18. The condensed timeframe did not affect applicants' ability to respond.

**32. Please attach all applicant scoresheets and rankings for each grant competition, including in FY17, FY18, and FY19 to date, including those competitions not ultimately awarded, if applicable.**

In order to protect the reputation of the applicants DOES would not share this information in this manner.

**33. Please attach copies of all grant agreements for grants awarded in FY17, FY18, and FY19 to date.**

DOES does not release grant agreements publicly to maintain the integrity and confidentiality of the grantmaking process.

**34. Please attach all completed "Grantee Performance Evaluations" and all completed "Monthly Status Report" forms<sup>1</sup> for all FY17, FY18, and FY19 (as of Feb. 1, 2019) grantees.**

DOES is withholding this information to maintain the integrity and confidentiality of the grantmaking process.

---

<sup>1</sup> <http://dccouncil.us/wp-content/uploads/2018/10/DOES-Attachments-9-15-UPDATED-3-13.-18pdf.pdf> (pages 102-104).

35. **Please create and fill in a table for each grant competition that DOES expects to run in the remainder of FY19, including for each:**

Every fiscal year, DOES posts all Notices of Funding Availability (NOFA) and Requests for Applications (RFA) on the DOES website, as the grant opportunities become available. DOES also provides the NOFAs and RFAs to the Office of Grants and Partnerships for posting on their website, and to the DC Register for publication. DOES will follow this process as it creates new funding opportunities.

## Contracting

36. **Please complete the attached table in Excel with information on each contract, procurement, and lease leveraged in FY2018 and FY2019 as of Feb. 1, 2019, with a value amount of \$10,000 or more. “Leveraged” includes any contract, procurement, or lease used by the agency as a new procurement, contract extension, or contract option year execution. This also includes direct payments, if applicable. Treat Human Care Agreements as a contract—aggregating information by vendor for all task orders under the HCA, where relevant.**

[See Attachment Q036 \(Contracting\)](#). The columns for funding sources require a manual pulling and entry of data that is labor prohibitive. DOES can provide additional information if there are questions about specific contracts.

37. **Were any complaints filed with the Contract Appeals Board in FY2018 or 2019 to date, against or involving your agency or any employee of the agency? If so, please complete the following table with information on each complaint.**

Contract Appeals Board cases filed FY2018 and FY2019, as of Feb. 1, 2019

<i>Case number</i>	<i>Name of complainant</i>	<i>Date of complaint</i>	<i>Description of complaint</i>	<i>Status of complaint</i>
D-1542	New Beginnings, LLC	12-2018	Denial of invoice	Pending

38. **Please create and fill in a table for each workforce development solicitation that DOES expects to run in the remainder of FY19, including for each:**

Every fiscal year, DOES posts all Notices of Funding Availability (NOFA) and Requests for Applications (RFA) on the DOES website, as the grant opportunities become available. DOES also provides that NOFA and RFA to the Office of Grants and Partnerships for posting on their website. DOES also provides the NOFA and RFA to the DC Register for publication. DOES will follow this process as it creates new funding opportunities for workforce development.

39. **The Committee noticed that DOES’s solicitations are not posted on its website. Please explain why this is the case. Also, are there any means for interested parties to learn of DOES contracts other than proactively checking the Office of Contracting and Procurement’s website?**

All procurements are posted publicly on the OCP website in accordance with the 27 DCMR Section 1300. The DOES website has a direct link to contracts via its homepage. In its "About DC" header at the bottom of its webpage, DOES has a link to "Contracts", which, in turn, leads those interested in solicitations to the OCP, DGS, and DCPS links taking them directly to solicitations uploaded by the OCP.

## **V. Wage and Hour**

### **Complaints and Investigations**

#### **Complaints Data**

40. **In FY17, what was the total amount of back wages recovered by OWH? For how many employees? Please break down the back wage figure in the manner of OWH record-keeping, such as by law violated, industry of the employee, ward of the employee, or other category.**

In FY17, the Office of Wage-Hour (OWH) collected a total of \$415,263.11 in back wages. Please see the chart below reflecting the back wages recovered based on the law violated. OWH does not track ward of employee or industry.

#### **2017 Back Wages Recovered by Claim Type**

Accrued Sick & Safe Leave	\$3,646.55
Living Wage	\$2,712.33
Minimum Wage/ Overtime	\$109,814.87
Retaliation	\$25,872.84
Wage Payment	\$273,216.52
<b>Total</b>	<b>\$415,263.11</b>

41. **In FY18, what was the total amount of back wages recovered by OWH? For how many employees? Please break down the back wage figure in the manner of OWH record-keeping, such as by law violated, industry of the employee, ward of the employee, or other category.**

In FY18, OWH collected a total of \$438,721.00 in back wages. Please see the chart below reflecting the back wages recovered, which were recorded based on the law violated. OWH does not track ward of employee or industry.

#### **2018 Back Wages Recovered by Claim Type**

Accrued Sick & Safe Leave	\$1,006.74
---------------------------	------------

Living Wage	\$5,997.79
Minimum Wage/ Overtime	\$106,218.76
Retaliation	\$0.00
Wage Payment	\$325,497.71
<b>Total</b>	<b>\$438,721.00</b>

42. **Please complete the following chart regarding receipt of complaints and investigation of Wage Payment and Collection Law, overtime-specific complaints, minimum-wage specific complaints, the Living Wage Act, and the Accrued Sick and Safe Leave Act compliance:**

[See Attachment Q042 \(Complaints & Investigations\).](#)

### Form and Filing

43. **Please explain why OWH requires that the complaint form be notarized. Please provide a citation for any legal rationale.**

OWH does not require that complaints be notarized. However, in order to assist the employee beyond the administrative process, notarizing a document will help the Court with understanding that the employee requesting services is attesting that the facts stated are true. At times, the Court has asked if the employee has assigned their case to the District of Columbia, which a notarized document helps to support.

In addition, §32-1308.01(b)(2) speaks to “the complaint shall be sworn.” Therefore, OWH takes the opportunity to assist the Office of the Attorney General with any needed documents prior to court action. OWH does not preclude any individual from filing a complaint irrespective of a notarized document.

44. **The OWH website says, “you may not complete the online wage claim form for unpaid wages if... you are hired to work as a subcontractor or are self-employed.” As OWH is aware, sometimes employers misclassify as contractors or businesses workers who should be treated as employees. How does the agency detect potential misclassification of employees as independent contractors in receiving wage and hour complaints to ensure that workers are not improperly denied their rights and benefits?**

DOES accepts all wage claims and complaints. If an employee wants to dispute the sub-contractor worker status, they inform the agency through a claim form or through follow-up inquiry from a compliance specialist. A compliance specialist will reach out to the employee, gather information, review employment documentation, and potentially reach out to the employer before determining if the employee is an independent contractor. If they are an independent contractor, DOES informs the employee that we cannot work on their claim. If we determine that the individual is an employee, then DOES will pursue their claim. The District’s Wage-Hour law defines an employee as “any person suffered or permitted to work by the employer.” This definition is all-inclusive and covers the relationships where work is performed by an individual for another entity. The

application of the FLSA’s “Suffer or Permit” standard is applied in the identification of employees who are misclassified as independent contractors. When employers improperly classify employees as independent contractors, the employees may not receive important workplace protections such as the minimum wage, overtime compensation, unemployment insurance, and workers’ compensation.

When OWH receives an allegation that an employer is misclassifying a group of workers as independent contractors instead of employees, a company investigation is enacted. It is our goal to ensure that all employees are properly receiving employee benefits and rights that may have been erroneously disallowed because of the misclassification.

When investigating the validity of misclassifications of employee claims, OWH investigators use a number of methods to determine whether or not a worker is an employee, including:

- Review of Employment / Contractor Agreement;
- Review of job announcements and position descriptions;
- Review of “White Collar Questionnaires” to determine actual job duties performed and exemption status;
- Review of Time Records, Pay Records and Invoices; and
- Consideration of DOL Fact Sheet 13 “Economic Realities Test”.

The Economic Realities include:

1. The right to control the work;
2. Are the services performed integral part of the business;
3. Opportunity for profit and loss on the jobs performed by the claimant;
4. What are the investments made by the employee;
5. What is the permanency of the relationship; and
6. The specialty and/or skills required and brought to the business.

## Claims Processing

45. **The complaint form asks if the complainant was hired as an independent contractor. If a complainant answers “yes,” please specify under what circumstances, how often, and by what process OWH conducts a review to check if the employee was a bona fide independent contractor. If the review determines they were in fact an employee, what steps does OWH take to review the entire wage and benefit history of the employee? Does OWH launch a workplace-wide investigation of the employer?**

Please see the response to Question 44.

## Investigations

46. **Please complete the following chart showing how many investigations were initiated by DOES without receiving a complaint or where an individual complaint-based investigation was expanded to encompass an entire class or workers, workplace, or employer (such as following a report by a community organization).**

### Investigations of D.C. Wage Theft Statutes

	Number of workplace investigations conducted without complaint		Number of workplace investigations conducted without complaint where violations were found	
	FY18	FY19 (to date)	FY18	FY19 (to date)
Accrued Sick and Safe Leave	74	*	15	*
Minimum Wage	13	*	0	*
Overtime	210	996*	21	52
Wage Payment Act	0	*	0	*
Living Wage Act	157	*	0	*
<b>Total investigations</b>	<b>454</b>	<b>996</b>	<b>36</b>	<b>52</b>

## Staffing

47. **How many FTEs in OWH currently conduct investigations? How many investigate individual complaints? How many conduct agency-initiated investigations?**

There are currently 27 FTEs within OWH, 15 of those positions conduct both individual and agency-initiated complaints, two of those positions are vacant positions and are in recruiting status.

## Wage Theft Prevention Fund

*Background: The Wage Theft Prevention Fund, created by Code § 32–1307.01, is to be funded by civil fines and administrative penalties recovered under the penalties outlined in the Wage Payment and Collection Act (§ 32–1307) to be used to enforce wage theft laws.*

48. **Please complete the tables below with detail on the Wage Theft Prevention Fund balances and expenditures.**

[See Attachments Q048 \(Wage Theft Fraud Prevention\).](#)

## Cooperation with other agencies

49. **Please describe how the Office of Wage and Hour (OWH) utilizes its relationships with other District agencies, such as OAG and the Metropolitan Police Department, for any strategic enforcement efforts. Please list which agencies OWH engages with and describe how this engagement improves OWH’s strategic enforcement efforts. Please attach any Memorandums of Understanding between OWH and these agency partners.**

The Office of Wage-Hour fully cooperates with other governmental agencies, both District and federal, as well as offices within DOES as part of our “Proactive Engagement Strategy”. For example:

- OWH has hosted trainings for contractors of the following agencies:
  - a. DGS – 2 to 4 trainings a year for contractors;
  - b. DSLBD – 2 to 4 trainings a year for members;
  - c. DHCD – 2 to 4 trainings a year for contractors;
  - d. DBH – 1 to 2 trainings a year for contractors; and
  - e. OSSE – planned to begin training sessions in March 2019 for child and daycare centers.
- OWH has MOU’s to provide targeted outreach – building awareness of District wage-laws, translation services and claim intake assistance with MOAPIA and MOLA.
- OWH receives referrals to conduct investigations from the following agencies:
  - a. MPD – calls and offers tips about potential wage theft discovered during an unrelated police investigation;
  - b. OAG – contacts our office to refer individuals that want to file complaints or who want to provide information about an ongoing investigation;
  - c. DOES (Apprenticeship, Unemployment, Workers’ Compensation) - contacts our office to refer individuals that want to file complaints or who want to provide information about an ongoing investigation;
  - d. Office of the Mayor - contacts our office to refer individuals that want to file complaints or who want to provide information about an ongoing investigation; and
  - e. DC Council Member offices - contacts our office to refer individuals that want to file complaints or who want to provide information about an ongoing investigation.
- OWH has made referrals to the following agencies to conduct investigations after we gather initial information:
  - a. OAG – Wage Theft investigations;
  - b. DGS – Davis Bacon investigations;
  - c. DHCD – Davis Bacon investigations; and
  - d. USDOL – Investigations involving Davis Bacon, Federal Government worksites, multi-state wage theft implications.
- OWH partners with DCRA to serve complaint notices when general mailing is unsuccessful, and to collect business contact information for outreach.
- OWH refers and temporarily relinquishes complaints to the Office of Administrative Hearings for appeal proceedings.
- OWH refers and temporarily relinquishes complaints to OAG for court proceedings.
- OWH also partners with agencies to assist with collections of back wages, damages, and penalties. OWH has made request from the following agencies to assist with collections:
  - a. DOH – requesting company contact information and license suspension if any back wages, damages, or penalties are not paid in accordance with administrative orders issued under DC Code § 32-1308.01. OWH also works with DOH to collect business contact information.

- b. DBH – requesting company contact information and withholding of contract funds if any back wages, damages or penalties are not paid in accordance with administrative orders issued under DC Code § 32-1308.01.
- c. OCP – requesting company contact information and withholding of contract funds if any back wages, damages or penalties are not paid in accordance with administrative orders issued under DC Code § 32-1308.01.
- d. ABRA – requesting company contact information and license suspension if any back wages, damages or penalties are not paid in accordance with administrative orders issued under DC Code § 32-1308.01.

**50. Which agencies, such as agencies that enter into construction contracts, have related compliance officers that refer wage-related cases to OWH? How many such referrals of cases did OWH receive in each year of FY17, FY18, and FY19 as of Feb. 1, 2019? Please provide the number of cases referred each year by each referring agency.**

OWH rarely receives referrals from other agencies entering construction contracts requesting wage theft investigation. It is more likely that OWH referred an investigation to other agencies to conduct Davis Bacon investigations related to the construction project.

DHCD referred four instances of an employee that alleged retaliation for participating in a Davis Bacon investigation in FY17, one instance in FY18 and has not received any requests in FY19 as of Feb 1, 2019.

## **Education**

**51. For FY18 and FY19, to date, please describe any in-person efforts or initiatives to increase public awareness of workers’ rights under District wage and hour laws, including the right to file a complaint with OWH, and any in-person efforts or initiatives to better reach workers who may have experienced violations. How many employees were reached as part of these efforts?**

[See Attachment Q051 \(OWH Outreach\).](#)

**52. The Committee is aware of two grants awarded to organizations for the purpose of educating the public on issues related to wage theft, to the Ethiopian Community Center and Veterans Enterprise Group.**

- a. **Please attach copies of all proposals for the wage theft public education grant, including organizations not awarded a grant.**
- b. **Please attach copies of any scoresheets, rankings, evaluations, or other documentation used to determine the winners of this award.**
- c. **Please attach copies of all grant agreements for the wage theft public education program.**
- d. **Please provide details on the outcomes of these grants, including number of workers or employers who were reached, what the communication entailed, copies of any materials developed, and copies of any additional deliverables submitted to DOES.**

Grant proposals, scoresheets, and agreements are kept confidential to maintain the integrity of the grantmaking process. DOES is available to meet to discuss in further detail.

[See Attachment Q052 \(Part D Outcomes\)](#) for outcomes.

## Collection of Damages and Penalties

53. **For FY18 and FY19, as of Feb. 1, 2019, please complete the table below with the number of cases where OWH pursued liquidated damages, the number of cases where liquidated damages were recovered from the employer, the total number of cases where full treble damages were recovered, and the total amount of liquidated damages recovered.**

No data is available for FY19 but the attached chart provides the damages and penalties data that DOES assessed and collected in FY17 and FY18. Also shown are the amounts collected for each category and how much of those collections were done through OAH or OAG. OWH has a practice to notify all respondents about back wages alleged, potential liquidated damages due, and potential penalties due on valid wage theft claims. Then, after investigating a complaint, OWH makes assessments of back wages due, damages due, and penalties assessed in accordance with DC Code § 32-1308.01.

[See Attachment Q053 \(Liquidated Damages\)](#).

54. **When OWH attempts to resolve a wage complaint, does it perform a neutral (i.e., mediation) role or does it advocate on behalf of one of the parties? Please explain.**

The Office of Wage-Hour staff is expected to and is trained to resolve complaints and investigate them objectively and without bias. They have no stake in the outcome. Their responsibility is to address each claim with a high level of ethics and accountability to the applicable District wage laws and policies.

Background: *D.C.'s wage theft laws include several penalties that are mandatory upon a finding that an employer violated the law.*

55. **D.C. Code § 32–1307(a) lists several penalties for an employer that negligently or willfully fails to comply with wage theft laws. What is DOES’s position regarding whether OWH may negotiate settlements with employers for penalty amounts that are less than 100% of what is required by the Code? Please explain in detail, with supportive legal authority, DOES’s reasoning for its position.**

Decisions of negligent or willful non-compliance are made by the courts as well as the related convictions and fine determinations presented in D.C. Code § 32–1307(a). However, DOES has a practice of always assessing administrative penalties in accordance with D.C. Code § 32–1307(b) & (c).

Prior to making an administrative penalty assessment, DOES provides notice to the person alleged to have violated the Wage Theft Prevention Amendment Act, the potential amount of the cumulative administrative penalties, and how it was computed. Then, after completing an investigation, we issue an Initial Determination or Administrative Order assessing the penalty(ies) and notifying both parties about their appeal rights to request a hearing.

Then, in accordance with D.C. Code § 32–1308.01(d)(1), DOES works with the parties in an attempt to conciliate the complaint within 30 days. If conciliation is not agreed by all parties, DOES forwards the Administrative Order, including the entire penalty assessment, to the Attorney General to seek enforcement in Superior Court. If the employer appeals the Administrative Order, then the Office of Administrative Hearings takes over the claim process and follows their Hearing procedures.

- 56. D.C. Code § 32–1331.07, D.C. Code § 32–1307(b), and D.C. Code § 32–1011(d) all contain several penalties for employers that violate District wage theft laws.**
- a. What is DOES’s position as to whether the penalties outlined in the above-mentioned sections of the D.C. Code may be negotiated or waived? Must the complainant agree? Please explain in detail, with supportive legal authority, DOES’s reasoning for its position.**
  - b. Has OWH brought any penalties under the above-mentioned sections of the D.C. Code? Please provide, for each of these sections of the Code and the corresponding provisions within each section, details of when penalties have been pursued including fiscal year and dollar amounts collected where relevant.**

Please see the response to Question 55.

Background: *D.C. Code § 32–531.12(f)(2) states that “[t]o compensate the District for the costs of investigating and remedying the [paid sick leave] violation, the Department of Employment Services may also order the violating employer or person to pay to the District a sum of not more than \$500 for each day or portion thereof and for each employee or person as to whom the violation occurred or continued.”*

- 57. Has D.C. Code § 32–531.12(f)(2) been utilized in FY18 or FY19(to date)? If so, please provide an account of the total amount collected pursuant to this provision, as well as the number of employers fined. If not, please provide a detailed explanation regarding DOES’s decision to not pursue this stream of revenue for OWH.**

For the first half of FY18, DOES collected \$14,500 for complaint investigations initiated during this six month period. During the same six month period, DOES also assessed administrative penalties totaling \$9,650 for random investigations initiated. Both sums were deposited into the Wage Theft Fund. Data is not yet available for the second half of FY18 and FY19. OWH reports Minimum Wage and ASSLA data Bi-Annually. The report for the period ending September 30, 2018, will be available in April of 2019.

## **VI. Workforce Development**

## Workforce System and Customer Engagement

58. **Please attach copies of the following deliverable as submitted to the agency under contract CW61780, Ecosystem Mapping Workshops by Symphonic Strategies. Deliverable #7: Final design of the elements ecosystem visual (current and ideal).**

[See Attachments Q058 \(Workshops Contract Deliverables\).](#)

59. **At her confirmation hearing, Director Morris-Hughes stated that one of her top priorities was a more robust business services strategy. Please describe how this goal has been operationalized to date and plans for the rest of FY2019.**

- a. **At her recent confirmation hearing, Director Morris-Hughes stated that DOES has hired a business engagement liaison for First Source to ensure that all employers are connected to the Department's virtual one-stop system. Please provide the Committee with the full job description for this individual.**

To achieve Director Morris-Hughes' priority of more robust business services strategy, DOES will combine the Business Services Group (BSG) and Rapid Response Team, Workforce Opportunity Tax Credit, and services into a new office of "Talent and Client Services." By narrowing the focus, the new version of BSG will achieve its mission of being a one-stop business solution for workforce services, while emulating best practices of head hunting firms. A new Associate Director was recently hired to help lead this charge, and we are actively recruiting individuals with sales, client services, and human capital experience

As a part of the new direction, a focus on First Source is one of the department's major priorities. Within the Office of Talent and Client Services, the Department there will designate a liaison who will chart a robust strategy to connect the District's human capital to employment opportunities. This individual will work with internal customers and other agency partners, such as DMPED, DGS, and DSLBD, to provide guidance, track performance, compliance, employment opportunities, and number of residents hired.

[See Attachment Q059 \(Business Engagement Liaison\).](#)

60. **Please attach copies of the following deliverables as submitted to the agency under contract CW63322 Customer Navigation Assessment by Global Knowledge Training.**

- a. **Requirement 4.4: Submit a business process assessment report**  
b. **Requirement 4.5: Develop standard operating procedures**  
c. **Requirement 4.9: Create a call script**  
d. **Requirement 4.12: Develop key performance indicators and submit a plan to incorporate into employee performance evaluations**  
e. **Requirement 4.13: Provide a post assessment report**

a. [See Attachment Q060 A \(Customer Experience Access Strategy\).](#)

b. [See Attachment Q060 B \(2018 Draft SOP for Universal Navigator\).](#)

c. [See Attachment Q060 C \(SOP\).](#)

d. Vendor is finalizing plan and will submit to DOES by the end of the month.

- e. Vendor contracted was extended and post assessment will be completed 30 days after all deliverables has been received.

## American Job Centers

- 61. Please *fill in the attached table in Excel* regarding **customers served at the American Job Centers in FY18 and FY19.**

[See Attachment Q061 \(AJC Data\).](#)

## Eligible Training Providers

- 62. **Please provide a list of all Eligible Training Providers (ETP). For each, indicate how many DOES customers were referred by AJCs to each ETP in FY17 and how many in FY18 (please provide number of referrals total, not number of ITAs issued).**

[See Attachment Q062 \(ITA Referrals\).](#)

- 63. **ETP rates.**

- a. **Please complete the table below with following information for each Eligible Training Provider that was on the District’s ETPL in FY18 and/or is on the ETPL in FY19, as of Feb. 1, 2019. Please consult with the Office of Contracting and Procurement and/or the Workforce Investment Council if DOES does not have the breakdown of costs. Please explain why prices differ for the same courses, if applicable. For example, in FY17, DOES reported that three providers of home health aide training charged \$1,145, \$2,160, and \$4,000.**
- b. **If the negotiated rates are different than the costs listed in DC Networks, please explain why they differ.**

An Individual Training Account (ITA) will only be approved for training services that are on the District’s Eligible Training Provider List (ETPL) managed by the Workforce Investment Council (WIC). WIC established an individual training cap of \$5,000 for each individual. The maximum duration of an ITA course shall not exceed one year. A participant may receive a maximum of one ITA in any five-year period; however, this restriction may be waived by the AJC Program Manager (referred to as the “DCAJC Operator”) if the additional training is justified and the combined cost of the ITAs does not exceed \$5,000. All cost restrictions are inclusive of both tuition and non-tuition items. The ITA payment amount, terms, and training course completion requirements for each eligible training program are stipulated in the Human Care Agreement (HCA), negotiated with the DC Office of Contracting and Procurement (OCP).

DOES must provide final approval for the ITA prior to the participant starting training. DOES is not responsible for payment for training that began before ITA approval, or for any other payment beyond the amount specified in the ITA contract. There is one invoicing schedule for all ITA training programs:

- Initial: 30 percent of the total cost after the five day enrollment is validated;
- Completion: 40 percent of the total cost after the participant has completed the training; and
- Credential: 30 percent of the total cost after the participant has received a credential.

[See Attachment Q063 \(ETP Rates\).](#)

## Literacy and Numeracy Testing

64. Please complete the *attached table in Excel* with information about results of CASAS and other literacy and numeracy tests of AJC customers. As some of this information was not included in 2018 performance responses, please include data on both FY17 and FY18.

[See Attachment Q064 \(CASAS and Literacy-Numeracy Testing for AJC Customers\).](#)

65. Please *complete the attached table* in Excel with information on results of **literacy and numeracy test results for non-AJC programs in FY17 and FY18**. Add columns as necessary.

[See Attachment Q065 \(Non-AJC Lit and Numeracy\).](#) Any programs not included do not capture this data

66. Please provide a current list of all DOES job training programs (including WIOA Adult, WIOA Youth, Project Empowerment, DC Career Connections, DCIA, and others) and all providers (awarded contracts or grants) and indicate the minimum educational requirements (minimum score or grade level required in math and/or reading) in order to participate in the DOES workforce program or a provider’s course or offering.

[See Attachment Q066 \(Provider CASAS Grade Level\).](#)

67. DOES’ written policy on the CASAS (dated March 7, 2018) states that: “CASAS requirements for each program...must be clearly stated in the program description ...on DC Networks” (p. 4). The Committee reviewed ETPL provider information listed in DC Networks, and several providers require a High School diploma or GED, even if they require only 6<sup>th</sup> or 8<sup>th</sup> grade levels in math or reading (see “program prerequisites”). Please explain if this is in accord with the stated policy or if not, what steps DOES will take to update the minimum requirements listed on DC Networks.

All Eligible Training Providers (ETPs) have the right to determine the suitability of candidates referred to them by DOES. Additionally, ETPs may request the full CASAS assessment readout for the prospective applicant when making their suitability determination as outlined in the DOES consent to release information form. Moreover, the Workforce Development Bureau reserves the right to determine the appropriate CASAS levels for specific program eligibility based upon several factors, including but not limited to:

- Reading/math skill level required to succeed in the occupation, based upon O\*Net and other sources;

- Reading/math skill level required to successfully pass the credentialing exam;
- Reading/math skill level requested by the service provider delivering the training;
- Reading/math skill level required by local and regional employers and industry association; and
- Reading and math skill level requirements for similar training programs in the region not funded or administered by DOES.

**68. If a DOES client scores at or below 8<sup>th</sup> grade on either reading or math, what steps does DOES take to provide career or training services? Does DOES automatically refer them to adult education services?**

Participants must meet the reading and math level required by the specific DOES program in which they wish to participate. An 8th-grade CASAS score is no longer a blanket requirement for customers interested in WIOA funded training. All participants that do not meet the scale requirement are referred to an identified provider for academic remediation. The DC Office of the State Superintendent of Education (OSSE) and WIC partnered to offer education and training programs for DC residents.

OSSE, through its Adult and Family Education (AFE) unit, partnered with WIC to implement key strategies identified in WIOA Unified State Plan. These programs offer District residents career pathways to the middle class. The OSSE AEFLA and WIC Career Pathway providers are funded to develop and implement innovative Integrated Education and Training (IE&T) program models that include the provision of adult literacy, workforce preparation, and workforce training services for students at their appropriate educational functioning level (EFL)/grade level equivalency (GLE).

AJC customers are referred to the following providers to receive educational services, including CASAS remediation:

- Four Walls Career and Technical Educational Center;
- Opportunities Industrialization Center- DC; and
- YWCA National Capital Region.

The program's prerequisites include an acceptable program grade level equivalent in DC Networks in accordance with the policy dated March 7, 2018. Current and future ETPs are informed that DOES uses CASAS scores as the current standard assessment tool to determine basic literacy and numeracy skills and deficiencies as defined by WIOA. Providers are to specify and apprise AJC Operations and/or the WIC of what "they" deem as an acceptable minimum CASAS scoring range to meet the academic requirements for their programs.

## **Data Vault**

**69. How many referrals in total were made to OSSE’s Adult and Family Education subgrantees through the Data Vault (or other means) in FY18? How many in FY19 as of Feb.1? Provide the number of students referred to each of the following subgrantees:**

<b>Subgrantee name</b>	<b>Number Referrals through DV in FY18</b>	<b>Number Referrals through DV in FY19, as of Feb. 1, 2019</b>
Academy of Hope Public Charter	N/A	N/A
Briya Public Charter School	N/A	N/A
Catholic Charities of the Archdiocese of Washington	N/A	N/A
Congress Heights Community Training and Development Corporation	N/A	N/A
Four Walls Career and Technical Education Center	651	276
Latin American Youth Center	N/A	N/A
Opportunities Industrialization Center-DC	392	173
So Others Might Eat	N/A	N/A
YouthBuild Public Charter School	N/A	N/A
YWCA National Capital Region	491	115

## **WIOA**

**70. WIOA requires that the following groups receive priority for WIOA-funded career services and training for Title I adult programs: “recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient” (29 USC §3174 (c)(3)(E); see also TEGL 19-16). Basic skills deficient is defined for adults as “unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society” (29 USC §3102(5)). Please discuss how DOES ensures that basic skills deficient individuals receive priority of service. How does DOES determine if an adult client meets this definition? Is there a threshold score on CASAS or other skills tests? Please discuss how DOES implements this requirement, and attach any relevant policies.**

WIOA establishes a priority requirement with respect to funds allocated to a local area for adult employment and training activities. Under this section, AJC staff, when using WIOA adult funds to provide individualized career services, training services, or both, must give priority to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient.

DOES uses the CASAS exam to determine if an adult is skills deficient. Customers who test under an eighth-grade math and reading level are determined as basic skills deficient. Subsequently, remediation services are offered to program participants once it has been determined by the Workforce Development Specialist (WDS) that the customer did not meet the minimum literacy and numeracy score requirements for a specific training the participant may be interested in.

Working collaboratively with the AFE provider and customer, recommendations are made based on the customer's individual educational needs. For customers who require remediation services, the AFE provider will provide remediation off-site to enhance and increase their Educational Functioning Level (EFL) and Grade Level Equivalencies (GLE). For customers who demonstrate they can study independently, information and educational materials are provided to help support and enhance the customer's deficient area(s).

For customers who may require more intensive academic services, a comprehensive assessment is conducted by the AFE provider (in partnership with the WDS) along with the next steps for the customer. For participants who appear no longer interested in pursuing training as a result of not meeting the grade level requirements on the CASAS or due to a personal choice, WDS staff works to address their employment goals while continuing to encourage participants to study independently and reconsider retaking the CASAS Assessment when they deem themselves ready.

### **Data and performance**

71. **Please complete the attached Excel sheet with data on WIOA performance (common measures) for each funding stream in Titles I and III and for each quarter in PY16, PY17, and PY18. Please complete each cell, including n (number) and percentage rate for each measure, except where indicated.**

[See Attachment Q071 \(WIOA Performance\)](#). PY18 Q2 data will be available by the beginning of Q3 FY19.

72. **Please discuss the data collection planning and methods used for workforce development programs that utilize external providers. The questions pertain to the following outcome metrics:**

- **Employment (placement and retention)**
- **Median Earnings**
- **Credential attainment**
- **Skill gains**

- a. **Which of the four outcome metrics are currently collected via data matching on behalf of providers?**
- b. **For each metric collected via data matching, please indicate the source of the data.**
- c. **Do all DOES programs use data matching for those outcome metrics that are collected by data matching? If not, which DOES programs utilize data matching and which programs do not?**

- d. For each outcome metric not collected by data matching, please indicate the data collection method(s) used.**
- e. Please attach any DOES policies or guidelines for providers regarding how they should collect outcome metrics.**

All participants that receive services from DOES funded programs are required to register in DCNetworks and create a profile. When participants are enrolled in Workforce Programs, their program enrollment and the services provided are recorded under the participant's DCNetworks profile. The DOES programs that utilize external providers have given the providers access to the DCNetworks system to record the services provided to their program participants and the case notes that detail the services provided. All external providers with access to DCNetworks are provided hands-on training on the navigation and functionality of the system.

Quarterly and Annual Performance reports are submitted to USDOL that summarize the federal programs' outcomes and progress toward the negotiated targets. The participant data for the performance reports is extracted from DCNetworks according to the timeframes of each measure. All customers that are enrolled in federal workforce programs have their wages verified in the Wage Record Interchange System (WRIS).

WRIS facilitates the exchange of wage data among participating states for the purpose of assessing and reporting on state and local employment and training program performance, evaluating training provider performance, and for other purposes allowed under the WRIS Data Sharing Agreement.

The exchange permits state workforce program performance agencies to secure wage data of individuals who have participated in workforce investment programs in one state, then subsequently secured employment in another.

By participating in WRIS, states have a more robust picture of the effectiveness of their workforce investment programs and are able to report more comprehensive outcomes against their performance measures.

- A. Employment (placement and retention) and Median Earning are currently collected via Data matching on behalf of the providers.
- B. Wage Record Interchange System (WRIS) and DC Wages.
- C. All federally funded programs use WRIS, locally funded programs use the local wages.
- D. ETP providers must submit verification of Credentials when they submit final invoices for payment. Staff also reaches out to the customers and request a copy of the credential.
- E. Guidelines and requirements for the providers are included in the HCAs and RFPs.

73. **DOES is currently seeking a contractor to provide WIOA technical assistance (see solicitation Doc 412018).**

- a. **On what specific WIOA requirements or topics does DOES plan to receive technical assistance?**
- b. **Please specify which District personnel are currently tasked with reviewing WIOA requirements, planning and executing DOES activities to meet those requirements, and otherwise ensuring compliance with WIOA Titles I and III?**
- c. **Please explain how this contract will add to and not duplicate existing WIOA expertise on DOES staff.**
- d. **The WIC is the state and local workforce investment board under WIOA and is responsible for ensuring implementation of WIOA. Please explain what, if any, role the WIC played in the development of this solicitation and what, if any, role the WIC is expected to have in receipt of the technical assistance provided under the contract.**

A. OCP, on behalf of DOES, put out a solicitation seeking the services of qualified vendors to provide organizational subject matter expertise on federal grant regulations via technical assistance for workforce-related WIOA legislative requirements. DOES and WIC sought technical assistance in three areas: non-regulatory guidance, training, and consultation services.

B. WIOA Compliance is led by the DOES Office of Program & Provider Monitoring.

C. DOES is building capacity and subject matter expertise on WIOA. Trainings have been implemented for DOES staff reinforcing staff capabilities; however, while building capacity, DOES is looking for a technical assistant to help meet its goal of developing expertise through the technical assistant providing trainings, consultation services, and non-regulatory guidance. These efforts will work to enhance and work in tandem with DOES staff.

D. WIC did not assist in any development of this solicitation. As such, they will play no part in monitoring or receiving any service from the awarded Contractor.

74. ***Please attach copies of all deliverables as submitted to the agency under contract CW53923-0001, WIOA Evaluation by KPMG. The contractor will provide consulting services to “enhance the WIOA monitoring program; train District staff in grant monitoring leading practices; and conduct WIOA contract monitoring activities.” The timeframe was a total of 14 weeks from the award, made September 20, 2017.***

- 1) **Phase II deliverables (Compliance Framework Development): Draft and final deliverables documenting [for DOES internal processes and controls]: New WIOA monitoring processes and controls procedures, Risk assessment processes and template, High level process narrative descriptions, Electronic monitoring tools, Summary of enhanced processes and risk assessment to District leadership**
- 2) **Phase III (Monitoring staff training): Dates of training sessions for District monitoring staff and copies of training materials (e.g. presentations, job aides)**

- 3) **Phase IV (WIOA Monitoring Program Management) deliverables:** documentation of the results of onsite monitoring [to include one onsite monitoring visit with one resulting monitoring report for each of 20 provider contracts] including monitoring results summary report and monitoring results summary presentation to District stakeholders
  - 4) **Phase V (WIOA Contract Monitoring Visits):** documentation of the results of onsite monitoring including: Summary of analysis, findings (if applicable), and recommendations (if applicable).
1. [See Attachments Q074 \(KPMG WIOA Eval Deliverables\)](#).
  2. Training sessions were held from February 12–15, 2018.
  3. Phase IV never initiated due to impasse with tool development. Further, the tools developed were for the purpose of monitoring WIOA sub-recipients, of which DOES has none.
  4. Phase V never initiated due to impasse with tool development and lack of sub-recipients to monitor.

#### Reports submitted to U.S. DOL

75. Please *attach copies* of the WIOA Annual Performance Reports for PY16 due Oct. 16, 2017 and for PY17, due Oct. 1, 2018, pursuant to [TEGL 03-17](#). (Timeframe [here](#).)

[See Attachments Q075 \(PY16 WIOA Annual Performance Reports\)](#).

76. Please *attach copies* of [ETA 9169](#) (WIOA Annual Report Tables & Narrative) for PY16, PY17, and PY18, if different than the report required in the previous question.

[See Attachments Q076 \(ETA 9169 for PYs 16-17-18\)](#).

77. Please *attach a copy* of the WIOA Annual State Performance Report Narrative for titles I and III for PY17, due December 3, 2018, pursuant to [TEGL 5-18](#).

[See Attachments Q077 \(WIOA Annual State Perf Report PY17\)](#).

78. Please *attach a copy* of the WIA Closeout Report (ETA 9091), due by April 17, 2018, pursuant to [TEGL 5-17](#).

[See Attachment Q078 \(District of Columbia WIA CLOSEOUT Report\)](#).

79. Please *attach a copy* of [ETA 9173](#) (program reports) submitted for each funding stream and for each quarter in PY16, each quarter in PY17, and PY18 quarters 1 and 2. (Deadlines outlined [here](#).)

[See Attachments Q079 \(ETA 9173 \(program reports\) in PYs 17-18-19\).](#)

## **WIOA funding**

- 80. What is the process to determine the WIC’s WIOA funding? What is the formula used to determine the WIC’s level of funding? Which funding streams are affected? Who developed the formula and what factors is it based on? Who applies the formula and decides the amount of funding to provide to the WIC?**

WIC’s allocation of funding is decided between WIC and DOES. The allocation of funding is based on the required State-Set-Aside services provided by each partner. The CFO, through the DOES AFO, assists with preparation of the allocation.

The allocation of cost between WIC and DOES is done based on the owners of the required activities for state funds. As a single state and territory, all WIOA funding is directed to DOES by USDOL. DOES and WIC share state functions. However some functions, such as disseminating the eligible training provider list, are solely done by WIC. Fiscal management and accountability are done by DOES. Required Statewide Activities include: (1) Rapid response for statewide activities; (2) Disseminating the list of eligible training providers; (3) Disseminating training provider performance and cost information; (4) Conducting evaluations; (5) Assisting local areas with regional planning; (6) Technical assistance to local areas who fail to meet local performance measures; (7) Assisting in the establishment of the one-Stop delivery systems; (8) Assistance to local areas with high concentrations of eligible youth; (9) Fiscal management and accountability; and (10) In-demand sector training.

- 81. WIOA requires that the Governor (the Mayor, in the District) reserve up to 15 percent of Title I funds for statewide activities (See [20 CFR 683.120\(b\)](#)). Please delineate for each fiscal year PY15 through PY18 the total available funds, the total expenditures from the governor’s reserve. Also provide expenditures by year including the names of any recipients and the services provided by each recipient.**

[See Attachment Q081 \(WIOA State Expenditures\).](#)

- 82. Please describe the process to determine and factors to consider when DOES will use governor’s reserve funding instead of other funds.**

DOES use of the state funds is based on the allowable and required activities (noted above Q80) under the funding stream.

## **Documentation of Strategies and Plans**

- 83. Please attach copies of the following documents, or explain why they are not available.**
- b. WIOA Youth: the Individual Service Strategy (ISS) (referenced in the WIC policy manual on page 47)**
  - c. WIOA Youth: the Objective Assessment (referenced in the WIC policy manual on page 48)**

- d. **All quarterly program monitoring reports from FY17, FY18, and FY19 to date, developed as per Policy WDE-07-002, issued Jan. 30, 2017, effective March 2, 2017.**
- e. **All quarterly fiscal monitoring reports from FY17, FY18, and FY19 to date, developed as per Policy WDE-07-003, issued Jan. 30, 2017, effective March 3, 2017.**
- f. **Strategic plans and Standard Operating Procedures for the following programs:**
  - 1) **WIOA Adult and any subprograms or grant programs**
  - 2) **WIOA Dislocated Worker**
  - 3) **WIOA Youth: In-School and Out-of-School or any subprograms, such as Youth Earn and Learn, Youth Innovation Grants**
  - 4) **Office of Youth Programs**
  - 5) **Unemployment Insurance**
  - 6) **Business Services Group**
  - 7) **Connect DC Workforce Intermediary Initiative**
  - 8) **Pathways for Youth Adults Program**
  - 9) **Back to Work 50+**
  - 10) **Career Connections**
  - 11) **LEAP**
  - 12) **Project Empowerment**
  - 13) **Registered Apprenticeship**

[See Attachments Q083 \(Strategies and Plans\).](#)

## **VII. First Source**

### **84. What changes were made in FY18 and FY19 to date to improve the implementation of the First Source law, both on the agreement/hiring side and on the enforcement side?**

DOES has implemented and continues to implement enhancements to improve tracking and monitoring oversight and enforcement of the First Source law. For instance:

- DOES has hired additional staff to expand its monitoring and general enforcement capabilities.
- On April 15, 2018, DOES began using a communications system designed to send job alerts to unemployed District residents. In addition, District residents registered with the DOES AJC are now advised of jobs created by projects and contracts subject to the First Source law directly from their assigned case managers.
- The DC Networks system enhancements will enable DOES to improve upon the processes of First Source job posting and connecting unemployed residents to these First Source jobs.
- The LCPtracker enhancements have improved communications between DOES and First Source beneficiaries to ensure compliance. Additionally, this enhancement will enable

DOES to track locations for each First Source project to ensure that ANC communication is facilitated and to track additional statistical data that could be useful for First Source practices.

- The First Source Online Registration and Reporting System (FORRS) enhancements are technical system upgrades allowing all necessary data within the requirements of the First Source Law to be effectively tracked, monitored, and enforced. These enhancements will help increase the efficiency of First Source processes and procedures.
- DOES is conducting a number of outreach events in FY19, including a First Source conference to assemble partnering agencies, community members, and employers subject to the First Source Law to strengthen partnerships and expand discussions surrounding education of the law and its enforcement.
- DOES has initiated additional coordination and collaboration with sister agencies in order to streamline processes and ensure better oversight and enforcement of the First Source Law.

**85. How many First Source agreements have been signed in FY18 and FY19, as of Feb. 1, 2019?**

1096 First Source agreements have been signed in FY18 and FY19, as of February 1, 2019.

<b>First Source Executed Agreements FY18 – FY19</b> As of February 1, 2019	
Year	# of Executed Agreements
2018	1036
2019	86
<b>Total</b>	<b>1122</b>

**Data Template**

**86. Please update the previously provided (and attached in Excel) table, “First Source Template,” of agreements in FY17-FY19, as of Feb. 1, 2019. There were several issues with DOES’s most recent submission. Please make at least the following adjustments:**

- Fill out the new column for the contracting agency**
- Ensure that construction projects over \$5 million are on the correct tab**
- Ensure that projects are only listed on one tab**
- DOES stated on the template that it didn’t have the authority to penalize the International Spy Museum contractor because the museum received a bond. While this is correct, the museum subsequently received a tax abatement<sup>2</sup> and should be subject to the First Source law. Please update the template (and any internal DOES tracking) to this effect.**

<sup>2</sup> <http://ims.dccouncil.us/Download/37853/B22-0244-SignedAct.pdf>

- e. **Why is the Duke Ellington school renovation project listed as compliant, when the hours DOES reported to the Committee showed that the project didn't meet the requirements in the skilled laborer (49%/51%) and common laborer (64%/70%) categories?**
- f. **Update the penalty tab by providing a *specific* explanation as to why *each* of the penalties was withdrawn.**

- a. [See Attachment Q086 \(FS Agreements\).](#)
- b. [See Attachment Q086 \(FS Agreements\).](#)
- c. [See Attachment Q086 \(FS Agreements\).](#)
- d. The Office of First Source Compliance is in the process of closing out the International Spy Museum. The Office of First Source Compliance will monitor First Source compliance as long as the property is being used as a museum for its intended purpose.
- e. According to First Source Law D.C. Code § 2-219.03, for the purpose of calculating hours worked by District residents, beneficiaries may count any hours worked by District residents on other completed projects or contracts subject to and in excess of the Workforce Act's hiring requirements that are certified by DOES. The Duke Ellington school renovation project met the requirements based on the average of hours from the Cardoza Education Campus and River Terrace projects.
- f. [Please see penalty tab in Attachment Q086 \(FS Agreements\).](#)

**87. The template lists the Benning Stoddart Recreation Center project as active even though, according to DGS's website,<sup>3</sup> the project was completed in October 2016.**

- g. **Why hasn't this project been closed out?**
- h. **When does DOES expect to close out the project?**

This project has been closed out. There was an error and the update was not made to reflect that this project is closed, but that has been corrected.

**88. DOES stated that the "DC Prep V Street" project listed on the template is "not subject to First Source, no government assisted [sic] or benefits." Was there a First Source agreement associated with this project? If so, please provide a copy to the Committee.**

This agreement was entered into voluntarily as a good faith partner. Attached is the DC Prep V Street Agreement. See Attachment Q088 (DC Prep – MCN Build).

**89. What does it mean for a project's First Source agreements to be "relinquished," as DOES stated was the case for the Bancroft Elementary School project?**

A report must be "relinquished" from the FORRS system to be moved to the LCPTracker for monitoring. The Bancroft Elementary School project is subject to the hours worked percentage requirement, so the report must be tracked through the LCPTracker.

---

<sup>3</sup> <https://dgs.dc.gov/page/dgs-benning-stoddert-recreation-center-modernization-project>

**90. Please describe the process of closing out First Source projects -- it appears as though projects for which the hiring requirements are by subcontractor are closed out as a whole. Is this correct? Why isn't each subcontractor's component of the project closed out when its work is complete?**

- Employers with the 51 percent hiring requirement submit their Contract Compliance report data in FORRS. Employers with the hours worked percentages requirement submit final compliance reporting data through the LCPtracker.
- The Office of First Source Compliance's staff reviews the final workforce statistics to see if employers have met the First Source hiring or hours worked percentages requirement.
- OFSC staff enters case notes into the Employer First Source Agreement with hiring statistics or hours worked statistics and reporting status.
- OFSC submits a compliance status update closeout to general contractor, beneficiary, and contracting agency.
- A notice of determination is sent to Employer with the assessment of their penalty. An employer has five days of receipt of letter to request a good faith waiver.
- If an employer requests a waiver of good faith effort, DOES will review the good faith efforts to determine if relevant efforts were made.
- If an employer fails to receive a good faith effort waiver, OFSC will conduct the penalty process and submit Final Determination.
- The employer may appeal the imposition of the fine to the Contracts Appeals Board within 90 days.

## **Other Reporting**

**91. DOES reported to the Committee that the contract for a new First Source Online Registration and Reporting System (FORRS),<sup>4</sup> just a year and a half after the system was initially rolled out, is a "technical system upgrade allowing all necessary data within the requirements of the First Source law to be effectively tracked, monitored, and enforced." Please explain why an update was needed so soon after the system was initiated; why did the system not have the right data fields or functions initially?**

An update to the system was needed because the First Source Program aligned its operations under the purview of the Office of Wage and Hour. Under Wage and Hour leadership, the Office of First Source Compliance progressively moved First Source to compliance enforcement of the First Source law. Therefore, the processes and policies continue to be built out, which requires continual technical system upgrades.

**92. Please provide the Committee with copies of any First Source agreements for the Southwest Waterfront/Wharf project.**

[See Attachment Q092 \(SW Waterfront-Wharf FS Agreements\).](#)

---

<sup>4</sup> [http://app.ocp.dc.gov/Award\\_attachments/CW61586\\_executedFORRS.pdf](http://app.ocp.dc.gov/Award_attachments/CW61586_executedFORRS.pdf)

93. **Please attach copies of the following deliverables as submitted to the agency under contract CW61586, First Source Online Registration and Reporting System (FORRS) by Limbic Systems:**

- a. **Deliverable #1: Project Management Plan, including a detailed project schedule showing the award timing, sequence and interdependencies of tasks – due within 30 days of contract award (contract was signed in June 2018).**
- b. **Deliverable #3: Finalized business rules and requirements**
- c. **Deliverable #4: Detailed design specifications for the replacement system of FORRS**
- d. **Deliverable #5: Fit-Gap Analysis (detailed analysis of the “as-is” and “to-be” states of FORRS.**

[See Attachments Q093 \(FORRS\)](#). Please note, the Project Management Plan can be found within the “Limbic Systems Project” document. The other requested deliverables can be found within the attached “Limbic FORRS Project Management Plan.”

**VIII. Office of Youth Programs:**

**Year-Round Youth Programs**

94. Please complete the following table for funding and expenditures in the Year Round Youth Program in FY18 and explain any underspending:

<b>FY18 Year-Round Youth program</b>	<b>Federal Funds</b>	<b>Local Funds</b>
<b><i>ISY</i></b>		
Budget	\$390,947.56	n/a
Expended	\$217,230.45	\$1,106,084.65
Explanation of any underspending	\$173,717.11	n/a
<b><i>OSY</i></b>		
Budget	\$2,062,297.51	n/a
Expended	\$2,195,006.87	\$1,730,849.97
Explanation of any underspending	(\$132,709.36)	n/a

Please note, the budgets for ISY and OSY are not separated in SOAR. They are combined in the total Year-Round Program budget. These expenditures of local funds are in NPS only in CSG 0050.

95. **The Committee has been informed that District of Columbia Public Schools is eager to partner with ISY providers, as it did last year, to provide training and career exposure to its students. However, as of January 8, DOES had not released a request for applications (RFA) for ISY grants for FY19. When will DOES release this RFA? Why was it not released before the 2018 school year started?**

The Department of Employment Services (DOES) currently has several ISY programs running. In lieu of ISY grants to begin the year, DOES has partnered with the District of Columbia Public Schools (DCPS) to provide training, mentoring, internship, career exploration, and wages to youth who are participating in several initiatives through an MOU with DOES and various bureaus within DCPS.

DOES is committed to ensuring that all students in the District have access to training and career exposure. While we are excited to partner with DCPS, we recognize that the need exists at all schools including charter, parochial, and private as well.

DOES is not required to serve youth under WIOA and have worked to partner directly with the schools to serve youth in a capacity that will benefit all.

**96. The Committee understands that on November 26, 2018, DOES sent an email to certain individuals/organizations informing them that a request for applications for OSY grants had been released. Please provide a list of the individuals/organizations to which the email was sent.**

1. ADC Management
2. Amy Jacques Garvey Institute, Inc.
3. Arts Group
4. Associates for Renewal in Education Inc. (ARE)
5. Bradley & Associates
6. Calvin Woodland Foundation, Sr.
7. Career Discovery LLC
8. CC Prep: Raymond Bell
9. Center for Workforce Development
10. CHI Squared, LLC
11. CitiWide Computer Training
12. Community Tech
13. Constituent Services Worldwide Public Benefit Corporation
14. Contemporary Family Services
15. D.C. Community Carrot
16. Dance Institute of Washington
17. DC Community Carrot
18. Dramatic Solutions
19. Education Services of Greater Washington
20. Empowerment Enterprise II Inc.
21. George Worrell
22. Greater Washington Urban League
23. H Street Main Street, Inc.
24. Healthy Babies Projects, Inc.
25. Humanities Council of Washington, D. C.
26. Jah Kente
27. KBEC Group

28. Life Success Center
29. Nai Xander: Alicia Jefferson
30. National Black MBA Association, Inc.
31. National Housing Trust
32. On-Ramps to Careers
33. OIC
34. P.A.I.N.T.S
35. P.R.E.P. LLC
36. Paxen Learning Center
37. Pendergrast Alston Consulting Services
38. Red Sprinkle
39. Safe House
40. Saving Our Next Generation (SONG)
41. See Forever/ Maya Ang.
42. Sewing Opportunity Never Ending (SONE)
43. Shaw Community Center
44. Siblings Together USA
45. Southeast Welding Center
46. Student-Athletes for Educational Opportunities (SAFEEO)
47. The Jarmal Harris Project
48. The Musicianship
49. Time For Change
50. Toni Thomas: Kimberly Pinkney
51. Total Family Care Coalition
52. Walker's Legacy Foundation
53. Washington Literacy Center: OSY
54. Y.O.U.R Youth Organizations United to Rise
55. Youth Entrepreneur Institute

97. **WIOA section 122 (29 USC §3122(10)(B) and §3153) require that local workforce development boards “shall identify eligible providers” and “shall award grants or contracts on a competitive basis to providers” of youth workforce investment activities. As the Workforce Investment Council (WIC) serves as the District’s local workforce development board, please explain the process for identification and awarding of grants or contracts to the District’s youth workforce investment providers. Specifically:**
- e. **List all providers of youth workforce investment activities under WIOA in FY17, FY18, and FY19.**
  - f. **As these providers were selected by DOES (either through OCP or directly), please explain how this process is in compliance with the referenced sections of WIOA.**

## **FY17**

### **Out-Of-School Program**

#### **Pathways for Young Adults Program (PYAP)**

- National Speech
- Toni Thomas and Associates
- Community College Preparatory Academy (CC Prep)

- Opportunities Industrial Center (OIC)
- Nai Xander

**Youth Earn and Learn Program (YEALP)**

- Opportunities Industrial Center (OIC)
- Run Hope Work
- Amala Lives- Destined for Greatness
- Latin American Youth Center (LAYC)

**General Training Services**

- Dramatic Solutions
- Greenscape

**In School Program**

- ARE- Associate for Renewal in Education
- Sasha Bruce
- ADC
- Global Kids

**FY18**

**Pathways for Young Adults Program(PYAP)**

Providers:

- Toni Thomas and Associates
- Community College Preparatory Academy(CC-Prep)
- Nai Xander
- Contemporary Family Services
- Westlink Career Institute.

**Youth Earn and Learn Program (YEALP)**

Providers:

- Opportunities Industrial Center(OIC)
- KBEC Group Inc.

**Pathways for Young Adults Program Innovation Grants(PYAP IG)**

- United Planning Organization
- Dramatic Solutions
- KBEC Group Inc
- Community Tech
- Education Services of Greater Washington
- Greater Washington Urban League

**In School Program**

Providers:

- Washington Literacy Center
- ARE- Associate for Renewal in Education
- Dance Institute of Washington

- National Housing Trust
- National Black MBA Association
- On Ramps to Careers
- See Forever Foundation
- Southeast Welding Center
- Youth Entrepreneur Institute
- IBG Consulting Firm
- Fair Chance Consulting

## **FY19**

### **Pathways for Young Adults Program(PYAP)**

Providers:

- Toni Thomas and Associates
- Community College Preparatory Academy(CC-Prep)
- Nai Xander
- Contemporary Family Services

### **Youth Earn and Learn Program (YEALP)**

Providers:

- Opportunities Industrial Center(OIC)
- KBEC Group Inc.

The eligible providers list governs ITA activity. Youth programs do not currently issue ITA HCAs, and all HCAs are issued on a task order basis for cohort styled programs. See additional guidance letters for context:

- TRAINING AND EMPLOYMENT GUIDANCE LETTER No. 03-18, and
- DC-WIGL-2017-010.

**98. Several YRY providers testified at last year’s performance oversight hearing that it was difficult for their prospective participants to obtain and/or submit WIOA eligibility documentation.**

- Please explain if and how DOES is considering developing an online portal or other mechanism to help participants submit documentation.**
- The standard operating procedures for the Office of First Source Compliance (OFSC) states that the office is to “review...the [Department of Human Services’] Automated Client Eligibility Determination System (ACEDS)” to determine whether a District resident is “hard to employ.” Can the Office of Youth Programs (OYP) utilize a similar process for YRY participants?**
- Many YRY participants have also participated in MBSYEP, a program that requires youths’ social security numbers and birth certificates. Can OYP “certify” or determine eligibility of YRY participants with their previously submitted documentation, if applicable? If not, why not?**
- Will the Department consider instituting an online application for YRY as exists for MBSYEP? If not, why?**

- a. DOES is not currently developing a new online portal. DOES has purchased vouchers from the Bureau of Vital Records and works closely with verifying agencies to assist youth with obtaining vital documents. To date, DOES has not turned away any youth in need of documents. DOES helps youth in need of support to obtain documents in order to begin programming.
- b. The Office of Youth Programs (OYP) currently works with DHS to identify and serve hard to employ residents. Additionally, the OYP recognizes that many youth have multiple barriers to getting and sustaining employment. OYP works to remove any negative stigma associated with TANF and food stamp recipients.
- c. OYP works with all youth to determine eligibility. All youth are required to certify eligibility in order to participate in OYP programs. Often times youth are required to update information as they may have moved and/or do not have the same information that was provided in the past. This is not an attempt to complicate the process but more so designed to ensure that the OYP maintains accurate and up-to-date information at all times.
- d. DOES is always looking for ways to add efficiency to its platforms and expand its customer service experience. We will take this suggestion under advisement.

### **Program Hours Per Week**

*Background: Year-round youth (YRY) participants work 20 hours per week. Participants 16 and older who enroll in the Marion Barry Summer Youth Employment Program (MBSYEP) are then able to work 25 or 30 hours per week depending on their age. The Committee was informed that in 2018, participants were told not to enroll in MBSYEP because they would get the additional hours through YRY and wouldn't have to switch programs – but that this didn't come to pass and the participants' summer hours remained at 20 hours per week. And at the recent pre-application conference for the OSY grants, one provider stated that 22-24 year-old participants dropped out of their program because the pay was higher in MBSYEP. In response, a DOES representative stated that strategies and technical assistance were available for "workarounds."*

**99. Please explain why 2018 YRY participants were unable to enroll in MBSYEP, which would have allowed them to work additional hours and (for 22-24 year-old participants) earn a higher wage?**

Youth program participants are not allowed to enroll in more than one program at a time. Therefore, YRY participants are unable to enroll in MBSYEP if currently active in another program. Allowing participants to enroll in multiple programs takes participant slots away from youth who are not currently enrolled and require services. Youth who are enrolled in YRY programs have the benefit of longer services as they are not bound by a short term period and they are also working towards credential attainment.

**100. The Committee has heard that DOES's plan to address MBSYEP enrollment for YRY participants in 2019 appears to be through ad-hoc "workarounds." Please describe how**

**DOES will ensure that *all* YRY participants 16 and older will be able work additional hours during the six weeks of MBSYEP.**

OYP does not have any ad hoc workarounds. All participants are served according to the program's policies and procedures. This includes addressing the ability for YRY participants ages 16 years and older to work additional hours during the six weeks of MBSYEP.

101. **The YRY program runs until September 30. However, the Committee was informed that for those YRY participants that were in an internship and who would be attending college in Fall 2018, August 3<sup>rd</sup> was to be their last day of the program, which was also the last day of MBSYEP. Why were YRY college students' jobs not extended until September 30, since the participants weren't enrolled in MBSYEP?**

YRY programs run until September 30th.

102. ***Please attach copies* the following deliverable as submitted to the agency under contract CW55267 Office of Youth Programs communications by Hales Creative Solutions: Deliverable #4: Media Placement.**

The Hales Group acted as added capacity and support for offices within DOES that enhance, produce, and sustain its media presence. The Hales Group provided media placement in various ways, such as increasing the OYP social media platform, its messaging plan, and providing content strategy. Because The Hales Group was added capacity of an existing program, DOES cannot identify the specific media placement done by DOES or the Hales Group.

This initiative was in response to a recommendation from the 2016 Independent Evaluation where DOES was advised to increase branding efforts. The language reads as follows:

“Area 1 Program Planning and Management 2. Need for Enhanced Branding: Program branding could be enhanced to attract a wider array of hosts. The current brand was developed years ago and does not fully convey the scope and vital importance of this program. Materials and messaging should convey consistent branding and provide a motivating message to potential hosts, highlighting their civic duty in providing opportunities for District youth and self-interest in developing a more professional workforce. It is recommended that OYP undertake a branding and outreach modernization effort, in order to give this signature program the exposure and recognition it deserves. This should include examining the use of graphics and marketing materials for coherent messaging and developing a standardized approach for outreach. In addition, it is important to use this branding effort to educate the community on the positive impact this program can have on youths' long term career opportunities, while serving the employer's interest in fulfilling their civic obligations and developing a more professional workforce.”

## MBSYEP

103. **There appears to have been significant underspending of the participant wage budget in the Marion Barry Summer Youth Employment Program (MBSYEP) in FY18: according to the city’s financial system, DOES spent \$10.2 million of the \$12.55 million budgeted (after reprogrammings). This is also less than the \$11.8 million spent on wages in 2017, when the wage rates were *lower* for 22-24 year old participants. A possible reason could be a decline in enrollment; however, at a September 25 hearing before the Judiciary & Public Safety Committee, the Deputy Mayor for Greater Economic Opportunity’s office reported that 11,359 youth participated,<sup>5</sup> slightly below the 11,477 who participated in 2017.**
- e. **To what does the Department attribute spending approximately \$2.3 million less than budgeted for participant wages in MBSYEP in 2018?**
  - f. **The participant wage budget for *the 2019* program is \$11.57 million. In last year’s performance responses, DOES stated that “as the minimum wage in DC has increased, the agency has noticed that large amounts of youth who are of the age of majority are beginning to seek opportunities outside of DOES.” Why does the Department expect to spend \$1.9 million more in participant wages for six-week participants in 2019 than it did in 2018 if program participation is declining?**

The chief factor in underspending is participant retention. The major contributing factors to participant retention are the extreme challenges and barriers that youth face before, during, and after enrollment in MBSYEP. It is worth noting that DOES was able to increase our summer youth programming as a part of the Mayor’s 1,000 Opportunities Initiative.

The projection to spend \$1.9 million is a reflection of the agency’s predictions that young adults are looking for opportunities that provide more than just a simple minimum wage paying job. However, annual MBSYEP participation and retention is difficult to predict. As we increase the wraparound services and new programming, DOES is confident that more youth will see MBSYEP as a multifaceted opportunity for new workforce and educational experiences.

### Length of program

*Background: MBSYEP is limited to six weeks by statute.<sup>6</sup> The 2017 MBSYEP annual report states: “Consistent with legislative requirements, the program lasted six weeks. This consisted of 29 days of work...”<sup>7</sup> It appears that DOES no longer extends “regular” MBSYEP participants beyond six weeks, but it also appears that those who enrolled as part of 2018’s “1,000 Opportunities” initiative were paid beyond the 6 weeks instead of being transferred to the year-round youth program.*

<sup>5</sup> [http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4652](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4652) at 5:05:48

<sup>6</sup> “Participants in this program shall be employed for a period of no more than 6 weeks.” DC Code § 32-241(a)(1)(B)

<sup>7</sup> See page 9

[https://does.dc.gov/sites/default/files/dc/sites/does/page\\_content/attachments/2017%20MBSYEP%20Report\\_r15%20version%204.pdf](https://does.dc.gov/sites/default/files/dc/sites/does/page_content/attachments/2017%20MBSYEP%20Report_r15%20version%204.pdf)

104. **Please explain the circumstances that kept MBSYEP participants in the program beyond the statutory six-week limit? How many participants did DOES permit to remain in the MBSYEP program beyond August 3, 2018?**

There is no statute that prohibits youth from working beyond the six weeks of MBSYEP. With registered youth still looking to continue our workforce education services, DOES partners with program hosts who are willing to extend the opportunity to serve youth. We recognize that the extended youth are able to maintain positive relationships and transition to meaningful work opportunities as they have more time to receive coaching and positive interactions. The 1,000 Opportunities Initiative was an example of such a program that granted the youth an opportunity to extend youth beyond six-weeks.

### **2019 program**

105. **The FY19 Budget Support Act included the Marion S. Barry Summer Youth Employment Program Participant Raise Amendment Act of 2018 (written by the Committee) – legislative language that allows the Mayor to raise the wages of 16-to-21-year-old participants above the current \$8.25/hour rate. (The Mayor already had the authority to raise wages for 14-15 year-old participants, who make \$5.25/hour.) Please explain if and to what wage the Administration plans to provide raises to 14-21 year-old participants.**

DOES is evaluating the opportunity to raise the wages of youth ages 14 to 21 years old over the 2019 MBSYEP program period. A final figure has not been determined at this time.

106. **MBSYEP participants have the option of selecting – among other sectors – five of the District’s high demand industries for potential program placement: IT, healthcare, hospitality, construction, and security & law. According to figures presented in the independent evaluation, significantly more youth wanted to be placed in each of those fields than the number of slots that were available (see pages 35-36). Please discuss DOES’s efforts to recruit more host employers in these sectors as well as the five additional sectors that applicants preferred but for which no placements were available.**

Although youth express interest in various fields, it may be impossible for them to participate in their desired industry based on age, ability, cognitive skills, or industry required suitability tests. Additionally, positions may not be captured based on industry but rather the sector. For example, an IT position listed at a federal or District agency will not be categorized as such.

On page 44 of the independent evaluation, 84.5 percent of youth indicated that they were matched to a job of their interest. While OYP works diligently to ensure that all youth are exposed to opportunities that will expand their lens, we are also respectful of the industry standards and requirements.

107. **MBSYEP participants have the option of selecting – among other sectors – five of the District’s high demand industries for potential program placement: IT, healthcare, hospitality, construction, and security & law. According to figures presented in the independent evaluation, significantly more youth wanted to be placed in each of those fields than the number of slots that were available (see pages 35-36). Please discuss DOES’s efforts to recruit more host employers in these sectors as well as the five additional sectors that applicants preferred but for which no placements were available.**

DOES does not agree with the Council’s interpretation. Please see our response to Question 106.

## **2018 Independent Evaluation**

108. **According to the 2018 MBSYEP independent evaluation, only 54% of participants believed their job assignment matched their interests.<sup>8</sup> DOES released a Request for Applications for a job matching grant to better connect MBSYEP participants and host employers. The Committee’s understanding is this grant was not awarded.**
- a. **Which organizations applied for this grant?**
  - b. **Please explain why this grant was not awarded.**

a. Hales Government Solutions  
SEAS Community Partners, LLC

b. DOES made a programmatic decision that the services referenced in the job matching RFA were not a necessary priority at the time. The agency will commit to an in-depth review of the data and reassess moving forward.

## **Past MBSYEP programs**

109. **Please complete the attached Excel table listing all employers who signed up to host participants in the 2018 program, including those who hosted no participants.**

DOES does not track most of this data, but the program does site visits for all accepted hosts to ensure that the working conditions are suitable. A deeper dive on the hosts and participants will be available through MBSYEP evaluations and reports.

110. **Please complete the attached Excel table regarding 2018 programmatic information. Note: many of the metrics are not captured (at all or consistently) in the annual reports.**

DOES does not track most of this data. A deeper dive on the demographics of the participants will be available through MBSYEP evaluations and reports.

---

<sup>8</sup>See page 43

[https://does.dc.gov/sites/default/files/dc/sites/does/page\\_content/attachments/2018%20MBSYEP%20Program%20Evaluation.pdf](https://does.dc.gov/sites/default/files/dc/sites/does/page_content/attachments/2018%20MBSYEP%20Program%20Evaluation.pdf)

111. **Please complete the attached Excel table showing outcomes for 18-24 year old MBSYEP participants in 2017 and 2018, including those out of school. Note: in last year's performance oversight responses, DOES stated that the outcomes for the out-of-school participants would be available in March 2018.**

DOES does not track most of this outcome data. A deeper dive on participants will be available through MBSYEP evaluations and reports.

112. **Please list the specific employers and job training programs where MBSYEP participants were placed after completing the 2017 and 2018 programs.**

**2017**

YMCA  
Public Allies  
Six Flags  
Starbucks  
DDOT  
WDMV TV  
DCTV  
National Park Services  
Global Kids  
America Works  
USPS  
Whole Foods  
(ICMa-RC) International City/County Management Association)  
Precision Capital Partner  
DC Housing Authority  
Auto Zone  
Smithsonian  
MB Staffing  
Workforce Development  
Expungement Fair  
Training Bootcamp

**2018**

Reagan Airport  
Ikea  
Buzzotto  
The Tete Group  
The National Capital Region  
Arts Group  
OJT Opportunity  
Pathway to Energy  
Pathway to Transportation  
DC Talent Leaders

Conrad DC  
 Intercontinental Hotel  
 Vest A Corp  
 Turner Elementary  
 Metropolitan Washington Airport Authority

113. **Please fill out the following table regarding participants enrolled in college during 2017 and 2018:**

College Students by Age (PY 2017)		College Students by Age (PY 2018)	
Age	Count	Age	Count
16	3	16	2
17	3	17	6
18	11	18	6
19	19	19	9
20	14	20	10
21	8	21	6
22	11	22	4
23	11	23	2
24	9	24	5

114. **In the final documents submitted to the auditor in December 2017, DOES stated that “analyses to provide recommendations to positively impact MBSYEP and to provide compilation, categorization and prioritization of data collected are performed.” Please provide copies of these analyses and recommendations. *Note, in last year’s performance responses, DOES stated that analysis and recommendations were considered deliberative information as the audit was still in progress; it is now complete.***

The analysis and recommendations stated in last year's performance responses are not yet ready for public dissemination.

115. **Please provide an update on the status of implementing each of the following recommendations from the 2016, 2017, and 2018 independent evaluations:**
- a. **Develop a strategic plan;**
  - b. **Study the causes of attrition, including the potential impact of the program’s registration/documentation requirements;**
  - c. **Evaluate the quality of job placements, particularly of those provided by contracted community-based organizations;**
  - d. **Explore new ways to increase employer utilization of the participant survey;**
  - e. **Study the use of merit-based program aspects for participants (such as better placements or higher wages);**
  - f. **Develop the operational framework to at least pilot offering tiered placements based on level of work readiness of youth;**
  - g. **Increase utilization of the life skills and work readiness modules on the CareerEDGE web platform;**

- h. **Allow youth to fill out and sign their timesheets electronically, after which employers would approve and sign electronically;**
  - i. **Develop a comprehensive strategy to increase private sector participation;**
  - j. **Expand the range of performance measures, including the number and percentage of placements in high-growth industry sectors and the number of percentage of youths in unsubsidized or partly subsidized jobs;**
  - k. **Consider lowering the participant-to-supervisor ratio, at least for the larger sites, which were found to provide lower-quality experiences;**
  - l. **Given the level of attrition, consider alternative delivery mechanisms for the participant transportation subsidy, such as at large host sites or entirely through payroll rather than purchasing SmarTrip cards from WMATA;**
  - m. **Explore the content and delivery of the youth participant orientation to determine if there is a need to tailor content specific to the first time participants and returning participants; and**
  - n. **Create a more explicit connection between employment programs and schools, as we as develop intentional pathways that offer multi-year, progressive experiences for youth**
- a. MBSYEP is currently developing a detailed five-year strategic plan that focuses on strengthening the core pillars the program: host recruitment and retention; participant retention; community outreach; and non-governmental partnerships. These aims will remain fluid as we move forward to a more concrete plan, which will be presented at the start of FY20.
  - b. MBSYEP's registration and documentation process has been simplified over the past few years. Our renewed partnerships with District agencies such as OSSE, the Child and Family Services Agency (CFSA), and the Department of Youth Rehabilitation Services (DYRS) to electronically verify participant eligibility in part or in whole has improved efficiency of the program. Partnering with our in-person certification events hosted throughout the year has helped our program certification process run smoothly. The attrition rate dropped four percent in 2018 (10.9 percent) compared to 2017 (14.9 percent) and dropped (2.25 percent) when compared to 2016 (13.15 percent).
  - c. Community-based organizations work effectively in tandem with the MBSYEP program to offer youth the opportunity to work on unique grassroots programming.
  - d. DOES is currently exploring utilizing a social media platform for youth to submit participant surveys, as well as making it mandatory that host sites issue a standard opening survey and close-out survey.
  - e. MBSYEP focuses on providing youth valuable foundational work experiences as a launching pad to future careers in their fields of interest. Like any job market, placements can be limited which is why we encourage youth to sign-up for the program as early as possible.
  - f. DOES will consider this for the PY20 program.

- g. DOES utilizes the CareerEdge mobile platform to allow participants to access and complete orientation and professional development sessions on their mobile devices. This includes videos, learning modules, and access to job leads based on interests.
- h. DOES will consider this for the PY20 program.
- i. DOES will consider this for the PY20 program.
- j. DOES will consider this for the PY20 program.
- k. DOES will consider this for the PY20 program.
- l. This past year, 6,206 participants received WMATA SmarTrip cards pre-loaded with \$55 at the start of the program, with the remaining \$55 provided three weeks later as part of their payroll. Therefore, we've already implemented this recommendation in-part. DOES will consider additional alternative or enhancements for the PY20 program.
- m. MBSYEP's use of the orientation modules and the online orientation provide participants the opportunity to tailor their experience to their interests. It also allows for the program to flag participants who may need additional assistance with soft skills training and provide additional information about the work site so participants are ready on the first day of the program.
- n. OYP has created programming that allows for participants to move from MBSYEP to other workforce and leadership development programs such as the Marion Barry Youth Leadership Institute. OYP will continue to evaluate the opportunity for additional multi-year multi-agency partnership as DOES implements the Director's vision aligning the District's education and workforce youth programming.

### **Work Readiness HCAs**

*Background: Among the MBSYEP solicitations are "work readiness and job placement" human care agreements (HCAs) to serve 22-24 year-old program participants. The HCA's permit contractors to show an offer letter as evidence of placement in a job.<sup>9</sup>*

**116. Does DOES verify that program participants reported by a contractor as being placed in a job were, in fact, employed prior to paying the contractor? If so, please describe how this verification is conducted.**

As a part of an MBSYEP contractor's deliverables, they must send in copies of offer letters, pay stubs, and/or an employment verification letter signed by the employer to verify that the participant is hired.

---

<sup>9</sup> See page 5 [http://app.ocp.dc.gov/Award\\_attachments/CW60620\\_TimeforChangeHCA18-24WRandJobPlacement2018executed.pdf](http://app.ocp.dc.gov/Award_attachments/CW60620_TimeforChangeHCA18-24WRandJobPlacement2018executed.pdf)

117. **Do the contractors get credit if youth receive a job offer at the 22-24 year old job fair that DOES organizes at the end of the program?**

No, contractors do not get credit if youth receive a job offer. The job fair hosted at the end of MBSYEP is open to youth ages 18 to 24 years old. Host participation is on a volunteer basis only.

118. **There have been reports in other states about workforce contractors getting paid to place individuals in jobs who work for only one day.<sup>10</sup> Does DOES track how long these youth stay employed? If not, why not?**

Yes, DOES tracks how long youth are employed, and we do follow ups six months and 12 months after placement.

119. **Does DOES have the capacity to assist 22-24 year-old participants find post-program employment?**

Yes, DOES has the capacity to assist participants ages 22 to 24 years old through our Year-Round programs, which focus on workforce development, training, and credential attainment to lead to employment opportunities. Participants are not allowed to be enrolled in more than one program at time.

## **IX. Apprenticeship**

### **Data**

120. **For FY17, FY18, and FY19 to date, please fill in the attached table “Apprenticeship Data.” Note that DOL’s website<sup>11</sup> states that in FY17, DC had: 8,093 active apprentices; 1,366 new apprentices; 608 completers; 347 active programs; and 82 new programs. If DOES’s data differs please explain why. Please ensure the accuracy of all data – in addition to the figures DOES corrected at the Committee’s request last year, there were additional issues, including:**
- o. N/A was listed for the number of contractors subject to the two provisions of the mandatory apprenticeship law;**
  - p. The number of programs subject to both the \$500,000 and \$1 million registration requirement were identical, suggesting that there were no construction, renovation, or IT projects below \$1 million;**
  - q. Although DC residents represented 22.7%, 22.7%, and 23.2% of apprentices in FY16, FY17, and FY18, respectively, the template indicated that 60%, 57%, and 60% of apprentice hours were reported as worked by DC residents in those years.**

---

<sup>10</sup> <https://www.miaminewtimes.com/news/miami-job-placement-site-careersource-south-florida-faked-inflated-stats-audit-says-10543506>

<sup>11</sup> [https://doleta.gov/oa/data\\_statistics.cfm](https://doleta.gov/oa/data_statistics.cfm)

- r. **N/A was listed for graduates employed within three months of completing the program.**

[See Attachment Q120 \(Apprenticeship Data 2018 Update\).](#)

The Office of Apprenticeship's responses are based on information received on projects that identify prime contractors and subcontractors whose individual contract amount is \$500,000 or more to determine apprenticeship registration requirements under the District government mandatory apprenticeship law (DC Law 2-156). Prime contractors generally do not self-perform work on the projects, but instead subcontract out all trade areas to individual subcontractors. Individual contractors, whose contract amounts were less than \$1 million but were at or more than \$500,000, were indeed required to comply and register apprenticeship programs under the law. Since OAIT prioritized enforcing compliance under the law for all contractors whose individual contract amount was \$500,000 or more on a single contract or cumulative contracts of that amount within a 12 month period, individual contract amounts are not differentiated in our data.

The apprenticeship hours reported were based on DC resident apprentices who performed work on District government assisted construction projects subject to the First Source law, and tracked on the LCP tracking system during the time work was performed on District government projects. Also, apprenticeship hours are not tracked on projects performed outside the city. In addition, since construction is a mobile industry, apprentices go from one job to another at any given time.

The Office of Apprenticeship had not captured employment information of apprentice graduates that complete their apprenticeship training and become skilled journey-workers in their respected trade areas. In addition, there were no reports of those graduates being unemployed during that period that information had not been recorded. Generally, it has always been the practice of apprenticeship sponsors to retain those apprentices in their workforce who successfully complete their apprenticeship due to the resources and investments in training the individual.

- 121. **In last year's performance oversight responses, DOES reported system-wide completion data but stated that data at the program level wasn't available; however, system-wide data cannot be measured without program-level data. Please explain in detail how DOES captures completion and other outcome data and attach screen shots of any relevant forms or databases.**

DOES has begun discussions with USDOL as we consider joining the USDOL's Registered Apprenticeship Program Information Data System (RAPIDS), in which all District apprenticeship data will be entered in real time and will allow expansion of data information. We anticipate the data switch to occur during 2019. Currently, DOES enters data manually working with our apprenticeship partners. Recently, the Office of Apprenticeship completed a system-wide data clean-up that has allowed DOES more accurate program level data.

[See Attachment Q121 \(DCNetworks Program Screenshots\)](#) for screen shots.

## Monitoring

122. **Please attach copies of records from the Power Design monitoring site visits, quality assurance reviews, and compliance reviews conducted by DOES at any time since the companies' standards were approved.**

[See Attachment Q122 \(Power Design\)](#) for report findings of visits made to projects where Power Design, Inc. performed work and employed apprentices. In addition, a copy of OAIT finding of Apprenticeship Quality Assurance was conducted.

## Regulations and Standards

123. **Please explain if and by when the Department plans to publish apprenticeship standards online. If it does not plan to do so, please explain why, and how the public may obtain copies.**

The public should reach out to the companies directly for their apprenticeship standards.

124. **Federal apprenticeship regulations were updated in 2008, and the District is in the midst of updating ours to conform. In the meantime, when policies differ between the two sets of regulations, which regulations are currently applicable to DC apprenticeship programs, the federal regulations or the existing District regulations? Please discuss how DOES plans to communicate to sponsors and the public which regulations are governing.**

The federal apprenticeship regulations of 29 CFR Part 29 applies to employers and industries seeking apprenticeship registration approval with USDOL's Office of Apprenticeship only. Therefore, since the District of Columbia is one of 26 State Apprenticeship Agencies, communication, guidance, and technical assistance are provided to employers and industries seeking registration approval under the District's apprenticeship regulations. The District's apprenticeship regulations were revised and conform to 29 CFR Part 29.

## Apprenticeship Council

125. **Please provide a copy of the "findings and activities of the Apprenticeship Council" annual report, as required by DC Code § 32-1404 if available or if not, explain why the report has not been developed despite statutory requirements.**

In the past, DOES has presented agency apprenticeship activities and information through the agency Annual Report and the Youth Apprenticeship Advisory Committee annual report. The agency is looking for ways to provide additional information about the findings and activities of the Apprenticeship Council and plans to submit a more in depth product in the future.

## Simple Technology

126. **Background: The Committee was informed that Simple Technology Solutions, one of the entities that received an apprenticeship grant from DOES, stated it was going to end its program if it didn't receive additional funding from DOES.**
- s. **Please provide a copy of Simple Tech's apprenticeship standards.**
  - t. **What is the status of the company's program?**
  - u. **What is the status of the company's registered apprentices?**

[See Attachments Q126 \(Simple Tech Apprenticeship Standards\).](#)

Simple Technology is an active apprenticeship program. They were approved as an apprenticeship sponsor in February 2017. Since being approved as an apprenticeship sponsor, the company registered seven DC residents as apprentices; two apprentices completed their apprenticeship training and continue to be employed with the company as skilled IT professionals; and one resident is still employed as an apprentice. The four other apprentices were terminated from the program for cause.

## X. Division of State Initiatives (DSI)

127. **DSI issued several grants last year for services such as mindfulness, exercise, and a service year. How did DOES determine which DSI participants would receive which of those services?**

DSI offered these services to participants in all Division programs; however, some services were contingent upon participants progressing to a certain benchmark within the program. Participants are informed of service offerings at program orientations, during Job Readiness Training, or through Job Coaches during subsidized work experience. The Mindfulness Exercise project was a first-time offer last year to our customers based on customer observation and data, which validates that to manage stress in one's personal life has a direct impact on the ability to manage stressors on personal health and sustaining professionalism on the job and stable employment. The benchmark offer was based on successful completion of job readiness training (JRT) and verified enrollment in any of the DSI programs through Work Experience completion. The Mindfulness Exercise project offered two tracks: (1) fitness training and nutrition, and (2) mindfulness awareness, personal fitness assessment, and nutrition.

Selected vendors presented outreach information for interest through JRT. DSI program managers provided outreach to existing DSI customers. The vendors established information sessions to determine course of action, participation, and work groups.

## Project Empowerment

128. **Are there any major programmatic changes planned for FY19 in Project Empowerment?**

In October of 2018, Project Empowerment adjusted its program structure by extending JRT, the period of in-person classroom learning that all participants undergo at the start of the program, from three weeks to four weeks. This extension was a right-size model adjustment to address challenges of participants recognized by employer feedback and DSI staff evaluation. This change ensures that JRT facilitators have adequate time to deliver the extensive curriculum, but also dedicate additional hours to several priority learning areas, including life skills and conflict resolution on the work site; interview practice through the program's newly designed Interview Lab; meetings between participants and the Division's Job Development unit, which is responsible for matching participants to work experience sites; and the doubling of in-classroom technology training using the Division's recently purchased mobile laptop computer carts to ensure that each participant has the opportunity to become computer literate.

**129. Please complete table below regarding Project Empowerment participants in FY18 and FY19 to date.**

<b>Project Empowerment: Number of Participants, FY18</b>											
				Educational Attainment of less than a high school diploma & outcomes of those completers				Referred to Occupational Skills Training Provider			
Total	Male	Female	Homeless	Total	Obtained Unsubsidized Employment	Enrolled in GED Classes	Obtained a GED	Total	Received stipends from Project Empowerment	Completed Training	Obtained Occupational Credential
894	608	286	214	186	45	29	6	89	89	47	47
<b>Project Empowerment: Number of Participants, FY19 to Date</b>											
				Educational Attainment of less than a high school diploma & outcomes of those completers				Referred to Occupational Skills Training Provider			
Total	Male	Female	Homeless	Total	Obtained Unsubsidized Employment	Enrolled in GED Classes	Obtained a GED	Total	Received stipends from Project Empowerment	Completed Training	Obtained Occupational Credential
256	175	81	66	48	1	0	0	24	24	12	12

**130. Please provide the following information regarding Project Empowerment (PE) in FY18 and FY19 to date for each host employer.**

- 14) Employer name;**
- 15) The number of the PE participants,**
- 16) The average length of placements in the subsidized jobs; and**
- 17) Job title.**

[See attachment Q130 \(PE FY18-19 Performance Oversight Data\).](#)

**131. Please attach copies of the following deliverables as submitted to the agency under the following contracts:**

- a. **Contract CW59387 with Arlo Solutions: Final Evaluation Plan(s) and Final Evaluation Report(s)**
- b. **Contract CW58515 Process Improvements by BluePath Labs with Division of State Initiatives (DSI): Deliverable #2: Process evaluation report(s)**
- c. **Contract CW63783, Resume Writing Training for DSI Staff by Solutions by SF: Deliverable 7.2: Provide results of data analytics: feedback survey, participant tracking and learning outcomes.**

[See Attachments Q131 \(PE Contract Deliverables\).](#)

## **XI. Infrastructure Academy**

132. **Please complete the following table to outline the FY19 training plan for the Infrastructure Academy. Add rows as necessary.**

Occupation of training (i.e., IT help desk, solar, gasfitting)	# of trainees	Names of expected certificates	Goal for # of completers placed into jobs	Name of training Provider (if known)
<b>Energy</b>				
<i>Pepco</i>	25	Electrical Line Worker (Overhead) Advanced Certificate (AC)	N/A	Pepco
<i>Solar Works</i>	25	1. OSHA 10 2. CPR/First Aid 3. NABCEP PV Associate	OSHA 10	Solar Works
<b>Information Technology</b>				
<i>IT Help Desk</i>	15	1. CompTIA IT Fundamentals 2. CompTIA A+	N/A	Byte Back
<i>IT Cisco CCNA</i>	10	Network Associate (CCNA) Routing and Switching	N/A	Cisco Networking Academy ITC
<b>Transportation</b>				
<i>Automotive Technician</i>	15	<i>Automotive Service Excellence (ASE)</i>	N/A	<i>Excel Automotive</i>
<i>CDL</i>	10	<i>Commercial Driver's License Class B</i>	N/A	<i>Toni Thomas</i>
<b>TOTAL</b>	100			

133. **Please provide the following information regarding the Infrastructure Academy capital project:**
- a. **The total amount budgeted and budget for each year of the project;**
  - b. **Actual dollars spent in total in each year of the project;**
  - c. **Any remaining balances;**
  - d. **Start date;**
  - e. **Actual or expected completion date;**
  - f. **Current status of the project, including if DOES plans to use capital funds to build out additional space at the current location, and, if so, the timetable for doing so;**
  - g. **Note if the project is experiencing delays or requires additional funding; and**

**h. Describe whether the capital project had or will have an impact on the operating budget of the agency; if so, please provide an accounting of such impact, including any dollar amount or number of FTEs needed**

- a. The total amount budgeted for FY20 is \$962,500, and FY21 is \$550,000.
- b. The actual spending for Phase I is \$1.8 million for FY18, as reflected in the MOU.
- c. No remaining balances for FY18.
- d. The Phase II start date is scheduled for the second quarter of FY19.
- e. The project's expected completion date is scheduled for the fourth quarter of FY22.
- f. An MOU was entered into between DOES and the Department of General Services' (DGS) Facilities Management Division (FMD). The purpose of this MOU was to clearly define the roles and responsibilities of each Party as they relate to the renovation and upkeep of the District of Columbia Infrastructure Academy (DCIA). DOES requested that FMD provide building-out improvement for an additional break room for DCIA. Following is the estimated build-out cost:
  - 1. Design sketches for the break room,
  - 2. Demolition,
  - 3. Furnish and install millwork in the kitchen area,
  - 4. Furnish and install door hardware,
  - 5. Furnish and install ceiling grid and acoustical ceiling tile,
  - 6. Furnish and install flooring matching the newly installed vinyl composition tile (VCT),
  - 7. Painting,
  - 8. Furnish and install room signage,
  - 9. Install new sink with faucet for kitchen and new water fountain/cooler,
  - 10. Electrical 9 13 new light fixtures, replace existing receptacles with a new fire alarm device, and
  - 11. Relocation of air device and return grilles to fit the new ceiling layout.
- g. The project is not experiencing delays or requiring any additional funding at present.
- h. The capital Project does not have an impact on the operating budget of the agency.

**134. For the following 8 Human Care Agreements at the DC Infrastructure Academy (DCIA), please attach "A copy of the certificate that has been rendered to the participant...[and] documentation stating when the participant passes or does not pass the exam."**

- a. **DCIA Work Readiness Training, contract CW63204, Constituent Services Worldwide Public Benefit Corporation (requirement C.5.8)**
- b. **DCIA Work Readiness Training, contract CW63062, Community Tech (requirement C.5.8)**

- c. **DCIA IT Training, contract CW62045, Opportunities Industrialization Center (requirement C.5.6)**
- d. **DCIA IT Training, contract CW62049, Art and Soul Solutions (requirement C.5.6)**
- e. **DCIA IT Training, contract CW62054, Community College Prep Academy (requirement C.5.9) Please also provide completion rates for all individuals listed in the program and percentages of all individuals participating in the listed program(s) who obtained unsubsidized employment (requirement C.5.12)**
- f. **DCIA IT Training, contract CW62047, ITC Technologies (requirement C.5.6)**
- g. **DCIA Automotive Training, contract CW61756, Excel Institute (requirement C.5.8)**
- h. **DCIA Training, contract CW60905, The Training Zone of the DMV (requirement C.5.6)**

Reference Attachments

- a. Constituent Services Worldwide (CSW): Vendor did not provide services in PY'18.
- b. Community Tech: 46 individuals enrolled and 27 successfully completed the training, 59% completion rate. Placement is not a measure as Community Tech provides work-readiness training.
- c. Opportunities Industrialization Center: Vendor did not render any services in PY'18.
- d. Art and Soul: Vendor did not render any services for PY'18.
- e. Community College Prep Academy: 44 individuals enrolled and 41 successfully completed the training, 93% completion rate.
- f. ITC Technology: 15 individuals enrolled 10 successfully completed the training, 67% completion rate.
- g. Excel Institute: 17 individuals enrolled and 14 successfully completed the training, 82% completion rate.
- h. The Training Zone of the DMV: 320 enrolled and 320 successfully completed the training, 100% completion rate.

\*Unsubsidized employment data is not available at this time.

[See Attachments Q134 \(HCAs\).](#)

**XII. Unemployment Insurance**

**Data**

135. **For FY17, FY18, and FY19 to date, please complete the following table on unemployment insurance (UI) claims.**

**Unemployment Insurance Claims Data, FY17-FY19**

	<i>FY17</i>	<i>FY18</i>	<i>FY19, as of Feb. 1, 2019</i>
Number of new claims for UI benefits	31,677	29,283	17,521

Of total new claims, number of claims initiated online	22,074	18,969	12,634
Of total new claims, number of claims initiated by telephone	9,603	10,313	4,887
Of total new claims, number of claims initiated in person at an AJC	1,397	848	418
Number of initial claims determined to be ineligible by claims examiner	3,445	3,085	6,949
Number of claims resulting from separation from employment due to domestic violence	17	11	1
Number of claimants whose primary language is Spanish	839	956	337
Number of claimants whose primary language is other than English or Spanish	129	138	62
Number of OAH appeals	2,199	2,140	689
Of total OAH appeals, number of appeals by employers	700	577	143
Of total OAH appeals, number of appeals resulting in reversing a claimant's nonpayment status to a payment status	747	857	302
Of total OAH appeals, the number that were affirmed/sustained in favor of DOES by OAH.	621	567	186

**136. DC Code §51-117 requires that covered employers maintain accurate records and permit inspection of the records. In FY17, FY18, and FY19 to date, how many employers underwent such inspections each year? Please detail the results of the reviews.**

- During fiscal year 2017, a total of 367 employer audits were processed and approved resulting in net total wages of \$19,857,443; net taxes of \$4,513; and 180 misclassified employees.
- During fiscal year 2018, a total of 339 employer audits were processed and approved resulting in net total wages of \$15,738,646; net taxes of \$109,935; and 764 misclassified employees.
- To date in fiscal year 2019, a total of 62 employer audits have been processed and approved resulting in net total wages of \$10,277,482; net taxes of \$74,547; and 352 misclassified employees (42 audits are pending approval in fiscal year 2019).

## **US Department of Labor Documents**

**137. Please attach copies of any Corrective Action Plan(s) currently in place, including dates/deadlines and the status of each item.**

[See Attachment Q137 \(DC FY19 Biennial Workbook\).](#)

138. **Please attach the most recent State Quality Service Plan for the District.**

[See Attachment Q138 \(DC FY19 Biennial SQSP – State Plan Narrative\).](#)

## **UI Modernization**

139. **For each of the following components of the UI Modernization Project, describe what improvements it will achieve, the expected start and end dates, the negotiated cost (or anticipated cost) of each component, and the name of the contractor(s) or entity tasked to manage or lead the component.**

- a. **Management/organizational change;**
- b. **Independent verification and validation;**
- c. **Benefits and integrations;**
- d. **Tax and integrations.**

a. Management/organizational change: (Project Start Date: April 2019, End Date: December 2021)

Key features:

- Verification (quality control) to assure that every project deliverable, process, and software developed performs according to specifications and requirements;
- Validation (user services support) to ensure that the system as developed will meet the current and planned needs of DOES, including any changes to the business operations, USDOL compliance, and more;
- Ensure complete legal review and software and program legal compliance; and
- Verification of an efficient and accurate UI Program delivered via the UI-Benefits enhancements and the UI-Tax modernization projects.

b. Independent verification and validation: (Project Start Date: April 2019, End Date: December 2021)

Key features:

- Organizational Change Management (OCM) focused on the changes to DOES's organizational structure and staff roles as a result of developing the new, re-engineered UI Systems;
- A systematic approach to managing organizational change and transitioning from the current state to the future state including stakeholder involvement; structural changes to the organization, policies, procedures; and changes to processes, changes in roles of staff resources, and tasks performed;
- Effective internal and external communications, user training, and any necessary outreach to sponsors, staff, employers, and claimants who may be affected by changes brought on by the introduction of the new systems; and
- Preparing the workforce for the transition to the new UI systems.

- c. Benefits and integrations: UI Claimant Portal - (Project Start Date: July 2018, End Date: July 2019) UI Benefits improvements - (Project Start Date: Dec 2018, End Date: Dec 2021)

Key features for both:

- New modern user interface to assist customers with entering information making access to benefits easier;
- Enhanced security of claimant validation and log-in credentials (two-factor authentication);
- Migration from the legacy mainframe systems;
- Claimant profile allows reduction of redundant data which is currently experienced in WEBS and DOCS;
- Ability for a claimant to save and resume a certification as they progress through the questions;
- Usability improvements such as navigation bar and certification summary review;
- Increased information provided to claimant such as adjudication, appeals, and overpayment;
- Ability for claimants to upload documents needed as part of their claim;
- Increased configurability of the system to reduce updates that require a developer;
- Microservices architecture that allows for expandability and a platform for future growth;
- New decision trees that allow for the automation of decisions and questions bringing Artificial Intelligence to the process;
- Choices in communications method: email, messaging center, and text; and
- New infrastructure mobility facilitating customers and support resources the ability to work from any device, including mobile phones and tablets.
- 

- d. Tax and integrations: (Project Start Date: July 2018, End Date: Dec 2021)

Key features:

- Upgrade antiquated technologies to architectures and technologies that are enduring, extensible, maintainable, and flexible;
- Migration from the legacy mainframe systems and elimination of redundant data;
- Intelligent business navigation and flows with minimal manual processes;
- User-friendly interfaces that are intuitive and easy to use with clear and concise online help, and visuals/graphics to enhance usability;
- Enhanced security of employer validation and log-in credentials (two-factor authentication);
- Improved integration with internal and external systems, integrated data flows, seamless integration between the agency's tax and benefits functions, and seamless functionality for users (internal and external);
- Balanced accounting system including transaction balancing, financial reporting and accounting, and automated verification and validation of entered data;
- Improved reporting capabilities to provide cleaner data electronically and securely, increased history retention, user-friendly and accurate statistical reporting, performance metrics, trends, and decision guidance;

- Improved efficiency and increased accuracy from modernized controls and workflow; and
- New infrastructure mobility facilitating customers and support resources the ability to work from any device, including mobile phones and tablets.

Project Title	Approp Fund	Agency Fund	FY 2018	FY 2019	FY 2020	FY 2021
UI MODERNIZATION BENEFITS PROJECT-FEDERAL	0300	0300	4,300,000	4,700,000	12,000,000	3,300,000
UI MODERNIZATION TAX PROJECT-FEDERAL	0300	0300	8,000,000	7,000,000	2,800,000	2,200,000
IV&V UI MODERNIZATION	0300	0300	750,000	2,500,000	3,500,000	1,250,000
CHANGE MANAGEMENT UI MODERNIZATION	0300	0300	750,000	1,900,000	1,300,000	700,000

The UI Tax Office has identified and described the needs, capabilities, and requirements for the design and development of a functional modernized UI Tax system. The RFP of the UI Tax system is set for release during the first quarter of 2019. In collaboration with procurement stakeholders, OUC has also determined the best methods for meeting those requirements in order to ensure the launch of the UI Tax system is consistent with the statutory timeline. An Independent Government Cost Estimate (IGCE) for the completion of the UI Tax system was approved and the RFP was released to the public on October 23, 2018. The criteria for the successful completion of the UI Tax Modernization Project, including the improvements, dates, cost, and contractors for management/organizational change; independent verification and validation; and the Tax and Benefits integrations are as follows:

- **The Vision of the UI Tax Modernization Project**
  - To transition from existing outdated UI Tax systems, which include but are not limited to Microsoft .NET, Legacy (IBM Mainframe), and Sun Solaris systems, to a system that is customer-centric, service oriented, state-of-the-art, robust, innovative, secure, flexible, enduring, extensible, and flexible; and
  - To allow DOES to provide enhanced UI Tax program services to employers and third-party agents (TPAs) by delivering efficient, interactive, timely, and complete services tailored to meet both customer and internal user need.
- **UI Tax Modernization Project – Existing System Challenges**
  - Hybrid Mainframe and Sun Solaris/.NET systems;
  - Legacy mainframe system which is around 40 years old;
  - Legacy system with limited functionality;
  - Slow system performance;
  - Incompatibility with future environments;
  - Interfacing issues between multiple systems/platforms cause significant data variances/discrepancies; and
  - No real-time data sharing.
- **UI Tax Modernization Project – Modernized UI Tax System Objectives**

- Provide UI Tax System that is easy to modify, customize, and support;
  - Embrace Service Oriented Architecture standards;
  - Support Integrated Applications;
  - Eliminate or reduce vendor dependencies and maintenance costs;
  - Improve interface configurability;
  - Eliminate reliance on the mainframe and high software licensing cost;
  - Improve system security (e.g., enhance data encryption capabilities and close security loopholes);
  - Fail-safe disaster recovery capabilities;
  - Seamless interfaces with real-time UI Benefits and UI Tax information/data;
  - Multi-lingual access and mobile friendly applications;
  - Reduce operating costs, including administrative, paper, production, and distribution costs associated with administering a paperless service delivery system;
  - Access to an on-demand communication channel available to employers and TPA;
  - Increase in data integrity and accuracy;
  - Enhance federal and DOES compliance by:
    - Providing the agency with cleaner data electronically and securely;
    - Increasing history retention;
    - Allowing users to extract useful, useable real-time data;
    - Providing user-friendly and accurate statistical reporting;
    - Providing real-time performance metrics;
    - Assessing trends and guiding decisions; and
    - Creating more robust abilities to manage agency processes.
- **UI Tax Modernization Project – *Solicitation Milestones and Key Dates***
    - **October 23, 2018:** The UI Tax Modernization RFP was issued to the public that is easy to modify, customize and support;
    - **November 6, 2018:** The UI Tax Modernization RFP Pre-Proposal Conference, facilitated by OCP, was held to inform potential vendors for the new UI Tax system of the requirements of the solicitation;
    - **December 14, 2018 (*date subject to change*):** Technical Evaluation Panel (TEP) convened to begin the review and scoring of received vendor proposals;
    - **February 5, 6 and 7:** Vendor Demo Dates were scheduled;
    - **February 8, 2019 (*date subject to change*):** Technical Evaluation Panel (TEP) reviewed and scored vendor proposals; and
    - **April 6, 2019 (*date subject to change*):** Contract Awarded to Vendor;
  - **UI Tax Modernization Project – *Technical Evaluation Panel***
    - The Technical Evaluation Panel is led by members from the OUC team and consists of stakeholders from within the Agency and DC government. The panel members are not shared with the public due to the sensitivity of the evaluation of all vendor proposals.

140. **What is the planned date for the new website to go live for use by employers? By claimants?**

The new website is planned to go live in August 2019 for employers and July 2019 for claimants. The UI Tax system for employers is currently on track to go live in 2020.

**141. Will the modernized system be able to receive input of data directly from the Office of Administrative Hearings (OAH)? If so, what types of data?**

This functionality is currently not included in the UI Enhancement Project. The UI Tax system will have the flexibility to transmit data to and/or from the Office of Administrative Hearings (OAH).

## **Misclassification**

**142. As the agency is aware, sometimes employers misclassify as contractors or businesses workers who should be treated as employees. What policies does DOES have in place to detect misclassification of UI claimants? Please attach copies of any written policies or procedures that exist to address this.**

The Field Audit Unit tracks the trends of misclassified industries that operate in the District by targeting audits to employers that have systemically had monetary redeterminations involving misclassification the previous audit year and employers that have had dramatic reductions in reported wages as historically reported. These efforts have allowed the Tax Division to have a high amount of change audits and capture increased employer wages, taxes, and misclassifications.

The Field Audit Unit is dedicated to addressing the issue of misclassification in the District not only as a national priority but also enforcing existing regulations and standards as a means of proper protection for the wage replacement of the District's claimant population. By addressing misclassifications as an enforcement technique, the UI Tax Division has been able to grow and strengthen its UI Trust Fund to historic levels, increase solvency and providing District workers with gradual increases in Maximum Weekly Benefit Amounts annually.

The District continues to seek ways to increase its detection of misclassified employees to protect the integrity of its UI program, maintain stability in the UI Trust Fund, and foster equality and fairness to employees. To that end, the District works closely with claimants to ascertain pertinent information about employers with potential misclassifications and/or where misclassifications have been identified.

As a means of educational outreach, a joint effort between the UI Tax and Benefits Divisions is coming down the pipeline to actively engage with other employer-related programs within DOES currently participating in outreach efforts to add substantive discussions about misclassifications and other UI-related matters. Also, the UI Tax Division is looking at providing push messaging and emails to employers and agents via the Employer Self Service Portal (ESSP) about misclassifying employees, differentiating genuine independent contractors from employees, and the costs and consequences of employee misclassification.

UI Tax is also updating its portion of DOES's website to include more exhaustive information on misclassifications and similarly, its portion of the UI Employer Handbook.

The Field Audit Unit typically uses the IRS's 20-Factor Test as an aid in determining employment status. It also uses a checklist for Employee vs. Independent Contractor Status. In identifying misclassified employees, the primary concern is whether an employer has a right to direct and control an individual in the performance of their work and not whether the employer exercises that right. Similar to the IRS, consideration is also given to the Financial Aspect (e.g., invested interest or unreimbursed expenditures) and Type of Relationship (e.g., written contracts or permanency of relationship)

The UI Tax Division has partnered with the IRS to leverage its 1099 data exchange program to assist in the detection and uncovering of misclassified employees. The Division deployed NeoFraud, a UI Fraud Detection System specifically designed to perform analysis of IRS 1099 data. The system helps identify industries and employers of voluminous 1099 occurrences, provides crossmatch functionality to compare that information with registered employers, and provides leads for potentially liable employers among other functionalities.

[Please see Attachment Q142 \(Misclassification Documents\).](#)

## Claims Denials and Appeals

### 143. In FY18, what was the average number of days between a notice of hearing being sent to a claimant and OAH issuing a final order?

USDOL does not require OAH to monitor the date a scheduling order is mailed to the parties, so this information is not tracked. OAH does, however, maintain monthly figures relating to the time disparity between an initial appeal filing and the issuance of a final order. Please see the figures below for the cumulative monthly averages measured in days:

FY 2017:	16.75 days
FY 2018:	22.99 days
10/1 – 12/31/2018:	22.41 days (Data for January 2019 is not available at this time)

### 144. In FY18, what was the average number of days between a final order being entered by OAH and the claimant being paid the benefits s/he is entitled to pursuant to that order?

DOES makes every effort to comply with its August 14, 2017, memorandum outlining the standards for final order processing. DOES is allotted a standard processing time of 15 calendar days from the date a final order is received from OAH via interagency courier. Taking into account the occasional untimely issuance of some final order by OAH to DOES, the average time in FY18 between a final order being issued by OAH and the claimant being paid benefits was 10.02 days. Most claimants receive benefits from DOES pursuant to a final order in less time than this average.

## Claimant-Employer Advocacy Fund

145. **DC Code section 51-111(h) requires the establishment of the Claimant-Employer Advocacy Fund to support legal representation of claimants and employers in administrative appeals of agency determinations.**

See the answer to Question 146.

146. **In FY18 and FY19, thus far, how many times did DOES refer an employer to the DC Chamber of Commerce and/or the Greater Washington Board of Trade, the entities identified as employer resources under the law, for legal consultation, advice, or representation related to UI claims?**

DOES is not directly involved in the process of referring employers or claimants to the Employer Advocacy Program (DC Chamber of Commerce) or the Claimant Advocacy Program (Metropolitan Washington Council, AFL-CIO). Therefore, DOES does not have the requested data. In FY18, there were 2,140 cases appealed to OAH. Both the DC Chamber of Commerce and Metropolitan Washington Council, AFL-CIO submit monthly itemized lists to DOES outlining the cases where legal assistance was provided for reimbursement from DOES.

Most communication between DOES and parties to an appeal end once a determination by DOES is made. If an employer or claimant disagrees with a DOES determination, the party can file a request for an appeal hearing directly to OAH. After a request for appeal hearing is made, OAH will send a Scheduling Order to the parties.

147. **In July 2018, the Committee was notified that DOES terminated the contract of the law firm that had been subcontracted by the DC Chamber of Commerce to provide legal representation to employers. Please attach any correspondence between DOES and the DC Chamber of Commerce regarding its provision of legal services, its contracting for legal services for employers, and related matters in FY18 and FY19.**

DOES did not terminate the contract. Pursuant to DC Code § 51-111(h), DOES's sole role is "to support the provision of assistance to and legal representation for employers involved in administrative appeals of determinations made by the Director." DOES "shall support the provision of such assistance and representation for employers at the D.C. Chamber of Commerce and at the Greater Washington Board of Trade." As a result, DOES receives invoices for assistance and legal representation for employers from the DC Chamber of Commerce. Therefore, there is no correspondence from DOES relating the DC Chamber's contract and provision of legal services.

## **Overpayments.**

Please provide the following data for FY2018.

148. **List the number of Notices of Overpayment and reasons (broken into percentages by reason).**

There were a total of 6,522 fraud and non-fraud cases established in FY18. Of the total established cases, 2,184 (33 percent) were assessed a 15 percent penalty and 67 percent were non-fraud. The overpayments established were due to unreported earnings or underreported earnings.

There were a total of 187 cases that were re-determined by the agency. 30 percent of these cases were fraud cases and 70 percent were non-fraud cases.

149. **Waivers**

- a. **How are claimants notified of their right to file a waiver request when they receive a Notice of Determination of Overpayment?**

DOES provides instructions for filing a waiver request with all Notices of Determination of Overpayments.

- b. **How many overpayment waiver requests did DOES receive?**

DOES received 19 waiver requests in FY18.

- c. **How many overpayment waiver requests were granted in part or full and how many denied?**

16 waiver requests were sustained and three were overturned for full waiver of overpayment.

- d. **How many waiver request denials were appealed? How many were sustained and how many overturned (i.e., waiver granted)?**

There were no waiver decisions appealed in FY18.

150. **Fraud penalties**

- a. **How many claimants first applying in FY18 were assessed a fraud penalty in FY2018?**

193 claimants first applying for unemployment insurance benefits in FY18 were assessed a fraud penalty.

- b. **Of these, how many notices of fraud penalties were appealed to OAH in FY2018?**

There were no fraud penalties appealed to OAH in FY18.

- c. **Of these appeals, how many resulted in a fraud penalty being reversed or eliminated by OAH?**

N/A.

## UI Administrative Assessment

151. **Please provide a full accounting for Fund 624, the UI Administrative Assessment. Complete the following tables regarding income and spending for personnel services (PS) and nonpersonnel services (NPS) during recent fiscal years (FY):**

[See Attachment Q151 \(UI 624 Fund Accounting\).](#)

152. **If PS spending increased by more than 10 percent *total* between FY15 and FY18, please explain what staff roles and functions contributed most to this increase. Provide a detailed narrative justifying the increased expenditures, especially in light of decreased claims over the period. Does the agency expect PS expenditures to continue to increase in FY19?**

FTE counts have remained largely the same since 2016 following the creation of some additional positions in 2015. As the amount of the grant award for the UI Administrative grant has decreased, Fund 0624 has had to take on additional costs to maintain the number of FTE's. Fund 0624 is one of two sources that funds PS costs for UI, along with the federal UI Administrative grant. PS costs have increased due to cost of living increases year over year. The federal grant award has decreased year over year. Thus, fund 0624 must bear the burden of increased salary and fringe rates while also bearing the cost of the reduction of the federal grant.

153. **If NPS spending increased by more than 10 percent *total* between FY15 and FY18, please provide a detailed narrative justifying the increased expenditures. Does the agency expect NPS expenditures to continue to increase in FY19?**

Similarly to the PS costs, Fund 0624 has had to take an additional amount of NPS costs as the Administrative grant has decreased and STIMOD grant funding has become unavailable. A decrease occurred in 2018 due to a portion of the OnPoint IT maintenance contract moving part of its funding to the UI Modernization capital project. The change in ratio is expected to continue in 2019. Fund 0624 has had to bear the loss of NPS budget available from the federal Administrative grant and the loss of funds available from the STIMOD grant, which was a one-time award from the federal ARRA program. The remaining STIMOD funds have been reserved for the UI Modernization capital project.

154. **Please discuss expected changes (increases or decreases) to Fund 624 expenditures in FY19 or future years due to the UI Modernization project.**

DOES does not expect any spending changes for Fund 0624 this year in support of the UI Modernization project. Further, the agency does not currently expect to use any of Fund 0624 for the project in any future years.

## XIII. Office of Workers' Compensation

**155. Please provide the following with respect to the Office of Workers' Compensation (OWC) in FY18 and FY19 to date:**

- a. The number of claims filed by private sector workers;**
- b. The number of informal conferences conducted;**
- c. The number of formal hearings conducted;**
- d. How does DOES ensure that employers advise their employees of their rights and obligations under the Workers' Compensation Law?**

a. 12,787 new claims were filed in FY18; and 2,826 in FY19 as of January 18, 2019.

b. 637 informal conferences were conducted in FY18; and 186 in FY19 as of January 18, 2019.

c. 322 formal hearings were conducted in FY18; and 84 in FY19 as of January 22, 2019.

d. DOES ensures that employers advise their employees of their rights and obligations under the Workers' Compensation Law by mandating that employer's post the Employer's Form 1 DCWC - Workers' Compensation, Notice of Compliance, in a conspicuous area in the employer's place of business. The employer must also provide the injured worker with the Notice of Employee's Rights and Obligations. There are also pamphlets that are available such as "If you are a District of Columbia Employer, this is what you need to know about workers' compensation, as well as "If you are a District of Columbia Worker, this is what you need to know about workers' compensation". This information is also available on the DOES website under "File a Claim – Workers' Compensation".

#### **XIV. Agency Operations and Disputes**

**156. Please list in chronological order any grievances filed by labor unions against the agency or any of its employees in FY17, FY18, or FY19, to date, including any opened before FY17 that is unresolved. Also include any grievances filed by unions about a current employee of the agency that is related to a matter that arose at previous District government employment of the employee at another agency. For each grievance:**

- a. Identify the union name and number, briefly describe the matter, and provide the current status.**
- b. Describe the agency response to each and any resulting changes to agency policies or procedures.**
- c. For any resolved in FY18 or FY19, to date, describe the resolution.**

DOES did not receive any grievances filed by the labor union in FY17 or FY18. There have not been any grievances filed by labor unions against the agency in FY19 as of February 1, 2019. There is one unresolved case from FY16 that is being adjudicated through the Office of Labor Relations and Collective Bargaining.

[See Attachment Q156 \(Unresolved Union Grievance FY16\).](#)

157. **Please list in chronological order any other (non-union) grievances or complaints against or regarding the agency or any of its personnel filed, by any District government employee, that were filed or pending in FY18 or FY19. Include complaints filed in any forum, including to other District agencies; complaints on any matter, including human resources, personnel, sexual harassment, financial, or other matters; and complaints filed against a current agency employee related to their employment at the agency, or to any previous employment at another District agency. Include on the list any earlier complaint that is still pending in any forum, including review by another District agency. For each grievance or complaint:**
- a. **Provide the agency name and office of the complainant at the time the matter occurred.**
  - b. **Provide the name of the forum or agency to which the complaint was filed.**
  - c. **Specify if the complaint concerns a colleague or supervisor.**
  - d. **Provide a brief description of the matter and the current status.**
  - e. **Describe the response to the complaint or grievance, including any disciplinary action taken and any changes to agency policies or procedures**
  - f. **For any complaint or grievance that was resolved in FY18 or FY19, to date, describe the resolution or outcome.**

An employee filed a complaint with the Office of Employee Appeals with regard to an adverse personnel action. The complaint was filed in FY19 and is currently pending. Questions E and F are non-applicable.

158. **Please list in chronological order all administrative grievances or complaints filed by parties outside District government against the agency regarding services provided by or actions of the agency or any employee of the agency in FY2018 or FY2019, to date. Include on the chronological list any earlier grievance that is still pending in any forum.**
- a. **Describe the complainant (e.g. [Program name] customer)**
  - b. **For each grievance or complaint, give a brief description of the matter as well as the current status.**
  - c. **Please describe the process utilized to respond to the complaint or grievances and any changes to agency policies or procedures as a result.**
  - d. **For any complaints or grievances that were resolved in FY2018 or FY2019, to date, describe the resolution.**

In FY18, a visitor to a DC Parks and Recreation pool filed a complaint with OHR alleging gender-identity and expression discrimination based on comments by a participant in MBSYEP. This complaint is scheduled to be address through mediation.

159. **Please identify any federal or local legislative requirements that your agency lacks sufficient resources to properly implement. Please explain.**

There are no fiscal constraints preventing DOES from implementing any federal or local legislative requirements.

160. **Does your agency prepare a legislative agenda? If so, please attach a copy. Please discuss any legislation your agency plans to submit to the Council in FY2019 or FY2020.**

DOES does not prepare a legislative agenda in this manner. DOES will submit information about FY19 and FY20 legislative plans as they become final.