EXHIBIT 3

February 8, 2016

JESSIE MAR, Chief
Compliance Review Division (CRD)
Compliance Monitoring Section
722 Capitol Mall, MIC 22
P.O. Box 826880
Sacramento, CA 94280-0001

Dear Ms. Mar:

WORKFORCE INNOVATION AND OPPORTUNITY ACT
PROGRAM REVIEW
DRAFT MONITORING REPORT
PROGRAM YEAR 2015-16

In your letter dated February 3, 2016, the San Jose Silicon Valley Workforce Development Board would like to respond to the findings of the 85-percent Workforce Innovation Opportunity grant program operations review. The CRD noted an instance of noncompliance in the following area: Limited English Proficient Language group. The finding that the CRD identified in this area and the response from SVWIN is specified below.

FINDING ONE

Requirement: 65 Federal Register 50121 states, in part, the Federal Government is committed in improving access to services for persons with limited English proficiency. Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities.

68 Federal Register 32290-3229 states, in part, The Department of Justice (DOJ) recipient provides written translations of vital documents for each eligible Limited English Proficient (LEP) language group that constitutes five percent or 1,000 whichever is less, of the population of persons eligible to be served or likely to be affected if encountered. It further states, safe harbor provisions do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

WIAD 04-20 states, in part, in order to avoid discrimination against LEP persons on the grounds of national origin, recipients must take reasonable steps to ensure that such persons receive, free of charge, the

language assistance necessary to afford them access to the programs, services, and information those recipients provide. It further states, recipients have two primary ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation.

WIAD 04-20 Recipients and federal agencies are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. The DOL's revised LEP guidance includes an individualized assessment that balances four-factors that should be applied when assessing language needs and deciding reasonable steps. The objective of the four-factor analysis is to suggest a reasonable balance that ensures meaningful access by LEP customers to critical services while not imposing undue burdens. The four-factor analysis includes:

1. The number or proportion of LEP persons served or encountered in the eligible services population;
2. The frequency with which LEP individuals come into contact with the program;
3. The nature and importance of the program, activity, or service provided by the recipient; and
4. The resources available to the recipient and costs.

Observation: We observed that work2future does not provide sufficient language services to all LEP customers at the four AJCC locations we visited. During our review we observed only English and Spanish speaking staff readily available to assist clients. Per 2014 estimates of the 2010 United States Census Bureau statistics, 51.2 percent of the population within work2future's service area, speak a language other than English. Work2future does not provide translation services in all languages for the populations which reside in their service areas. LEP customers entering the AJCC location are told by staff to bring their own translator or attend English as a Second Language class prior to accessing any type of service. When questioned about the lack of translation services available to work2future customers, administrators acknowledged they only have the ability to serve Spanish speaking clients at the AJCC and that they were unable to serve all LEP customers.

Recommendation: We recommend that work2future provide the Compliance Review Office with a corrective action plan indicating how they will be able to provide meaningful access to their programs and activities to all LEP customers and to ensure that the AJCC does not discriminate against LEP persons on the grounds of national origin.

Response: Per 2014 estimates of the 2010 United States Census Bureau statistics, 51.2 percent of the population within work2future's service area, speak a language other than English.

The objective of the four-factor analysis is to suggest a reasonable balance that ensures meaningful access by LEP customers to critical services while not imposing undue burdens. The four-factor analysis includes:

1. The number or proportion of LEP persons served or encountered in the eligible services population;
2. The frequency with which LEP individuals come into contact with the program;
3. The nature and importance of the program, activity, or service provided by the recipient; and
4. The resources available to the recipient and costs.

For the County of Santa Clara the following Tables were available from the United States Census Bureau to identify the languages in the work2future LWDA and review the four-factor analysis:

Language Spoken at home	2010
Speak a language other than English	50.7%
Spanish or Spanish Creole	19.1%
Other Indo-European languages	8.0%
Asian and Pacific Island languages	22.5%
Other languages	1.1%

Language Spoken at home	2011
Speak a language other than English	50.5%
Spanish or Spanish Creole	18.9%
Other Indo-European languages	8.0%
Asian and Pacific Island languages	22.6%
Other languages	1.1%

Language Spoken at home	2012
Speak a language other than English	50.8%
Spanish or Spanish Creole	18.9%
Other Indo-European languages	8.0%
Asian and Pacific Island languages	22.9%
Other languages	1.1%

Language Spoken at home	2013
Speak a language other than English	51.2%
Spanish or Spanish Creole	19.0%
Other Indo-European languages	8.1%
Asian and Pacific Island languages	23.0%
Other languages	1.1%

Language Spoken at home	2014
Speak a language other than English	51.6%
Spanish or Spanish Creole	18.9%
Other Indo-European languages	8.2%
Asian and Pacific Island languages	23.3%
Other languages	1.2%

Based on the information provided above, Santa Clara County's primary languages other than English are Spanish and Asian/Pacific Island languages. Since 2008 work2future has served over 1,000 LEP speakers.

The majority of work2future's LEP customers are Spanish speakers; work2future has Spanish speaking staff available at each AJCC. Spanish speakers are most interested in tractor trailer/truck driver training. work2future contracts with two ETPL training providers that have successfully provided services to Spanish Speaking LEP customers in which individuals were able to take the Commercial Drivers license tests in their native language (Spanish).

work2future has bilingual staff in the following languages: Spanish, Chinese, Mandarin, Vietnamese and tagalong speakers for clients who are proportionate of LEP persons served or encountered in our eligible services population/Local workforce development area (LWDA). For work2future's LWDA the frequency with which LEP individuals come into contact with the program are predominantly Spanish speakers, other foreign languages encountered within work2future's LWDA are Mandarin, other dialects of Chinese, Vietnamese, Tagalong, and on rare occasions other Indo-European languages. Translation services are at no cost to the individuals.

Per the CRD's recommendation the work2future WDB will provide staff training regarding bilingual staff availability. Furthermore, upon entering the AJCC location potential clients will be told a translation services are available as needed in the predominant languages within work2future's LWDA.

Please extend our appreciation to your staff for their cooperation and assistance during the review. If you have any questions regarding this response, please contact Ms. Monique Melchor at Monique.Melchor@sanjoseca.gov or (408-794-1108)

Sincerely,

Christopher Donnelly
Director work2future

cc: Jeff Ruster