

Q1. Does the policy allow DCS staff to schedule annual or personal leave at their total discretion without considering the staff coverage needs of the career center?

A1. No. While all requests by DCS staff for annual, personal or other types of leave must be *formally* approved, in advance by the designated DCS Operations Manager (or other DCS supervisory/management staff), the decision by the Operations Manager to approve the request must be made in full consideration of the needs of the career center to avoid, to the maximum extent possible an unnecessary disruption of services to career center customers.

Q.2 Is it the intent of DWD/DCS in issuing this policy to transfer the responsibility and accountability for program performance to the local areas? It seems to me that career center directors will not have the usual tools to drive employee performance, e.g., employee performance evaluation, ability to provide raises or promotions, etc.

A.2 Under the Workforce Investment Act, program performance is and always has been the responsibility of the local WIB through the required negotiation of program performance goals as an element of the local planning process. Under WIA, the WIB is responsible for the overall performance of the full One-Stop Career Center System for its area and the negotiated goals pertain to the integrated system of program service delivery, not to individual partners. At the individual career center level, program performance should be the responsibility of the integrated management team, working cooperatively to achieve specific program goals developed at the local level for each career center location.

It is not within the scope of this policy to “transfer the responsibility for performance to the local areas” as that responsibility is already statutorily prescribed within the Workforce Investment Act, itself. The intent of this policy guidance is solely to clarify the level of day-to-day advisement and oversight that may be exercised by non-state agency management and supervisory personnel over state merit-staff employees assigned to a career center. While advisement and oversight is permissible, such advisement and oversight may not rise to a level of direct *supervision* with regard to the personnel functionalities described in the issuance.

Q3. I would like to think that I provide functional guidance now. For example, the DVOP often confers with me prior to taking some actions. Yesterday, for example, he provided me with a draft of an email he intended to send and gave me the opportunity to edit it and even pull it. Is this an example of *functional guidance*? I foresee uncertainty occurring as my guidance begins to encroach on what are perceived to be the *terms and conditions of employment*. For example, if I want the Vet Rep to carry out some activities that he interprets as adding to his job responsibilities or altering his job description, he may object and, since I’m not his direct supervisor, I have little recourse.

A3. The two examples provided do illustrate the intended differentiation. The drafting of a specific email would not be considered to be within the realm of a “personnel matter” and therefore the wording, the ability to edit the email and even the decision to send the email

or not send it is not within the scope of this policy. Therefore the decision on the wording or whether or not to send the email may be made by a non-state manager or supervisor

In the second example, issues pertaining to altering the DVOP's job description or adding to the DVOP's job responsibilities (whether actual or perceived) do fall within the realm of "personnel matters" and therefore would fall within the scope of this policy guidance. Any decision to change the the DVOP's job description or add to the DVOP's job responsibilities would be considered a "supervisory" action and, therefore could only be officially made by the designated DWD/DCS Operations Manager.

The non-state manager/supervisor can *suggest* the change, but the actual decision whether or not to do so *would remain the responsibility* of the DWD/DCS Operations Manager.

Some suggested changes to state merit-staff may, in fact be permissible as long as it does not violate any statutory or bargaining agreement requirements or conflict with agency policy. For example, if the career center director approached the DWD/DCS operations manager with a request to change the DVOP's job description in terms of his/her specific function within the career center to include acting as the center's IT administrator because of the individual's strong IT skills, that would not be allowable as that is an activity that is fully beyond the scope of the DVOP responsibilities as specifically prescribed in the Jobs for Veterans' Act of 2002 and described in Veterans' Program Letter 07-05 (7/7/2005) which differentiates the specific roles and responsibilities of DVOPs and LVERs.

If however, the career center director approached the DWD/DCS operations manager with a request that the development of all Individual Employment Plans for case-managed veteran customers now be completed by the DVOP, instead of spread among the full complement of career center case managers, that might be a consideration depending on local circumstance as such an activity would fall within the statutorily defined job responsibilities of a DVOP staff person. However, the decision would be considered a supervisory function and therefore would have to be officially made by the designated DWD/DCS operations manager.

Q4. As I am not the "supervisor" of the state merit-staff employees I have little real control over their performance (a primary concern of a career center director). Once DWD/DCS transfers *functional guidance* to the career center directors, will DCS begin to hold me and other career center directors accountable for the performance of its staff?

I would like to see DCS establish performance goals for its out-stationed staff and a mechanism whereby the career centers can hold DCS accountable for its supervision of those staff. If we are going to accept the concept of *functional guidance*, then I would like a companion policy about accountability around DCS performance and supervision. The shift seems too one-sided.

A4. The policy guidance does not "shift" the functional guidance of state merit-staff employees to the career center directors. The policy guidance clarifies that functional "supervision" of state merit-staff employees assigned to career centers with respect to personnel functionalities, including the staff person's terms and conditions of employment *remains solely the responsibility of the state agency.*

The issuance also describes a differentiation between the level of authority that may be exercised by non-state management and supervisory staff over state merit-staff employees in relation to the level of authority exercised by the designated DWD/DCS Operations Manager. The guidance is clear that non-state management and supervisory staff may advise and oversee the activities of a state merit-staff employee at a level deemed *functional guidance*, but that in no case may that functional guidance rise to a level of authority that is recognized as *supervision* of the employee with respect to personnel matters.

With regard to DCS establishing performance goals for its out-stationed staff, as stated in the response to Q2, above local program performance is statutorily the responsibility of the WIB. To the extent the WIB negotiates or imposes specific performance goals with respect to specific One-Stop Career Center locations within its local area is between the WIB and the designated career center operator and is not within the scope of this policy.

As to whether or not DWD/DCS chooses to develop individual performance goals for its staff out-stationed at career centers, any such action would fall within the scope of the MOU between DWD/DCS and the WIB and would have to take into account official agency and state policy with regard to employee performance measurement and evaluation as well as any provisions of pertinent bargaining agreements.

Q5. DCS needs to develop a mechanism whereby the Career Center Director has the necessary authority to impact the performance of DCS personnel; if not, the Career Center Directors should NOT be responsible for the performance of DCS programs managed by staff over which Career Center Directors have no authority.

A5. The mechanism is described in the issuance. A career center director impacts the performance of DWD/DCS personnel assigned to the center through the exercise of functional guidance and the established local procedures to work cooperatively with the designated DWD/DCS operations manager and other members of the integrated management team to assure the effective delivery of local services and the achievement of local performance goals.