

NONPERFORMANCE POLICY

PURPOSE

This policy provides the guidance and establishes the minimum performance requirements and the definition of nonperformance. This policy is effective on the date of issuance.

This policy supersedes Local Policy Bulletin #2019-16 dated February 27, 2020. Retain this policy until further notice.

SCOPE

The Workforce Development Board of Ventura County (WDBVC) and its contractors and subrecipients.

REFERENCES

- Workforce Services Directive WSD20-02, Subject: Calculating Local Area Performance and Nonperformance (September 18, 2020)
- WIOA (Public Law 113-128) Sections 107(d)(9), 116(b)-(c) and 503
- Title 20 *Code of Federal Regulations* (CFR) Part 677: “Performance Accountability Under Title I of the Workforce Innovation and Opportunity Act” (Uniform Guidance)
- Training and Employment Guidance Letter (TEGL) 11-19 (PDF), *Negotiations and Sanctions Guidance for the Workforce Innovation and Opportunity Act (WIOA) Core Programs* (February 6, 2020)
- TEGL 10-16, *Change 1, Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Title I, Title II, Title III, Title IV Core Programs* (August 23, 2017)
- Training and Employment Notice (TEN) 14-21, *Workforce Innovation and Opportunity Act (WIOA) Core Program Performance Accountability Assessment for Program Years (PY) 2020 and 2021* (October 27, 2021)
- Workforce Services Directive (WSD) 19-11 (PDF), *State Level Performance Goals and Local Area Negotiations* (April 16, 2020)
- WSD19-03 (PDF), *Performance Guidance* (August 28, 2019)

POLICY

Under WIOA Section 116(b), the state is required to assess performance outcomes regularly and at the end of each program year (PY). A provider’s performance outcome is essential in determining its continued contract with the WDBVC and whether sanctions should be applied for nonperformance.

The WDBVC will determine if providers performed successfully using five primary indicators of performance and any additional contractual requirements. Contractual requirements are

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separate from the five indicators of performance and can include enrollment, work-based learning, and exit goals. The five primary WIOA indicators are: 1) Employment Rate- 2nd Quarter After Exit, 2) Employment Rate- 4th Quarter After Exit, 3) Median Earnings, 4) Credential Attainment, and 5) Measurable Skill Gains (MSG). The indicator, *Effectiveness in Serving Employers*, is not included in performance assessment as it is a pilot measure. For more information on the primary indicators of performance, please see EDD Directive WSD-19-03.

This policy serves to outline the definitions and procedures needed to calculate outcomes for performance.

Definitions

Individual indicator score- The proportion of the actual level of performance to the adjusted level of performance for a single performance indicator for a single program.

Overall program score- The average of the individual indicator scores for a single WIOA Title-I program across all performance indicators.

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Performance and Nonperformance

To perform successfully, a provider must meet 100% of contractual requirements (e.g., enrollments, work-based learning, exits, etc.).

Additionally, if a provider receives WIOA Title-I funding, a provider must meet each of the following to perform successfully:

- Individual Indicator Score of 50% or higher.
- Overall Program Score of 90% or higher.
- Overall Indicator Score of 90% or higher.

Nonperformance occurs if one or more of the outcomes listed above are not reached. Instructions for calculating scores can be found in EDD Directive WSD-20-02.

Sanctions

Nonperformance outcomes may lead to sanctions for the service provider.

The first year a provider is nonperforming in any performance score, the WDBVC will provide technical assistance, which may include the following:

- Assistance in the creation of a performance improvement plan.
- Development of a modified contract.
- Other actions and/or guidance designed to assist the provider in improving performance.

If a provider is nonperforming for the same performance score for two consecutive PY's, the WDBVC will apply sanctions. Sanctions for providers may include the following:

- Ineligibility for any discretionary grants.
- Continuing technical assistance from the WDBVC.

If a provider is nonperforming for the same performance score for three consecutive PYs, the WDBVC must take corrective action. The corrective action may do the following:

- Prohibits the provider from contracting with the WDBVC due to poor levels of performance.
- Takes other actions determined as appropriate.

ACTION

Bring this policy to the attention of all affected staff.

INQUIRIES

Inquiries regarding this policy can be addressed to the WDBVC at 805-477-5306.

/S/ Rebecca Evans, Executive Director
Workforce Development Board of Ventura County