MANATT, PHELPS & PHILLIPS, LLP
JOHN F. LIBBY (Bar No. CA 128207)
E-mail: jlibby@manatt.com
JOHN W. MCGUINNESS (Bar No. CA 277322)
E-mail: jmcguinness@manatt.com
EMIL PETROSSIAN (Bar No. CA 264222)
E-mail: epetrossian@manatt.com
11355 West Olympic Boulevard
Los Angeles, California 90064
Telephone: (310) 312-4000
Facsimile: (310) 312-4224

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW
KRISTEN CLARKE (*Pro Hac Vice* Application Forthcoming)
Email: kclarke@lawyerscommittee.org
JON M. GREENBAUM (Bar No. CA 166733)
E-mail: jgreenbaum@lawyerscommittee.org
EZRA D. ROSENBERG (*Pro Hac Vice*)
E-mail: erosenberg@lawyerscommittee.org
DORIAN L. SPENCE (*Pro Hac Vice*)
E-mail: dspence@lawyerscommittee.org
1401 New York Avenue NW, Suite 400
Washington, DC 20005
Telephone: (202) 662-8600
Facsimile: (202) 783-0857

PUBLIC COUNSEL
MARK ROSENBAUM (Bar No. CA 59940)
E-mail: mrosenbaum@publiccounsel.org
610 South Ardmore Avenue
Los Angeles, California 90005
Telephone: (213) 385-2977
Facsimile: (213) 385-9089

Attorneys for Plaintiffs
CITY OF SAN JOSE and BLACK ALLIANCE FOR JUST IMMIGRATION

[Additional Counsel Listed on Signature Page]

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

CITY OF SAN JOSE, a municipal corporation; and BLACK ALLIANCE FOR JUST IMMIGRATION, a California nonprofit corporation, Plaintiffs,	3:18-cv-02279-RS **DECLARATION OF MONIQUE MELCHOR**

vs.

WILBUR L. ROSS, JR., in his official capacity as Secretary of the U.S. Department of Commerce; U.S. DEPARTMENT OF COMMERCE; RON JARMIN, in his official capacity as Acting Director of the U.S. Census Bureau; U.S. CENSUS BUREAU,

Defendants.

Assigned to the Honorable Richard G. Seeborg

I, Monique Melchor, declare under penalty of perjury pursuant to 28 U.S.C. § 1747 that the below is true and correct:

1. I am the Director of work2furutre, Workforce Development Board, Office of Economic Development for the City of San Jose.

2. I have been in my current position for approximately 2 years.

3. As part of my official duties, I oversee programs funded by federal grand money awarded pursuant to the Workforce Innovation and Opportunity Act ("WIOA").

4. Funds provided pursuant to WIOA are used to support adults, dislocated workers, and youth as they seek employment.

5. Funding provided pursuant to WIOA is based on a number of factors, as set forth below:

5.1 The average number of unemployed individual for Areas of Substantial Unemployment ("ASU"s) for the prior July through June 12-month period, as prepared by the states under the direction of the Bureau of Labor Statistics (BLS) in each state compared to the total number of unemployed individuals in ASUs in all states.

5.2 The number of excess unemployed individuals or excess unemployed individuals in ASU (depending on which is higher) averages for the same 12-month period, compared to the total excess individuals or ASU excess in all states, and

5.3 The number of disadvantaged youth (15-21) excluding college students in the workforce and military, from special tabulations of data from the American Community Survey ("ACS") in each state compared to the total number of disadvantaged youth in all states.

6. Pursuant to WIOA, all allotments to states and outlying areas shall be based on the latest available data and estimates satisfactory to the Secretary. All data relating to disadvantaged adults and disadvantaged youth shall be based on the most recent satisfactory data from the Bureau of the Census. (WIOA Section 182(a)).

7. Once funding is delivered to the State of California under WIOA, it is delivered to sub-divisions of the state according to the statutory formula for subs-state allocations, which considers:

7.1 For youth activities:

(a) The local area relative share of total unemployed in ASUs,

(b) The local area relative share of excess unemployed, and

(c) The local area share of disadvantaged youth (using ACS data).

7.2 For adult activities:

(a) The local area relative share of total unemployed in ASUs,

(b) The local area relative share of excess unemployed, and

(c) The local area share of disadvantaged adults (using ACS data).

7.3 For dislocated workers:

(a) Insured unemployment data,

(b) Unemployment concentrations,

(c) Plant closing and mass layoff data,

(d) Declining industries data,

(e) Farmer-rancher economic hardship data, and

(f) Long-term unemployment data.

8. The City of San Jose uses funding received through WIOA on a variety of programs that benefit the unemployed and dislocated workforce population of San Jose.

9. These programs include:

9.1 Adult, Dislocated and Youth service: This program provides career counseling, occupational skills training, and job placement assistance. In addition, it offers support services, including employment referrals, to adults, dislocated workers, and youth.

9.2 Work2future, services: Services provided through the work2future program, supported by WIOA funds, are based on the sector-strategies and career-pathways focus, with a focused and robust employer-engagement approach.

(a) Any individual 18 and older with the right to work can enroll for intensive services with work2future.

(b) Basic services are available to all individuals. These basic services include the use of the career lab, enrollment in workshops, and participation in employer recruitment drives.

(c) The program can pay client training costs. Trainings are provided by over 40 organizations and provide participants with nationally-recognized employment credentials.

(d) The program also provides a wide array of workshops, including workshops on resume preparation, interviewing techniques, computer skills training, and entrepreneur training.

(e) The program also serves hundreds of employers annually, providing them with recruitment, on-the-job training, and layoff aversion support.

10. Because WIOA funding is allocated, in part, on data provided by the Census Bureau, if the Census Bureau were to provide lower-than-accurate population data for the City of San Jose relative to other cities receiving WIOA funding, the City o San Jose would receive less funding through WIOA than it would if the data were accurate.

11. Were San Jose to receive less funding through WIOA, it would not be able to provide the same level of services to this population.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1747 that the foregoing is true and correct.

November 2, 2018

Monique Melchor

Monique Melchor

320987061.1