

Lawyers Alliance Supports Nonprofits Engaged in Workforce Development

EXCITING CHANGES ARE AFOOT in the field of workforce development, which prepares individuals to find and keep jobs and helps businesses to attract and retain workers. Nonprofits are playing a vital role in equipping workers with the skills and credentials they need to earn family-sustaining wages in positions that allow for upward mobility. Funding and public policy changes are expected to reduce administrative burdens and produce tangible benefits for all stakeholders. Lawyers Alliance for New York assists nonprofit workforce development providers in adapting to the new regulatory environment so they can curtail unemployment and underemployment in low-income communities.

In 2014, Congress passed the Workforce Innovation and Opportunity Act (WIOA), the first reauthorization of the Workforce Investment Act since 1998. WIOA engages industry to ensure that workforce training meets demand and promotes an evidence-based training approach to achieve better outcomes for job seekers. Next spring, the Departments of Labor and Education will issue final regulations to govern the implementation of WIOA, which became effective on July 1, 2015. New York State regulators await the release of final federal regulations before circulating the state comprehensive plan reflecting the WIOA-induced changes.

There also has been significant movement relating to workforce development policy in New York City. Mayor de Blasio has created the Office of Workforce Development to establish workforce training policy priorities and to coordinate activities among the members of the local workforce development system. He also convened the Jobs for New Yorkers Task Force, which released a report in late 2014 detailing the City's approach to workforce development.

The substance of WIOA and current City approach reflect a shift away from the rapid attachment model that places job seekers in positions soon after completing basic skills training. Instead, federal and City policy emphasize career pathways, a model which connects workers to education, hard skills training, and support services to facilitate career advancement. This model calls for increased collaboration among various workforce development stakeholders, such as government agencies, institutions of higher learning, nonprofit workforce development organizations, providers of support services, and employers. Attorneys are needed to clarify the parties' relationships.



Photo: Small Fry

Small Fry trains and employs youth in marketing and web development.

Affiliate Agreements: Licensing intellectual property to affiliates is a way for nonprofits to extend their geographic reach by working with local community-based organizations.

Case Example: STRIVE International provides comprehensive job training, social services, and career development for the hardest-to-employ workers, including formerly incarcerated individuals, long-term public assistance recipients, disconnected youth, the homeless, recovering addicts, and unskilled and under-educated laborers. STRIVE has a widely utilized proprietary workforce development model. With advice from pro bono counsel at **Crowell & Moring LLP**, STRIVE developed form agreements to license its intellectual property to affiliates and created a policies and procedures manual governing the affiliate network that STRIVE has cultivated nationwide. The legal work also included negotiating an agreement with the City of New Orleans to establish STRIVE NOLA, which launched in early 2015 in connection with the City of New Orleans' Network for Economic Opportunity initiative. To date, 60 participants have graduated from the STRIVE NOLA program.

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Online Agreements: As the workforce development model shifts to career pathways, more nonprofits are coupling job training with direct employment. Online mechanisms can facilitate relationships between workers and employers.

Case Example: Small Fry trains and employs low-income youth to optimize the web presence of local small businesses via online marketing, social media marketing, e-mail marketing, and web development. At Small Fry, youth gain relevant skills, build portfolios, and earn income, while small businesses access affordable marketing assistance to target new customers and develop business. Since its launch in 2014, Small Fry has worked with 10 youth and 10 small businesses in New York City, and has recruited seven youth and seven businesses for its current Boston-based cohort. Pro bono counsel at **Morgan, Lewis & Bockius LLP** is assisting Small Fry in preparing an online agreement, to be used by both participants and small businesses seeking services, that outlines the relationship between the parties.

With a wealth of experience documenting complex relationships in various kinds of agreements, Lawyers Alliance staff and pro bono attorneys are uniquely positioned to advise nonprofits on the legal issues raised by an intensely collaborative approach to workforce development.

For more information on workforce development, please contact **Neil Stevenson** at (212) 219-1800 ext. 273 or nstevenson@lawyersalliance.org.



Photo: STRIVE International

STRIVE International provides comprehensive job training, social services, and career development.