

## **WIOA Program Year (PY) 2024 & 2025 Local Performance Negotiations Questions & Answers**

The following Questions and Answers have been developed and are available to assist Local and State (represented by the Office of Employment and Training (OET)) Negotiation Teams throughout the process of planning for and conduct of the local performance negotiations for PY24/25.

### **Q1 Are there any changes in the PY 24/25 Local Negotiation Process from what occurred for previous program year negotiations?**

- A. There are minimal changes in the new guidance on local performance negotiations. [WIOA Policy 3.4, General Requirements for Negotiation of Local Performance Goals](#) was issued on August 16, 2022, outlining the negotiation process. Additional guidance is found in the revised WIOA Notice 20-NOT-Change 3, Local Performance Goals Negotiations issued July 31, 2024. The primary change in WIOA Policy 3.4 is the utilization of a [Local Negotiation Tool](#) that predicts simulated levels of performance using an objective Statistical Adjustment Model (SAM) provided by the State.

The lack of significant changes to this process was based on feedback received from Local Workforce Innovation Board (LWIB) Chairpersons, members and staff, Title IB Administrators and Performance contacts and other local negotiation team members following conclusion of the previous program year local performance negotiations. A high percentage of responses and comments provided favorable assertion that the process was fair, open, and appropriate for the negotiations and that the local teams felt they entered and conducted negotiations with the state negotiation team on equal footing. Further, during recent performance workgroup meetings, members reiterated they didn't feel the need to make significant changes to the process.

### **Q2 What are the indicators of performance to be negotiated for PY24/25?**

- A. There are fifteen indicators of performance to be negotiated for the three Title IB programs (Adult, Dislocated Worker, and Youth). These include:
- Employment (or Education and/or Training for Youth) Rate 2<sup>nd</sup> Quarter after Exit
  - Employment (or Education and/or Training for Youth) Rate 4<sup>th</sup> Quarter after Exit
  - Median Earnings 2<sup>nd</sup> Quarter after Exit
  - Credential Attainment Rate 4<sup>th</sup> Quarter after Exit
  - Measurable Skill Gains

### **Q3 Will local performance negotiations require or allow for different expected levels of performance and negotiated levels of performance for Program Years 2024 and 2025?**

- A. Yes, it is allowable to negotiate different expected levels for PY24 and PY25, based on supported rationale. In fact, in several instances, the State negotiated separate goals for PY24 and PY25 in the Credential Attainment Rate and Measurable Skill Gains measures. The reasoning for this was to account for expected continuous improvement from one program year to the next included in this round of negotiations. There will not be an ability for the LWIB or State to renegotiate agreed upon levels of performance.

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**Q4 What is the need for and importance of submitting data and information to support the Local Proposed Performance Goals as part of Attachment D?**

- A. In order for the State to assure the LWIA has made an objective decision in proposing its expected levels of performance, and remove speculation from the discussion and consideration, it is advised that all information not readily available in the [Local Negotiation Tool](#), or through previous Program Year Performance Outcomes reports, be submitted for review and planning. This will achieve two purposes: the State can make an objective decision to accept the proposed goal or prepare to negotiate goal(s) based on the objective data and information available and allows for a meaningful and expedited negotiation call by ensuring both sides are prepared as fully as possible.

**Q5 Will the State (Office of Employment and Training) accept a submittal from an LWIB of the WIOA Notice 20-NOT-01, Change 2, Attachment D - Performance Goals Proposal Form if there is no supporting data, documentation, or rationale at the time of the submittal?**

- A. Yes. The State has requested submission of Attachment D to set a starting point from the Local Negotiation Team for the local negotiations. The State can, during its planning for the negotiation call, identify expected levels of performance that it will accept and agree upon without the need for discussion during the call. While the State can plan for the negotiation calls without supporting information, an objective decision as to which, if any, of the fifteen expected levels of performance it may agree to in advance may not be made or its identification of an appropriate expected level of performance may not be consistent with the local expected levels without such information.

If the Local Negotiation Team, in submitting their expected levels of performance, thinks the past historical performance outcomes and ability to assist the State in meeting its negotiated goals is evidence enough, then there is no need to provide additional documentation to support one or more of the expected levels.

However, without supporting information, the State team has only the available historical performance outcomes and rankings, LMI data and other information shared with each WIOA Title I Administrator and Performance Lead with the release of the [Local Negotiation Tool](#) on July 17, 2024 and provided as an overview in the WIOA Wednesday Webinar on Preparing for Local Performance Negotiations presented on July 31, 2024. This webinar and all recorded workforce professional development webinars can be access at either [Videos and Training Materials](#) or [WIOA Workforce Webinars](#). The recorded session and related materials are posted within a week after conclusion.

**Q6 Can an LWIA contact the State (OET) to schedule its local negotiation call if it has not submitted Attachment D – Performance Goals Proposal Form?**

- A. No. Only upon receipt of a completed and appropriately signed Attachment D, along with supporting data and information will a negotiation call be scheduled through the Local Negotiation Team lead contact. A representative of the State will contact the Local Negotiation Team Lead as identified to schedule a negotiation call indicating the remaining available dates and times to be chosen from. For this reason, it is important to complete and submit the proposal form in a timely manner while ensuring all necessary considerations have been made in determining the local expected levels of performance. While the State

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will be as flexible as possible in meeting the needs of all the Local Negotiation Team availability, the Local Negotiation Team should also be prepared to have multiple dates and times that are mutually agreeable.

### **Q7 What is the Local Negotiation Tool and where can I access it?**

- A. The [Local Negotiation Tool](#) is an online aid to the local negotiation process to assist Negotiation teams and utilizing the 4 Factors of Negotiation. It is required for States to provide such a tool to local workforce innovation boards for use in deciding on their expected levels and prior to submitting them to the State in accordance with the Negotiation process. The Tool uses a local Statistical Adjustment Model (SAM) to develop simulated levels of performance for each indicator of performance. The simulated levels provided in the tool are one of the four factors required to be utilized in negotiations. The Tool has been developed through a collaborative effort among local program representatives, data consultants from the Center for Governmental Studies at Northern Illinois University (NIU) and the Office of Employment and Training (OET).

The tool shows simulated levels of performance for each LWIA and include information on prior years participant characteristics and economic conditions. This information Executive Summaries of the simulated levels, detailed results of the calculations for each measure of simulated performance, prior complete program year local rankings for each indicator of performance to be negotiated and historical outcomes for each Title I program and indicator.

### **Q8 What is a simulated level of performance?**

- A. The simulated levels of performance serve as a frame of reference when determining negotiated performance targets and are to be used in making informed decisions as they are a product of rigorous analysis of the latest available data. It is a calculated level of performance for each LWIA for program years being negotiated based on the most recent program year for which final participant data has been reported through the Workforce Integrated Performance System (WIPS) calculated as the sum of weighted averages. LWIA performance will not be assessed relative to simulated outcomes.

### **Q9 What should the local negotiation team do when its Simulate Performance is different than our prior performance outcomes?**

- A. Simulated Performance scores are only one of four required factors to be used in local performance negotiations. While based on prior recent outcomes, participant characteristics and economic conditions, simulated scores may be imprecise especially with having limited data. In situations where a simulated performance score seems much higher or lower than prior history, recent outcomes should be the focus of setting proposed goals and agreeing on negotiated levels of performance.

### **Q10 How is a Local Workforce Innovation Board (LWIB) expected to utilize the Negotiation Tool, expected levels of performance, information contained in the Local Negotiation Tool and historical performance outcomes in preparing for local negotiations.**

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- A. A wealth of information is available in the [Local Negotiation Tool](#). Let's break it down by areas to outline how valuable this information can be to preparing for and conduct of local negotiations.

The Tool contains simulated levels of performance for the program years to be negotiated. This information is developed through a local statistical adjustment model (SAM) that accounts for participant characteristics and economic conditions. While these are simulated levels, they are not perfect and so they should only be a starting point to develop local expected levels and may be used during calls to determine negotiated levels of performance. The state will not use these exclusively as its starting point in the negotiation, nor should the local negotiation team expect them to be the proposed goals. The simulation is only one of the elements that should be considered.

The Detailed Results pages of the Tool contain all the participant characteristics and economic conditions used in simulating performance compared to actual outcomes attained in program year 2022 (the most complete program year available). These are the direct calculations for each indicator of performance for each WIOA Title I program and include the Coefficients to generate Weighted Actuals. Since the Tool is developed for a state comprised of twenty-two local workforce innovation areas (LWIAs), it is limited to those characteristics and conditions with consistent data available for all LWIAs. In reviewing these pages, if a local negotiation team identifies characteristics or conditions that have significant impact on their performance outcomes but are not listed in the Detailed Results, those could be submitted as part of an Attachment to the Proposal Form with explanation as to why the team thinks it will impact future year outcomes.

Another purpose of sharing the comparison and ranking statistics is so that each LWIB can see how its performance outcomes and assessments compare in multiple areas to other LWIB performance. Selecting local workforce innovation areas (LWIAs) that are similar in population, economics, employment, and other areas to compare against allows the LWIB to see if they are performing at a relatively equal level to those selected, or if they are performing at a lower level who they may want to connect to for outreach and assistance in identifying best practices they could implement to improve their overall performance whether through an increase in actual outcomes or through continuous improvement opportunities.

The WIOA Comparison Tool allows each LWIB to see data and information from all twenty-two LWIAs on the three Title IB programs (Adult, Dislocated Worker, and Youth) related to indicators of performance including employment outcomes, median wages, credentials, and measurable skill gains. Having the ability to see how similar LWIAs perform may provide insight to an LWIBs performance planning for future program years. It is for these future planning reasons a negotiation may lead to agreement on an increased level of performance in the second year versus the first year of the two-year negotiation period.

The Historical Ranking provides comparison of actual outcomes for the past several program years for which complete data is available. Each LWIB is ranked from high to low in each of the indicators of performance for each of the three Title IB programs (Adult, Dislocated Worker, and Youth).

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Rankings are a data point to be used for Factor #3. When considering the rankings in local negotiations, the importance is to find opportunities for continuous improvement. LWIAs are divided into four Quadrants based on ranked number in the State. The Quadrants go in order of 4 to 1, the fourth quadrant includes the top ranked LWIAs, conversely, the first quadrant is made up of the lowest rankings. As an example, for an LWIB performing at the highest level, in the 4<sup>th</sup> Quadrant (top 6 performing LWIBs), of an indicator of performance, it may not be reasonable for them to negotiate to achieve this highest level again, but it should be expected that they should remain in the 4<sup>th</sup> Quadrant. If continuous improvement by achieving a higher outcome may not be experienced, or reasonable to expect for future program years, but new or revised policies or other best practices to maintain a high level of outcome could be considered as a continuous improvement opportunity, that can be reflected in the expected level of performance submitted by the LWIB and the negotiated level of performance agreed upon with the state.

Conversely, an LWIB that has underperformed in one or more indicators of performance, possibly falling as low as into the 1<sup>st</sup> Quadrant (lowest 5-6 performing LWIBs), should expect and desire to improve their ranking into a higher quadrant or at a higher level within the current quadrant. This may be achieved through new policies or processes implemented locally or additional professional development and technical assistance for staff to better understand the indicators of performance and how to accurately report them.

### **Q11 How should an LWIB consider their past negotiated goals in submitting new proposed goals?**

- A. Local and state negotiation team members should consider that prior negotiated goals have little relevance in setting proposed goals or negotiating goals for subsequent program years. Past negotiations were agreed to using recent performance at that time. New/Upcoming local performance negotiations should be based on performance data and information from the most recent program year(s).

### **Q12 What should be done if the information for [Local Negotiation Tool](#) aren't accessible or there are limits in the information available?**

- A. There are several identified concerns with access to the data and information through the Tool. This could be caused by computer limitations, internet bandwidth or speed, local firewalls, or restrictions, or other web-based or technology issues.

Due to the extensive quantity of data and information contained within the Tool, it may take several moments to load the site or transition from page to page. If you are unable to access the Tool webpage, or data seems to be missing, we recommend you try one of the following actions: utilize a different web browser; close webpages, documents, or applications to free up computer memory and processing power; reboot your computer; or speak to your information technology department for further assistance. If these measures do not correct the problem, you may contact Andy Blanke at NIU ([ablanke1@niu.edu](mailto:ablanke1@niu.edu)) to ask for further assistance.

### **Q13 Is the Local Negotiation Tool accessible to anyone for review?**

- A. The [Local Negotiation Tool](#) is an open source web based tool supported through the Microsoft Power Bi platform and is available to view by anyone with the URL link. There are no restrictions as to who may view this and is recommended that all local negotiation team

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members be provided the link so they can view the local and state data contained within. If a team member is unable to access the Toll, they may contact Andy Blanke at NIU ([ablanke1@niu.edu](mailto:ablanke1@niu.edu)) to ask for further assistance.

**Q14 If an LWIA proposes an expected level of performance that is the same as the State's negotiated level of performance in the same indicator of performance, should justifying data and information be submitted?**

- A. Yes. There are many factors to consider when determining a local expected level of performance (see Four Key Factors in Negotiations below). Because each LWIA affects the State's overall performance outcomes, it would depend on how you view your ability to contribute to meeting the state's goals AND if the proposal being made is consistent with past performance outcomes at the local level as to whether matching the State goal in a particular measure is appropriate. Each expected level of performance submitted should be considered independent of each other and the need to include supporting data and information as rationale for the local proposal should be independently made.

**Q15 What format should the local expected levels of performance supporting data and information be utilized?**

- A. The State has not outlined specific formats to be utilized in submitting supporting data and information. It is recommended that Microsoft Word or Excel or Adobe Acrobat .pdf (portable document format) be considered and might depend on the information to be attached to the proposal form. For example, if the information is a table of unemployment statistics or WIOA participant characteristics, this might be best submitted as a Microsoft Excel or .pdf document, or if it is narrative justification for the proposed goal, Microsoft Word (or a Word document converted to .pdf) might be the best option.

**Q16 Can Attachment D – Performance Goals Proposal Form be submitted without the signature of the Local Workforce Innovation Board Chairperson(s) and Chief Elected Official(s) signatures?**

- A. No, the Proposal Form must be signed by the LWIB Chair (or Vice Chair where they can sign on behalf of the Chair per their bylaws) and CEO (or their proxy that has been indicated to the State as noted on the LWIA Matrix). This is the same requirement as for signatures for MOUs, LWIB Certification, and other documents requiring the LWIB Chair and CEO signatures, but not others with signature authority. The only exceptions to this are for the LWIB Chair when they have identified the Vice-Chair as able to sign on the Chair's behalf as outlined in the LWIB By-Laws or the CEO when they have identified a proxy who is recognized by the State (DCEO) and noted on the most current LWIA Matrix.

**Q17 What are the key factors to be considered when planning for submission of proposed performance goals and participating in negotiation calls?**

- A. Each local area is expected to consider the following four key factors (outlined in more detail in [USDOL TEGL 11-19, Change 1 \(May 6, 2020\)](#)):



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1. Consider how the levels involved compare with the negotiated levels of performance established for other local areas through a ranking of each LWIA within each indicator.
2. Ensure that the expected levels submitted have been developed utilizing the [Local Negotiation Tool](#) which was developed using an objective statistical adjustment model (SAM) provided by the State (Illinois Department of Commerce and Economic Opportunity (DCEO), Office of Employment and Training (OET)) to reflect simulated levels of performance based on projected participant characteristics and economic conditions for each LWIA.
3. Take into account the extent to which the expected levels involved promote continuous improvement in performance accountability indicators and ensure optimal return on the investment of Federal and State funds.
4. Consider the extent to which the levels involved will assist the state in meeting the performance goals established through negotiations between the USDOL, Region 5 and State.
5. Other considerations by local boards in presenting expected levels of performance (i.e., proposed goals) should include the following:
  - a. Adjusting for the expected economic conditions and expected characteristics of participants to be served in the local area using the SAM developed at the Federal level.
  - b. Using verifiable and replicable data such as but not limited to Bureau of Labor Statistics data, local management information (LMI) systems data, IWDS system data, official LWIB actions, etc. as supporting documentation.
  - c. In submitting expected levels of performance and determining what data and information should be included to support the local decisions, it is recommended to think “more is better”, as the additional information can support the States planning for the negotiation and understanding of any new, revised, or unique data or information.

While the factors outlined in the TEGL speak to State level negotiations, the same considerations should be made during Local negotiations. Also, there is no specific weight required to be placed on any of the factors listed above, so the negotiation teams can plan accordingly.

### **Q18 Why should a Local Workforce Innovation Board (LWIB) consider the state’s negotiated levels of performance when planning for and conduct of local performance negotiations?**

- A. The [Local Negotiation Tool](#) provides the State negotiated levels of performance alongside the LWIBs simulated levels in the Executive Summary pages. First, it is important to understand that each state and territory is required to negotiate as part of a national team or system that has expectations outlined in the Government Performance and Results Act (GPRA). Just as with any team, each member brings different levels of achievement that together allow the team to succeed and meet its

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national goals. In negotiating with the USDOL, Region 5 office, the state team considered how its economies, employment rates, past WIOA performance outcomes, and other considerations would assist USDOL in meeting its performance expectations through the GPRA for both PY2024 and 2025.

Similarly, Illinois is comprised of twenty-two local workforce innovation boards who collectively support the state's ability to meet its negotiated levels of performance. The [Local Negotiation Tool](#) provides a glimpse into the relative percentage of each LWIB contribution to those state outcomes and its ability to achieve success. Each LWIB is to negotiate in good faith to achieve local success to the highest level so that individually they perform successfully in all assessed measures while collectively helping the state achieve success. Negotiating to low levels of performance, while more easily achieved individually, may set the state on a path to underperforming with the potential to fail in meeting its state goals. Unsuccessful performance at the State level may result in sanctions including the loss of considerable Governor's Reserve funding that historically has been made available to LWIBs and other grantees and sub-grantees through discretionary grants to support state and local initiatives.

### **Q19 How should a Local Negotiation Team take into consideration the state's negotiated levels of performance if they think the state negotiated too high?**

- A. It is important to recognize that each state and territory is required to negotiate in good faith towards a plan to achieve a high level of performance outcomes and show a high level of return on the investments it has received and expended. Illinois is comfortable in the negotiated levels of performance that it can achieve high success with the expectation that local negotiations will not be compromised in the expectation for too high of negotiated levels of performance.

Each local negotiation of performance call is handled independently, but with a plan that each individual negotiation will assist the state in meeting its expected levels of performance. The four key factors for negotiation, in combination with information and data submitted by the local negotiation team, will assist the state in dictating the appropriate levels of performance for each Local Workforce Innovation Board (LWIB).

### **Q20 What are examples of Continuous Improvement opportunities, which is one of the Four Key Factors to be considered in the local negotiation process?**

- A. [USDOL-ETA Training and Employment Guidance \(TEGL\) 11-19, Change 1](#) outlines multiple ways a local workforce innovation board (LWIB) may show continuous improvement above or aside of an increase in their actual performance outcomes. These include:
1. an increase from the levels of performance previously attained,
  2. increases in percentile rankings of levels of performance statewide among similar local workforce innovation areas (LWIAs).
  3. a change in service strategy and delivery, including more progressive or innovative approaches,
  4. a change in the intensity or comprehensiveness with which participants are served, or



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5. a maintenance of previous performance for the top performing LWIBs

**Q21 Is there any other statewide or local data or information that is prohibited from being part of the planning and discussions on proposed performance goals and final negotiated levels of performance?**

- A. No. We anticipate and recommend that local planning should include review of any data and information that would provide an understanding of the current conditions in the local area and are in part a basis for the local proposed performance goals. This allows the process to consider other information that local areas determine important when establishing the negotiated levels of performance. While the State may have access to some of this information, information that is produced at the local level may not be part of the State's review and planning and should be included as additional information to support the Attachment D – Performance Goals Proposal Form submission. The additional data and information may include, but is not limited to: BLS data, Local MIS data, Local policies, programs, processes, prior performance assessments, employer information such as wage submission lag, etc.

**Q22 What guidance, including Federal or State policies and communication is available to help as the Local Negotiation Teams prepare to submit their proposed performance goals and enter negotiations?**

- A. There is multiple guidance that has been issued by the US Department of Labor over the past several years regarding WIOA performance and performance negotiations, as well as by the State of Illinois over the past several weeks and months. These include:
- WIOA Notice 20-NOT-01, Change 3, Local Performance Goals Negotiations
    - Local Negotiations Timeline (Attachment A)
    - Illinois Title IB Negotiated Levels of Performance for PY24/25 (Attachment B)
  - Available historical performance outcomes and rankings, LMI data and other information shared with each shared with each WIOA Title I Administrator and Performance Lead with the release of the [Local Negotiation Tool](#) on July 17, 2024 and provided as an overview in the WIOA Wednesday Webinar on Preparing for Local Performance Negotiations presented on July 31, 2024.
  - Webinars and other professional development and technical assistance including past virtual webinars, performance sessions at past WIOA Summits and supporting documents to WIOA Policy and WIOA Notices.
  - Workforce Innovation and Opportunity Act
  - WIOA Final Regulations
  - USDOL Training and Employment Guidance Letters (TEGL) (Links included in WIOA Notice 20-NOT-01, Change 3, Attachment C)
  - Additional information, including a USDOL-ETA webinar, on the Statistical Adjustment Model (Links included in WIOA Notice 20-NOT-01, Change 3, Attachment C)

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### **Q23 Will the Local Workforce Innovation Board Chairperson(s) and Chief Elected Official(s) be required to sign an agreement of the final goals following the local negotiations?**

- A. No, the local negotiation process is a three-step process and will not afford the opportunity for further discussion or negotiation after conclusion of the local negotiation call.
1. **Plan** for the local negotiations including reviewing past performance, the State's final Title IB Negotiated Levels of Performance for PY24/25, information contained in the [Local Negotiation Tool](#), the four negotiation factors, attendance and gathering of information contained in technical assistance and informational webinars and documents, and any other data and information necessary to determine the appropriate level of performance for each measure.
  2. **Submit** a completed and signed Performance Goals Proposal Form (WIOA Notice 20-NOT-01, Change 3, Attachment D) to the Office of Employment and Training no later than September 6, 2024, for the PY24/25 performance negotiations.
  3. **Participate** as a State or Local Negotiation Team in the local performance negotiation calls on the date and time agreed upon between the identified local lead individual and state contact during which each of fifteen indicators of performance over three WIOA Title IB programs (Adult, Dislocated Worker, and Youth) will be negotiated and reach agreement on level of performance will be made. Following the calls, the State will issue a confirmation letter containing all final negotiated levels.

### **Q24 Who is responsible for conducting the local negotiations?**

- A. Local Workforce Innovation Boards (LWIBs), Chief Elected Officials (CEOs) and the Governor must negotiate and reach agreement on local negotiated levels of performance. The Governor of Illinois has provided authority to the Illinois Department of Commerce and Economic Development, Office of Employment and Training (OET) to negotiate on his behalf. While it is encouraged to have the LWIB Chairperson and/or CEO as an active participant to the negotiations, designation of other individuals to negotiate with or on their behalf as part of a Local Negotiation Team is allowed.

The key is that the Local Negotiation Team will be acting on behalf of the local area in agreeing on final negotiated levels of performance during the negotiation call, so those individuals designated to be on the local team must have appropriate authority to speak on behalf of those designating them. This is to ensure the LWIB Chair and CEO, who have the responsibility for local negotiations as outlined in the WIOA, are informed, and making decisions appropriately.

### **Q25 Who and how many individuals should be part of the Local Negotiation Team?**

- A. Local Negotiation Teams should consist of up to five individuals selected from the Local Workforce Innovation Board (LWIB) Chairperson, Chief Elected Official (CEO), LWIB members and staff, One-Stop Operator, Title IB Administrator or staff, or others identified as being able to speak on behalf of the LWIA in negotiations and coming to final agreement on levels of performance.

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**Q26 Can someone not identified as a member of a Local Negotiation Team be involved in the negotiation process?**

- A. Yes and No. Only members of the Local Negotiation Team have the responsibility to come to agreement on proposed performance goals to submit to the State for consideration and actively participate in the local negotiation calls. However, any individuals identified as having the ability to contribute during the planning of these critical activities are welcome and advised to provide assistance. These might include individuals representing the local board, performance or planning for the Title IB program, data, and technology experts to provide necessary demographic, unemployment and other statistics, or others who might be able to provide insight to the unique conditions of the geographic area of the State.

**Q27 When are the PY24/25 local performance negotiation calls being scheduled?**

- A. All local negotiation calls will be scheduled during the period of August 26 to September 26, 2024. Each call will be scheduled in the morning from 10:00 – 12:00pm or in the afternoon from 2:00 – 4:00pm. While it is not anticipated that each call will take the entirety of the two-hour block, this will ensure both the Local and State Negotiation Teams have reserved adequate time to negotiate and come to final agreement on all fifteen indicators of performance during the call. Some flexibility to begin earlier or later may be considered with prior notification.

**Q28 Will the PY24/25 local performance negotiation calls be teleconferencing calls or through a webinar platform such as Zoom or WebEx?**

- A. Calls will be scheduled through the WebEx virtual platform. Our reasoning is that in the virtual world, where we are unable to come together in the same room to share documents and have discussions within our local or state teams, we wanted to allow the teams the option to share documents with their team members virtually as proposals and counterproposals are made. It is for this reason we requested substantiating information be provided as rationale for the local proposal submission for the State team to have sharable among its members. Local negotiation teams should make appropriate arrangements among their team members participating in the negotiation calls to communicate amongst each other, in private, when necessary, to discuss the negotiations and prepare to accept the State's negotiated level of performance or counter with a local negotiated level.

If your local negotiation team is unable to participate in the WebEx virtual platform, you should immediately contact Mark Burgess ([mark.a.burgess@illinois.gov](mailto:mark.a.burgess@illinois.gov)) and cc' Paula Barry ([paula.barry@illinois.gov](mailto:paula.barry@illinois.gov)) to discuss alternative methods for conducting the negotiation call.

**Q29 What should the Local Negotiation Team do if there is a need to change the date and/or time of a previously scheduled local negotiation call?**

- A. You should contact Mark Burgess ([mark.a.burgess@illinois.gov](mailto:mark.a.burgess@illinois.gov) or 217.970.0061) and cc' Paula Barry ([paula.barry@illinois.gov](mailto:paula.barry@illinois.gov)) to indicate the need to request a change of date and/or time and come to a new agreement for conduct of the call from the remaining available dates and times.

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### **Q30 What is the process for the negotiation call?**

- A. A State representative will set up a teleconference call, including telephone number, access code and password, as necessary, after a local negotiation call is determined. On the date and time of the negotiation call, the State will initiate the call approximately 5-10 minutes in advance of the start time. Calls will then proceed in the following manner:
1. Upon scheduling of the negotiation call, the State will issue a call-in teleconference number for members of the Local and State Negotiation Teams to access the calls at the appropriate date and time.
  2. The calls will begin with an introduction of the State Negotiation Team members and request from the Local Negotiation Team members to introduce themselves. If a member of the Local or State teams, other than the identified Lead, will be responsible for presentation of proposals, counterproposals, and agreement on negotiated levels of performance, it should be indicated during the introductions.
  3. An opening conference will be presented by the State team to provide an overview of the contents of the call including speaking roles, permissible and impermissible data and information during the negotiations, and an opportunity for the Local Negotiation Team members to ask any questions prior to beginning the negotiations.
  4. The State will identify the proposed expected levels of performance submitted by the LWIB that it is agreeing to accept, all remaining goals will be negotiated.
  5. Negotiations for each indicator will include a statement of each indicator, a presentation of a new proposed goal by the State Negotiation Team Lead with introduction of data or information to support the proposed goal.
  6. The Local Negotiation Team Lead will accept the State's new proposed goal or present a counterproposal for the indicator, following discussion among local team members, as necessary.
  7. The State Negotiation Team Lead will accept the LWIA's new proposed goal or present a counterproposal for the indicator, following discussion among the state team members, as necessary.
  8. This process will continue until a counterproposal is accepted by both the Local and State Negotiation Teams.
  9. The State Negotiation Team Lead will proceed to the next indicator of performance that needs negotiated and the process will repeat as outlined above.
  10. While the negotiations might require Local or State team members to speak when presenting supporting data or information, only the Lead for each team will provide the negotiated expected level of performance and accept the final negotiated goal.
  11. Upon completion of agreements for all fifteen indicators of performance, the State Negotiation Team Lead will enter a closing conference at which time each indicator will be repeated along with the final negotiated level of performance as either initially accepted by the State from the proposed local goal form or through negotiations. Formal agreement from the Local and State Negotiation Team Leads on each indicator will be ascertained.

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12. Upon completion of the closing conference, the negotiation call will be completed, and all parties will leave the teleconference call.
13. The State will issue a letter within 10 days confirming all the negotiated levels of performance as official notification to the LWIB Chairperson(s) and CEO(s) with a cc' to all Local Performance Team Members.

### **Q31 Are there Incentives for Local Workforce Innovation Boards whose Title IB program is able to meet or exceed any or all their negotiated levels of performance?**

- A. Yes and No. The State issued WIOA Policy 3.5, Incentives and Sanctions for Performance effective April 5, 2019. While the issuance of incentives is an allowable use of statewide activities funds, it is up to the State, in consultation with the Illinois Workforce Innovation Board (IWIB), to determine if there are sufficient funds available to support the awarding of incentives. This is determined following each Program Year and issued in a WIOA Notice.

It has been determined that there would not be any incentives awarded for successful performance beginning with PY2018, the most recent program year for which performance could be determined and awards issued, so that statewide activities funds could be focused on the issuance of grants to address such strategic areas as apprenticeships, statewide innovation, youth career pathways, and service integration.

In conjunction with the Illinois Workforce innovation Board, the State will determine whether and at what level incentives will be made available to local areas for performance on local indicators of performance accountability. The decision is made after each Program Year, and it has not yet been determined if performance incentives will be made available for the just completed Program Year 2023 or Program Years 2024 and 2025 for which negotiations of performance are forthcoming.

### **Q32 How are Local Workforce Innovation Boards assessed for PY 2024 and 2025, the period for which these local negotiations are occurring?**

WIOA Policy 3.6, Assessing Performance was issued on August 6, 2022, and outlines the new criteria for assessing local workforce innovation boards (LWIBs). These criteria were developed at the recommendation of a performance workgroup focused on the performance assessment process and planning, a workgroup comprised of local and state performance contacts. The changes were prompted by discussions and challenges resulting from issuance of the PY2020 local performance assessments.

- A. Assessment of LWIBs is conducted using the same framework as Illinois is evaluated, by assessing local performance on the following three criteria:
1. Individual Indicator Score – actual performance outcome for each indicator of performance divided by the adjusted level of performance for each Title IB program (Adult, Dislocated Worker, and Youth);
  2. Overall Program Score – the average of all individual indicator scores being assessed for each Title IB Program; and

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3. Overall Indicator Score – the average of all individual scores for each indicator of performance across all Title IB Programs.

Beginning with the PY2024 assessments, each LWIB will be considered to have Performed Successfully if they achieve all the following after the Completion of each PY (referred to as the 70/90/90 thresholds):

1. All single Individual Indicator Scores are at least seventy percent (70%) of the adjusted level of performance;
2. The Overall Program Score is at least ninety percent (90%) for all Title IB programs; and
3. The Overall Indicator Score is at least ninety percent (90%) for all Title IB indicators of performance.

Note, while these adjusted assessment criteria begin with the PY2024 performance outcomes, the Pilot Project outlined within WIOA Notice 21-NOT-01, Change 1 WIOA Title IB Performance – Statistical Adjustment Model Implementation Pilot Project extended a Hold Harmless Clause to include programs years through PY2024 outcomes whereby LWIBs would not be subject to sanctions when they are unable to perform successfully as outlined.

For a description of how each of these criteria are calculated, reference the [PowerPoint](#) presentation from the [August WIOA Quarterly Performance Office Hours](#) available on the [2022 WIOA Regional and Local Planning](#) site.

**Q33 Should local negotiation teams take into consideration the 70/90/90 thresholds for individual indicators and averages while completing their analysis of expected levels of performance they will submit for Negotiations?**

- A. No. LWIBs should not submit expected levels of performance based on the analysis or premise of levels of certain thresholds. Thresholds are set for assessing whether performance goals are met after completion of each Program Year. They are not one of the Key Factors of Negotiations. OET will not consider data that substantiates whether a proposed or accepted level of performance will be below, at or above a certain threshold.

OET realizes and acknowledges all the successes of each Local Workforce Innovation Board (LWIB) and their partners in achieving high levels of outcomes and in many instances exceeding previous negotiated levels of performance.

**Q34 What is the basis for the revised 70/90/90 thresholds versus the previous 90% threshold applied in PY2020 and prior program year assessments?**

- A. The Process and Planning Workgroup wanted to recognize all the dedication and work by each Local Workforce Innovation Board (LWIB) and their partners in achieving high levels of performance while providing a framework for the State to meet its performance goals each program year. While at face value it may appear that more layers of oversight in performance have been implemented with the new policy, the



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additional assessments will recognize when an LWIB exceeds expectations in one or more indicator of performance yet experiences challenges achieving higher rates in others. The 70% individual indicator score is intended to provide leeway and offset lower outcomes that may be caused by “learning curves” that go hand-in-hand with implementation of new policy, strategies or processes that are actually improving programs capabilities for serving WIOA participants and tracking performance outcomes. OET recognizes that successful performance outcomes may not be realized immediately as new program designs and methods are put in place. Introduction of the 90% Overall Program and 90% Overall Indicator Scores provide an overall expectation for each LWIB across each program and indicator and is consistent with the methodology by which states are assessed for successful performance.

As an example, an LWIB may perform exceedingly well in the Dislocated Worker employment indicators but struggle with participants who have entered training in achieving a high level of success in the Credential Attainment Rate. The 70% individual indicator rate does not overly penalize the LWIB for such struggles, while the Overall 90% Scores would continue to ensure success across the DW program (across all five indicators) and Credential Attainment Rate indicator (across the three Title IB programs) and assist the State in meeting its Overall scores expectations.

**Q35 Are there sanctions for Local Workforce Innovation Boards whose Title IB program is unable to meet any or all their negotiated levels of performance?**

- A. Yes. The State issued revised WIOA Policy 3.6, Assessing Performance effective August 16, 2022. The attached WIOA Notice 21-NOT-01, WIOA Title IB Performance – Statistical Adjustment Model Implementation Pilot Project outlines timeline for sanctions when a local workforce innovation board (LWIB) is unable to perform successfully. Within this guidance a Hold Harmless Clause has been instituted beginning with Program Year 2020 which delays sanctions for unsuccessful performance and staggers the implementation based on the indicators of performance for which USDOL is assessing states and Illinois is assessing LWIBs.

To submit additional questions for consideration and response, please contact Mark Burgess, Performance Measures Manager, DCEO – Office of Employment and Training, at [mark.a.burgess@illinois.gov](mailto:mark.a.burgess@illinois.gov) and cc’ Paula Barry ([paula.barry@illinois.gov](mailto:paula.barry@illinois.gov)).