



COMMENTS

OF

THE NATIONAL FEDERATION OF FEDERAL EMPLOYEES

ON

Methodology for Selecting Job Corps Centers for Closure

SUBMITTED ON

February 11, 2013

To: National Director, Office of Job Corps
US Department of Labor
200 Constitution Av NW, Room N4459
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From: Forest Service Council, National Federation of Federal Employees (NFFE-FSC)
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Date: February 11, 2013

Re: Comment on “Methodology for Selecting Job Corps Centers for Closure”
Federal Register Citation: 78 FR 2284

The National Federation of Federal Employees Forest Service Council (NFFE-FSC) represents approximately 23,000 Forest Service employees. We are pleased to offer these comments on behalf of these hard-working and dedicated public servants.

Over the last 4 decades, the Job Corps program has been enormously successful. More than 2 million at-risk youth have been trained and educated since the first center opened in 1965. The average enrollee enters as a high-school dropout reading below an 8th-grade level. Typically, they come from economically-challenged homes and have learning disabilities, behavior problems, and/or other special needs. Without Job Corps, such individuals face a bleak future and place an expensive burden on society. With Job Corps, the vast majority leave with a high school diploma or equivalency and over 80% secure employment or enter the military. They become productive, tax-paying members of society.

In today’s economy, a Job Corps program for disadvantaged youth is needed more than ever. We are deeply concerned about the manner in which the decision to close centers was reached, the rationale for the decision, and the simplistic factors to be used.

Stakeholder Input Was Not Meaningfully Solicited or Considered

The Federal Register notice gives the impression that stakeholders were afforded a meaningful opportunity to provide input, stating “On August 14, 2012, the Office of Job Corps hosted a national Job Corps listening session via webinar with the Job Corps community to solicit input on these factors.” In fact, the notice given for this session was not adequate to allow those who were able to participate to prepare for a meaningful discussion. The notice was dated August 9 (a Thursday) and not received by many until August 10. The webinar was scheduled for 3:00 pm EDT the following Tuesday, a scant 3 business days after the notice. Meaningful discussion under such circumstances was impossible and did not occur.

We recommend the Department of Labor’s (DOL) Employment and Training Administration (ETA) withdraw their Federal Register notice and enter into meaningful dialogue with stakeholders.

Assumptions Used in Development of Factors Are Fatally Flawed

Senate Report 112-176 urged the Department of Labor “to ensure any center proposed for closure has exhausted all available options to improve...” ETA apparently agrees, stating in the Federal Register notice:

“In Fiscal Year (FY) 2011, we **began** an ambitious reform agenda aimed at improving the performance of Job Corps centers nationwide. This included setting higher standards for all centers, identifying **historically underperforming centers**, and implementing appropriate corrective action (emphasis added).”

In contrast, the Federal Register notice states the very purpose underlying its proposed methodology as “identifying chronically low-performing centers potential closure.” It goes on to define “chronically low-performing centers” as “those that consistently lagged over the past five consecutive program years...” The definition does include the caveat of “without evidence of recent performance improvement,” but this is not adequately incorporated into the factors presented. All factors for closing centers are weighted to the tune of 70% for the period prior to the **beginning** of this accountability effort (FY 2007 – FY 2011). Thus, a center which had been successful in achieving rapid improvement could well find itself identified as a “chronically low-performing center” and end up slated for closure.

To ensure that “any center proposed for closure has exhausted all available options to improve,” per the guidance in Senate Report 112-176, the following steps are minimally required:

- “historically underperforming centers” must be identified, using established criteria
- these centers must be put on notice regarding the outcome of failure to improve (closure) and given adequate time and resources to achieve that improvement
- concrete measures based on outcomes that are within those centers’ power to control must be developed and clearly described

We recommend adoption of this 3-step process. Whatever factors are ultimately decided upon, they should first be used to provide clear notice to centers and a meaningful opportunity to improve prior to closure. A relatively broad time window, such as that proposed, might be appropriate for measures to be used in identification of “historically underperforming centers” in step 1. In addition, we believe step 1 should include measures based on significant changes in performance over a shorter period of time. It makes little sense to wait until years of deteriorating performance pulls down a 5-year average before notice and intervention is triggered. The weighting system proposed results in an apples and oranges amalgamation of data that do not accurately reflect historical performance and will not detect deteriorating performance in a timely fashion.

A second set of measures, responsive to changes over an appropriate period of time, should be developed for assessing outcomes after centers have been provided clear notice and an opportunity to improve. Any closures should be based on outcomes as measured by this second set of measures. Determination of what constitutes an appropriate period of time will be a critical one. 5-year weighted averages of any sort (especially those that weight past performance to the tune of 70%) are inappropriate for this use if the intent is to give centers an opportunity to improve, much less “exhaust all available option to improve, ” for the simple reason that measures structured in this way **do not measure improvement**.

ETA's Reform Agenda Was Not Implemented Prior to the Proposed Measurement Period

Even if an “ambitious reform initiative” had been begun in FY 2011, it would take time to implement. Data from FY 2007 – FY 2011 would be irrelevant in measuring the success of such a program. Thus, the factors proposed are not consistent with the goal of ensuring any center proposed for closure has exhausted all available options to improve. Indeed, they are not consistent even with ensuring the effects of any significant effort resulting from the cited reform initiative are considered.

We represent most of the 28 Civilian Conservation Corps (CCC) Centers that are operated through an interagency agreement with the US Department of Agriculture (USDA). As such, we have union representatives on the ground level. Our specific observations regarding ETA's “ambitious reform agenda,” below, are limited to those CCC centers.

Regarding this agenda, we quote again from the Federal Register:

“In Fiscal Year (FY) 2011, we began an ambitious reform agenda aimed at improving the performance of Job Corps centers nationwide. This included setting higher standards for all centers, identifying historically underperforming centers, and implementing appropriate corrective action (emphasis added).”

A program in which underperforming CCC centers were placed on performance improvement plans (PIPs) was initiated in mid-2010. However, the general framework as agreed to by DOL and USDA was not implemented until July, 2011 (the beginning of FY 2011, consistent with the statement above). The general framework agreed upon was that a center on a PIP must meet certain criteria for removal from the PIP within 12 months and must sustain at least this level of performance for at least an additional 6 months. Assessment after giving a center an opportunity to improve should therefore start with the beginning of FY 2012. This is beyond the measurement period proposed.

Further, criteria for placement on a PIP and removal from it were not finalized at the beginning of FY 2011. The program was a work in progress even as it was implemented. In fact, is our understanding that criteria for placing centers onto a PIP have still not been finalized; certainly, they have not been publicized. Apparently criteria for coming off a PIP were just finalized sometime around the beginning of FY 2012. Finally, at no point has it been communicated to centers that the consequence of failure to satisfy the requirements of a PIP would be closure of the center. One concludes that even FY 2012 might be too early for an assessment consistent with the goal of ensuring any center proposed for closure has exhausted all available options to improve.

Regarding corrective action, we believe much more could be done. We had advocated for an ambitious program in which a small but elite task group would work on-site with low-performing centers to bring them up to speed. Follow up would include appropriate personnel changes in centers that failed to sustain improvement. In spite of the success of a pilot, this program was not supported by DOL Office of Job Corps and ultimately was not approved. We would strongly support this or any other effort that is likely to improve performance of our centers.

On-board Strength is an Inappropriate Factor

On-board strength (OBS) is proposed as a significant factor (20% contribution to total score). However, outreach and admissions (OA) are in general performed by independent contractors. Thus, centers would be held accountable for a measure that is largely beyond their control, but rather is under the control of ETA. Thus, this is an inappropriate measure for centers.

ETA's current enrollment freeze is illustrative. It will not only lead to a dramatic decrease in OBS, but the OA firms will be forced to lay off staff. It will take time and expense to stand them up when the freeze is over. This will obviously have a substantial adverse impact on centers' OBS in both the short and intermediate term that is completely outside the ability of centers to control. It makes no sense to hold centers accountable for factors they cannot control.

As discussed above, closures should be based on recent performance trends after centers have been given a genuine opportunity to improve. This means performance in program year 2012 and beyond would be the appropriate diagnostic. The enrollment freeze alone removes OBS from consideration as a valid measure that is under the centers' control.

In addition, as noted above, the use of a 5-year weighted average does not show a center's current state and thus is not consistent with the goal of ensuring any center proposed for closure has exhausted all available options to improve.

A final point deserves mention, not only with respect to OBS but also with respect to other measures such as retention. Student outcomes depend not only upon the quality of center operations, but also upon the characteristics of the incoming pool of students. Some center contractors have also been awarded OA contracts. This sets up a conflict of interest in which such OA providers have an incentive to "cherry pick" students for their parent company to the detriment of competing centers. Such actions would be difficult to document but would have significant impacts on outcomes. An independent, limited-scope enrollment analysis conducted in 2008 concluded that "there are enough instances to document... that [CCC centers] receive more minors on average." As noted in this report, "Minor students pose a host of challenges that lead to early and negative termination rates."

We take advantage of this opportunity to suggest that such conflicts of interest should not be allowed to persist in the program. OA services should be provided by entities that do not have a conflict of interest relative to their outputs to the various centers that they serve.

Facility Condition Index is an Inappropriate Factor

Facility condition index (FCI) is proposed as a factor (10% contribution to total score). As was the case for OBS, this measure is not within the span of control of centers. ETA itself plays a critical role. As noted in December, 2012 US Department of Labor Inspector General Report 26-13-002-03-370, the ETA Job Corps program "did not effectively manage maintenance funds..." and "did not have an effective process to ensure maintenance deficiencies were addressed appropriately and timely." It is therefore not appropriate for ETA to hold centers exclusively accountable for shortcomings in this regard. Solving these systemic issues is a necessary prerequisite to holding centers accountable for their role in FCI deficiencies.

In addition, as noted above, the use of a 5-year weighted average does not show a center's current state and thus is not consistent with the goal of ensuring any center proposed for closure has exhausted all available options to improve.

Outcome Measure System Score Is an Appropriate Factor, but Is Not Used Appropriately

We concur that OMS should be the backbone of any methodology for assessment of centers. However, as noted above, the use of a 5-year weighted average does not show a center's current state

and thus is not consistent with the goal of ensuring any center proposed for closure has exhausted all available options to improve.

CCC centers placed on a PIP should be assessed in the timeframe during a PIP and following its completion. Contract centers should be assessed in the timeframe during a corrective action plan and following its completion.

Maintaining a Job Corps Center in Each State, Puerto Rico, and the District of Columbia is an Arbitrary Factor

In the introduction to *Factors for Selecting Job Corps Centers for Closure*, “Continuing availability of Job Corps services in each state, Puerto Rico, and the District of Columbia” is given as a factor. However, item #4 states, “We intend to maintain at least one Job Corps center in each state, the Commonwealth of Puerto Rico, and the District of Columbia to ensure that training is aligned with local and regional labor market opportunities.” We agree with the general principle that Job Corps services should be broadly available. However, we respectfully disagree that siting at least one Job Corps center as described will “ensure that training is aligned with local and regional labor market opportunities.” What it will do is allow center location to trump center performance.

It is arbitrary to require maintenance of at least one center in each state. This will not meet the stated objectives. Local and regional labor markets do not conform to state boundaries. Neither do the numbers of at-risk youth served by Job Corps centers. The number of high school dropouts among the 50 states ranges over two orders of magnitude (in 2010-11, from a low of 12,592 in VT to a high of 1,509,499 in CA). Finally, if distance to the nearest center is thought to be a critical factor, then use of state boundaries is also nonsensical. To require the location of a center in each state, however small its area, is to limit the number of centers in larger states. Given the assumption that location matters, this would disproportionately disadvantage students living in the larger states.

Based on our experience, the assumption that location matters is demonstrably false. Again, availability of services is the core target; maintenance of one center in each state is the method proposed for achieving this outcome. In the case of CCC centers, the location of the center does not impose a limit of the services provided. Over the last 4 years, out-of-state enrollment in the 28 CCC centers has ranged from 42-45%. Any necessary adjustments in provision of service could be easily accomplished by adjustment in OA arrangements. Poorly performing centers, after all available options to improve have been exhausted, should not be protected simply because of location.

Unique Qualities of USDA Civilian Conservation Centers

CCC centers are federal institutions run by the Department of Agriculture Forest Service (USDA-FS) in rural, typically remote, areas. As such, they have unique characteristics, including:

- CCC centers were intentionally sited in economically depressed rural areas, where they provide a significant financial boost for local economies. In some communities the center is the largest employer in the area. Thus, the economic impact of a closed center would be potentially devastating.
- Rural CCC centers play a unique role in that they allow placement of troubled youth in a setting away from urban environments that may otherwise inhibit their progress. As such, CCC centers do not exclusively serve the state in which they are sited. They are national

resources. Roughly half of the students enrolled in CCC centers come from outside the state in which the center is sited.

- Service learning is an integral part of the CCC experience. Students participate in national service such as reforestation projects, trails maintenance, construction projects, etc. They also serve as members of fire crews and incident response teams that respond to floods and other emergencies. Fire programs have been put in place on all 28 centers. This program is funded by USDA Forest Service Fire and Aviation Management. This enhances the program at no cost to DOL while providing a boost to fire suppression resources in remote rural areas. This kind of public service work provides CCC students with a sense of contribution to our nation and helps them develop into mature, responsible citizens.
- USDA is working toward using Public Land Corps authority to place CCC students into federal jobs based upon their national service. This will provide an avenue for improving the diversity of the workforce so that it more closely mirrors the public we serve. The Federal Register states, “Additional consideration may be given to Job Corps’ continuing commitment to diversity.” However, we are concerned that the manner in which this “consideration” will be given is not described.
- In the *FY 2013 Congressional Budget Justification*, the Office of Job Corps lists as a strategic goal, “Assure skills and knowledge that prepare workers to succeed in a knowledge-based economy, including in high-growth and emerging industry sectors like ‘green’ jobs.” USDA recently implemented a new green curriculum in the CCCs (USDA Release No. 0104.10).
- The costs of decommissioning a CCC center would be significant. It is not just a matter of closing the doors and walking away – the center must be returned to a natural state consistent with land management plans.
- Even if ETA is unable to fund all CCC centers over the long haul, it would make little sense to disband this human and physical capital just as the administration has created the National Council for the 21st Century Conservation Service Corps (21CSC). The goal of 21 CSC is provide service, training, education, and employment opportunities for youth and recent veterans in the area of public lands and water. The Veteran’s Conservation Corps in WA State (<http://www.cnn.com/2009/LIVING/worklife/05/19/veterans.green.jobs/index.html>) has been highly successful. In addition, there has been recent legislative interest in a Veteran’s Job Corp program. The CCC infrastructure may be re-purposed to meet these needs.

In the Federal Register notice, ETA states, “We are working collaboratively with the USDA to address the unique qualities of the USDA’s operation of [these] centers.” To our knowledge, no meaningful collaboration of this sort has occurred or is ongoing. Certainly we have not been party to any discussions. As the exclusive representative of most of the federal employees on these centers, we would certainly hope to be involved. In any event, the factors presented do not take into account any of these “unique qualities,” with the exception of an unsatisfactory reference to diversity.

Fundamentally, if the goal is to effectively address center performance, it misses the mark. We hope to be afforded the opportunity to actively participate with all stakeholders in future work on this important issue.