

## MINUTES OF THE SENATE COMMERCE COMMITTEE

The meeting was called to order by Chairperson Karin Brownlee at 8:30 a.m. on February 4, 2004 in Room 123-S of the Capitol.

All members were present except:  
Senator Bill Buntten- absent

Committee staff present:  
Kathie Sparks, Legislative Research  
Susan Kanarr, Legislative Research  
Helen Pedigo, Revisor of Statutes  
Nikki Kraus, Committee Secretary

Conferees appearing before the committee:  
Lt. Governor John Moore  
Secretary Jim Garner  
Rocky Nichols, KAPS  
Martha Gabehart, KS Commission for Disabled Concerns  
Mary Ellen Conlee, REAP  
Kris Kitchen, Director, Heartland Works

Others attending:  
See Attached List.

Chairperson Brownlee opened the hearing on:

### **ERO 31—Establishment of Workforce Development under Department of Commerce**

Lt. Governor John Moore presented testimony in favor of the **ERO 31**. (Attachment 1)

Secretary Gardner presented testimony in favor of the **ERO 31**. (Attachment 2)

Senator Kerr asked if the departmental name change would be confusing. Secretary Gardner replied that while it had nothing to do with organized labor, it would more accurately reflect the department's role in the workplace, as well as making the department's name more consistent with other states and the Federal department. Senator Kerr stated that he would like statistics on the proportion of labor in Kansas that is organized. Secretary Gardner stated that he would provide the committee with these. In response to a comment from Senator Kerr regarding dissatisfaction which had been expressed to him about the way the department was handling these issues. Secretary Gardner stated that the Department of Commerce is in a silo dealing with businesses in terms of getting them to come to the state and stay; at the same time, the Department of Human Resources is working separately to build partnerships with communities and administration of federal programs. In addition, he noted that education, too, was operating autonomously. Secretary Gardner stated that the goal of the new transition would be to fuse the elements of business, administration, and direction of education for jobs in demand to increase efficiency for the state.

Senator Kerr asked what would happen to disability training under this bill. Secretary Gardner replied that workforce training centers should serve them too in an effort to improve the services they offer.

Senator Kerr asked if the House of Representatives had the right idea in proposing to eliminate the Department of Human Resources entirely. Secretary Gardner replied that it would not save money, nor would it improve the delivery of services to Kansans because it would be difficult find and access services. He stated that when the Governor was elected, this was a part of her top to bottom review of state government. He stated that it will not free up money unless programs will be cut; advocacy commissions and other such programs would be a moot point because they are dependent on Federal monies.

Following further discussion, Senator Barone asked the secretary if the department had outcome measures to show increasing performance of Kansans. Secretary Gardner stated that the department had seventeen detailed

CONTINUATION SHEET

MINUTES OF THE SENATE COMMERCE COMMITTEE at 8:30 a.m. on February 4, 2004 in Room 123-S of the Capitol.

measures from the US Department of Labor including how many people came to look, the number placed in jobs, and the job salaries among others. Senator Barone stated that he would like to applaud the department's ability to track these things.

Mr. Nichols presented a position paper in favor of but suggesting changes to the reorganization order (Attachment 3), as well as a paper entitled "University of Kansas' Center for Research on Learning: Improving Outcomes for Persons with Disabilities in Kansas' Workforce Development System" (Attachment 4).

Ms. Gabehart presented testimony in favor of the order. (Attachment 5)

Chairperson Brownlee closed the hearing on **ERO 31**.

Kris Kitchen presented the committee with information on Heartland Works and the functions of the One Stop Centers it operates in Atchison, Lawrence, Topeka, Manhattan, and Junction City. She outlined for the committee the role of these organizations in workforce development in Kansas and provided detailed testimony for the committee. (Attachment 6)

Ms. Conlee supplied the committee members with copies of a presentation entitled, "Workforce Alliance: Building Tomorrow's Workforce Today" (Attachment 7)

Chairperson Brownlee thanked the speakers and adjourned the meeting at 9:30 a.m. The next meeting will be February 5, 2004 in Room 123-S of the Capitol.

# Senate Commerce Committee Guest List

Date: 2-4-04

Stephanie Buchanan	DOB
Judy Shaw	KATSC
Rocky Nichols	KAPS
Sharon Jones	SICCR
Marta Jakobart	KDHR / KCDC
Kevin J. Bacon	KCDC
Randy Melton	H. Gorman
Deborah Lee	Commerce
Scott Anglemeyer	WIB - Area III
Faul Johnson	PACIK
JUDITH GARD	SPRINT
RICHARD LAWSON	SPRINT
MIKE MURRAY	SPRINT
JIM GARDNER	DoFA
Drew B...	Heart and W...
D. Kolk	SBC
Bank Reavis	Workforce Network of Kansas
Mike Reacht	AT+T
Kob May	HEIN Law Firm
Mary Ellen Conlee	REAT

Lt. Governor  
John Moore

# SENATE COMMERCE COMMITTEE

Sen Commerce  
02/04/04  
Attach #1

## EXECUTIVE REORGANIZATION ORDER No. 31

Testimony of  
Lt. Governor  
John Moore

Senate Commerce  
Attach #1  
02/04/04

FEBRUARY 4, 2004



# EXECUTIVE REORGANIZATION ORDER No. 31

1-2

- EXECUTIVE REORGANIZATION ORDER No. 31 (ERO) WAS ISSUED ON JANUARY 14, 2004
- CALLS FOR THE TRANSFER OF EMPLOYMENT AND TRAINING DIVISION AND ALL WORKFORCE DEVELOPMENT PROGRAMS FROM KANSAS DEPARTMENT OF HUMAN RESOURCES (KDHR) TO THE DEPARTMENT OF COMMERCE (COMMERCE)
  - COMMISSION ON DISABILITY CONCERNS, WORKFORCE INVESTMENT ACT (WIA) OVERSIGHT RESPONSIBILITY AND CERTIFIED APPRENTICESHIP PROGRAM ARE INCLUDED

# EXECUTIVE REORGANIZATION ORDER No. 31

1-3

- THE OBJECTIVE IS TO PROMOTE A WORKFORCE DEVELOPMENT SYSTEM IN KANSAS THAT:
  - PRODUCES QUALIFIED EMPLOYEES FOR ANY EMPLOYER IN ANY PART OF THE STATE;
  - IS RESULTS ORIENTED WITH A MEASURABLE RETURN ON INVESTMENT
  - CREATES A SINGLE POINT OF CONTACT FOR BUSINESSES
  - ENSURES ALL KANSANS, INCLUDING PERSONS WITH DISABILITIES, HAVE ACCESS TO MEANINGFUL EMPLOYMENT OPPORTUNITIES
  - STRENGTHENS KANSAS' EDUCATIONAL/TRAINING INFRASTRUCTURE
  - CREATES A SEAMLESS, MARKET DRIVEN SYSTEM

# EXECUTIVE REORGANIZATION ORDER No. 31

5-1

- THE ERO WAS ISSUED AFTER A FULL YEAR OF STUDY
- CHANGES IN CONCEPT HAVE OCCURRED
  - NUMBER OF WORKFORCE INVESTMENT ACT AREAS
  - LOCATION OF ONE STOPS

# EXECUTIVE REORGANIZATION ORDER No. 31

- WORKFORCE DEVELOPMENT IN KANSAS HAS BEEN STUDIED FOR AT LEAST 17 YEARS
  - 2003 - HOUSE COMMITTEE ON HIGHER EDUCATION
  - 2001 - BOARD OF REGENTS (BOR)
  - 2000 - VISION 21<sup>ST</sup> CENTURY TASK FORCE
  - 1999 - KCCI WORKFORCE DEVELOPMENT TASK FORCE
  - 1997 - KANSAS, INC
  - 1994 – INSTITUTE OF PUBLIC POLICY & BUSINESS RESEARCH
  - 1994 – KANSAS, INC.
  - 1986 – TASK FORCE ON BUSINESS TRAINING

# EXECUTIVE REORGANIZATION ORDER No. 31

- SEVERAL RECOMMENDATIONS HAVE BEEN CONSISTENTLY MADE IN THOSE STUDIES
- WORKFORCE TRAINING SHOULD BE CONSOLIDATED
- WORKFORCE TRAINING SHOULD BE BASED ON EMPLOYERS' REQUIREMENTS
- COMMUNITY COLLEGE SERVICE AREAS SHOULD BE RECONSTRUCTED
- ESTABLISH A STATE-WIDE BODY TO...PROVIDE OVERSIGHT AND MANAGEMENT
- CREATE LOCAL AND REGIONAL WORKFORCE DEVELOPMENT BOARDS
- CREATE A SEAMLESS SYSTEM
- DEPARTMENT OF COMMERCE SHOULD ACT AS THE LIAISON TO BUSINESSES FOR TRAINING PROGRAMS

# EXECUTIVE REORGANIZATION ORDER No. 31

- EXISTING BARRIERS TO A COMPREHENSIVE INTEGRATED WORKFORCE DEVELOPMENT SYSTEM
  - THE BOARD OF REGENTS, KDHR, COMMERCE, COMMUNITY COLLEGES, TECHNICAL COLLEGES/SCHOOLS, FIVE LOCAL WORKFORCE INVESTMENT BOARDS (LWIBs) AND THE WORKFORCE NETWORK OF KANSAS BOARD ALL HAVE RESPONSIBILITY FOR SOME FACET OF TRAINING
  - THESE PARTIES HAVE MET TOGETHER ONE TIME, MAY 16, 2003, TO DISCUSS WORKFORCE DEVELOPMENT
  - SEVERAL LARGE CHAMBERS OF COMMERCE ALSO ATTENDED THIS MEETING
    - ALL URGED REFORM OF THE SYSTEM

# EXECUTIVE REORGANIZATION ORDER No. 31

8-1

- EXISTING BARRIERS TO A COMPREHENSIVE INTEGRATED WORKFORCE DEVELOPMENT SYSTEM
  - THERE ARE NO FOCUSED COMMUNICATIONS AND SHARED GOALS REGARDING WORKFORCE DEVELOPMENT BETWEEN PROVIDERS
  - THERE IS NOT A SINGLE ENTRY POINT FOR EMPLOYERS
  - THE COMMERCE DEPARTMENT DOES NOT SHAPE TRAINING PROGRAMS
  - KDHR TRAINING PROGRAMS ARE NOT MARKET DRIVEN
  - THE WORKFORCE INVESTMENT ACT (WIA) ENACTED IN 1998 HAS A STATE-WIDE BOARD AND FIVE AREA BOARDS



# EXECUTIVE REORGANIZATION ORDER No. 31

1-9

- EACH OF THE 19 COMMUNITY COLLEGES IS GOVERNED BY AN INDEPENDENT BOARD OF DIRECTORS
  - SERVICE AREA RESTRICTIONS LIMIT FLEXIBILITY
- TECHNICAL SCHOOLS AND COLLEGES HAVE INDEPENDENT BOARDS OR ARE INCLUDED IN UNIFIED SCHOOL DISTRICTS
- THERE IS NO SINGLE SOURCE TO:
  - INTEGRATE PROGRAMS
  - EVALUATE QUALITY AND RESULTS
  - ELIMINATE DUPLICATION
  - DRIVE COST EFFICIENCY

# EXECUTIVE REORGANIZATION ORDER No. 31

01-1

- THE ERO, STEPS ALREADY TAKEN AND NEW LEGISLATION CREATING “KANSASFIRST” MOVES KANSAS TOWARD A SEAMLESS, MARKET DRIVEN SYSTEM
- COMMERCE’S TRAINING PROGRAMS, THE EMPLOYMENT AND TRAINING DIVISION PLUS STATE OVERSIGHT RESPONSIBILITIES FOR WIA WILL BE PLACED IN ONE DIVISION
  - FORMS A PARTNERSHIP BETWEEN KEY PROVIDERS
  - OPTIMIZES COMMUNICATIONS, ACCOUNTABILITY AND INTEGRATION OPPORTUNITIES
  - DIRECTLY LINKS THE ORGANIZATION THAT IS AWARE OF AND HELPS CREATE JOBS WITH INDIVIDUALS SEEKING EMPLOYMENT

# EXECUTIVE REORGANIZATION ORDER No. 31

- THE BOARD OF REGENTS, COMMUNITY COLLEGES AND TECHNICAL COLLEGES AND SCHOOLS WILL ALSO BE PARTNERS
- “KANSASFIRST” LEGISLATION FORMALIZES THIS PARTNERSHIP BETWEEN COMMERCE AND THE REGENTS
- THE MODEL
  - BUSINESSES CONTACT “KANSASFIRST”
  - COMMERCE AND THE REGENTS SELECT COMMUNITY COLLEGE OR TECHNICAL COLLEGE/SCHOOL TO PROVIDE TRAINING
    - BASED ON CENTERS OF EXCELLENCE CREATED
    - COMMUNITY COLLEGES’ SERVICE AREAS FOR COMMERCE TRAINING PROGRAMS ELIMINATED
    - WORKFORCE CENTERS CAN BE CONSIDERED
  - PAYMENTS MADE TO PROVIDING INSTITUTION

# EXECUTIVE REORGANIZATION ORDER No. 31

1-12

- COMMERCE PROGRAMS PROVIDE DIRECT PAYMENTS TO RELOCATING OR EXPANDING EMPLOYERS FOR TRAINING
  - INVESTMENT IN MAJOR PROJECTS AND COMPREHENSIVE TRAINING (IMPACT)
  - KANSAS INDUSTRIAL TRAINING (KIT)
  - KANSAS INDUSTRIAL RETRAINING (KIR)
- PAYMENTS THROUGH THESE PROGRAMS AVERAGE OVER \$10.0 MILLION ANNUALLY
- \$.94 OF EVERY \$1.00 PAID UNDER THESE PROGRAMS ARE UTILIZED BY THE COMPANIES RECEIVING IT AND VENDORS THEY SELECT
  - CONTRAST TO GEORGIA
  - CESSNA/INDEPENDENCE EXPERIENCE
- OBJECTIVE IS TO PAY KANSAS INSTITUTIONS TO BUILD EXPERTISE, CAPACITY AND INFRASTRUCTURE
- A TRANSITION PERIOD WILL BE REQUIRED

# EXECUTIVE REORGANIZATION ORDER No. 31

1-13

- THE MODEL FOR THIS SYSTEM EXISTS IN KANSAS
- KANSAS TECHNICAL TRAINING INITIATIVES (KTTI)  
AND  
KANSAS INSTITUTE FOR TECHNICAL EXCELLENCE (KITE)
- KTTI – A PARTNERSHIP BETWEEN BOEING, CESSNA, BOMBARDIER, RAYTHEON, KANSAS, WICHITA, SEDGWICK COUNTY AND UNIFIED SCHOOL DISTRICT #259
  - CREATED TO MEET THE AVIATION INDUSTRY’S NEED FOR AIRFRAME MECHANICS
- AFTER THE PARTNERSHIP WAS FORMED, THOUSANDS OF AIRCRAFT WORKERS WERE DISPLACED
- THE NEED FOR MECHANICS CONTINUED

13



# EXECUTIVE REORGANIZATION ORDER No. 31

- KTTI IS PROVIDING NEEDED MECHANICS
  - UNDER COWLEY COUNTY'S FEDERAL AVIATION ADMINISTRATION (FAA) APPROVED PROGRAM
  - A UNIQUE PREPARATORY CLASS HAS BEEN CREATED
  - AN INDIVIDUAL WITH 18 YEARS AVIATION EXPERIENCE CAN TEST FOR AIRFRAME MECHANIC CERTIFICATION AFTER THREE TO SIX MONTHS
    - NORMAL CURRICULUM IS NINE MONTHS
    - 20 GRADUATES – ALL SUCCESSFUL
    - 50 OTHER STUDENTS IN THE PREP CLASS
- TRADITIONAL AIRFRAME MECHANIC COURSE BEGAN ON JANUARY 26
  - 70 STUDENTS
- MECHANICS COURSE IS OPEN ENTRY AND OPEN EXIT; IN OPERATION 12 MONTHS OF THE YEAR AND OFFERS DAY AND NIGHT CLASSES

1-14

h7

# EXECUTIVE REORGANIZATION ORDER No. 31

- KITE IS A PARTNERSHIP OF BUTLER, COWLEY AND HUTCHINSON COMMUNITY COLLEGES AND WICHITA AREA TECHNICAL COLLEGE
- CENTERS OF EXCELLENCE ARE BEING CREATED
  - BCCC - IT
  - CCCC – AVIATION
  - HCC – MANUFACTURING
  - WATC – HEALTH PROFESSION
- PROCESSES ARE IN PLACE FOR THE PARTNERS TO IDENTIFY ADDITIONAL CENTERS OF EXCELLENCE
- ALL NEW CLASSES HAVE TO BE APPROVED BY KITE’S BOARD.
  - THE INSTITUTIONS’ PRESIDENTS





# EXECUTIVE REORGANIZATION ORDER No. 31

1-10

- KITE PARTNERS ARE MOVING TOWARD ONE APPLICATION, ONE FINANCIAL AID PACKAGE AND ONE ASSESSMENT CENTER
  - SEVEN ASSESSMENT CENTERS CURRENTLY
- KITE AND KTTI ARE CREATING A SEAMLESS, MARKET DRIVEN WORKFORCE DEVELOPMENT SYSTEM THAT IS MEETING THE OBJECTIVES OF EXECUTIVE REORGANIZATION ORDER No. 31
  - RESPONDING TO MARKET NEEDS AND ACCELERATING DISPLACED EMPLOYEES RETURNING TO WORK
- ENDORSED BY THE BUSINESS COMMUNITY

21

# EXECUTIVE REORGANIZATION ORDER No. 31

1-17

- OTHER ACTIONS TO DATE
  - A THOROUGH, PROFESSIONAL TRANSITION PLAN IS BEING PREPARED
  - CONVERSATIONS WITH ALL STAKE HOLDERS ARE BEING HELD

# EXECUTIVE REORGANIZATION ORDER No. 31

81-1

- A NEW OPPORTUNITY
  - BURLINGTON NORTHERN SANTA FE RAILROAD NEEDS 6,000 CONDUCTORS/ENGINEERS
    - 2,400 ARE NEEDED NOW
  - CONDUCTOR/ENGINEERING POSITIONS START AT \$50,000
    - SALARY CAN GROW TO OVER \$100,000
  - COURSE TO BECOME A CONDUCTOR/ENGINEER IS 16 WEEKS LONG AT JOHNSON COUNTY COMMUNITY COLLEGE (JCCC)
  - TUITION IS \$1,400
  - APPLICANTS ARE ASSESSED FOR SPATIAL/MECHANICAL APTITUDE AND COLOR BLINDNESS

81

# EXECUTIVE REORGANIZATION ORDER No. 31

1-19

- JCCC IS OPENING SEVEN ADDITIONAL CLASSROOMS AND TRAINING ON THREE SHIFTS
- COMMERCE WILL MAKE EFFORTS TO RECRUIT, HAVE ASSESSMENTS PERFORMED AND SEEK FINANCIAL ASSISTANCE FOR APPLICANTS
- JOB OPENINGS LINKED TO JOB SEEKERS



DEPARTMENT OF HUMAN RESOURCES  
Jim Garner, Secretary

KATHLEEN SEBELIUS, Governor

**Testimony before the  
Senate Commerce Committee  
Executive Reorganization Order No. 31  
Secretary Jim Garner, Kansas Department of Human Resources  
4 February 2004**

Senator Brownlee and Members of the Committee:

Thank you for the opportunity to appear today and share our support for the Governor's Executive Reorganization Order (ERO) No. 31, which would transfer the Kansas Department of Human Resources' Division of Employment and Training to the Department of Commerce where it will be known as the Division of Workforce Development. The ERO also moves the Kansas Commission on Disability Concerns to Commerce and renames KDHR as the Kansas Department of Labor.

**Why move the Division of Employment and Training?**

The Division being transferred encompasses primarily the federal job training and employment service programs administered by the state. Attached is a listing of the programs involved in the Division of Employment and Training. The most significant financial programs are the Workforce Investment Act programs and the Job Service (labor exchange) operations.

Consolidating workforce development and job training services within the Department of Commerce is a critical part of the Governor's Economic Revitalization Plan. It is a clear recommendation that arose from the Prosperity Summits held across Kansas this past summer and fall.

The reasoning behind the consolidation of these services is to marry the demands of business and industry for a trained workforce with the needs of unemployed dislocated workers and underemployed career seekers for advantageous and meaningful job training opportunities. We also believe and expect that the creation of a seamless, coordinated workforce development system will also involve the education community. By moving in a coordinated manner, the job training programs and the demands of business can better direct education providers, whether vocational technical colleges, community colleges, universities or proprietary schools, to be responsive to these needs.

This is not a new idea. It is a recommendation that goes back over 15 years to the 1986 Task Force on Business Training. Many states are moving to consolidate their employment and training programs. At a recent meeting of the National Association of State Workforce Agencies an entire session was dedicated to the topic of merging job training programs with state economic development agencies. This is a growing trend in state government which recognizes that workforce development is economic development.

### **What does this involve?**

The two agencies are now in the process of planning the transfer of approximately 280 employees. The Division of Employment and Training administers roughly \$39 million in primarily federally-funded job training and labor exchange programs. The transition will involve 250 employees from the Division of Employment and Training and approximately 30 support service personnel from KDHR's fiscal, legal, personnel, information technology and building and office divisions.

### **Why move the Kansas Commission on Disability Concerns?**

ERO No. 31 also proposes the transfer of the Kansas Commission on Disability Concerns (KCDC) with the Employment and Training programs. This recognizes the role KCDC plays in improving access and services to persons with disabilities in local workforce centers.

The desire of the Kansas Commission on Disability Concerns and its director is to locate their responsibilities with the same agency overseeing the workforce development centers. We must continue to ensure that persons with disabilities are afforded full benefits of the workforce development programs. Improving the accessibility of job training and job services for persons with disabilities is an important part of this reorganization. In her message accompanying this ERO, Governor Sebelius states her commitment to "breaking down the barriers to employment, ensuring that all Kansans, regardless of their abilities, can obtain meaningful employment."

### **Why the name change to KDOL?**

The ERO also moves to rename KDHR as the Kansas Department of Labor. Quite simply, the name Kansas Department of Labor more accurately conveys the programs and services provided by the operations remaining within KDHR.

This new (old) name\* better reflects the responsibilities of the agency and will help the public access the services of the agency. The agency has many important responsibilities. It administers the Unemployment Insurance Program and the processing of claims for such benefits. The agency operates the State's workers compensation system. We enforce the employment standards for Kansas – wage and hour laws, the wage payment act and child labor laws. The agency's Labor Market Information Services is the research unit which compiles critical data on employment in Kansas and meets the reporting requirements of the U.S. Department of Labor's Bureau of Labor Statistics. The Public Employees Relations Board is located in the agency and oversees the Public Employers and Employees Relations Act and the Professional Negotiations Act.

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\* The agency was known as the Department of Labor from 1939 to 1976.

In most states, agencies with similar functions are denoted as that state's "Departments of Labor." The federal agency we work closely with in administering these functions is the U.S. Department of Labor.

There are 12 other states that have Departments of Human Resources. However, in 7 of those states they are the states' personnel operations (similar to Kansas' Division of Personnel Services within the Department of Administration) and in five they are state social welfare agencies (much like our SRS). Kansas is the only state that provides the name "Human Resources" to our labor services agency.

This generates a fair amount of confusion among the public. We receive many misdirected phone calls from individuals seeking employment with the state of Kansas or seeking information from our State's social welfare agency. For two months, August and September of 2003, we tracked the wrong numbers received by our agency. 196 callers contacted the Department of Human Resources thinking we were the personnel department for state government (DPS), and 104 callers thought we were the social welfare agency for the state (SRS). The name change will better communicate the services provided by the agency.

We definitely believe the new name will allow Kansans to more easily find the services they desire. There is no question of the need for employers and employees to have a central location where they can find the administrative programs concerning the workplace – the Department of Labor is recognized as that part of government.

### **Conclusion**

The decision reflected in ERO No. 31 is the result of much deliberation and thoughtful planning and consideration. After thorough examination, the administration concluded that this transfer makes good sense and will facilitate the next generation of workforce development in Kansas.

Bottom line, we truly believe this action will improve the delivery of services to the people and businesses of Kansas.

It is time to create a seamless, integrated workforce system – aligning the responsibilities for job training with the demands of industry for a trained workforce

I encourage your strong and complete support of Executive Reorganization Order No. 31. Again, thank you for the opportunity to appear and express my thoughts. I will be glad to stand for any questions you may have.



## **Programs in the Division of Employment and Training**

The Workforce Investment Act (WIA) operations which include the adult, youth and dislocated workers training programs and promotes the One-Stop system.

The Job Service (labor exchange) operations funded pursuant to the Wagner-Peyser Act, which assists employers and job seekers in matching job openings with qualified workers.

The Apprenticeship program and the Apprenticeship Council which oversees and approves all such labor/management apprenticeship customized training programs in Kansas.

The Older Kansans Employment Program (OKEP) which provides career assessment, job matching, and job search assistant to Kansans age 55 and older.

The Senior Community Services Employment Program (SCSEP) provides skill training through subsidized part-time employment for Kansans age 55 and older who are at or below 125 percent of the poverty level.

The Disabled Veterans Outreach Program (DVOP) which conducts outreach directed to disabled veterans and facilitates labor exchange services for this population.

The Local Veterans Employments Representative (LVER) which identifies, tracks, and provides case management services and job development for the veteran community.

The Work Opportunity Tax Credit which allows employers to receive a tax credit for hiring certain targeted populations of difficult to place job seekers.

The Neighborhood Improvement and Youth Employment Act (NIYEA) which funds summer and after-school employment projects for high school students.

The Labor Certification Programs which processes applications for foreign workers seeking temporary and permanent work visas in the United States.

The Trade Act and NAFTA programs (TRA) which provides employment and training services to workers who have lost jobs because of foreign competitions. This program is only available to workers whose companies have been certified as eligible under the Trade Act provision.

The Wheat Harvest program which provides farmers with a system to locate and hire custom cutting crews to harvest winter wheat.

Rocky Nichols  
Exec. Dir., KAPS

**Kansas Workforce Development Program Position Paper and Recommendations**  
**Developed by:**  
**Kansas Advocacy and Protective Services**  
**Statewide Independent Living Council of Kansas**  
**Kansas Commission on Disability Concerns**

**PROBLEM – The Workforce Development system is not working for persons with disabilities.**

**RECOMMENDATIONS – The disability community will support ERO 31 if the following recommendations are implemented to help fix system:**

1. The Kansas Department of Commerce will create and maintain an Ad Hoc Implementation Oversight Advisory Committee with the responsibility to report on Commerce's efforts to make all Workforce Development Center (WDC) programs, services and resources available to persons with disabilities who are also job seekers. This Advisory Committee will be made up of representatives from the organizations that developed this plan, Kansans with disabilities, and other interested parties. This Committee will be charged with advising the Governor and the Secretary of Commerce on implementation of these systems change issues and reform measures.
2. If Kansas Rehabilitation Services (KRS) is not moved to Commerce by the 2004 Legislature, the Governor needs to commit to seriously studying a trailer ERO that would consolidate Kansas Rehabilitation Services with Commerce. If KRS is not moved to Commerce, it would mean that every program under the control of State Government that finds jobs for Kansans would be under Commerce, except KRS. Because of this fact, this study also needs to ensure that services at KRS are not segregated, regardless of where it is housed. Implementing these recommendation will help prevent segregated services.
3. Governor will appoint at least two persons with disabilities (not affiliated with State Government) as additional at-large members to the Workforce Network of Kansas. The Workforce Network of Kansas shall require Local Workforce Investment Boards (LWIB) to have a least two persons with disabilities on their boards.
4. The Kansas Department of Commerce will take the steps necessary to prevent LWIBs from applying discriminatory eligibility or suitability measures or restrictions for WIA participation and give priority for access to Individual Training Accounts to low income individuals with disabilities.
5. The Kansas Department of Commerce will take the necessary steps to develop and ensure the proper implementation of a new customer friendly direct service model for the WDCs that provides equal and appropriate employment search assistance for individuals with disabilities. Along with this will be discontinuing the current "self-serve" model. Included in this priority is a requirement to track persons with disabilities served, services that the population receives, success of the employment search and feedback from those customers regarding reasonable accommodation, access to programs and resources, and access to and use of assistive technology.

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Attach # 3

6. The Kansas Department of Commerce will require that all WDC employees (public and private) receive training about working with people with disabilities, access to and use of assistive technology and general services available through the WDC's partner organizations and programs. This training will include the appropriateness and methods of referring customers to partner organizations (including fixing the current problem of over-referrals to Kansas Rehabilitation Services). Compliance will be documented prior to funds being released or before they are eligible for additional funding, such as incentive grants or bonuses.
7. The Kansas Department of Commerce will take specific steps to ensure that the needs of individuals with disabilities will be met by the Kansas One-Stop System and specify the actions that LWIBs must take if the current markets of intensive service and training providers are unable to meet the service needs of individuals with disabilities in the relevant service areas.
8. The Governor will have the Kansas Department of Commerce and the Kansas Department of Social & Rehabilitation Services clarify the role of the Kansas Rehabilitation Services (VR) program in the Kansas One-Stop System, and establish mechanisms to ensure full integration and collaboration between these systems. The Department will further ensure that these different program streams will be integrated to form a statewide, comprehensive, coordinated and accountable system that will adequately serve individuals with disabilities. Also, KRS is an Employment Network under Ticket to Work. To further this collaboration, the Department and the Workforce Network of Kansas will require One-Stops to become Employment Networks under Ticket to Work. Because no One-Stops or WDCs are Employment Networks it further sends the message that they don't want to serve Kansans with disabilities.
9. The Kansas Department of Commerce will provide new WDC customers with an orientation about direct services available, partner services available and methods of accessing all of the various programs, services and resources of the WDCs. This will include the person's rights as a customer (ex: right to receive services at a WDC even if they are VR eligible, etc.).
10. The Kansas Department of Commerce will review all WDCs annually for compliance with the assistive technology requirements, as required by the State's 5 year Plan. The Department will also ensure that WDC employees are competent and knowledgeable about how assistive technology is used to assist persons with disabilities searching for employment.
11. The Kansas Department of Commerce will ensure that all WDC facilities comply with the applicable architectural accessibility requirements. The Department will ensure that WDC employees are skilled in the procedures of acquiring interpreter services and alternative formats for print resources in addition to knowing and understanding the non-discrimination policy of the Kansas Department of Commerce.
12. The Governor and the Department of Commerce need to take any and all steps to ensure that both the 5-year plan and the requirements of federal law that ensure better services for persons with disabilities are followed. This includes requirements under WIA like the Methods of Administration (MOA), Section 188, etc.

## **BACKGROUND – Why these recommendations are needed.**

There is an expansion of activity around workforce development programs in Kansas. A growing concern is that the employment search assistance needs of people with disabilities are not being considered as these changes are occurring. Because the unemployment rate for Kansans with disabilities runs as high as 70 percent, it is time to focus on how the Kansas workforce development system can improve service to job-seekers with disabilities. Kansas Advocacy and Protective Services (KAPS), the Statewide Independent Living Council of Kansas (SILCK) and the Kansas Commission on Disability Concerns (KCDC) have combined their knowledge and experience to develop this position paper on the improvements the Kansas workforce development system needs.

Employment is central to living independently and self-esteem for all persons. The key to effectively moving people, both with and without disabilities from state and federal public assistance programs is to help them find employment that provides the wages and benefits necessary for self sufficiency. All persons, regardless of abilities must receive employment search assistance that meets their individual skills, talents, needs and abilities. The current Kansas Workforce Development Center service programs do not adequately address the needs of persons with disabilities seeking employment.

### **The Kansas WIA Five Year Plan states the following:**

- *KDHR will ensure that all applicable laws pertaining to nondiscrimination (i.e. Section 504 of the Rehabilitation Act of 1973 and Section 188 of WIA) and equal opportunity are followed. The Workforce Compliance and Oversight unit shall monitor at least annually all grantees for compliance with applicable nondiscrimination and equal opportunity laws and equitable service levels among the significant segments mentioned above. Monitoring will be performed on-site and will be followed by a written report of any findings along with requested corrective action and follow-up as appropriate.*
- *KDHR will also ensure compliance with the Americans with Disabilities Act throughout the One-Stop service delivery system. The LWIBs will develop policies to prioritize intensive and training services for special population groups that include displaced homemakers, low-income individuals such as migrants and seasonal farm workers, public assistance recipients, women, minorities, individuals training for non-traditional employment, veterans, and individuals with multiple barriers to employment, including older individuals, people with limited English-speaking ability, and people with disabilities. Active local outreach will be coordinated among service providers and described in MOUs. Efforts will be implemented to serve customers who do not have easy access to transportation to a One-Stop Career Center or a means to access information through computer linkages.*
- *Customers with disabilities will receive the full range of services available through Wagner-Peyser including registration and referrals. As One-Stop partners, Wagner-Peyser staff, Vocational Rehabilitation Counselors, and representatives of community based organizations that serve people with disabilities will provide customized services for individuals with disabilities. To assure that customers with disabilities are able to access job listings and use the self-registration and self-service resources, all physical and satellite One-Stop Career Centers will adhere to requirements of the ADA and disabilities-related requirements found in Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794; Section 188 of WIA U.S.C. 2938 and their implementing regulations.*

- One-Stop Career Centers will be accessible to people with disabilities. Centers will modify or adjust their environments to enable customers with disabilities to access services. This may include adjustments to assure customers with disabilities are afforded the rights and privileges equal to those of customers who are not disabled. Examples of accommodations that may be made include acquiring or modifying equipment; providing qualified readers or interpreters; and appropriately modifying examinations, training, or other programs. Accommodations to provide access may include removing architectural, physical, communications, and transportation barriers; providing readers, interpreters, and other auxiliary aids; and acquiring or modifying equipment or devices.
- It is the stated policy of the State of Kansas that all persons regardless of ability / disability will have equal access to, and benefit from the Workforce Development Centers operating in and for Kansans.

*Disability advocacy groups would argue that the State is not following its own 5 year plan and the requirements of federal law, given the fact that Kansans with disabilities have experienced so many problems in accessing the WDCs.*

**Further Evidence of Problems with the System for Persons with Disabilities (from KU Studies):**

*The University of Kansas' Center for Research on Learning, Division of Adult Studies* recently conducted four studies that focus on the needs of persons with disabilities seeking employment and the WDC system in Kansas. The most recent study, Ready and Able II: Enhancing the One-Stop System in Kansas to Increase the Employment of People with Disabilities focused on the WDCs in seventeen counties of Local Area II and includes the offices in Lawrence, Topeka, Atchison, Manhattan and Junction City. The report concludes the following.

1. The WDC staffs need access to quality training on a broad range of disability issues. Focus group activities with entire staffs of the Region II offices indicate:
  - a. The staff feels a clear need for more information and training on two "populations" ... people with mental illness and people with learning disabilities.
  - b. Staff members believe that a notable lack of use of the Centers by persons with disabilities exists. Among other things, this underutilization of resources makes it difficult for staff to maintain confidence and/or expertise with regard to the use of the assistive technology.
  - c. The most knowledgeable staffs are those who have been on the job the longest. The information they have and the contacts with other agencies and services are not readily available to others.
2. Staffing at the WDCs is problematic. Staff members are not required to have specific expertise in employment services nor in working with diverse populations.
3. Numerous programmatic issues impede the effective delivery of WDC services to customers with disabilities, including:
  - The library model of services
    - i. None of the five WDCs in Region II have an 'orientation' to their centers. A repeated observation is that this fact leaves most customers at a loss in terms



of a.) Knowing what is available in the centers, and b.) Having a process or method of utilizing available resources they might discover.

ii. Experiences reported by Region II ‘mystery shoppers’ indicate that unless a customer is a.) Comfortable with asking questions, b.) Is good at asking the right questions, and c.) Is persistent – they will not fare well in the environments created by the WDCs.

- The hours of operation
  - Ineffective integration of services with both mandated partners and community services providers
4. Outreach by the WDCs to employers about hiring people with disabilities is virtually non-existent.
  5. Local governance of the WDCs, through the LWIBs, does not currently incorporate the perspectives or membership of people with disabilities or disability-related service providers. Anecdotal information is that staffs from disability-related service organizations have been refused the opportunity to participate on their local workforce investment boards (LWIBs). Further, some mandated partners, such as VR and adult education, have been told they must help pay for the One-Stop facility or be denied representation on the LWIB.
  6. WDC customers with disabilities consistently report dissatisfaction with the WDCs, especially noting that they desire more one-on-one services, WDC staff with disabilities, and information about intensive services for which they may be eligible. The sense is that the WDC has little to add to the information available on websites. Thus, visiting a WDC is neither efficient nor effective.

*More information from these KU reports and studies are attached.*

### **The Inadequacies of the WDC Current System for Kansans with Disabilities**

1. The Kansas Workforce Development Centers (WDC) has a “self-serve” method of service delivery. The self serve model does not provide adequate one-on-one service to job-seekers to help them with their job search.
2. WDC staff are not trained to work with job-seekers with disabilities in their job-searches, use of assistive technology and alternative forms of communication, e.g., sign language, Braille, large print and other auxiliary aides and services. Also, the staff tend to refer job-seekers with disabilities to Kansas Rehabilitation Services rather than helping the job-seeker directly through the WDC (which they are supposed to do under federal law and regulations).
3. WDC staff are not trained on the services of their WIA partners.
4. Assistive technology is not available in every WDC and not all staff have been trained to use the technology that is available to them and / or the consumers.
5. Some WDCs are neither architecturally accessible nor programmatically accessible.

### **Additional details of the WDC Inadequacies for Kansans with Disabilities**

- The Kansas Workforce Investment Act (WIA), One-Stop Centers or Workforce Development Centers (WDC) in Kansas currently operate under a “self-serve” model. This model allows skilled job-seekers to enter, use the computers and other resources and leave without direct contact with the WDC staff. This self-service model is effective for experienced job-seekers, but is not

sufficient support for those consumers who are first time job hunters, or who have little, or no experience with technology and other resources available at the WDC.

- Another barrier to effective service to persons with disabilities seeking employment at the WDC in their community is the attitude of the administrators and staff at the Centers. Assisting individuals with disabilities in their employment search can be time consuming and challenging and it appears that some administrators and staff avoid those challenges by simply referring the person elsewhere.
- The Kansas Commission on Disability Concerns (KCDC) has implemented two projects that included training opportunities for WDCs in Kansas to improve their services for people with disabilities. Unfortunately only Kansas Department of Human Resources (KDHR) staff have taken advantage of the sensitivity training on working with customers with disabilities. When approached by KCDC to offer the same opportunity for training, private One-stop Center managers have not given their staff time to complete training. As a result, the training provided by KCDC consisted of only a brief overview of the issues facing persons with disabilities who might be seeking employment through the WDCs, and a few minutes on assistive technology with an accompanying worksheet. Additional training is needed and needs to be required of all WDC employees.
- The experience of job-seekers with disabilities and KCDC staff is that WDC staff are unaware of the services and programs their WIA partners provide and so, are unable to make appropriate referrals. They do not know they can contact partners and coordinate services for both job-seekers with, or without disabilities. The purpose of WIA is to coordinate funding and provide a variety of services that leads to successful gainful employment of all Kansans.
- The accessibility policy the Division of Employment and Training adopted for WIA programs requires that assistive technology be available for use by both job seekers and staff. Additionally, the WIA requires assistive technology be available and usable for job-seekers with disabilities in WDCs. However, only a limited number of the WDCs have the assistive technology required or have the technology installed so that it can be used by consumers and/or staff.
- It has been reported that some WDCs are not architecturally and/or programmatically accessible. Architectural access refers to the building meeting the physical accessibility standards. Programmatic accessibility means a computer has appropriate assistive technology to meet the WIA requirements for access, or that a method is in place for providing interpreter services, alternative formats for print media, and that other assistive technology is available and usable. Access to direct services is critical to job seekers, especially persons with disabilities and WIA specifically requires architectural and programmatic accessibility.



Rocky Nichol  
Exec Dir., KAPS

## University of Kansas' Center for Research on Learning: Improving Outcomes for Persons with Disabilities in Kansas' Workforce Development System

Staff at the University of Kansas' Center for Research on Learning, Division of Adult Studies has been involved numerous projects to increase employment outcomes for Kansans with disabilities. Four recent research and demonstration projects include:

- Responding to Specific Learning Disabilities in WtW Clients and in the Employment Setting, funded by the Kansas Department of Human Resources, 1999-2001. This project was statewide in scope, with training provided to 621 SRS and KDHR staff members on barriers to employment for people with disabilities.
- Ready and Able: Enhancing the One-Stop System in Kansas to Increase the Employment of People with Disabilities, funded by Kansas Rehabilitation Services, 2001-2003. This project focused on WDCs in Local Area III: Kansas City, Leavenworth, and Johnson County.
- Strategies to Promote Accessible Cost-Effective Advocacy and Generic Community Services for Individuals with Significant Disabilities, funded by the U.S. Department of Education, National Institute on Disability and Rehabilitation Research, 2001-2004. This project's materials were developed with Kansas WDCs and Independent Living Centers. Field tests and dissemination will continue nationally.
- Ready and Able II: Enhancing the One-Stop System in Kansas to Increase the Employment of People with Disabilities, funded by U.S. Department of Labor, 2002-2004. This project focuses on the WDCs in seventeen counties of Local Area II and includes the offices in Lawrence, Topeka, Atchison, Manhattan and Junction City.

Based on these projects and related health care, social service, adult education, and rehabilitation service research activities, we can attest to the complexity of issues involved in the attainment of competitive employment for people with disabilities. We offer the following observations and recommendations about the Kansas Workforce Development system as an initial, but critical, step in increasing the employment of Kansans with disabilities.

### Observations:

1. The WDC staffs need access to quality training on a broad range of disability issues. Focus group activities with entire staffs of the Region II offices indicate:
  - a. The staff feels a clear need for more information and training on two "populations": people with mental illness and people with learning disabilities.
  - b. Staff members believe that a notable lack of use of the Centers by persons with disabilities exists. Among other things, this underutilization of

resources makes it difficult for staff to maintain confidence and/or expertise with regard to the use of the assistive technology.

- c. The most knowledgeable staffs are those who have been on the job the longest. The information they have and the contacts with other agencies and services are not readily available to others.
2. Staffing at the WDCs is problematic. Staff members are not required to have specific expertise in employment services nor in working with diverse populations.
3. Numerous programmatic issues impede the effective delivery of WDC services to customers with disabilities, including:
  - The library model of services
    - i. None of the five WDCs in Region II have an 'orientation' to their centers. A repeated observation is that this fact leaves most customers at a loss in terms of a.) Knowing what is available in the centers, and b.) Having a process or method of utilizing available resources they might discover.
    - ii. Experiences reported by Region II 'mystery shoppers' indicate that unless a customer is a.) Comfortable with asking questions, b.) Is good at asking the right questions, and c.) Is persistent - they will not fare well in the environments created by the WDCs.
  - The hours of operation
  - Ineffective integration of services with both mandated partners and community services providers
4. Outreach by the WDCs to employers about hiring people with disabilities is virtually non-existent.
5. Local governance of the WDCs, through the LWIBs, does not currently incorporate the perspectives or membership of people with disabilities or disability-related service providers. Anecdotal information is that staffs from disability-related service organizations have been refused the opportunity to participate on their local workforce investment boards (LWIBs). Further, some mandated partners, such as VR and adult education, have been told they must help pay for the One-Stop facility or be denied representation on the LWIB.
6. WDC customers with disabilities consistently report dissatisfaction with the WDCs, especially noting that they desire more one-on-one services, WDC staff with disabilities, and information about intensive services for which they may be eligible. The sense is that the WDC has little to add to the information available on websites. Thus, visiting a WDC is neither efficient nor effective.

## Recommendations:

1. Disability-related training be provided on an on-going basis to WDC staff via multiple formats including in-person and on-line. The training should include at least the following:
  - Non-discrimination requirements of WIA
  - Disability etiquette
  - Auxiliary aids and services
  - TW-WIIA
  - Working with mandated partners and community agencies
  - Universal access
  - Addressing barriers to employment for people with disabilities
  - Disclosure and accommodation of disability with employers
2. Require that all customers entering a WDC be given an orientation to Center services and information about available core and intensive services. Additionally, conduct customer surveys to ascertain the need for evening and/or weekend hours.
3. Mandate increased integration of services with required partners and community service providers. Encourage the development of MOAs with local disability-services providers.
4. Mandate outreach to employers as a required function of WDCs. Such outreach should include working with employers to understand their rights and responsibilities in regard to hiring people with disabilities.
5. Change the required composition of the State and Local Workforce Investment Boards to include people with disabilities and/or staff from agencies that provide services specifically to people with disabilities.
6. Discontinue the library model of service delivery in exchange for more personalized and intensive services. In addition, increase affirmative action to hire WDC staff members with disabilities.
7. Consider alternative strategies for improving the WDC culture regarding services and outcomes for persons with disabilities. Staff development activities are not sufficient. Performance standards might help identify important considerations from WDC staff, but they too seem insufficient. A combination of strategies seems appropriate. Some suggestions are offered above. Central to those strategies is increasing the sense that successful outcomes for persons with disabilities is an important part of a WDC's staff person's role and how the WDC staff work together and with their partners. Imagination, determination and continued dedication are important.

### **Possible Resources:**

From the projects listed above, we have the following resources available to WDC staff and others involved in their activities:

#### Printed and Internet-Posted Materials:

- *Help Wanted: Diversifying and Strengthening Your Workforce by Hiring People with Disabilities*; for WDCs and other organizations to use in reaching out to employers.
- *Opening Doors: Empowering People with Disabilities*; for staff development for WDC and other service providers.
- *The Road to Success*; a job skills curriculum for people with disabilities.
- *One-Stop 101*; this publication is also available on CD-ROM and is designed to help disability-related organizations work with their local WDCs to make them more accessible to jobseekers with disabilities.

The Department of Labor grant has also resulted in a new website (For specifics, please see: <http://kansasjoblink.com/ada/disability/>) that is designed for two audiences: the WDC staff as well as the customer. The website enables both audiences to a.) Begin to systematically identify their own needs and (perhaps) barriers to employment, and b.) Find local resources appropriate to the individualized needs of the customer. The site also has a 'career planning' component that has demonstrable value to new and continuing customers. This website and its multiple tools should not be construed as a substitute for effective and personal assistance to customers by WDC staff. Rather, the website has been conceived of as a set of tools to complement this assistance and address current shortcomings.

Below and on the following pages, we provide excerpts of findings from several of our WDC-related projects.

#### **From our consumer focus groups:**

Two pervasive themes in all the focus groups were the belief that the One-Stops should make more efforts to have people with disabilities as staff members and that services needed to be more personalized. The following examples are from the Leavenworth Consumer Focus Group conducted in November 2001:

"You get people out there that aren't disabled and they look down on people who are. I prefer talking to somebody who understands and knows what it's like to be there (have a disability and be looking for a job)."

"You sit there and post a résumé with the Kansas JobLink and I've never gotten one answer back on the JobLink – never."

**From our "mystery customers" who visited and described their experiences with a WDC in northeast Kansas in early 2003, after staff training on jobseekers with disabilities had been provided:**

On their first visit, each person was asked to visit the WDC and state that they were looking for work. With two exceptions, each person conducting the first visit was given a list of websites and was directed to the computers. One of the exceptions was our customer who was blind. She had a one-on-one session with one of the staff members who attempted to get the screen magnification on the computer to work, but who was unsuccessful and so helped with reading the information displayed on the computer. The other exception was a person with multiple sclerosis. Rather than being offered any assistance, he was simply told that he could go home and use the list of websites to look for a job.

Two themes emerged from this first session visit. If a person knew exactly what type of employment s/he was seeking, or could narrow it down to some specifics, they were more likely to get information. The WDC worked best for the customer with cerebral palsy (CP) who did not know anything about searching on-line before she went to the center, but she knew what kind of work she wanted. She was also not shy about asking questions when she didn't understand something.

Our blind customer and our customer with CP gave the staff and center very good reviews while the others were dissatisfied with the services that they received. Comments included: "They always seem grouchy;" "I walked in there and right away the person behind the desk kind of leered at me;" "People were either helping others or looking busy and moving around. Other than that person at the front, really nobody there looked approachable."

WDC staff must realize that people with disabilities often have low self-esteem, especially when it comes to issues of employment and they may be sensitive to even the slightest inattentive behavior. In fact, one of our participants felt that he wasn't even welcome to use the computers when the receptionist told him that he could do what they offered at a friend's computer. He walked out and said, "I'll probably never go back there. I don't know what these people are getting paid for, to sit around in front and read a paper." Quite a bit of cajoling from project staff was needed to get him to make a second visit.

**The prevailing feeling amongst participants after the first visit was that besides using the computer to look for jobs no other services were available. They were all given a list of different job sites to search, but no one was given any additional help. They felt that "Basically, the only way that they have to be able to look up job listings is on the Internet." Some were told, "they used to offer all sorts of services but with budget cuts, everything they have is on the computer." Unanimously, KU staff was told that WDC staff neither asked about disability (either verbally or in**



writing) nor did they describe any other services that might be available. No one was given a pre-application form for WIA services. The WDC operator had told project staff that each person who came to the center would receive this application form.

One mystery customer said: "He left my disability alone. I think he was afraid to talk too much about my disability." Disability is relevant in the job search process for many reasons: 1) Several of our participants lost their previous jobs because of their disability; 2) Of those people, not one of them knew their rights regarding reasonable accommodation; 3) None of them knew how to talk to potential employers about their disabilities or when they should or shouldn't; 4) They would be eligible for services under WIA; and 5) They might have been entitled to services through Vocational Rehabilitation.

*Second visits:*

For their second visit, mystery customers were coached to tell WDC staff that the on-line job searching was not working for them (in fact one of them had been looking for a job for four years) and to ask if any other services were provided by the Workforce system. On the second visit it was again noticeable that individuals with visible disabilities received more information than individuals with no visible disability.

Our blind participant was told about training (she didn't feel that she needed training) and about resources for on-the-job training that the WDC would work with the Coalition for Independence and VR to set up. Our participant with cerebral palsy was satisfied with her first visit and the number of leads she received; however, she became ill and could not pursue them.

The experience of our customers without visible disabilities was different. After asking on his second visit if any other services were available, Jim, our customer with severe asthma and depression, had the following conversation:

Jim: "Okay. I've signed up and done everything, now is there someone who's either a counselor or somebody who is supposed to assist?"

WDC: "Not really. We used to do that but not anymore."

Jim called the KU staff and asked for the manager's name because he wasn't satisfied with this response. He spoke with the assistant manager. In this conversation he mentioned that he had a disability and was given the same response. He and a couple of other customers wondered what all the staff people were doing there if the only help they had to offer was the Internet.

Another of our mystery customers without a visible disability was concerned about her résumé. She had a four-year gap in her work history and thought that she was including too many health professionals on her résumé as references. She relates this story:

I told them, this one gentleman, I said, 'I've been having trouble getting a job and I've been off four years because of health problems.' I said, 'well they're going to ask why I've been gone for so long' and he kind of shook his head like he understood but there was no further mention of anything. He was just kind of quiet, you know what I mean. He didn't listen. I was putting people from the SRS down for references. I don't know if this is the right thing to do because I think it tips the employer off that I've had problems. I told the guy this and he just kind of shook his head again. And then he went back to his desk.

Many individuals with disabilities struggle with the issues of gaps in work history and lack of appropriate references. This is an issue that could have been addressed in a brief period of time and with some simple changes to this mystery customer's résumé this potential problem could be resolved. If WDC staff members do not feel they have the knowledge or resources to help a person on this level they should make referrals to other agencies that can.

*Summary:*

Based on our mystery customer data, we question what strategies might be effective in improving the quality of services and outcomes for persons with disabilities using the WDC. We question whether training the WDC staff on disability issues alone makes much difference in their behavior with regard to services for people with disabilities. On a positive note some of our customers, those with apparent disabilities, were given more one-on-one attention, but customers who had hidden disabilities were not. For the WIA system to be helpful to customers, customers need to be aware of services that are offered and how to access those services. We are especially concerned that none of the mystery customers were referred to Vocational Rehabilitation. This referral is perhaps the easiest referral that staff can make and takes minimal time from their other tasks. With VR being a mandated partner in the WIA system, this lack of referrals seems indefensible.

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# KANSAS

DEPARTMENT OF HUMAN RESOURCES  
Jim Garner, Secretary

KATHLEEN SEBELIUS, Governor

Senate Commerce Committee  
February 4, 2004  
Testimony in Support of Executive Reorganization Order 31  
By Martha K. Gabehart  
Executive Director, Kansas Commission on Disability Concerns

Thank you Madam Chairwoman and members of the committee for this opportunity to testify in support of Executive Reorganization Order 31. I speak today in support of Executive Reorganization Order (ERO) 31. The focus of Kansas Commission on Disability Concerns (KCDC) work has been to improve employment for Kansans with disabilities. During the last four years we have worked closely with workforce centers in Local Areas II and III providing staff training on sensitivity, assistive technology and assisting job seekers with disabilities.

With this close link to the Division of Employment and Training and the workforce centers, it is logical for us to move to the Department of Commerce with Employment and Training.

Also, I have worked closely with Rocky Nichols of Kansas Advocacy and Protective Services (KAPS) and the Statewide Independent Living Council of Kansas (SILCK) on a position paper that outlines changes that need to occur with implementation of the Workforce Investment Act (WIA) with regard to job seekers with disabilities. We have met with Lt. Governor Moore, Secretary Garner and the Governor's staff on the changes requested in this paper. We are confident that the Governor and Lt. Governor are supportive of improving the system for people with disabilities and will support as many changes as possible.

Thank you for the opportunity to testify in support of ERO 31.

## Kansas Senate Commerce Committee

February 4, 2004

Presentation by Kris Kitchen, Executive Director, Heartland Works Local Area II LWIB.

Madame Chair and Committee Members, thank you for inviting me to respond to the questions you have posed about local operations in Northeast Kansas. I am Kris Kitchen, the Executive Director of Heartland Works. Heartland Works is a private not for profit business which administers the federally funded Workforce Investment Act, and is the One Stop Operator in the seventeen county area in Northeast, Kansas, known as Local Area II. I report to the Local Workforce Investment Board, and Chief Elected Officials Board.

The questions posed by this Committee and your Chair.

- How does the Local Board and Heartland Works administer services?
- Who walks through the door – what is the profile of the individuals receiving these services?
- How do you spend State Set-Aside monies?

Heartland Works operates five One Stop Centers. We refer to these centers as Workforce Centers and they are located in Atchison, Lawrence, Topeka, Manhattan and Junction City. The Local Area II Workforce Investment Board determined one stop centers would be co-located facilities. This was seen as the most customer friendly approach and truly illustrates the concept of the law.

The Workforce Investment Act provides for differing levels of services, which relate specifically to the level of need expressed by our customers.

Customers move through levels of services at the pace most appropriate for their needs.

Senate Commerce  
02/04/04  
Attach #6

All services are provided with the ultimate goal of employment, retention and increased earning potential for the customers.

**Core Services** are the initial level of service. Core services include job search, placement and retention assistance, job referrals to employers, and workshops aimed at helping our customers find and retain employment. If our customers have employment and training needs, which require a higher level of service, they move into Intensive Services. **(All partners)**

**Intensive Services** are for customers who have difficulty upgrading their current job or obtaining a new job through Core Services alone. Intensive services include individualized comprehensive career assessment, counseling and career planning, development of a tailored employment plan, internships and work experiences. If it is determined through our work in Core and Intensive services, a customer requires training in order to upgrade their current job or to obtain employment; we research training programs, which target high demand occupations. **(All partners)**

**Training Services** customers research a list of eligible training providers and compare the training provided to the current job demand and earning potential in the local area. With assistance from their Heartland Works representative, customers choose training programs, which will meet the employment and earning goals outlined in their employment plan. **(Heartland Works)**

At the completion of training, services revert back to the core level where we work with the customer to obtain and retain employment utilizing their new training credentials as a tool to increase their chance of employment success.

The Topeka Workforce Center On-Site partners:

<ul style="list-style-type: none"><li>• Workforce Investment Act</li><li>• Job Service</li><li>• Veterans</li><li>• Job Corps</li><li>• Unemployment Insurance</li><li>• SRS/TANF</li><li>• SRS/Voc-Rehab</li><li>• Goodwill Industries</li></ul>	<ul style="list-style-type: none"><li>• Kansas Legal Services</li><li>• S.E. KS Area Agency on Aging/Mentoring Works</li><li>• Lets Help</li><li>• International Black Student Alliance</li><li>• Kansas Commission on Disability Concerns</li><li>• Kansas Department of Corrections/Shawnee Re-entry program</li></ul>
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Contributing Partners are:

- Kansas Department of Commerce
- Go Topeka/ Topeka Chamber of Commerce
- University of Kansas, Division of Adult Studies

The Workforce Investment Act legislation is clear in that each partner is to pay for their share based on “benefits received” and not based on what’s available in each partner’s budget. The method of determining “benefits received” must be based on an allowable cost allocation methodology. The method for determining “benefits received” in Area II was based on assigned square footage and lease agreements. The combined budget for the five Area II Workforce Centers for expenditures from July’03 through December’03 is as follows.

Local Area II Workforce Centers

7/1/03-12/31/03

	Total	Heartland Works (WIA/WtW/TAF)	Partners
Rent	\$171,294.40	\$56,735.79	\$114,558.61
Premise Exp	\$16,405.77	\$8,258.59	\$8,147.18
Copier	\$8,719.05	\$3,573.49	\$5,145.56
Phone & Fax	\$9,739.72	\$2,704.46	\$7,035.26
Long Distance	\$2,377.33	\$859.44	\$1,517.89
Internet	\$16,413.07	\$2,055.65	\$14,357.42
Computer	\$51.73		\$51.73
Server/Printer	\$649.01	\$279.12	\$369.89
Resource Center	\$27,087.64	\$10,317.05	\$16,770.59

\$252,737.72	\$84,783.59	\$167,954.13
	34%	66%

Note: Does not include personnel costs to operate the centers.

Local Area II's Workforce Investment Act budget (new allocations only for the year started 7/1/03) is as follows:

Workforce Investment Act  
Budget\*\*

7/1/03-6/30/04

	Total	Administrative	Program/Client Services
Adult	\$730,679.00	\$73,067.00	\$657,612.00
Youth	\$800,720.00	\$80,072.00	\$720,648.00
Dislocated Worker	\$525,075.00	\$52,507.00	\$472,568.00
Adult State SetAside	\$176,000.00	\$16,000.00	\$160,000.00
Dislocated Worker State Set-Aside	\$363,000.00	\$33,000.00	\$330,000.00

\$2,595,474.00	\$254,646.00	\$2,340,828.00
	9.81%	90.19%

**Who walks through the door – what is the profile of the individuals receiving these services?**

We have approximately 2,000 individuals visit the Workforce Centers of Northeast Kansas every week. These individuals range from long-term, welfare dependants to laid off customers with master's degrees.

From July 1, 2003 through December 31, 2003 Heartland Works WIA training dollars have served:

Younger Youth (younger youth aged 14 to 18)	231
Older Youth (older youth aged 19 to 21)	38
Adults	235
Dislocated Workers	245
<b>Total</b>	<b>749</b>

**How much State Set-Aside do you receive and how do you spend it?**

This year, we have received \$176,000 of Adult State Set-Aside funds – of that \$16,000 will be used for administrative costs; \$160,000 for WIA adult program eligible customers' direct assistance (i.e., tuition, fees, books, childcare, transportation reimbursement, etc.). We also received \$363,000 of Dislocated Worker State Set-Aside funds - of that \$33,000 will be used for administrative costs; \$330,000 for WIA dislocated worker program eligible customers' direct assistance (i.e., tuition, fees, books, childcare, transportation reimbursement, etc.).

In years past, we have used State Set-Aside dollars for continuous improvement, customer satisfaction, one stop improvements, rapid response training and, of course, direct client services.

In closing, I would like to mention our new initiative with Employer Centers.

The Lt. Governor's initiative aimed at making workforce development efforts in Kansas more integrated and seamless is grounded in the belief that a collection of disparate programs can be more fully integrated when they are more clearly focused on customers, specifically business customers.


By focusing on employers as customers, we believe the Topeka Workforce Center has made substantial progress in raising the level of service to all customers. These local initiatives to better serve employers appear to be reaping some positive results. Since Lt. Governor Moore cut the ribbon on a new Employer Center here in Topeka, a variety of employers have utilized the Center for employee recruitment, testing, and interviewing, for meeting space, and as a resource center for information on workforce training.

Human resources staff from Target used the Employer Center for temporary space while their offices at the distribution facility were being readied. We also acted as a liaison between Target's local HR staff and Department of Commerce workforce training staff to facilitate and expedite the preparation of an IMPACT proposal. Additionally, the relationship with the Topeka Chamber of Commerce is outstanding. Workforce Center staff are not only delivering Rapid Response services to employees being displaced from TeleTech but are also involved in providing labor and wage data to the Topeka Chamber in an effort to find a new employer to fill the building after TeleTech closes April 2.

We consider our workforce centers a continuous work in progress. As the needs of our customers, both individuals and businesses, change we will change with them in order to serve in the most effective manner. Thank you.





Mary Ellen Conlee





**WORKFORCE ALLIANCE**  
OF SOUTH CENTRAL KANSAS

**Building Tomorrow's Workforce Today**



**WORKFORCE ALLIANCE**

- The Workforce Alliance, which developed out of the Workforce Investment Act (WIA), is a member of America's Workforce Network, and a business-driven partnership involving employers, educators and various community agencies.
- The mission is to develop and lead a flexible, integrated workforce system that identifies and responds to the future needs of South Central Kansas.





**Workforce Alliance**

**REGION**



- Sedgwick
- Butler
- Cowley
- Kingman
- Harper
- Sumner

**One Stop Workforce Development Centers:**  
Wichita, El Dorado, Strother Field



**Key Principles of WIA**

- Streamline/Coordinate/Integrate Services
- Empower Individuals
- Support Universal Access through One Stops
- Increase Accountability
- Foster Stronger Role for Local Boards & Private Sector
- Encourage State and Local Flexibility
- Improve Youth Programs





**WIA Target Groups**

**Adult:** Core services for ages 18 older. Priority for intensive services must be given to recipients of public assistance and other low-income individuals in areas where funds are limited.


**Dislocated Workers:** Excludes long-term unemployed from definition of dislocated worker and adds displaced homemakers.

**Youth:** Ages 14-21, low income, and meet at least one of six specific barriers to employment. 5% may be non-low-income if they have one or more specified barriers to school completion or employment. At least 30% of the funds must be spent on out-of-school youth.




**Adult and Dislocated Workers**

- Services provided through the "One-Stop" system
- Customers use Individual Training Account's (ITA's) to determine which training program and training providers fit their needs.





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02/04/04  
Attach #7





## Adult and Dislocated Workers

- Core services (no eligibility requirements)
  - job search and placement assistance (including career counseling);
  - labor market information (which identifies job vacancies; skills needed for in-demand jobs; and local, regional and national employment trends);
  - initial assessment of skills and needs; information about available services; and
  - some follow-up services to help customers keep their jobs once they are placed.
- Intensive services (unemployed individuals not able to find jobs through core services alone and employed workers who need more help to find or keep a job)
  - More comprehensive assessments,
  - Development of individual employment plans, group and individual counseling,
  - Case management, and short-term pre-vocational services.
- Training; Supportive Services may be authorized (e.g., transportation, child care) to assist participants receiving other services and provision of temporary support to enable participants to remain in training.

## Youth Guidelines

- Must be at-risk. Low income and one of the following:
  - (1) school dropout;
  - (2) basic literacy skills deficiency;
  - (3) homeless, runaway, or foster child;
  - (4) pregnant or a parent;
  - (5) an offender; or
  - (6) need help completing an educational program or securing and holding a job.
- Youth will be prepared for postsecondary educational opportunities or employment.
- Programs must link academic and occupational learning.



## Youth Program

Youth programs must include:

- Services leading to completion of secondary school/GED; tutoring, study skills training and instruction alternative school services;
- mentoring by appropriate adults;
- paid and unpaid work experience (such as internships and job shadowing);
- occupational skills training;
- leadership development; and
- appropriate supportive services.



Youth participants must receive guidance, counseling, and follow-up services for at least one year after exiting program.

Programs are year around with *summer employment opportunities* to be incorporated

## Performance Standards

- Establishes indicators of performance for adult, dislocated worker, and youth programs applied to States as well as local areas
- 4 core indicators relating to adults, dislocated worker programs, and youth ages 19-21
  - placement, retention, earnings, and skill attainment
- 3 core indicators for youth ages 14-18
  - basic skills attainment, high school diplomas/GED and placement/retention in postsecondary education, advanced training, or employment
- Sect. of Labor negotiates expected levels of performance for each indicator with each State, and State negotiates expected levels of performance with each local area
- Negotiations should consider economic and demographic factors
- Technical assistance, sanctions, and Federal incentive funds are tied to whether States meet the expected levels of performance

## State Allocation

**Adults**  
85% allocated to local areas  
15% reserved for statewide activities of which must include:



- incentive grants
- technical assistance
- management information systems
- evaluation, and
- "One-Stop" system building.

*(Not more than five percent may be used for administration)*

**Dislocated Workers**  
60% allocated to local areas  
40% reserved by State, of which:

- 25 % reserved for rapid response activities.
- 15% reserved for statewide activities as described above


**Youth**  
85 % allocated to local areas.  
15 % reserved for statewide activities as described above


## Technical Assistance

Authorizes Secretary of Labor to:

- Provide, coordinate, and support development of appropriate technical assistance, staff development, and other activities, including assistance in replicating programs of demonstrated effectiveness
- Help States make transition from JPTA to WIA
- May not use more than 5% of the dislocated worker funds reserved at the national level to provide technical assistance to States that do not meet the State performance measures for dislocated workers.
- Funds may be used to provide assistance to States, local areas, and other entities involved in providing assistance to dislocated workers to promote continuous improvement of assistance provided to dislocated workers.









## Rapid Response

Rapid Response Services are designed to respond to layoffs of more than 50 employees. *(Some States extend similar services to layoffs with fewer than 50 workers.)*



Rapid Response can:

- Better manage human resource needs, Unemployment Insurance costs, and Workers' Compensation costs during the transition;
- Assist affected employees return to work and maintain their standard of living;
- Demonstrate good corporate citizenship in the community.



## National Emergency Grants

**Provide supplemental dislocated worker funds to States, Local Boards and other eligible entities in order to respond to the needs of dislocated workers and communities affected by major economic dislocations and other worker dislocation events which cannot be met with formula allotments.**



## Wagner-Peysner

- Retains a separate authorization and funding stream.
- Public labor exchange activities are required to be part of the "One-Stop" system.
- WIA integrates Wagner-Peyser plans into State workforce development plans.

## Staff Review

- While we found a large number of programs addressing various workforce issues, they were not combined together into an effective, efficient, integrated system.
- Most programs were delivered as "assistance" programs - programs are aimed at providing help to persons looking for employment.
- There was a disconnect between the vision of the Workforce Alliance Board and the service delivery system.






## Underlying problems

The preponderance of workforce activity is governed and directed by individual programs and the requirements of their funding streams.

Programs, including those funded directly under WIA, are governed and operated for the most part under traditional organizational structures, bureaucratic processes and policies.

In essence, function follows form. Activities are based on traditional organizational structure, rather than structure and processes determined by desired outcomes.






## Underlying problems cont.....

The funding of designated partners has not been incorporated into WIA and, in fact, remains in several federal agencies.

Within this framework, cooperation and involvement of partner agencies in developing a "true" workforce system is dependent upon persuasion and determination of mutual benefits, not on mandates.

Neither the WNK Board of the Local Area IV Board have defined what it means to be "business driven."







### Changes in Local Area IV

The Regional Area Economic Partnership (REAP) has assumed the role of grant recipient and directed the Workforce Alliance Board to hire an independent fiscal agent to work with Board staff.

This replaces a system that allowed the program operators to manage the funding with little effective oversight.

The Adult and Dislocated Workers Programs are being combined and KDHR has signed an agreement to work with the operator of the joint program to integrate Wagner Peyser and other KDHR programs into a single delivery system.






### Changes Continued.....

Contract with a single operator of the Adult/DW program will create a single set of policies, reduce administrative overhead and provide payment for performance based on both WIA and Board priorities and measures.

Local Board must create evaluation tools that are locally driven and go beyond the WIA required measures of success.



Establish Board and Partner directed policies for One Stop operation - partner participation while required by WIA has to provide a mutual benefit to programs operators.

### Can the System be Business Driven?

Yes if.....

- Local business leaders insist on data driven decisions.
- Policies go beyond what is standard under WIA – must provide flexibility to address business growth requirements.
- Guidelines for approval of training providers are based on business demand factors.
- Clear channels are established for liaison and coordination with community business development process.

## **Workforce Alliance**

### Executive Team

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