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CITY OF SAN JOSE and BLACK ALLIANCE
FOR JUST IMMIGRATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

CITY OF SAN JOSE, a municipal corporation; and BLACK ALLIANCE FOR JUST IMMIGRATION, a California Non-Profit Corporation, Plaintiffs, v. WILBUR L. ROSS, JR., in his official capacity as Secretary of the U.S. Department of Commerce; et al., Defendants.	Case No. 3:18-cv-02279 **TRIAL AFFIDAVIT OF MONIQUE MELCHOR** Dept: 3 Judge: The Honorable Richard G. Seeborg Trial Date: January 7, 2019 Complaint Filed: April 17, 2018

Pursuant to 28 U.S.C. § 1746(2), I, Monique Mechor, declare as follows:

1. I submit this supplemental trial affidavit to add certain relevant facts to my original trial affidavit, filed on December 28, 2018 as ECF No. 135 in the above-captioned matter.

2. As part of my role as the director of work2futue, I am familiar with the Local Workforce Development area ("LWD") that work2future serves. This LWD is comprised of the cities of San Jose, Campbell, Morgan Hill, Los Altos Hills, Gilroy, Los Gatos, Saratoga, and Monte Sereno, along with the unincorporated areas of Santa Clara County. The work2future

LWD is one of two within Santa Clara County and one of forty-five within the State of California.

3. Part of my role as the director of work2future is to ensure that the program operates in compliance with federal and state laws and regulations, to respond to inquiries from the state of California regarding our operations, and to ensure that we are properly funded according to the formulas set by state and federal law.

4. As part of those duties, I review information from the United States Department of Labor "DOL," the Training and Employment Guidance Letter No. 16-17 ("WIOA Guidelines") The WIOA Guidelines, attached to this supplemental declaration as **Exhibit 1**, set fort the funding criteria for the State of California and for the work2future local workplace development area ("LWD"). As part of my official duties as the director of work2future, I am familiar with the formula guidelines set forth in this Training and Employment Guidance Letter and apply them in the course of my work.

5. From reviewing the funding formulas in the WIOA Guidelines, I know that WIOA funding (both for WIOA Youth Workforce Initiatives and for WIOA Adult Employment and Training Activities) is distributed in two stages: first the Federal Government provides the State of California a block grant (the "State Allotment") and then the State of California distributes the State Allotment among the 70 LWDs (the "Sub-State Allocations).

6. I am in regular contact with officials from the State of California regarding the operations of work2future, including compliance with state and federal guidelines, our funding, and our operations more generally.

7. As an example of communications regarding compliance issues, the State of California wrote to work2future regarding language access at our centers in February of 2016. I responded to the letter by reviewing census data regarding the population we serve and wrote back on February 8, 2016. These letters are attached as **Exhibit 2** and **Exhibit 3** to this supplemental affidavit.

8. As an example of my use of the WIOA Guidelines, I have used the formulas set forth in the WIOA Guidelines to confirm that the work2future LWD has received its fair Sub-State Allocation from the State of California in prior years.

9. Determining whether the work2future LWD has received its fair Sub-State Allocation for Youth Activities requires considering only the following three factors: 1) the LWD's relative share of total unemployed in Areas of Substantial Unemployment (ASUs), 2) the local area relative share of excess unemployed, and 3) the local area share of disadvantaged youth.

10. Determining whether the work2future LWD has received its fair Sub-State Allocation for Adult Activities requires considering only the following three factors: 1) the LWD's relative share of total unemployed in ASUs, 2) the local area relative share of excess unemployed, and 3) the local area share of disadvantaged adults.

11. The data regarding the LWD's relative share of unemployed in ASUs, the LWD's relative share of excess unemployed, and the local area's share of disadvantaged youth or adults is readily available from the Census. In the course of my work, I personally review these data to confirm that San Jose received an appropriate Sub State Allocation.

12. One of the three factors for the Sub-State Allocation is the work2future LWD's relative share of disadvantaged adults. Therefore if the work2future LWD's share of disadvantaged adults (compared to other California LWDs) decreases, its Sub-State Allocation will also decrease.

13. One of the three factors for the Sub-State Allocation is the work2future LWD's relative share of disadvantaged youth. Therefore if the work2future LWD's share of disadvantaged youth (compared to other California LWDs) decreases, its Sub-State Allocation will also decrease.

14. I do not review the WIOA formulas regarding the State Allocation that is received by the State of California.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746(2) that the foregoing is true and correct.

Executed this January 9, 2019 in San Jose, California.

Monique Melchor