

# Strategic Policy & Performance Council Meeting Agenda

FEB. 19, 2020 • 2 – 4 P.M. ET

DOUBLETREE BY HILTON  
101 SOUTH ADAMS STREET  
TALLAHASSEE, FL 32301  
MEETING ROOM: BALLROOM

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## Chair's Welcome and Remarks

**Brittany Birken**

## Action Item

- **Workforce Development Boards Compliance and Accountability Policies**
  - **CareerSource Florida Strategic Policy** **Mary Lazor**  
Board Governance and Leadership
  - **CareerSource Florida Administrative Policies** **Ruth Dillard**  
Board Composition and Certification  
Negotiated Local Levels of Performance  
Sanction Policy  
Employer Services  
Job Seeker Registration  
Job Orders and Placements  
On-the-Job Training  
Work-based Training  
Memorandums of Understanding and Infrastructure Funding Agreements  
Priority of Service

## Strategic Policy & Performance Initiatives

- Workforce Innovation and Opportunity Act:  
2020-2024 Unified Plan **Robert Doyle**  
*Division of Blind Services  
Florida Department of Education*  
**Warren Davis**
- The Gig Economy and Florida's Workforce System **Stephanie Smith**  
*Uber*  
**John Kaliski and Evan Enarson-Hering**  
*Cambridge Systematics*
- Continuous Improvement Performance Initiative **Steve Collins**  
**Jackie Barreiros**

## Open Discussion / Public Comments

## Chair's Closing Remarks

**Brittany Birken**

collaborate.  
innovate.  
lead.



Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_

## Action Item

### WORKFORCE DEVELOPMENT BOARDS COMPLIANCE AND ACCOUNTABILITY POLICIES

As the state workforce development board, the CareerSource Florida Board of Directors continually focuses on its responsibility for development and continuous improvement of the state workforce development system. Essential to this effort is ensuring the system maintains integrity, accountability and transparency in decisions and actions that earn and protect the public trust. To effectively carry out the functions and expectations of the state workforce development board and local workforce development boards, all boards must comply with federal and state laws, regulations and standards.

Consistent with this foundational objective and, particularly, the federal Workforce Innovation and Opportunity Act, which establishes the functions of workforce boards, a series of strategic and administrative policies are being advanced for board consideration. (New and revised policies are identified in bold. Existing administrative policies that now must receive state board endorsement are identified with an asterisk.) All are designed to help ensure Florida's workforce system is best positioned to build on its state and local policies, programs and processes to effectively and efficiently address the employment and training needs of job seekers, workers and businesses.

The recommended policies are as follows:

- **Board Governance and Leadership**
- **Local Workforce Development Board Composition and Certification**
- **Negotiated Local Levels of Performance Requirements**
- **Sanctions for Local Workforce Development Boards' Failure to Meet Federal and State Standards**
- Employer Services\*
- Job Seeker Registration\*
- Job Orders and Placements\*
- On-the-Job Training\*
- Work-Based Training\*
- **Memorandums of Understanding and Infrastructure Funding Agreements**
- **Priority of Service**

**FOR CONSIDERATION**

**Approve the 11 strategic and administrative policies as recommended by the CareerSource Florida professional team and the Florida Department of Economic Opportunity Division of Workforce Services.**



**Policy  
Number TBD**

## **Strategic Policy**

<b>Title:</b>	<b>Board Governance and Leadership</b>
<b>Adopted:</b>	
<b>Effective:</b>	

### **I. PURPOSE AND SCOPE**

Effective state and local workforce board leadership must include compliance with federal and state laws, clear expectations, ethical conduct, transparency, quality customer service, and strategic planning and decision-making. State and local workforce development boards shall ensure the workforce investment system provides economic opportunity for everyone who wants to work, find a better job, or improve their skills to succeed in the 21<sup>st</sup> century workforce.

#### **High-Performing Local Workforce Development Boards**

Through this policy, the CareerSource Florida Board of Directors requires local workforce development boards to employ sound management practices and controls for the proper expenditure of funds and verification of program outcomes. Local workforce development boards shall place a strong emphasis on data-driven decisions and encourage board staff to employ proven measurement and improvement systems to evaluate performance.

Local workforce development boards will encourage discussion about key program improvements and outcomes, stressing the importance of communication within the organization. The board and its staff will understand key programmatic requirements and performance outcomes and how those data elements contribute to success.

#### **Local Workforce Development Board Leadership**

The chief elected official in a local area is authorized to appoint the members of the local workforce development board in accordance with criteria established in Public Law 113-128, Section 107, the Workforce Innovation and Opportunity Act, and Chapter 445.007, Florida Statutes.

The local workforce development board shall elect a chair to direct the business of the board. The local workforce development board may designate and direct the activities of standing committees to provide information and to assist the local workforce development board in carrying out activities described in Section, 107, WIOA. Such standing committees shall be chaired by

members of the board and shall include other individuals appointed by the local workforce development board and who the local workforce development board determines to have appropriate experience and expertise.

To effectively fulfill their responsibilities and expectations, local workforce development boards hire Executive Directors, Presidents and Chief Executive Officers to carry out the board-directed programmatic, financial and operational functions of the local workforce development board and one-stop delivery system centers.

Executive Directors, Presidents, Chief Executive Officers, Chief Operating Officers and Chief Financial Officers who represent a local workforce development board shall not personally contract with or otherwise represent more than one local workforce development board. Under extraordinary circumstances, local workforce development boards may request approval for a temporary exception to this prohibition from the state workforce development board and the Department of Economic Opportunity.

Both local workforce development board members and staff must maintain integrity, accountability and transparency in decisions and actions that earn and protect the public trust in compliance with CareerSource Florida Ethics and Transparency Policy 2018.09.26.A.1. This includes taking all necessary steps to avoid the appearance of conflicts of interest.

## **II. BACKGROUND**

### **State Workforce Development Board**

The Governor of Florida establishes the state workforce development board to guide workforce development for the state of Florida and provide oversight and policy direction for talent development programs administered by CareerSource Florida, the Department of Economic Opportunity and Florida's 24 local workforce development boards.

State board functions include but are not limited to those activities described in WIOA, Section 101(d) and Chapter 445.004, Florida Statutes.

### **Local Workforce Development Boards**

Authorized by WIOA, local workforce development boards oversee the design and delivery of locally customized job training programs and workforce development initiatives.

Local workforce development board functions include but are not limited to those activities described in WIOA, Sections 107 and 108.

## **III. AUTHORITY**

- [Public Law 113-128, Workforce Innovation and Opportunity Act \(2014\)](#)
- [20 CFR Part 679 – Statewide and Local Governance of the Workforce Development System Under Title I of the Workforce Innovation and Opportunity Act](#)
- [U.S. Department of Labor, Employment and Training Administration Advisory System, Training and Employment Guidance Letter No. 35-10](#)

- [Chapter 445.003 – 445.007, Florida Statutes](#)
- [Chapter 112, Florida Statutes](#)
- [Chapter 119, Florida Statutes](#)
- [Chapter 286, Florida Statutes](#)
- [2018.09.26.A.1 – CareerSource Florida Ethics and Transparency Policy](#)



**POLICY  
NUMBER  
091**

## **Administrative Policy**

<b>Title:</b>	Local Workforce Development Board Composition and Certification		
<b>Program:</b>	Workforce Innovation and Opportunity Act		
<b>Effective:</b>	June 8, 2016	<b>Revised:</b>	TBD

### **I. PURPOSE AND SCOPE**

The purpose of this policy is to provide Local Workforce Development Boards (LWDBs) with the requirements for LWDB membership composition under the Workforce Innovation and Opportunity Act (WIOA) and Chapter 445, Florida Statutes (F. S.), as well as the process for certification of LWDBs.

### **II. BACKGROUND**

Each local workforce development area in the state must establish a local workforce development board to carry out the functions specified for the local board under WIOA sec. 107(d) for such area. The CareerSource Florida Board of Directors shall be responsible for granting charters to local workforce development boards that have a membership consistent with the requirements of federal and state law and have developed a plan consistent with the state's workforce development plan.

### **III. AUTHORITY**

[Workforce Innovation and Opportunity Act \(WIOA\), Sections 106 and 107](#)

[20 Code of Federal Regulations 679.320](#)

[Sections 445.004 and 445.007, F.S.](#)

### **IV. POLICIES AND PROCEDURES**

Outlined below are the policies and procedures for certifying LWDBs and ensuring the composition of and appointment of members to LWDBs are consistent with the provisions of federal and state requirements.

#### **A. LWDB Membership and Composition**

The Governor, in partnership with CareerSource Florida as the state workforce development board, must establish criteria for use by Chief Local Elected Officials (CLEOs) for appointment of members of the local boards in accordance with WIOA sec. 107(b)(2). The composition of the local board must meet the following criteria:

##### **1. Business**

A majority of the local board members must represent businesses in the local area as individuals who:

- a. Are owners of a business, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;
- b. Represent businesses, including small businesses, or organizations representing businesses that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area (at least two representatives of small businesses must be included); and
- c. Are appointed from among individuals nominated by local business organizations and business trade associations.

##### **2. Labor/Apprenticeships**

No fewer than 20 percent of the members must be representatives of the workforce within the local area who:

- a. Include at least two representatives of labor organizations nominated by local labor federations. For a local area in which no employees are represented by such organizations, at least two other representatives of employees will be included.
- b. Include at least one representative of a labor organization or a training director from a joint labor-management apprenticeship program. If no such joint program exists in the area, at least one representative of an apprenticeship program in the area, if such a program exists.
- c. May include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or provide/support competitive integrated employment for individuals with disabilities.



- d. May include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives or organizations that serve out-of-school youth.

### **3. Education**

Each local board must include representatives of entities administering education and training activities in the local area who:

- a. Include a representative of eligible providers administering adult education and literacy activities under Title II of WIOA.
- b. Include a representative of institutions of higher education providing workforce investment activities (including community colleges).
- c. Include a private education provider. CareerSource Florida may waive this requirement if requested by a LWDB if it is demonstrated that such representative does not exist in the local area.
- d. May include representatives of local educational agencies and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment.

When there is more than one institution in each of the types of educational entities listed above, nominations are solicited from representatives of each of these entities.

### **4. Governmental/Economic/Community Development**

Each local board must include representatives of governmental, economic and community development entities serving the local area who:

- a. Represent economic and community development entities serving the local area.
- b. Represent Vocational Rehabilitation serving the local area.
- c. May represent agencies or entities serving the local area relating to transportation, housing, and public assistance.
- d. May represent philanthropic organizations serving the local area.

### **5. Other Entity Representation**

Each local board may include other individuals or representatives of entities determined by the Chief Elected Official in the local areas to be appropriate.

Unlike the state board, members of the local board may be appointed as representative of more than one entity if the individual meets all the criteria for representation.

**B. LWDB Chairperson**

The members of the local board must elect a chairperson for the local board from among the members of the local board. The Chairperson of the LWDB must be from the business community and serve for a term of no more than two years and no more than two terms.

**C. Standing Committees**

The local board may designate and direct the activities of standing committees to provide information and to assist the local board in carrying out its required activities, as further prescribed in WIOA sec. 107(b)(4).

**D. Authority of Board Members**

Members of the board who represent organizations, agencies, or other entities must be individuals with optimum policymaking authority within the organizations, agencies or entities.

**E. Board Member Nominations**

CLEOs must develop a process for soliciting LWDB nominations and for selecting LWDB members, consistent with federal and state law and this policy. Documentation supporting the nomination/selection process, including names of nominating organizations and names of all candidates and their qualifications, must be retained for not less than five years.

The members of the board shall represent diverse geographic areas within the local area; the importance of minority and gender representation must be considered when making appointments to the local board.

**F. Appointment of Board Members**

The CLEO in a local area is authorized to appoint the members of the local board who meet the criteria outlined in **Section A.** of this policy. When a local area includes more than one unit of local government, the CLEOs of such units may execute an agreement that specifies the respective roles of the individual CLEOs with regard to:

- a. The selection, appointment, removal or reappointment of the members of the local board from the individuals nominated or recommended to be such members; and
- b. In carrying out any other responsibilities assigned to such officials in accordance with WIOA.

If after a reasonable effort the CLEOs are unable to reach agreement, the Governor may appoint the members of the local board from individuals so nominated or

recommended.

### **G. Removal of a Board Member**

LWDB members who no longer hold the position or status that made them eligible appointees must resign or be removed by the Chief Local Elected Officials. Local workforce development board vacancies must be filled within a reasonable amount of time.

In accordance with [Chapter 445.007\(2\)\(b\), F.S.](#), the Governor may remove a member of an LWDB, as well as its Executive Director or the designated person responsible for operational and administrative functions for the board, for cause. Cause includes, but is not limited to, engaging in fraud or other criminal acts, incapacity, unfitness, neglect of duty, documented violation of conflict of interest, failure to meet local workforce development board representation requirements, official incompetence and irresponsibility, misfeasance, malfeasance, nonfeasance, or lack of performance.

### **H. Certification of Local Workforce Development Boards**

#### **1. Certification**

Once every two years, one local workforce development board must be certified for each local area in the state, based on the criteria described in WIOA sec. 107(b). For a second or subsequent certification, certification must also be based on the extent to which the local area has ensured that workforce investment activities carried out in the local area have enabled a local area to meet the corresponding performance accountability measures and achieve fiscal integrity as defined in WIOA sec. 106(e)(2).

The CareerSource Florida Board of Directors shall recertify LWDBs every two years. DEO, in consultation with the CareerSource Florida Board of Directors, will issue instructions to the LWDBs for certification. LWDBs will submit certification documents to DEO. Upon satisfactory review of an LWDB's certification documents, DEO will provide a recommendation regarding certification to the CareerSource Florida Board of Directors. At the appropriate time intervals, instructions will be issued to LWDBs regarding the certification process, to include documentation requirements.

#### **2. Failure to Achieve Certification**

Failure of an LWDB to achieve certification shall result in appointment and certification of a new local board for the local area pursuant to WIOA sec. 107(c)(1).

**I. Decertification of Local Workforce Development Boards**

The Governor may decertify an LWDB in accordance with WIOA sec. 107(c)(3), as further prescribed in CareerSource Florida Administrative Policy, *Sanctions for Local Workforce Development Boards' Failure to Meet Federal and State Standards*.

**V. DEFINITIONS**

**Small business** is defined by the [Small Business Administration](#).

**Economic agency** is defined as including a local planning or zoning commission or board, a community development agency, or another local agency or institution responsible for regulating, promoting, or assisting in local economic development.

**VI. REVISION HISTORY**

<b>Date</b>	<b>Description</b>
	Approved by CareerSource Florida Board of Directors
06/08/2016	Agency for Workforce Innovation Final Guidance FG-073, rescinded and replaced by Administrative Policy 091, Local Workforce Development Board Composition, Certification and Decertification, dated June 8, 2016.



**POLICY  
NUMBER  
088**

## **Administrative Policy**

<b>Title:</b>	Negotiated Local Levels of Performance Requirements		
<b>Program:</b>	Workforce Innovation and Opportunity Act		
<b>Effective:</b>	7/20/2015	<b>Revised:</b>	TBD

### **I. PURPOSE AND SCOPE**

The purpose of this policy is to provide to Local Workforce Development Boards (LWDBs) the requirements for meeting negotiated local levels of performance and prescribe corrective actions for failure to meet these requirements.

### **II. BACKGROUND**

The Workforce Innovation and Opportunity Act (WIOA) establishes performance accountability measures and reporting requirements to assess the effectiveness of states and LWDBs in achieving positive outcomes for individuals served by the adult, dislocated worker and youth programs (WIOA) and the employment services program (Wagner-Peyser). For each state, the performance accountability measures must consist of the primary indicators of performance outlined in WIOA sec. 116(b)(2)(A) and the additional indicators of performance identified by the state (if any). For each local area, the local performance accountability measures must consist of the applicable primary indicators of performance outlined in WIOA sec. 116(b)(2)(A), additional indicators of performance identified by the state (if any) and the local level of performance for each indicator. Each LWDB is subject to the same primary indicators of performance that apply to the state.

### **III. AUTHORITY**

[Workforce Innovation and Opportunity Act \(WIOA\)](#), Sections 107, 116, 122 and 133

20 Code of Federal Regulations (CFR), [Parts 463.220](#) and [677](#)

Florida Statutes (F.S.) [Sections 445.004](#) and [445.007](#)

#### **IV. POLICIES AND PROCEDURES**

##### **A. Negotiations and Adjustment Factors**

LWDBs, Chief Local Elected Officials (CLEOs) and the Governor are required to negotiate and reach an agreement on local levels of performance based on the state negotiated levels of performance established under WIOA sec. 116(b)(3)(A). In negotiating the local levels of performance, adjustments shall be made for the expected economic conditions and characteristics of participants to be served by the LWDB using the statistical adjustment model developed pursuant to WIOA sec. 116(b)(3)(A)(viii). In addition, the negotiated local levels of performance applicable to a program year must be revised to reflect the actual economic conditions experienced and the characteristics of the populations served by the LWDB during such program year using the statistical adjustment model.

Negotiations for local levels of performance will be conducted every two years and will commence following the completion of the state's negotiations with the United States Department of Labor.

##### **B. Required Threshold for Meeting Local Levels of Performance**

For each performance indicator, an LWDB is determined to have met the standard if its performance is at or above 90 percent of the negotiated standard. Annual performance reports are available approximately 45 days after the end of the fourth quarter of a program year.

##### **C. Annual Performance Review Meeting**

The Department of Economic Opportunity (DEO) will meet with each LWDB annually to review the local area's performance outcomes as required by Chapter 445.007(3), F.S. During this meeting, DEO will communicate the performance standing for the program year (for each performance indicator), as well as provide a summary of programmatic and fiscal monitoring report findings.

##### **D. Failure to Meet Local Levels of Performance**

If an LWDB fails to meet the negotiated local levels of performance in any program year, technical assistance will be provided. The technical assistance may include:

1. Assistance in the development of a performance improvement plan;
2. The development of a modified local plan; or
3. Other actions designed to assist the LWDB in improving performance.

When providing technical assistance, DEO will take into consideration extenuating circumstances and/or variables not within the LWDB's control that may have impacted local performance when determining whether an LWDB failed to meet local performance standards, such as:

1. Natural disasters that impacted local program operations;
2. State and/or local economic and labor market conditions; and
3. Mass lay-offs in the local area that may have impacted elements of local performance.

### **Performance Improvement Plans**

If it is determined that technical assistance will be provided to an LWDB in the form of assistance in the development of a performance improvement plan (PIP), consideration will be given to the extent and nature of the identified opportunity to improve. The LWDB and DEO, will develop and implement the PIP. Progress on the implementation of LWDB Performance Improvement Plans is evaluated by DEO.

For less serious failures to meet negotiated local levels of performance, examples of PIP elements include, but are not limited to:

1. Develop and implement a mandatory staff training plan that describes how the training helps to correct identified programmatic deficiencies and an assurance the training will be executed within the first three months of the PIP. Once the mandatory staff training is executed, the LWDB shall provide supporting documentation to DEO that the mandatory training has been executed, including verification that all relevant staff received the mandatory training.
2. Participate in one or more mandatory technical assistance activities provided in the deficient areas. The LWDB is required to provide a report on when and how recommendations/suggestions resulting from participation in the technical assistance activities will be incorporated into the LWDB's local operating procedures/program processes.
3. Complete monthly self-assessment reviews and submit summary reports to DEO for the duration of the PIP.
4. Conduct quarterly performance status meetings with DEO for the duration of the PIP.
5. Develop internal review processes to evaluate implementation of revised processes and policies and provide reports to DEO as part of the quarterly review.

For more serious failures to meet negotiated local levels of performance, examples of PIP elements include, but are not limited to:

1. Require the LWDB to assemble a team of experts or a workgroup to identify systemic issues that may have resulted in failure to meet performance. Using the workgroup's findings, develop local board approved strategies to address areas of poor performance that include benchmarks, timelines with achievement/performance improvement milestones, and performance indicators to measure quarterly performance improvements.
2. Submit a modified local plan that accurately reflects the revised direction for the local board.
3. Disqualify the LWDB for performance incentives.

DEO will review the LWDB's performance improvement efforts quarterly to determine if sufficient progress is being made towards achieving acceptable performance. DEO will evaluate and verify all reports submitted by the LWDB and make the following determinations regarding the status of the LWDB's PIP:

1. **PIP Closure** – an LWDB that has satisfactorily achieved performance standards through corrective action will be considered compliant and the PIP will be closed.
2. **Continuance** – The LWDB has not satisfactorily achieved performance compliance; however, is showing improvement. The LWDB will be required to continue to work towards performance compliance under the original PIP conditions.
3. **Continuance with Modifications** – The LWDB has not satisfactorily achieved performance compliance and will remain on a PIP; however, modifications will be made to promote compliance efforts.
4. Engage in sanctions as prescribed in CareerSource Florida Administrative Policy, *Sanctions for Local Workforce Development Boards' Failure to Meet Federal and State Standards*.

### **Sanctions**

If an LWDB fails to meet the adjusted levels of performance for the same primary indicator of performance for a third consecutive program year, corrective action must be taken in accordance with WIOA sec. 116(g) and 20 CFR 677.220, as further prescribed in CareerSource Florida Administrative Policy, *Sanctions for Local Workforce Development Boards' Failure to Meet Federal and State Standards*. The corrective action must include the development of a reorganization plan in consultation with the Governor.



**V. REVISION HISTORY**

<b>Date</b>	<b>Description</b>
	Approved by CareerSource Florida Board of Directors
07/20/15	Administrative Policy FG-OSPS 88, Corrective Action and Reorganization for Failure to Meet Local Performance.

**VI. RESOURCES**

[Workforce Innovation and Opportunity Act, Statewide Unified Plan, Two-Year Modification](#)



**POLICY  
NUMBER  
TBD**

## **Administrative Policy**

<b>Title:</b>	Sanctions for Local Workforce Development Boards' Failure to Meet Federal and State Standards
<b>Program:</b>	Workforce Innovation and Opportunity Act
<b>Effective:</b>	TBD

### **I. PURPOSE AND SCOPE**

The purpose of this policy is to inform Local Workforce Development Boards (LWDBs) utilizing the Workforce Innovation and Opportunity Act (WIOA) Title I and other funds authorized by the CareerSource Florida Board of Directors and passed to the LWDBs and administered through the Florida Department of Economic Opportunity (DEO) about potential sanctions and remedies that will be imposed for failing to meet or violating federal and state laws, regulations, standards, performance measures, or the terms of agreements between the LWDBs and DEO.

### **II. BACKGROUND**

The CareerSource Florida Board of Directors seeks to ensure all LWDBs, as subrecipients of authorized funds administered by DEO to the LWDBs, are accountable for failing to correct performance, programmatic and financial deficiencies. Correcting any deficiencies maintains credibility in administration of programs, reduces risk of compliance findings, and reduces the potential for a reduction or recapture of funds by the United States Department of Labor (USDOL) or other federal or state funders. To reduce performance, programmatic or financial deficiencies, and to increase programmatic integrity at the local level, any subrecipient not meeting the regulatory or statutory standards shall be subject to specific conditions, remedies, and sanctions consistent with applicable federal laws, regulations, and guidance.

### **III. AUTHORITY**

[Public Law 113-128, Sections 107, 116, 124, 184](#)

[20 Code of Federal Regulations \(CFR\) Parts 677.220 and 225; 683.650; 683.720](#)

[2 CFR Parts 200.207; 200.338](#), Florida Statutes (F.S.) [Sections 445.004 and 445.007](#)

### **IV. POLICIES AND PROCEDURES**

#### **A. Deficiencies**

In the following circumstances, corrective actions may be imposed on LWDBs:

1. Failure by the LWDB to execute a Grantee-Subgrantee Agreement between DEO and the LWDB within the timeframe prescribed by DEO, consistent with the review procedure set forth in WIOA sec. 121(c)(2)(A).
2. Failure by the LWDB's board members, staff, fiscal agent or administrative entity to appropriately oversee the delivery of services and ensure the effective and efficient use of funds.
3. Failure to:
  - a. Carry out the required functions of an LWDB as set forth in WIOA sec. 107(d).
  - b. Meet the negotiated levels of performance as set forth in WIOA sec. 116, the state plan, the local plan for the respective local area, and Administrative Policy 088.
  - c. Sustain program and fiscal integrity.
  - d. Properly use federal or state funds resulting in disallowed costs.
  - e. Act in a manner necessary to prevent waste, fraud, or abuse of federal or state funds.
  - f. Submit timely and accurate required financial and performance reports.
  - g. Take corrective actions to resolve findings of non-compliance identified during programmatic, fiscal, or investigative monitoring or audit reviews conducted by the USDOL, DEO, or other legally authorized entity.
  - h. Resolve or address sanctions within the timeframe determined by the authorized monitoring or reviewing authority.
  - i. Resolve or address all independent audit findings or questioned costs.
  - j. Submit required annual Single Audits or financial statement audits.
  - k. Comply with administrative and service contract requirements.
  - l. Retain and produce required service delivery, program participant and/or

financial records.

- m. Address and resolve reported threats to health and safety of program participants or staff, which may include investigating complaints, taking appropriate corrective actions, or making referrals to the appropriate authorities.

## **B. Actions**

The CareerSource Florida Board of Directors as well as DEO may impose the following actions in response to the commitment of deficiencies noted in Section A, above.

1. **Corrective Notice** – DEO will provide notice that corrective action to secure prompt compliance is required. The notice may include additional performance, programmatic, or financial reviews, or additional technical assistance activities. The notice will include a timeline for required implementation and provide the opportunity for the LWDB to resolve any deficiencies.
2. **Specific Conditions** – Failure by the LWDB to fully resolve the deficiencies stated in the corrective notice may result in:
  - a. Placing the LWDB on cost-reimbursement status.
  - b. Requiring invoices and supporting documentation to be submitted to justify and support expenditures prior to approving future draw requests.
  - c. Establishing additional prior approval as deemed necessary by DEO.
  - d. Any additional action which the state workforce development board or DEO may determine as effective or necessary to correct the deficiency.
  - e. Full fiscal review of expenditures related to funds passed to the LWDBs through DEO.
  - f. Full programmatic review of participant eligibility and compliance with federal and state laws, regulations and guidance.
3. **Sanctions** – Failure by the LWDB to fully resolve the deficiencies stated in the corrective notice or failure to fulfill the specific conditions placed on the LWDB may result in:
  - a. Suspend or terminate, in whole or in part, the federal or state award.
  - b. Reduce or otherwise adjust the LWDB's funding (by disqualification from distributions of incentive monies, reallocated formula funding and/or state-level reserve funds).
  - c. Temporarily withhold reimbursement.
  - d. Disallow all or part of the cost or activity determined to be in non-compliance.
  - e. Reduce infrastructure funding allotment.
4. **Additional Sanctions** – Failure by the LWDB to fully cure the deficiencies

stated in the corrective notice or failure to fulfill the specific conditions or sanctions placed on the LWDB may result in:

- a. Issuance of a notice of intent to revoke approval of all or part of the local plan affected.
- b. Imposing a reorganization plan which may include:
  - i. Decertifying the LWDB and requiring that a new board be appointed and certified for the local area;
  - ii. Prohibiting the use of eligible providers and one-stop partners;
  - iii. Selecting an alternative entity as defined in WIOA Section 107 to administer the program for the local area involved;
  - iv. Merging the local area into one or more other local areas, after consultation with Chief Local Elected Official(s) in the local area; or
  - v. Making such other changes necessary to secure compliance.
- c. Initiate suspension or debarment proceedings.
- d. Any other penalty or action deemed appropriate by the Governor, the CareerSource Florida Board of Directors or DEO.

### **C. Appeal Processes**

A local area that has been found in substantial violation of WIOA and has received notification that either all or part of the local plan will be revoked or that a reorganization will occur may appeal such sanctions to the Secretary of Labor, USDOL under 20 CFR 683.650. The appeal must be filed no later than 30 days after receipt of written notification of the revoked plan or imposed reorganization. A copy of the appeal must be simultaneously provided to the CareerSource Florida Board of Directors and the Governor. The sanctions do not become effective until the time for appeal has expired or USDOL has issued a decision. USDOL will notify the Governor and the appellant in writing of the Secretary's decision within 45 days after receipt of the appeal.

A local area that has failed to meet local performance indicators for three consecutive program years and has received the Governor's notice of intent to impose a reorganization plan may appeal to the Governor to rescind or revise such plan no later than 30 days after receiving written notice of the reorganization plan. The Governor must make a final decision within 30 days after receipt of the appeal. The local area may appeal the final decision of the Governor to USDOL under 20 CFR 677.225 no later than 30 days after receiving the Governor's final decision. Any appeal of the Governor's final decision must be appealed jointly by the LWDB and the Chief Elected Official. USDOL will make its final decision within 30 days after receipt of the appeal. The decision by the Governor on the appeal becomes effective at the time it is issued and remains effective unless USDOL rescinds or revises the reorganization plan.

**V. REVISION HISTORY**

Date	
	Approved by CareerSource Florida Board of Directors
	This administrative policy supersedes and replaces AWI FG 00-014, Workforce Investment Act Sanction Process, issued October 4, 2000.



**POLICY  
NUMBER 098**

## **Administrative Policy**

<b>Title:</b>	<b>Employer Services</b>		
<b>Program:</b>	<b>Wagner-Peyser</b>		
<b>Effective:</b>	<b>10/6/2017</b>	<b>Revised:</b>	<b>5/24/2019</b>

### **I. PURPOSE AND SCOPE**

The purpose of this policy is to provide Local Workforce Development Board (LWDB) staff and career center employees with the minimum requirements for employer services in the Wagner-Peyser (WP) labor-exchange system.

### **II. BACKGROUND**

The purpose of the Employment Service system is to improve the functioning of the nation's labor markets by bringing together qualified job seekers and employers who are seeking workers. Section 7(a) of the Wagner-Peyser Act requires labor exchange services be provided to employers that:

1. Assist employers in filling jobs.
2. Facilitate the match between job seekers and employers.<sup>1</sup>
3. Maintain a system of clearing labor between the States<sup>2</sup>, including the use of a standardized classification system.

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<sup>1</sup> This is accomplished through the job referral process.

<sup>2</sup> The processing of interstate and intrastate job orders.

### **III. AUTHORITY**

[Wagner-Peyser Act of 1933, as amended by the Workforce Investment Act of 1998 and the Workforce Innovation and Opportunity Act of 2014](#)

[Workforce Innovation and Opportunity Act of 2014](#)  
[20 Code of Federal Regulations \(C.F.R.\) Part 651.10, 652.207, 652.3, 678.435, 658.501, 658.502, 658.503, 658.504](#)

### **IV. POLICIES AND PROCEDURES**

#### **A. Services to Employers**

LWDB staff must facilitate the match between job seekers and employers by matching job seeker skills and interests with employer job openings. Upon the employer's request, staff may:

1. Advertise employer job openings through Employ Florida.
2. Assist in the development of job order requirements.
3. Refer qualified job seekers to available job openings.
4. Conduct job seeker screening.
5. Provide recruitment assistance.
6. Assist with organizing and conducting job fairs.
7. Assist with filling hard-to-fill job orders.
8. Assist with job restructuring.
9. Provide rapid response to layoffs and business closures.
10. Provide assessment and testing.

LWDBs may also provide customized services upon the employer's request. Each LWDB's local operating plan must identify available customized services. Such services may include:

1. Customized screening and referral of qualified participants for training services.
2. Human resource consultation services, which may include:
  - i. Writing and/or reviewing job descriptions and employee handbooks.
  - ii. Assisting with developing performance evaluation and personnel policies.
  - iii. Creating orientation sessions for new workers.
  - iv. Honing job interviewing techniques for efficiency and compliance.
  - v. Analyzing employee turnover.
  - vi. Creating job accommodations and using assistive technologies.
  - vii. Explaining labor and employment laws to help employers comply with discrimination, wage/hour and safety/health regulations.
3. Providing customized labor market information for specific employers, sectors, industries or clusters.



4. Providing other customized services, as available.

## **B. Employer Account Verification in Employ Florida**

LWDB staff must conduct an independent verification of a newly registered employer account prior to enabling an employer account or releasing any job order to job seekers. LWDBs must have local policies and procedures in place to ensure sufficient vetting of employer accounts and job orders. Additionally, each LWDB must:

1. Verify the employer's registration information to include the business name, address, contact person and contact information. Methods of verification must include a phone call using the contact number listed on the company's website (not the one provided in the registration as it could be fraudulent), email inquiry, website review, and State of Florida's Department of State, Division of Corporations. If the employer fails to respond to the LWDB's phone call and email, the LWDB may conduct an onsite in person review. Verification of the registration must be documented in a case note.
2. For in-state employers, verify the Federal Employer Identification Number (FEIN)/Tax Identification Number (TIN) and entity's name on the [Department of State, Division of Corporation's Sunbiz website](#) ("Sunbiz"). If the business is not registered in Sunbiz as required, do not enable or approve the employer's registration until such information is available for verification as described in Subsection IV.B.4. below.
3. For out-of-state employers, verify the FEIN/TIN and entity's name using the appropriate state's division of corporation's website. If the information is unavailable for verification, do not enable the registration until such information is available for verification as described in Subsection IV.B.4. below.
4. For in-state and out-of-state employers and government organizations that are not registered in Sunbiz or the appropriate state's division of corporation's website, the LWDB must request the employer or organization to provide official documentation from the Internal Revenue Service (IRS) showing the FEIN/TIN. Upon receipt, staff must case note the specific documentation provided and proceed with their normal verification process. An electronic copy of the documentation can be uploaded to the employer's account in Employ Florida or the hard copy can be kept in the physical file, as dictated by the LWDB's local operating procedures.
5. For staff assisted registration of employer accounts, staff must conduct a follow-up and final review via email or telephone with the employer to confirm the information listed in the registration is accurate and document the method used for the approval process in case notes for all staff assisted registration of employer accounts.
6. Review all submitted job orders for compliance with federal and state laws, and the *Employ Florida Terms and Conditions of Use*.

Staff must enter a case note when verifying an employer that, at a minimum, includes the method of contact, the name and title of the contact (if applicable), whether the employer is registered in the appropriate state's corporations website, and the method used to verify the employer before an employer account is enabled in the system.

When an employer completes their registration in Employ Florida, the account status is automatically set to "Pending Verification". Employer accounts must be verified within two business days of the date of the initial registration. However, if the verification process cannot be completed within two business days, staff must place the employer's account in a "Not Verified" status. Upon placing an employer's account in a Not Verified status, staff must notify the employer of the action and ask the employer to correct the missing/needed information as soon as possible. The account must remain in Not Verified status until the employer's information is properly reviewed and verified in accordance with state and local policy. If the validity of an employer cannot be verified or if staff believes the account is suspicious in nature, staff must alert the LWDB manager. The LWDB manager must immediately elevate concerns of suspicious activity in Employ Florida to the Department of Economic Opportunity via email at: [EFAccountReferral@deo.myflorida.com](mailto:EFAccountReferral@deo.myflorida.com).

### **C. Third-Party Agent Verification**

LWDBs must ensure job orders posted by third-party agents are in accordance with the *Employ Florida Terms and Conditions of Use*. Third-party agents that use the Employ Florida system to post job openings for an employer must:

1. Obtain the employer's written consent to post job orders on the Employ Florida website and provide it to LWDB prior to posting an open position. Upon receipt of the written consent, the LWDB must upload an electronic copy to the account and enter a case note stating the specific documentation provided and uploaded.
2. Use only the employer's name and FEIN to register an account, unless the third-party agent is the employing entity.
3. List the employer's address of record and contact information as the primary contact and list the third-party agent's address of record and contact information as the secondary contact for verification purposes. Note: the employer's address may be suppressed and hidden from job seekers.
4. Meet the same verification requirements listed in Section B of this policy.

### **D. Discontinuation of Services**

Pursuant to [20 C.F.R. 658](#), a career center must initiate procedures to discontinue services to an employer or third-party agent in certain instances. Some reasons for discontinuing services include, but are not limited to, an employer or third-party agent who:

1. Submits and refuses to alter or withdraw job orders containing specifications which are contrary to employment-related laws.
2. Submits job orders and refuses to provide assurances, in accordance with Agricultural Recruitment System requirements, that Agricultural Recruitment jobs offered are in compliance with employment-related laws.
3. Is found through field checks or otherwise to have either misrepresented the terms or conditions of the employment opportunity specified on job orders or failed to comply fully with assurances made on job orders.
4. Is found by an appropriate enforcement agency to have violated any employment-related laws and notification of the finding has been provided to the U.S. Department of Labor or the career center by that enforcement agency.
5. Is found to have violated Employment Service (ES) regulations pursuant to sec. 658.411.
6. Refuses to accept qualified workers referred through the clearance system.
7. Refuses to cooperate in the conduct of field checks conducted.
8. Repeatedly causes the initiation of the procedures for discontinuation of services.
9. Refuses to cooperate with the career center's request for verification.

Career center management must, after consultation with the Department of Economic Opportunity (DEO), discontinue services immediately if exhaustion of above procedures 1 – 7 would cause substantial harm to a significant number of workers.

Career center staff must also initiate procedures to discontinue services if the employer or third-party agent violates the *Employ Florida Terms and Conditions of Use*.

When discontinuing services, the career center must notify the employer in writing all employment services will be terminated within 20 working days, unless the employer satisfactorily addresses the concerns of the career center within the 20 days. If services are discontinued to an employer subject to Federal Contractor Job Listing Requirements, the career center must notify DEO immediately at [Wagner.Peyser@deo.myflorida.com](mailto:Wagner.Peyser@deo.myflorida.com).

Services must be reinstated to an employer after discontinuation:

1. If the state is ordered to do so by a Federal Administrative Law Judge (ALJ) or Regional Administrator; or
2. If the employer provides adequate evidence that any policies, procedures or conditions responsible for the previous discontinuation of services have been corrected and that the same or similar circumstances are not likely to occur in the future; and
3. The employer has responded adequately to any findings of an enforcement agency, career center, or ETA, including restitution to the complainant and the payment of any fines, which were the basis of the discontinuation of the services.

The career center must notify the employer requesting reinstatement within 20 working days whether his/her request has been granted. If the career center denies the request for reinstatement, the basis for the denial must be specified and the employer must be notified that he/she may request a hearing within 20 working days.

The career center must reinstate services to an employer if ordered to do so by a state hearing official, Regional Administrator, or Federal ALJ as a result of a timely hearing request.

#### **E. State and Local Monitoring**

Services and activities provided under WP must be monitored annually for compliance with WP requirements by DEO. DEO will monitor the requirements outlined in this policy and local operating procedures. Additionally, LWDBs must establish local monitoring policies and procedures that include, at minimum:

1. Roles of the employer and LWDB staff; and
2. Local monitoring procedures of Wagner-Peyser.

LWDBs must ensure participating providers agree to cooperate with monitoring efforts by the state and/or LWDB and adhere to all other applicable local, state and federal rules and regulations.

#### **V. REVISION HISTORY**

Final Guidance 035, Revised Job Seeker Registration and Employer Services dated May 8, 2012

Administrative Policy 098, Employer Services dated October 6, 2017

#### **VI. DEFINITIONS**

1. **Employer** – As defined in 20 C.F.R. 651.10, a person, firm, corporation, or other association or organization which currently has a location within the United States to which U.S. workers may be referred for employment, and which proposes to employ a worker at a place within the United States and which has an employer relationship with respect to employees under this subpart as indicated by the fact that it hires, pays, fires, supervises and otherwise controls the work of such employees. An association of employers is considered an employer if it has all of the indicia of an employer set forth in this definition.
2. **Job Opening** – A single job opportunity for which the career center has on file a request to select and refer participants.
3. **Job Referral** - The act of facilitating the match between qualified job seekers and employers with job openings; and the recording of such referral in Employ Florida.

Prior to referring a job seeker to a job opening, LWDB staff must ensure the job seeker's qualifications match the minimum requirements listed in the job order by reviewing the job seeker's skills, abilities, prior work experience, education and training, certifications/licensure against the requirements of the job order.

4. **Third-Party Agent** – A person, firm, corporation, other association or entity which posts job orders on behalf of another person, firm, corporation, other association or entity.



**POLICY  
NUMBER 096**

## **Administrative Policy**

<b>Title:</b>	<b>Job Seeker Registration</b>		
<b>Program:</b>	<b>Wagner-Peyser</b>		
<b>Effective:</b>	<b>4/26/2017</b>	<b>Revised:</b>	<b>5/24/2019</b>

### **I. PURPOSE AND SCOPE**

The purpose of this policy is to provide Local Workforce Development Boards (LWDBs) and career center employees with minimum requirements for job seeker registration in Employ Florida.

### **II. BACKGROUND**

The purpose of the Employment Service system is to improve the functioning of the nation's labor markets by bringing together qualified job seekers and employers who are seeking workers. Additionally, each state must administer a labor exchange system that can:

- Assist job seekers in finding employment, including promoting their familiarity with Employ Florida.
- Assist employers in filling jobs.
- Facilitate the match between job seekers and employers.
- Participate in a system allowing for the movement of labor among the states, including the use of a standardized classification system.
- Meet the work test requirements of the Reemployment Assistance program.
- Provide labor exchange services as identified in Section 7(a) of the Wagner-Peyser Act.

The Wagner-Peyser Act, as amended by the Workforce Innovation and Opportunity Act of 2014 (WIOA), provides specific guidelines for job seeker registration. 20 CFR 652.207

requires labor exchange services be made available to all job seekers, including Reemployment Assistance claimants, veterans, migrant and seasonal farmworkers, and individuals with disabilities. As described in the Wagner-Peyser Act, the state must have the capacity to deliver statewide labor exchange services through self-service, facilitated self-help service, and staff-assisted service.

### **III. AUTHORITY**

[Wagner-Peyser Act of 1933, as amended by the Workforce Investment Act of 1998](#)

[and the Workforce Innovation and Opportunity Act of 2014](#)

[Workforce Innovation and Opportunity Act of 2014](#)

[20 CFR 652.207, 652.3, 677.150\(a\)\(3\)](#)

[Training and Employment Guidance Letter Number 10-16](#)

[Training and Employment Guidance Letter Number 17-05](#)

[DEO Administrative Policy 03-040](#)

### **IV. POLICIES AND PROCEDURES**

#### **A. Job Seeker Registration Requirements**

Job seekers receiving Wagner-Peyser funded facilitated self-help and staff-assisted services must complete either a partial or full registration in [Employ Florida](#). Job seekers who use self-service may be registered, but registration is not required. However, job seekers enrolled as participants in Wagner-Peyser (WP) or Workforce Innovation and Opportunity Act (WIOA) must have a full registration in Employ Florida prior to receiving any service. Job seekers may self-register or career center staff may register a job seeker. Prior to registering a job seeker, career center staff must first check to see if the job seeker is already registered in Employ Florida. If the job seeker is not already registered, career center staff must ensure they have obtained the job seeker's permission prior to creating a new registration. A case note must be included on the job seeker's account stating the job seeker granted staff permission to create the account.

#### **B. Migrant and Seasonal Farmworker (MSFW) Registration**

Migrant and Seasonal Farmworkers may complete either a partial or full registration in Employ Florida to receive services in accordance with [Administrative Policy 03-040](#).

### **C. Recording Services Provided to Job Seekers**

The job seeker's activity history/service plan screen in Employ Florida is used to record all services received, including job referrals and placements. The purpose of providing services is to enhance the job seeker's ability to become employed. Career center staff must record services provided to job seekers within fifteen days of the date the service was provided.

### **D. Use of Pseudo Social Security Numbers**

Staff are allowed to create pseudo social security numbers (SSNs) for the sole purpose of registration in Employ Florida. The only reasons for which a pseudo SSN may be created are when an individual requests not use his/her SSN or when a duplicate registration exists. Pseudo SSNs cannot be created by a job seeker.

To create a pseudo SSN in Employ Florida, staff must enter information on the job seeker as follows:

- Enter "9" as the first digit.
- Enter the last two digits of the job seeker's birth year as the next two digits.
- Enter "00" as the two middle digits.
- Enter the month and date of birth sequentially as the last four digits.

#### **Example**

Date of Birth: February 6, 1977

Pseudo SSN: 977 00 0206

If the pseudo SSN is already being utilized, a unique number may be created by altering the middle two digits consecutively from "00" until an unassigned number is found. Once the pseudo number is created, it is the responsibility of staff to enter the registration for the job seeker.

Upon completing the registration of the job seeker, staff must enter a case note in the job seeker's case file stating the reason a pseudo SSN was used.

### **E. Procedures for Correcting Social Security Number Errors in Employ Florida**

Whenever a job seeker tries to register in Employ Florida and reports that his/her SSN is already in use by another individual, or if staff identify a duplicative registration for a job seeker with a different social security number, staff must resolve the issue as outlined below.

1. Staff must verify there is an issue with the SSN or verify a duplicate registration exists in Employ Florida for the job seeker.



2. Staff must request the job seeker produce an original social security card, or certified copy if the original is unobtainable, and match it with the appropriate picture identification. If the job seeker does not provide a social security card, staff must request the job seeker to provide original documentation issued by a state or federal governmental entity that documents the SSN and match it with the appropriate picture identification. If the job seeker is unable to produce the original(s) documentation, staff must request the job seeker to provide certified copy(ies). Every effort must be made to review original documentation; however, staff are allowed to use verifiable third-party resources to verify the true owner of the SSN in the absence of such documentation. Third party resources include, but are not limited to: SUNTAX, CONNECT and/or the Department of Children and Families' records.
3. Staff must review the documentation provided by the job seeker to confirm ownership of the SSN.
4. Once the SSN is confirmed, staff must allow the job seeker to register under the correct SSN.
5. Staff must review reemployment assistance records, if they have access to CONNECT, to determine whether wage records exist or whether a claim has been filed against the SSN in question. If staff find wage records exist or that a Reemployment Assistance claim has been filed by a person with an incorrect SSN, staff must notify the Bureau of Reemployment Assistance by email at: [escalated.claimants@deo.myflorida.com](mailto:escalated.claimants@deo.myflorida.com). If staff does not have access to CONNECT, an email must be sent to Reemployment Assistance explaining the issues identified with the SSN. Staff must not provide the SSN in an email.
6. Staff must case note in the job seeker's case file all actions that occurred and document he/she verified the source documentation.
7. Staff must review the Employ Florida file for the job seeker to whom the SSN was assigned in error to determine whether activities or services have been documented in the file during the most recent four quarters.
  - a. If no activity has been documented for the job seeker in the most recent four quarters, a case note must be recorded to document the SSN error and a pseudo SSN must be created and assigned.
  - b. If activities or services have been documented for the job seeker in the most recent four quarters, staff must determine whether the job seeker using the incorrect SSN resides in a different local area, and if so, contact the local area to explain the SSN error. If the job seeker is in the

local area of the staff member, appropriate steps must be made to correct the error.

- c. Staff in the appropriate local area must attempt to contact the job seeker to whom the SSN is assigned in error and case note the efforts in Employ Florida.
  - i. Upon making contact with the job seeker, staff must request the job seeker provide appropriate documentation of their correct SSN. If the job seeker refuses to or is not able to provide the correct documentation, a pseudo SSN must be issued and a detailed case note must be entered into the Employ Florida file.
  - ii. If the job seeker cannot be contacted, the incorrect SSN must be changed to a pseudo number using the date of birth provided on the account and a case note entered into Employ Florida documenting the action until such time the correct SSN is provided and confirmed.

**F. Procedures for Handling Duplicate Registrations and Merging Accounts**

Staff may occasionally discover duplicate registrations for a particular job seeker. These must be corrected when identified and verified that the duplicative registrations are the same job seeker. The account containing the correct SSN for the job seeker must be recognized as the correct account. The information from the account with the incorrect SSN must be merged to the correct account. Staff must obtain the assistance of their Regional Security Officer (RSO) to merge accounts, as only the RSO is allowed to merge accounts.

When the accounts are ready to be merged, the RSO must archive or delete the account with the incorrect SSN. See below for procedures to follow when merging accounts. Prior to merging the accounts, staff must ensure the name, gender and date of birth are the same in both accounts. If an issue is identified, staff must notify DEO by sending an email to [Wagner.Peyser@deo.myflorida.com](mailto:Wagner.Peyser@deo.myflorida.com) and case note this issue in Employ Florida. DEO staff will review and take appropriate steps to resolve the issue.

1. Staff must provide the RSO with the usernames, state IDs and last four digits of the SSN for the two accounts that need to be merged.
2. Staff must explain why the accounts need to be merged and enter a case note to both files.
3. A second level review must be done by the RSO for all changes identified to be made to the accounts due to SSN errors or duplicative registrations.

4. The RSO must then enter a ticket into the Online Project Communication (OPC) system requesting the accounts be merged.
5. The language for the request must state: "Please merge username XXXX, state ID 11111 and username YYYYYY, state ID 22222 into correct account username XXXX state ID 11111, where this is the account to remain."
6. Once the RSO verifies the account has been merged, the RSO must advise the requesting staff.
7. In all cases, the name of the staff member requesting the SSN change and/or assignment of a pseudo SSN should be documented in a case note for the affected case files. Staff must also enter a case note into the correct account in Employ Florida describing all actions taken.
8. Staff must record new program services and activities into the merged account.

#### **G. Veterans' Priority of Service**

Veterans or other covered persons, as defined in 20 CFR Part 1010.110, enrolled in the Wagner-Peyser program or receiving services must receive priority of service (POS) at the point of entry. Points of entry include physical locations, such as career centers, as well as web sites and other virtual service delivery resources. Upon registration in Employ Florida, or at the initial point of contact with career center staff, LWDBs or career center staff must notify veterans or other covered persons of their priority of service. The notification of POS must be documented on the veteran's activity service plan. Furthermore, POS must be provided to a veteran at least once per WP application. Staff must check the veteran's current WP application activities screen to verify whether or not previous POS notification had occurred either automatically with a system-generated service code 089, or in person with a staff-generated service code 189. If there is no POS notification on the current WP application activities screen, staff must verbally provide POS, case note the provision, and record service code 189 on the veteran's current WP application activities screen. It is not permissible for staff to only provide handouts regarding POS to record the service code – verbal notification must occur.

Notification of POS can be provided by any staff member, not just veteran staff (Local Veterans Employment Representatives/LVERs or Disabled Veterans Outreach Program/DVOP specialists).

#### **H. Wagner-Peyser Application Exit**

A job seeker is considered to have exited the program when the job seeker has not received for at least 90 consecutive days a service that triggers or extends participation and does not have a future service that triggers or extends participation scheduled. In

this instance, the job seeker is referred to as having “soft exited.” Additionally, a job seeker may be “hard exited” from the program if the job seeker:

- Has become incarcerated in a correctional institution or has become a resident of an institution or facility providing 24-hour support.
- Is receiving medical treatment that is expected to last longer than 90 days and precludes entry into unsubsidized employment or continued participation in the program.
- Is deceased.
- Is a member of the National Guard or other reserve military unit of the armed forces and is called to active duty for at least 90 days.

A case note must be entered on the job seeker’s case file indicating why the hard exit was done.

## **I. State and Local Monitoring**

Services and activities provided under WP must be monitored annually for compliance with WP requirements by DEO. DEO will monitor the requirements outlined in this policy and local operating procedures. Additionally, LWDBs must establish local monitoring policies and procedures that include, at minimum:

1. Roles of the participant and LWDB staff; and
2. Local monitoring procedures of Wagner-Peyser.

LWDBs must ensure participating providers agree to cooperate with monitoring efforts by the state and/or LWDB and adhere to all other applicable local, state and federal rules and regulations.

## **V. REVISION HISTORY**

Final Guidance 035 - Revised Job Seeker Registration and Employer Services dated May 8, 2012.

Administrative Policy 096, Job Seeker Registration dated April 26, 2017.

## **VI. DEFINITIONS**

1. **Covered Persons** – As defined in section 2(a) of the Jobs for Veterans Act of 2002 (38 U.S.C. 4215(a)) means a veteran or eligible spouse. Covered person is also defined in 20 CFR 1010.110.
2. **Facilitated Self-Help Service** – Program services provided that do not require significant staff involvement.
3. **Job Seeker** – An individual actively seeking employment.

- 4. Participant** – A participant is a reportable individual who has received services other than the services described in 20 C.F.R. 677.150(a)(3) after satisfying all applicable programmatic requirements for the provision of services, such as an eligibility determination. As set forth in more detail in 20 C.F.R. 677.150(a)(3), the following individuals are not participants:
- Individuals in an Adult Education and Family Literacy Act (AEFLA) program who have not completed at least 12 contact hours.
  - Individuals who only use the self-service system.
  - Individuals who receive information-only services or activities, which provide readily available information that does not require an assessment by a staff member of the individual's skills, education, or career objectives.
- 5. Priority of Service** – With respect to any qualified job training program, a covered person shall be given priority over non-covered persons for the receipt of employment, training, and placement services provided under a federally funded employment program.
- 6. Registration** – The entering and submission of personal information in Employ Florida in order to create an account.
- **Partial Registration** – A registration that includes the elements necessary to establish a record and basic demographic data, but an Occupational Information Network (O\*NET) code, background wizard, or resume has not been completed.
  - **Full Registration** – A registration where all elements of a partial registration have been completed and the job seeker has been assigned an O\*NET code, completed the background wizard, or entered a resume on their personal profile to include additional essential employment-related information such as licenses or certifications that will enhance the placement of the job seeker.
- 7. Self-Service** – Occurs when individuals independently access the workforce development information system and activities. This can be done in either a physical location, such as a career center resource room or partner agency, or remotely via the use of electronic technologies.
- 8. Staff-Assisted Services** – Program services provided that require significant staff involvement.



**POLICY  
NUMBER 099**

## **Administrative Policy**

<b>Title:</b>	<b>Job Orders and Placements</b>		
<b>Program:</b>	<b>Wagner-Peyser</b>		
<b>Effective:</b>	<b>10/19/2017</b>	<b>Revised:</b>	<b>5/24/2019</b>

### **I. PURPOSE AND SCOPE**

The purpose of this policy is to provide Local Workforce Development Board (LWDB) employees and other workforce system partners the minimum requirements for documenting and recording job orders and placements in Employ Florida.

### **II. BACKGROUND**

The purpose of the Employment Service system is to improve the functioning of the nation's labor markets by bringing together qualified job seekers and employers who are seeking workers. Additionally, each state must administer a labor exchange system that can:

- Assist job seekers in finding employment, including promoting their familiarity with Employ Florida.
- Assist employers in filling jobs.
- Facilitate the match between job seekers and employers.
- Participate in a system for clearing labor among the states<sup>1</sup>, including the use of a standardized classification system.
- Meet the work test requirements of the Reemployment Assistance (RA) program.
- Provide labor exchange services as identified in Section 7(a) of the Wagner-Peyser Act.

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<sup>1</sup> The processing of interstate and intrastate job orders.

### **III. AUTHORITY**

[Wagner-Peyser Act of 1933, as amended by the Workforce Investment Act of 1998 and the Workforce Innovation and Opportunity Act of 2014](#)

[Workforce Innovation and Opportunity Act of 2014](#)

[20 CFR 651.10, 652, 653.501](#)

[29 CFR 1604, 1606, 1625](#)

[42 U.S.C. 2000](#)

[Fair Labor Standards Act](#)

[Vietnam Era Veterans' Readjustment Act of 1974](#)

[Chapter 760 Florida Statutes](#)

### **IV. POLICIES AND PROCEDURES**

#### **A. Job Orders**

Job orders are records of job openings containing the material terms and conditions of employment related to wages, hours, working conditions, worksite and other benefits, submitted by an employer. A job order will only be listed in Employ Florida when:

- It will employ a worker who is legally authorized to work in the United States.
- There is an employer-employee relationship, unless the job order is for an independent contractor or unpaid internship position. Generally, an employer-employee relationship exists when a person, firm, corporation or other association or entity hires, fires, pays, supervises and otherwise controls the work of the employee.
- There is a currently available and non-duplicative position.
- There is a detailed description of the work to be performed.
- There are specific hiring requirements a job seeker must meet.
- There are referral instructions.
- The LWDB has authorization from the employing entity to post the open position.
- The posting party has authorization from the employing entity to post the open position when it is being posted by a third-party poster.
- The job order is verifiable through email, telephone, online or as otherwise determined.

- The employing entity has not yet selected a candidate to hire, except in the case of job development.

## 1. Description and Types of Job Orders

The following are descriptions and types of job orders:

- Affirmative Action – Job orders that seek qualified applicants who are members of a specified group that, for non-occupationally valid purposes, have been discouraged from entering certain occupations.
- Agricultural Recruitment System (ARS) – Job orders designed to help agricultural employers recruit qualified agricultural workers on a temporary or seasonal basis using a system for the orderly movement of workers within and between states.
- Foreign Labor Certification (FLC) – Job orders for employers who seek to hire foreign workers to work on a permanent, temporary or seasonal basis when there are not sufficient U.S. workers available. The types of job orders are:
  - H-2A Job Orders – Job orders to recruit workers for employers who seek to hire foreign workers on a temporary basis to perform agricultural work when there are not sufficient U.S. workers available.
  - H-2B Job Orders – Non-agriculture job orders to recruit workers for employers who seek to hire foreign workers to work on temporary or seasonal basis when sufficient U.S. workers are not available.
- Permanent Employment Certification (PERM) Job Orders – Job orders for employers who seek to hire foreign workers on a permanent basis to perform work when there are not sufficient U.S. workers available.
- Apprenticeship – Job orders that combine on-the-job training and related instruction in which workers learn the practical and theoretical aspects of a highly skilled occupation.
- Federal Contractor Job Listings – Job orders for a contracted position with the United States government to perform a specific job, supply labor and materials, or for the sale of products and services. The affirmative action provision of the [Vietnam Era Veterans' Readjustment Act of 1974](#) requires employers (and their subcontractors) with government contracts of \$100,000 or more to list their job openings with the state labor exchange system ([EmployFlorida.com](#)). These Federal Contractor Job Listings provide protected veterans with priority referrals to such jobs.
- Independent Contractor – Job orders for positions in which an employer-employee relationship does not exist. These positions provide a job opportunity for a job seeker without a guarantee of wages.
- Internship – Job orders for a planned, structured learning experience that may be paid or unpaid and takes place in a workplace for a limited period of time.



- Job Development – Job orders entered by LWDB staff due to staff securing a job interview with a public or private employer for a specific applicant for whom the LWDB has no suitable opening on file.
- Mass Recruitment – Job orders for events such as job fairs or employer hiring events.
- Private Agency/Staffing Agency – Job orders to fill positions through private agencies or staffing companies. A fee cannot be charged to the applicant and job orders must state “position offered by a no-fee staffing agency.”

## **2. Job Order Entry**

Job orders can be posted by an employer, LWDB staff or spidered into Employ Florida from external job posting websites. Additionally, under the *Employ Florida Terms and Conditions of Use*, third-party companies (referred to as “third-party agents”) may post job orders to Employ Florida on behalf of employers under certain conditions as outlined in Section IV(A)(4) of this policy. Job orders posted by LWDB staff are included in the count of job openings reported to the United States Department of Labor (USDOL).

LWDB staff are not allowed to post a job order to Employ Florida until the appropriate authorization has been received from the employer to do so. Authorization includes but is not limited to staff obtaining a completed job order form submitted by the employer or an email from the employer outlining the position’s requirements or authorization by phone. In the event the employer provides the authorization by phone, staff must document the position’s requirements on a job order form and document the employer’s authorization by recording a case note in Employ Florida. Staff are not allowed to post open positions to Employ Florida obtained from other job boards, the employer’s website, a classified advertisement, or other resources, unless authorized to do so by the employer.

LWDB staff must conduct an independent verification of a newly registered employer prior to the new employer being able to create a job order, in accordance with the Employer Services policy.

Job orders received by staff must be entered in Employ Florida within one business day of receipt from an employer or third-party agent. Job orders posted by employers or third-party agents in Employ Florida must be reviewed and verified within two business days of posting into Employ Florida. LWDB staff must case note their review and verification of the job order.

The practice of withholding job orders from timely entry into Employ Florida, or otherwise preventing the sharing of job order information throughout the system, is prohibited.

### **3. Job Order Compliance Review and Approval**

All job orders entered into Employ Florida must comply with Equal Employment Opportunity and Immigration and Nationality Act laws, regulations and guidance as well, as the *Employ Florida Terms and Conditions of Use*. All job orders must be reviewed by the LWDB staff for compliance.

If the job order meets all compliance requirements, LWDB staff shall approve the job order according to local policy within two business days from the date and time of initial posting. LWDB staff must document with a case note their compliance review, and each step taken to verify the job order.

If the job order does not meet all compliance requirements, LWDB staff must place it “On Hold” and contact the employer or third-party agent to request a revision to the job order. If the employer or third-party agent agrees to comply with the requested revision, staff may make the change to the job order based upon the feedback received or allow the employer to incorporate their feedback and re-submit the job order. However, if the employer or third-party agent does not comply with the requested revision, LWDB staff must close the job order with a case note detailing the reason for closing the job order.

If staff learns that duplicate positions are being posted in order to advertise a position for which a job order is about to expire, they must contact the employer or third-party agent to explain the process for extending existing job orders. If staff is unable to contact the employer or third-party agent, or does not receive a response within a reasonable timeframe (as determined by the LWDB), the duplicate job order must be closed with a case note detailing the reason.

### **4. Third-Party Agent Job Order Verification**

Third-party agents posting job orders on the behalf of employers must obtain written consent from the employer and provide it to the LWDB staff electronically through Employ Florida (or by other approved means as developed by the LWDB) before a job order can be approved and made visible to the job seeker. Written consent may be in the form of a letter drafted on the employer’s letterhead or an email that originates directly from the employer. The written consent must authorize the third-party agent to post open and available positions on the employer’s behalf. The written consent must be stored electronically in Employ Florida or as a hard copy at the LWDB and properly documented in the case notes in Employ Florida.

In addition to following the compliance requirements outlined in Section IV(A)(3) of this policy, when a new job order is entered by a third-party agent, LWDB staff are required to verify the position with the primary contact listed on the job order

prior to approval. If the LWDB staff is unable to reach the primary contact listed on the job order, LWDB staff may employ means such as accessing the employer's corporate website to verify the job listing. If staff is not able to verify the job order through the job order's primary contact or other approved means within two business days, staff must close the affected job order and case note the reason for closing the job order. Staff may not close the employer's entire account due to the inability to verify a particular job order with an employer.

Note: Verification is not required by the employer if the third-party agent verifies the job openings as required.

#### **5. Using O\*NET Occupational Groups for Coding Job Orders**

Pursuant to 20 CFR 652.3, staff must ensure the O\*NET code used for a specific job opening matches the job description. If no match can be found, staff must use the title the employer or third-party agent provided. Only one O\*NET code may be used per job order. Placement into job openings that do not match the description in the job order or O\*NET code is not permissible.

#### **6. Recording Wages on Job Orders**

It is prohibited to post job orders that pay less than the Florida minimum wage or pay commission only, unless minimum wage is guaranteed in accordance with federal or state law, or the employer is exempt per the [Fair Labor Standards Act](#). The actual wage or wage range must be listed on all job orders entered into Employ Florida. Employers that choose not to enter actual wage information must enter a minimum value of (\$0.00) on the job order form, as the field cannot be left blank. In instances where a value less than minimum wage is entered, LWDB staff must verify that the job pays at least the Florida minimum wage and document it in the case notes. If it is determined that the job seeker was hired and went to work at a higher wage, the higher wage should be entered on a case note on either the hired job seeker's placement information or the job order. In the case of multiple positions being filled on one job order, staff should enter a case note for each hired customer stating their name and the wage at which he/she was hired.

#### **7. Labor Disputes in Progress**

LWDBs are not allowed to make a job referral on job orders which will aid directly or indirectly in the filling of a job opening which is vacant because the former occupant is on strike, or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage. When a job order is received from an employer reportedly involved in a labor dispute involving a work stoppage, LWDBs must verify the existence of the labor dispute and determine its significance with respect to each vacancy involved in the

job order. The LWDB must document the information in a case note with the job order, including the name of the person with whom they spoke, the date of contact, and any other pertinent information related to the dispute and how it affects the job order in question. They must also notify all potentially affected staff concerning the labor dispute. Furthermore, written notice must be provided to all applicants referred to jobs not at issue in the labor dispute that a labor dispute exists in the employing establishment and that the job to which the applicant is being referred is not at issue in the dispute. LWDBs shall resume full job referral services after they have been notified of, and have verified with the employer and workers' representative(s), that the labor dispute has ended.

## **8. Nondiscrimination Requirement**

Job orders discriminating against individuals based on race, color, religion, gender, pregnancy, national origin, age, handicap or marital status cannot be accepted, except where the stated requirement is a bona fide occupational qualification (BFOQ) pursuant to [42 U.S.C. 2000\(e\)-2\(e\)](#), [29 CFR 1604](#), [1605](#), [1606](#), and [1625](#), and [Chapter 760 Florida Statutes](#). If an employer claims a BFOQ, LWDB staff should advise management prior to listing the job order and the BFOQ status must be documented in the job order's case notes.

## **9. Availability to Migrant and Seasonal Farmworkers (MSFWs)**

LWDBs must provide adequate staff assistance to MSFWs to access job order information easily and efficiently. Assistance must be provided to MSFWs in their native language, whenever requested or necessary.

## **10. Agricultural Recruitment System (ARS)**

The Wagner-Peyser Act requires the United States Employment Service maintain a system for the orderly movement of workers within and between States. The ARS helps agricultural employers recruit qualified workers on a temporary or seasonal basis. The ARS provides protection to the workers who are not seeking permanent relocation, but rather temporary agricultural employment. Through the ARS, the Department of Economic Opportunity (DEO) can systematically recruit and refer qualified workers from within Florida and from other states when there is an anticipated shortage of workers. Job orders listed pursuant to the ARS request workers for less than one year of employment. The DEO Senior Monitor Advocate for services to migrant and seasonal farmworkers is responsible for operating the ARS, therefore, local areas must refer employers to DEO for job order posting.

## **11. Job Order Retention**

The record retention requirement for job orders is three years. An electronic copy of the job order documentation can be uploaded to the employer's account in

Employ Florida, or the hard copy can be kept in the employer's physical file, as dictated by the LWDB's local operating procedures.

## **B. Job Referral**

A staff-assisted job referral is the act of LWDB staff facilitating the match between qualified job seekers and employers with job openings; and the recording of such referral in Employ Florida. Prior to referring a job seeker to a job opening, LWDB staff must ensure the job seeker's qualifications in their Employ Florida account match the minimum requirements listed in the job order by reviewing the job seeker's skills, abilities, prior work experience, education and training, certifications/licensure against the requirements of the job order. To support staff's ability to adequately assess the job seeker's qualifications, staff must ensure the job seeker has completed a full registration in Employ Florida, prior to the referral being made. At no time should staff provide a job referral to a job seeker who has not completed a full registration and/or does not meet the minimum requirements of the job order. Additionally, staff must obtain the consent of the job seeker prior to making any job referral.

### **Referrals Pending Review**

When a job seeker applies for a position in Employ Florida, it is called a self-referral. If the employer's information has been suppressed on the job order to which the individual applies, a message appears informing them that the LWDB will contact them within 72 hours. A list of these individuals appears on the "Manage Labor Exchange" section of Employ Florida under "Referrals Pending Review." LWDB staff must view this listing on a daily basis to determine the qualification of the individual, whether their qualifications meet the requirements of the job order, and to complete the referral process if the individual is qualified. Once the screening is accomplished or if further information is needed, staff must contact the individual for the missing information or to either inform them they are not qualified for the job or to provide the information in order for them to complete the application process.

## **C. Job Placements**

A placement means the hiring by a public or private employer of an individual referred by the LWDB or self-referred for a job or an interview, and where the LWDB staff completed each of the following steps:

- Prepared a job order form, or reviewed and approved a job order form entered into Employ Florida by an employer, prior to referral or prior to the position being filled, except in the case of a job development contact on behalf of a specific individual.
- Made prior arrangements with the employer for the referral of an individual or individuals.

- Obtained the individual's consent to be referred to the job order in Employ Florida.
- Referred an individual who had not been specifically designated by the employer, except for referrals on agricultural job orders for a specific crew leader or worker.
- Verified from a reliable source, preferably the employer, the individual was hired and started work.

When LWDB staff record a placement against a job order for which a referral was made, Employ Florida will assign the appropriate service code through an automated process. Staff must verify the customer began working prior to recording the appropriate placement code. Verification information must be documented and must include: 1) a case note identifying the customer's name, 2) the name of the employer, 3) the source of verification, and 4) the date the customer started working at the designated jobsite. Notification of an upcoming start or hire date is not acceptable for recording a placement.

While verifying a customer's employment from the employer is the preferred source of information for placement credit, staff should use the least intrusive process for obtaining the verification information.

Note: If during the process of verifying a job placement staff determines the individual was placed in a job other than the one they were referred, placement credit cannot be taken against the job order to which they were originally referred (unless both job openings match the description in the job order or O\*NET code). If the job description or O\*NET code for the position in which the individual was placed is different than the job description or O\*NET code for the position to which they were referred, staff must record an Obtained Employment - Manual and not a placement. Further, staff must not enter an additional job order for the different position.

#### **D. Job Development Hires**

The Code of Federal Regulations at Title 20 Part 651.10 specifies that a job development means the process of securing a job interview with a public or private employer for a specific customer for whom the local office has no suitable opening on file.

If there is no suitable opening on file with the LWDB, staff should make job development attempts (contacts) on behalf of the customer by contacting the hiring authority for an employer to discuss the customer's qualifications and employment interests. The job development attempt should be recorded on the job seeker's activity service plan in Employ Florida. Staff must include a case note listing the employer's name, phone number, address, date of contact, and position/title of job staff is seeking for the customer.

If staff later learns that the customer was hired on the job to which a job development attempt was made, then the staff person should write a job order and take credit for the placement. At a minimum, the job development job order must contain in the job description the phrase “job development.” Once the job order is written to reflect the hire, it must be matched against the job development referral that was previously entered on the job seeker’s services screen.

## **E. Obtained Employment**

Obtained employment refers to those individuals who secure employment within 180 calendar days of receiving one or more services that either trigger or extend program participation, which are fully or partially funded under the Wagner-Peyser program, and where the placement does not meet the federal definition for a “job placement.” An obtained employment can be entered onto a job seeker’s service plan either manually by staff or automatically by Employ Florida.

### **1. Manual Obtained Employment**

When staff manually records an obtained employment on a job seeker’s service plan, they must verify when the last service that either triggered or extended program participation was recorded. If the job seeker secured employment within 180 days of receiving said last service, staff must select Service Code 880 –Obtained Employment Manual. If the job seeker has not received a service that either triggered or extended program participation for at least 90 days, has exited the system and the secured employment does not meet the federal definition of a placement, staff must select Service Code 882, Obtained Employment – Post Exit – Manual.

Prior to manually recording an obtained employment, LWDB staff must:

- Confirm the job seeker received a service that either triggers or extends program participation.
- Confirm that employment began within 180 calendar days of receiving the last service that either triggers or extends program participation.
- Verify that there is no placement recorded for the employment.
- Confirm that the obtained employment is unique and has not been previously recorded.
- Verify from a reliable source, preferably through the employer, the job seeker has started working.
- Document the following for an obtained employment:
  - Employer’s name.
  - Source of verification.
  - Certification the service is not a duplicate of a previously documented placement.
  - Actual start date.

- LWDB/office information.

Sources of documentation used to verify obtained employment may also include hire data obtained from third party resources including but not limited to CONNECT and/or the Department of Children and Families' records. Information obtained from sources where quarterly data is reported may be used as a starting point from which to gather a start date. However, quarters in which wages were reported are not sufficient as documentation of a start date nor will notification of a hire date.

It is not allowable to record a placement when a manual obtained employment service code has already been recorded or to take credit for a manual obtained employment where a placement has already been recorded in the system for the same customer, and the same position and start date with the same employer. This would constitute a duplicate placement in the system which is not allowable.

In the event staff verifies an individual has been placed against a job order, but an obtained employment has already been recorded for the same position and start date with the same employer, staff may void the obtained employment by changing the Completion Code within the service code entry from Successful Completion to Voided and record the placement. If "Voided" is not available in the drop-down menu, staff do not have the privileges to perform this action and must request the LWDB's Regional Security Officer (RSO) to void the entry. A case note must be added to the obtained employment service code entry explaining why the code was voided.

More than one obtained employment credit per customer is possible in the same program year, provided it is not duplicating employment already recorded, and the customer has not exited. Obtained employment must be documented on the activity history/service plan in Employ Florida using the appropriate service code and must include the following:

- Employer's name.
- Source of verification.
- Certification the service is not a duplicate of a previously documented placement.
- Actual start date.
- LWDB/office information.

## **2. Automated Obtained Employment**

A New Hire File from CONNECT, Florida's Reemployment Assistance claims system, interfaces with Employ Florida daily. The file contains new wage information for every individual who has secured a new job. The interface checks for matches between the SSNs in the file with the job seekers' SSNs in Employ



Florida. When a match is made, Employ Florida verifies when the job seeker last received a service that either triggered or extended program participation. If the job seeker secured employment within 180 days of receiving said last service, Employ Florida will record Service Code 881 – Obtained Employment Automated. If the job seeker has not received a service that either triggered or extended program participation for at least 90 days, has exited the system and the secured employment does not meet the federal definition of a placement, Employ Florida will record Service Code 883, Obtained Employment – Post Exit – Automated.

#### **F. Post Exit Manual Obtained Employment**

Post exit manual obtained employment refers to those individuals who meet the definition of an obtained employment, have gone at least 90 days without a service that either triggers or extends program participation and have exited the system. Credit for a post exit manual obtained employment may be claimed for any participant who has received any Wagner-Peyser service(s) that either triggered or extended program participation, and has a job start date, where both service and start dates fall within 180 days from the date the post exit manual obtained employment is recorded. Staff must verify, preferably through the employer, the customer has started working prior to taking credit for a post exit manual obtained employment. Notification of a hire date or an anticipated future start date is not acceptable for securing obtained employment credit.

The post exit manual obtained employment must be created as a Wagner-Peyser follow-up service to the last Wagner-Peyser application.

Post exit manual obtained employment requires entry and verification of the following:

- Employer's name.
- Source of verification.
- Certification the service is not a duplicate of a previously documented placement.
- Actual start date.
- LWDB/office information.

#### **G. State and Local Monitoring**

Services and activities provided under WP must be monitored annually for compliance with WP requirements by DEO. DEO will monitor the requirements outlined in this policy and local operating procedures. Additionally, LWDBs must establish local monitoring policies and procedures that include, at minimum:

1. Roles of the employer and LWDB staff; and
2. Local monitoring procedures of Wagner-Peyser.

LWDBs must ensure participating providers agree to cooperate with monitoring efforts by the state and/or LWDB and adhere to all other applicable local, state and federal rules and regulations.

## V. REVISION HISTORY

Final Guidance 035 - Revised Job Seeker Registration and Employer Services dated May 8, 2012.

Administrative Policy 099, Job Orders and Placements dated October 19, 2017.

## VI. DEFINITIONS

1. **Bona Fide Occupational Qualification (BFOQ)** – This is an employment decision or request based on race, color, religion, gender, pregnancy, national origin, age, handicap or marital status that is based on a finding that such characteristic is necessary to the individual's ability to perform the job in question. Since a BFOQ is an exception to the general prohibition against discrimination based on race, color, religion, gender, pregnancy, national origin, age, handicap or marital status, it must be interpreted narrowly in accordance with the Equal Employment Opportunity Commission regulations set forth at 29 CFR parts 1604, 1605, 1606 and 1625.
2. **Employer** – As defined in 20 CFR 651.10, a person, firm, corporation, or other association or organization which currently has a location within the United States to which U.S. workers may be referred for employment, and which proposes to employ a worker and which has an employer relationship with respect to employees under this subpart as indicated by the fact that it hires, pays, fires, supervises, and otherwise controls the work of such employees. An association of employers is considered an employer if it has all of the indicia of an employer set forth in this definition.
3. **Full Registration** – A registration where all elements of a partial registration have been completed and the job seeker has been assigned an O\*NET code, completed the background wizard, or entered a resume on their personal profile to include additional essential employment-related information such as licenses or certifications that will enhance the placement of the job seeker.
4. **Hire Date** – The date an individual accepts a job offer from an employer.
5. **Job Opening** – A single job opportunity for which the LWDB has on file a request to select and refer participants.
6. **Occupational Information Network (O\*NET)** – An online reference database which contains standardized detailed descriptions of U.S. occupations, distinguishing characteristics, classification codes, and information on tasks, knowledge, skills, abilities, and work activities as well as information on interests, work styles, and work values.

7. **Start Date** – The first day an employee actually begins working for and earning wages from an employer.
8. **Third-Party Agent** – A person, firm, corporation, other association or entity which posts job orders on behalf of another person, firm, corporation, other association or entity.

**VII. ATTACHMENTS**

[Employ Florida Terms and Conditions of Use](#)



**POLICY  
NUMBER  
009**

## **Administrative Policy**

<b>Title:</b>	On-the-Job Training		
<b>Program:</b>	Workforce Innovation and Opportunity Act		
<b>Effective:</b>	May 30, 2000	<b>Revised:</b>	June 11, 2019

### **I. PURPOSE AND SCOPE**

The purpose of this policy is to provide the Workforce Innovation and Opportunity Act (WIOA) On-the-Job Training (OJT) Program requirements to Local Workforce Development Boards (LWDBs).

### **II. BACKGROUND**

WIOA offers several work-based training strategies for WIOA-eligible participants. OJT is a proven, evidence-based strategy that provides reimbursements to employers for the costs associated with skills upgrading and loss of production for the training of hiring new employees.

OJT is an “earn and learn” employment model where eligible participants may upgrade, retool and increase employability skills. OJT is most appropriate for adults and dislocated workers in need of new employer-based skills, and individuals with barriers to employment including, but not limited to, unemployed workers, underemployed workers, and out-of-school-youth. Individuals must meet WIOA eligibility criteria to participate in OJT programs.

### **III. AUTHORITY**

[Workforce Innovation and Opportunity Act \(WIOA\) Public Law 113-128](#)

Code of Federal Regulations (CFR), [Title 20 Parts 680.700 - 680.840; 683.400; 683.410](#)

Training and Employment Guidance Letter [\(TEGL\) 19-16](#)

2 CFR Appendix II to Part 200, Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

#### IV. POLICIES AND PROCEDURES

OJT is a work-based training that provides WIOA-eligible participants occupational skills training essential to the performance of a specific job. OJT provides reimbursement to the employer for up to 50% of the participant's wage rate for the costs of training and supervision related to training. LWDBs are encouraged to use this training method to address critical workforce needs, enhance skills of eligible participants and to aid eligible employers in attaining a qualified, skilled workforce with competencies needed to meet the employer's needs.

**On-the-Job Training** is training conducted by an employer that is provided to a paid participant while engaged in productive work in a job that:

1. Provides knowledge or skills essential to the full and adequate performance of the job;
2. Is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant. LWDBs may increase the wage reimbursement level above 50 percent up to 75 percent for the extraordinary costs of providing the training and additional supervision related to the training; however, factors used when deciding to make the increase must be documented and include the following:
  - a. The characteristics of the participants, taking into consideration whether they are individuals with barriers to employment;
  - b. The size<sup>1</sup> of the employer, with an emphasis on small businesses;
  - c. The quality of employer-provided training and advancement opportunities (for example, if the OJT contract is for an in-demand occupation and will lead to an industry-recognized credential); and
  - d. Other factors the LWDB may determine appropriate (for example, the number of employees participating in the training, the wage and benefit levels of the employees, and the relation of the training to the competitiveness of the participant).
3. Is limited in duration, as appropriate to the occupation for which the participant is being trained, and taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

##### A. Eligibility

An individual who meets WIOA eligibility may be considered for OJT when the eligibility requirements for the WIOA adult, dislocated worker or youth programs have been met, and the participant has been determined to be in need of training services. If a male participant, over the age of 18, they must register for Selective Service.

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<sup>1</sup> This refers to the number of employees.

1. An In-School Youth (ISY) individual must:
  - a. Be Attending School, Including Secondary Or Postsecondary School;
  - b. Between the Ages Of 14 And 21 At The Time Of Enrollment;
  - c. Be Low-Income; And
  - d. Meet One Or More of The Following Barriers:
    - i. Basic Skills Deficient;
    - ii. An English language learner;
    - iii. An Offender;
    - iv. A homeless individual, a homeless child or youth, or a runaway;
    - v. An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
    - vi. An individual who is pregnant or parenting;
    - vii. An individual with a disability; or
    - viii. An individual who needs additional assistance to complete an educational program or to secure or hold employment.
2. An Out-of-School Youth (OSY) individual must:
  - a. Not be attending school<sup>2</sup>;
  - b. Be between the ages of 16 to 24 at the time of enrollment; and
  - c. Meet one or more of the following barriers:
    - i. Not attending any school (as defined under State law);
    - ii. Not younger than age 16 or older than age 24 at time of enrollment; and
    - iii. One or more of the following barriers:
      1. A school dropout;
      2. A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter;
      3. A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and
      4. Is either basic skills deficient or an English language learner;
      5. An offender;
      6. A homeless individual, a homeless child or youth, or a runaway;
      7. An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
      8. An individual who is pregnant or parenting;
      9. An individual with a disability; or

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<sup>2</sup>An individual who is not attending a secondary or post-secondary school (WIOA Section 129[a]).

10. A low-income individual who requires additional assistance to enter or complete an educational program, or to secure or hold employment.

3. Adults workers must:

- a. Be 18 years of age or older;
- b. If male, registered as required for the Selective Service;
- c. Be authorized to work in the United States and provide appropriate documentation such as Social Security card, passport, birth certificate, or another similar document.

4. Dislocated workers must<sup>3</sup>:

- a. (i) Have been terminated or laid off, or who has received a notice of termination or layoff, from employment;  
(ii) Is eligible for or has exhausted entitlement to unemployment compensation or have been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center, attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and  
(iii) Is unlikely to return to a previous industry or occupation;
- b. (i) Have been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, military installation or enterprise;  
(ii) Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or  
(iii) For purposes of eligibility to receive services other than training services, career services or supportive services, be employed at a facility at which the employer has made a general announcement that such facility will close;
- c. Have been self-employed (including employment as a farmer, a rancher, or a fisherman) but are unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;
- d. Be a displaced homemaker; or
- e. (i) Be the spouse of a member of the Armed Forces on active duty and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or  
(ii) Be the spouse of a member of the Armed Forces on active duty and who is experiencing difficulty in obtaining or upgrading employment.

A participant will be assessed when they have been determined eligible for services.

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<sup>3</sup> WIOA sec. 3(15)

An individual service strategy (ISS) or individual employment plan (IEP) must be developed.

5. Priority of service states that individuals in different categories may be served first due to priority of service. An individual must be served in the following order:
  - a. Recipients of public assistance, other “Low Income” individuals according to Federal Low-Income Guidelines, or basic skills deficient.
  - b. Those who are not “Low Income” but who have one or more substantial barriers to employment such as offender status, homeless, disability, single parent, language or barriers.
  - c. Veterans/eligible spouses.
  - d. Adults underemployed may also be considered for services under WIOA.
6. Individual Service Strategy (ISS)/Individual Employment Plan (IEP)<sup>4</sup>

Prior to receiving services, the individual service strategy (ISS) or individual employment plan (IEP) must be developed.

The ISS and IEP is a living document that must be reviewed regularly by front-line staff and adjusted throughout participation, jointly with the participant. The details of the OJT assignment must be incorporated into the ISS and/or IEP, and must include the participants details regarding the OJT assignment, as appropriate. When enrolling a participant in OJT, LWDB staff must consider:

- a. The skill requirements of the occupation;
- b. The academic and occupational skill level of the participant; and/or
- c. Prior work experience; and
- d. The participant’s service strategy.

Additionally, OJT may not be suitable for ISY who may be enrolled in secondary school. However, OJT may be an appropriate strategy for eligible youth when the need is identified by the objective assessment and included in the service strategy.

## **B. Employed Workers**

OJT contracts may be written for eligible employed workers when:

1. The employee is not earning a self-sufficient wage or wages comparable to or higher than wages from previous employment, as determined by the LWDB policy;
2. The OJT relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional

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<sup>4</sup> 20 CFR 680.170; see definitions in Section V.



skills, workplace literacy, or other appropriate purposes identified by the LWDB in the local operating procedures;

3. There is a contract for the OJT with and employer or registered apprenticeship program sponsor in the public, private non-profit or private sector.

### **C. Occupation Eligibility**

The LWDB must ensure that participants are placed in OJT for occupations that are in demand in the local area, are appropriate for the program and included on the targeted on the [Targeted Occupations List \(TOL\)](#). Occupations or job types that are not suitable for OJT are occupations that are:

1. Based on commission<sup>5</sup>;
2. Seasonal in nature; or
3. Less than part-time<sup>6</sup>.

### **CI. Duration of OJT**

LWDBs must ensure that the OJT contracts are processed and executed in accordance with federal, state and local procurement policies and shall not exceed a 12-month period. Except in instances where it takes longer to learn the job, e.g. apprenticeships. The LWDB must document reasons for any OJT that takes longer than 12-months.

When developing the local area's OJT strategy, the LWDB should use a readily available occupational information source, such as O\*NET, or any other occupation classification model used to determine the appropriate duration of trainings. The duration of OJT for each participant must be based on the amount of time it takes to learn the job. The length for the OJT must be included in the OJT contract with the employer and the participant's individual service strategy (ISS) or individual employment plan (IEP). LWDBs must describe how it will define the duration of OJT in the Local Operating Procedures (LOPs).

### **CII. OJT Training Plan**

The OJT plan is a formal document detailing the structured job training and must provide participants with a combination of instruction in observable, and measurable job-ready skills, general employment competencies and occupational skills. OJT may be combined with customized training, if appropriate. LWDBs must ensure that each OJT plan is developed based on the participant's ISS and/or IEP, and the occupation the participant has selected. The OJT Training Plan must be agreed upon and signed by the participant, employer and the LWDB.

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<sup>5</sup>Salary based on sales and not an hourly wage.

<sup>6</sup> Part-time is considered 20 hours per week or less/Full-time is considered 32 hours or more.

## **F. OJT Contract Requirements**

LWDBs must ensure that all OJT is provided under a written contract with an employer or registered apprenticeship program sponsor in the public, private non-profit or the private sector. Employers providing OJT are not required to meet the conditions for inclusion on the Eligible Training Provider List.

In developing the OJT contract, LWDBs must ensure:

1. OJT contracts include related requirements specific to the state and local areas and related to OJT's funded through other federal programs.
2. The OJT contract includes an explanation of how participants will be provided a structured training opportunity. All training services shall be provided in a manner that maximizes consumer choice.
3. OJT participants are compensated at the same wage rates, including periodic increases, as trainees or employees who are in similar occupations by the same employer and who have similar training, experience, and skills. Wage rates must be in accordance with applicable law.
4. That they do not provide or extend OJT contracts to employers who have previously exhibited a pattern of ineffectiveness in providing OJT participants with continued, long-term employment.
5. OJT contracts are to be signed and dated by the appropriate LWDB staff and the employer. However, the training plan should be signed by the participant and the LWDB. This must take place prior to the execution of the contract. LWDBs are responsible for ensuring that the contract and/or training plan is signed and agreed upon by all parties, prior to the participant's initial start date.
6. OJT contracts include any applicable provisions required by federal statutes and executive orders listed, including Equal Opportunity, Davis Bacon Act and other provisions outlined in 2 CFR part 200, Appendix II.
7. OJT contracts include employer responsibilities and required assurances that the employer will provide to the participant during and following the OJT.
8. No participant is placed in an OJT where a member of that person's immediate family is directly supervised by or directly supervises the participant. Family<sup>7</sup> means two or more persons related by blood, marriage, or decree of court, who are

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<sup>7</sup> 20 CFR 675.300

living in a single residence, and are included in one or more of the following categories:

- a. A married couple and dependent children;
  - b. A parent or guardian and dependent children; or
  - c. A married couple.
9. That they verify that employees were not laid off at the previous location because of the relocation from another area of the United States if:
- a. An employer is an established or new business; or
  - b. The employer has operated at the current location less than 120 days (of operation) and relocated from another area in the U.S.
10. LWDBs must monitor each OJT assignment, periodically, until the assignment is complete.

#### **G. OJT In-Person Worksite Visit**

LWDBs must conduct an in-person visit to each worksite where an OJT participant is placed at least once per year. The purpose of the in-person visit is to assess the appropriateness of the site and to ensure that it meets all the terms of the worksite agreement. The site visit must be recorded in case notes for the employer and must include the date of the most recent worksite visit, the name of the LWDB staff member who conducted the visit and the outcome of the visit. For example, if a LWDB identifies any concerns with the site, the information must be recorded in a case note against the employer's Employ Florida file. LWDB staff must ensure that all identified concerns are alleviated prior to a participant beginning employment, and the steps taken to alleviate the concerns must also be documented.

#### **H. Individual Training Accounts (ITAs) and Training Contracts**

LWDBs must ensure that training services, as deemed appropriate, are provided through either a training contract or Individual Training Account (ITA), or a combination of both. The type of training the participant is enrolled into distinguishes when an ITA must be used.

#### **I. Payments to Employers, Wages and Participant Hours**

Payments to employers for OJT must comply with federal regulations and state guidelines, and in accordance with the specific WIOA program guidelines. OJT payments are compensation for the employers' "extraordinary costs" associated with training participants and potentially lower productivity of the participants while in OJT.

The LWDB must ensure that participant wages are equal to those similarly employed by the employer. The LWDB must communicate to the employer the expectation that the participant will continue working after the OJT contract ends and will receive compensation, and benefits that are commensurate with their job performance and in alignment with other workers.

The LWDB must ensure WIOA funds are not utilized to pay for the following:

1. Paid or unpaid holidays;
2. Sick leave;
3. Vacation;
4. Overtime hours;
5. Fringe benefits; and/or
6. Work performed outside the OJT contract.

The LWDB must retain records for each OJT employer and OJT participant for a minimum of five years. Any calculation of hours worked or timesheets recording wages and/or benefits by the participant must also be recorded as a case note in Employ Florida and the participant case file. Records regarding the OJT assignment may be requested by DEO for monitoring purposes.

## **J. Reverse Referral**

Under certain circumstances OJT initiated through “reverse referral” may be permitted. Reverse referral occurs when an individual is referred to the career center from a prospective employer (under either formal or informal agreement) for assessment<sup>8</sup> as to whether the individual meets the employer’s hiring requirements for a specific position. Employers must not make or have made a hiring decision prior to the participant becoming eligible for the OJT program through the local career center. Development of an OJT for an individual referred by the employer may be permitted only when:

1. The individual progresses through the intake process as with any other career center customer and meets all requirements for eligibility as specified in this policy;
2. The completed service strategy indicates training is necessary for the individual to perform the work associated with the position for which the employer has an opening;
3. The employer meets all the eligibility requirements under this policy; and
4. The employer provides assurance that the individual has not previously been employed by the employer in the same or similar position.

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<sup>8</sup> See definition, Section V of this AP.

## **K. General Guidelines**

WIOA funds provided to employers for the purpose of OJT must not be used to directly or indirectly assist, promote or deter union organizing.

Additionally, funds provided for any type of work experiences may not be used to directly or indirectly aid in filling a specific job that is vacant due to the current employee being on strike, engaged in a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.

## **L. OJT, Registered Apprenticeships and Pre-Apprenticeships**

LWDBs are encouraged to partner with the registered apprenticeship and pre-apprenticeship programs and use these opportunities as part of a career pathway for job seekers, and as part of a job-driven strategy for employers and industries. The duration of the OJT contract must be designed around the length of the registered apprenticeship. The OJT contract must comply with the requirements of the Work-Based Learning and OJT Administrative Policies.

1. **Registered Apprenticeship** is an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.). It is available to youth age 16 and over, adults and dislocated workers, veterans in receipt of the GI Bill, unemployed workers, underemployed workers, and incumbent workers.

Registered apprenticeships are employer-driven, “learn while you earn” models that combine OJT with job-related instruction tied to the attainment of industry-recognized skills standards. The OJT must be under the supervision of a skilled worker.

Registered apprenticeship programs are to be included and maintained on the Eligible Training Providers List (ETPL) as long as the corresponding program remains registered, unless the registered apprenticeship program notifies the Department of Economic Opportunity (DEO) in writing that it no longer wants to be included on the ETPL.

Prior to enrolling a participant into a registered apprenticeship activity, the LWDB must ensure that the registered apprenticeship includes the work component (on-the-job training) and the job-related instruction. An individual training account (ITA) may be developed for a participant to receive registered apprenticeship training.

LWDBs may also fund registered apprenticeships through OJT.

The registered apprenticeship program is most appropriate for youth, adults and dislocated workers, veterans in receipt of the GI Bill, unemployed workers (including long-term unemployed), underemployed workers, and incumbent workers.

2. **Pre-Apprenticeship Program** provides instruction and/or training to increase math, literacy, and other vocational and pre-vocational skills needed to gain entry into a Registered Apprenticeship program. A pre-apprenticeship program must have at least one registered apprenticeship partner and must include:
  - a. Training and curriculum that aligns with the skill needs of employers in the economy of the state or region;
  - b. Access to educational and career counseling, and other supportive services;
  - c. Hands-on, meaningful learning activities that are connected to education and training activities, such as exploring career options and exploring how skills acquired through coursework can be applied to a future career;
  - d. Opportunities to attain at least one industry-recognized credential; and
  - e. A partnership with one or more registered apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship into a registered apprenticeship program.

Pre-apprenticeship program providers who offer occupational skills training do not have the same automatic Eligible Training Provider (ETP) status under WIOA as registered apprenticeship programs. LWDBs must ensure these programs go through the same selection process and performance reporting requirements as all other training providers to comply with Administrative Policy [090 - WIOA Eligible Training Provider List](#). When a pre-apprenticeship offers activities that are considered career services (pre-vocational, soft skills), it is not considered to be a training activity.

## **M. Local Operating Procedures**

Local Operating Procedures (LOPs) help local areas further define and clarify how programs will be operated locally and are unique to each LWDB. LOPs govern the eligibility and training process, and must specifically discuss the assessments<sup>9</sup> tool used to determine a participant eligible for services.

LWDBs must develop LOPs that:

1. Clarify and define the eligibility criteria for OJT.
2. Govern and establish criteria, and eligibility for employed workers to participate in OJT.
3. Define the criteria used to determine when an employed worker is eligible for OJT.
4. Govern the eligibility and training process, that must specifically discuss the initial assessment tool used to determine a participant eligible for services.
5. Details the process of reverse referrals.

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<sup>9</sup> See definitions in Section V.

6. Incorporate requirements of this policy and define how the OJT Program will be implemented in the local area.

## **N. State and Local Monitoring**

Services and activities provided under WIOA must be monitored annually for compliance with WIOA requirements by DEO pursuant to Section 185(c), WIOA. DEO will monitor the requirements outlined in this policy and local operating procedures. Additionally, LWDBs must establish local monitoring policies and procedures that include, at minimum:

1. Roles of the employer, participant, and LWDB staff;
2. Local monitoring procedures of work-based training employers and worksites to ensure that all parties are, and remain in, compliance with federal and state laws, as well as state and local policies and procedures. LWDBs should include in the monitoring process visits to the worksite and interviews of participants and supervisors by individuals who are not responsible for the management of the worksite agreement or the case management of participants at the worksite; and
3. Validation of skills and competency attainment for participants.

LWDBs must ensure participating employers agree to cooperate with monitoring requirements conducted by the state and/or LWDB and adhere to all other applicable local, state and federal rules and regulations.

## **V. DEFINITIONS**

1. **Assessments:** Refers to tools that career center staff may use to evaluate, identify and document a participant's academic readiness, learning progress, skill acquisition, occupational readiness and/or educational needs.
2. **Employed Worker:** An employed worker is an individual who is currently working, but who has been determined by the LWDB, pursuant to local operating procedures, to need services to maintain employment or secure self-sufficient employment.
3. **Individual Employment Plan:** An individualized career service, under WIOA sec. 134(c)(2)(A)(xii)(II), that is developed jointly with an eligible participant and career planner. The plan is an ongoing strategy to identify employment goals, achievement objectives and an appropriate combination of services for the participant to achieve the employment goals.
4. **Individual Service Strategy:** A plan of action developed jointly by the participant and case manager that includes short- and long-term goals and a planned series of action steps to achieve them. It incorporates steps taken to identify career pathways that include education and employment goals, based in part on career planning and the results of the objective assessment. It includes the process a job seeker will take to

achieve educational and/or occupational goals, and includes a summary of the job seeker's strengths, barriers, services needed and/or provided, and educational and employment goals.

5. **Occupational Skills Training:** Occupational skills training is an organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels.
6. **Registered Apprenticeship:** A registered apprenticeship is a national training system that combines paid learning on-the-job and related technical and theoretical instruction in a skilled occupation. An apprenticeable occupation is one which is specified by industry and which must:
  - a. involve skills that are customarily learned in a practical way through a structured, systematic program of on-the-job supervised learning;
  - b. be clearly identified and commonly recognized throughout an industry;
  - c. involve the progressive attainment of manual, mechanical or technical skills and knowledge which, in accordance with the industry standard for the occupation, would require the completion of at least 2,000 hours of on-the-job learning to attain; and
  - d. require related instruction to supplement the on-the-job learning.
7. **Work Experience:** A work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. A work experience may take place in the private for-profit sector, the non-profit sector, or the public sector.

## VI. REVISION HISTORY

AWI FG 00-009, On-the-Job Training, dated May 30, 2000  
LET Communiqué BJT 90-135, dated July 10, 1990  
BJT 91-149 dated March 8, 1991  
BJT 92-129 dated December 10, 1991  
DIR JTPA/OJT Contract Procedures dated December 18, 1986

## VII. ATTACHMENT

[Florida State Wage Information](#)





**POLICY  
NUMBER 100**

## **Administrative Policy**

<b>Title:</b>	<b>Work-Based Training</b>
<b>Program:</b>	Workforce Innovation and Opportunity Act
<b>Effective:</b>	June 11, 2019

### **I. PURPOSE AND SCOPE**

To provide Local Workforce Development Boards (LWDBs) with the requirements for implementing work-based training programs.

### **II. BACKGROUND**

The Workforce Innovation and Opportunity Act (WIOA) brings together in strategic coordination the core programs of the federal investment in skill development to support training and work experience<sup>1</sup> for job seekers through work-based training. Work-based training is coordinated by LWDBs through collaboration with local employers who receive subsidies for participants entering work-based training. Work-based training activities include: Customized Training, Incumbent Worker Training (IWT), On-The-Job Training (OJT), Registered Apprenticeships (RA), Industry-Recognized Apprenticeship Programs (IRAP), Transitional Jobs, Work Experience and Internships.

### **III. AUTHORITY**

[WIOA, Public Law 113-128, Sections 3, 122, 134 and 148\(a\)\(1\)](#)

[Executive Order 13801](#), "Expanding Apprenticeships in America," June 15, 2017

[20 Code of Federal Regulations \(CFR\)](#) Parts 680.190; 680.470; 680.700; 680.760; 680.800; 680.830; 680.840 681.480; 681.600

29 CFR [Part 29](#)

Training and Employment Guidance Letter [\(TEGL\) 13-16](#) and [TEGL 19-16](#)

Training and Employment Notice [3-18](#)

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<sup>1</sup> Work experiences may be paid or unpaid.

Florida Statutes, Sections [446.011](#) and [446.092](#)  
Florida Administrative Code, Chapter [6A-23.001](#)

#### **IV. POLICIES AND PROCEDURES**

Work-based training provides WIOA-eligible participants an opportunity to engage in work experiences where they develop employability skills, acquire job-specific knowledge and gain work experience in an area that helps prepare them for self-sufficient employment. LWDBs must ensure that work-based training is only offered for occupations that are in demand in the local area in which the participant receives training.

LWDBs must develop a service strategy for each participant. A service strategy is a document created jointly by the participant and case manager, and is based on career planning and the results of the objective assessment. The service strategy includes a summary of the job seeker's strengths, barriers, services needed, education and employment goals, and services provided. When selecting work-based training for a participant, the case manager must include the following in the service strategy:

1. A determination that a work-based training activity is appropriate to meet the participant's needs;
2. The specific work-based training most appropriate for the participant based on an assessment of the participant's needs, skill set, and other characteristics<sup>2</sup> necessary to determine the best activity for the participant;
3. The specific short and long-term goals for the work-based training activity, by identifying the purpose of the activity and outcomes expected;
4. The employer with whom the activity will be done and other information relevant to the work-based training activities;
5. Responsibilities of the LWDB, employer and participant; and
6. Other activities necessary to support the work-based training activity.

When LWDBs enroll participants in work-based training, they must develop an agreement with the training worksite. LWDBs must ensure that the worksite agreement includes:

1. A job description and/or training outline
2. Contact information for the supervisor
3. Record-keeping and payroll information,
4. Process to monitor the participant's worksite activities and ensure adherence to the records retention requirements, as applicable.
5. Worksite agreements for work-based training. For agreements with a staffing agency, the worksite agreements must include signatures of both the worksite employer and the staffing agency.

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<sup>2</sup> Characteristics include the features and traits of the individuals. It also refers to individuals with barriers to employment.

In addition to the requirements for specific work-based training described in this administrative policy, the LWDB must ensure compliance with relevant WIOA requirements and restrictions.

Support services are available for Adult, Dislocated Worker and Youth work-based training participants. LWDBs may provide support services to participants when it is necessary to assist individuals to participate in work-based training activities. The provision of such support services must be documented the individual service strategy. Support service needs are identified through the assessment process and outlined in the service strategy.

### **A. Types of Work-Based Training**

Work-based training includes: Customized Training, Incumbent Worker Training, On-The-Job Training, Registered Apprenticeship, Industry Recognized Apprenticeship Program, Transitional Jobs, Work Experiences and Internships.

1. **Customized Training** is training designed to meet the specific requirements of an employer or group of employers, with the commitment that the employer(s) will retain current employees or hire individuals who successfully complete the training. The target population for customized training includes adults and dislocated workers. LWDBs must require the employer to pay for a significant portion of the cost of training.

Customized training is most appropriate for adults and dislocated workers with barriers to employment who need industry or occupational skills, unemployed workers (including long-term unemployed), underemployed workers, and employed workers.

2. **Incumbent Worker Training** is training designed to meet the needs of an employer or group of employers to retain a skilled workforce or avert layoffs, and increases both participants' and companies' competitiveness. Employers must meet local eligibility criteria to receive IWT funds. Employers are required to pay for a significant cost of the training for those individuals enrolled in incumbent worker training. This can be done through cash payments and fairly evaluated in-kind contributions. The minimum amount of employer share in the IWT depends on the size of the employer and may not be less than:
  - a. 10 percent of the cost, for employers with 50 or fewer employees;
  - b. 25 percent of the cost, for employers with between 51 to 100 employees; and
  - c. 50 percent of the cost, for employers with more than 100 employees.

LWDBs must work with employers to identify skill gaps of their workers and develop a strategy to effectively engage the workers in a training that will provide

the knowledge and skills needed to increase the competitiveness of the employees and/or employers. The LWDBs must use the following factors to determine an employer's eligibility for participating in IWT:

- a. The characteristics of the individual employees;
- b. The relationship of the training to the competitiveness of the individual and employer;
- c. Other factors the state or local boards may determine appropriate, which may include, but are not limited to:
  - i. The number of employees identified to participate in the training;
  - ii. The employees' advancement opportunities, along with wages and benefits (both pre- and post-training earnings);
  - iii. The availability of other training and advancement opportunities provided by the employer;
  - iv. Credentials and skills gained as a result of the training;
  - v. Layoffs averted as a result of the training;
  - vi. Utilization as part of a larger sector and/or career pathway strategy; and
  - vii. Employer size.
- d. For an employer to receive IWT funds, LWDBs must ensure that individuals who receive training:
  - i. Are employed;
  - ii. Meet the Fair Labor Standards Act (FLSA) requirements for an employer-employee relationship; and
  - iii. Have an established employment history with the employer for six months or more (which may include time spent as a temporary or contract worker performing work for the employer receiving IWT funds). Pursuant to [Training and Employment Guidance Letter 19-16](#), there is one exception to the six-month requirement, which is that in the event that incumbent worker training is being provided to a cohort of employees, not every employee in the cohort must have an established employment history with the employer for six months or more as long as a majority of those employees being trained meet the employment history requirement.

Participants in IWT are not required to meet WIOA eligibility criteria or priority of service unless they are also enrolled as a participant in the WIOA Adult or Dislocated Worker program. However, LWDBs must record participant demographic information in Employ Florida because this information must be reported to the United States Department of Labor. Each field that contains a red asterisk (\*) must be completed in order to progress to the next field.

LWDBs may use up to 20 percent of their adult and dislocated worker funds to provide for the federal share of the cost of providing IWT such training services. LWDBs may not use IWT funds for administrative activities such as office supplies.

Generally, IWT should be provided to private sector employers; however, there may be instances where non-profit and local government entities may be the recipients of IWT funds. For example, IWT may be used in the health care industry where hospitals are operated by non-profit or local government entities and a nursing upskilling opportunity is available.

3. **On-the-Job Training** is training conducted by an employer that is provided to a paid participant while engaged in productive work in a job that:
  - a. Provides knowledge or skills essential to the full and adequate performance of the job;
  - b. Is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant. LWDBs may increase the wage reimbursement level from 50 percent up to 75 percent for the extraordinary costs of providing the training and additional supervision related to the training. Factors LWDBs should use when deciding to increase the reimbursement rate must be documented and should include the following:
    - i. The characteristics of the participants, taking into consideration whether they are individuals with barriers to employment;
    - ii. The size<sup>3</sup> of the employer, with an emphasis on small businesses;
    - iii. The quality of employer-provided training and advancement opportunities (for example, if the OJT contract is for an in-demand occupation and will lead to an industry-recognized credential); and
    - iv. Other factors the LWDB may determine appropriate (for example, the number of employees participating in the training, the wage and benefit levels of the employees, and the relation of the training to the competitiveness of the participant).
  - c. Is limited in duration<sup>4</sup>, to the occupation for which the participant is being trained. Staff should take into consideration the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

LWDBs must ensure that participants have a training plan and contract prior to beginning the OJT assignment. The OJT training plan is a formal document detailing the structured job training and must provide participants with a combination of instruction in observable, and measurable job-ready skills, general employment competencies and occupational skills. LWDBs must ensure that each

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<sup>3</sup> The term “size of the employer” refers to the number of employees.

<sup>4</sup> Limited in duration refers to the time required for a participant to become proficient in the occupation for which the training is being provided.

OJT plan is developed based on the participants ISS and/or IEP, and the occupation the participant has selected.

The LWDB may enter into a contract with a registered apprenticeship program to offer an OJT. However, the duration of the OJT contract must be designed around the length of the registered apprenticeship. LWDBs must enter into an OJT contract that covers the period that a participant is assigned to an employer.

Under certain circumstances, an OJT initiated through a reverse referral may be permitted. Reverse referral occurs when an individual is referred to the career center from a prospective employer (under either formal or informal agreement) for an assessment to determine if the individual meets the employer's hiring requirements for a specific position. Development of an OJT for an individual referred by the employer may be permitted only when:

- a. The individual progresses through the intake process as would any other career center customer and meets all requirements for eligibility as specified in this policy;
- b. The completed service strategy indicates training is necessary for the individual to perform the work associated with the position for which the employer has an opening;
- c. The employer meets all eligibility requirements outlined in 20 CFR 680.700 and any additional local eligibility requirement; and
- d. The employer provides assurance that the individual has not previously been employed by the employer in the same or similar position.

OJT is most appropriate for adults and dislocated workers in need of new skills to enter employment, and individuals with barriers to employment including, but not limited to, unemployed workers, underemployed workers, and out-of-school-youth.

Please click here to access the [Administrative Policy 009](#), On-The-Job Training.

4. **Pre-Apprenticeship Programs** provide instruction and/or training to increase math, literacy, and other vocational and pre-vocational skills needed to enter a Registered Apprenticeship program. A pre-apprenticeship program must have at least one registered apprenticeship partner and must include:
  - a. Training and curriculum that aligns with the skill needs of employers in the economy of the state or region;
  - b. Access to educational and career counseling, and other supportive services;
  - c. Hands-on, meaningful learning activities that are connected to education and training activities, such as exploring career options and exploring how skills acquired through coursework can be applied to a future career;
  - d. Opportunities to attain at least one industry-recognized credential; and

- e. A partnership with one or more registered apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship into a registered apprenticeship program.

Pre-apprenticeships that include an academic and occupational education component may be used to meet the 20% youth work experience requirement.

Pre-apprenticeship program providers who offer occupational skills training do not have the same automatic Eligible Training Provider (ETP) status under WIOA as registered apprenticeship programs. LWDBs must ensure these programs go through the same selection process and performance reporting requirements as all other training providers to comply with Administrative Policy [090 - WIOA Eligible Training Provider List](#). When a pre-apprenticeship offers activities that are considered career services (pre-vocational, soft skills), it is not considered to be a training activity.

The pre-apprenticeship program is most appropriate for youth and adults with barriers to employment who are identified as needing certain skills or credentials to successfully enter and complete a registered apprenticeship program. Pre-apprenticeship is also appropriate for dislocated workers transitioning to new industries or occupations in need of new skills, and other eligible individuals identified by case managers as likely to succeed and who have an interest in registered apprenticeship programs.

5. **Registered Apprenticeship** is an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.). Registered apprenticeships are available to youth age 16 and over, adults and dislocated workers, veterans in receipt of the GI Bill, unemployed workers, underemployed workers, and incumbent workers.

Registered apprenticeship is an employer-driven, “learn while you earn” model that combines OJT with job-related instruction in curricula tied to the attainment of industry-recognized skills standards. The OJT must be under the supervision of a skilled worker. LWDBs are encouraged to partner with the registered apprenticeship programs and use registered apprenticeship opportunities as part of a career pathway for job seekers and as part of a job-driven strategy for employers and industries.

Registered apprenticeship programs are required to be included and maintained on the Eligible Training Providers List (ETPL) as long as the corresponding program remains registered, unless the registered apprenticeship program notifies the Department of Economic Opportunity (DEO) in writing that it no longer wants to be included on the ETPL.

Prior to enrolling a participant into a registered apprenticeship activity, the LWDB must ensure that the registered apprenticeship includes the work component (on-the-job training) and the job-related instruction. An individual training account (ITA) may be developed for a participant to receive registered apprenticeship training.

LWDBs may also fund registered apprenticeships through customized training, OJT, and IWT.

The registered apprenticeship program is most appropriate for youth, adults and dislocated workers, veterans in receipt of the GI Bill, unemployed workers (including long-term unemployed), underemployed workers, and incumbent workers.

6. **Industry-Recognized Apprenticeship Program** is an apprenticeship program that includes a paid work component and an educational or instructional component, wherein an individual obtains workplace relevant knowledge and skills. An IRAP is developed, delivered and administered by third parties, which may include, trade and industry groups, companies, non-profit organizations, educational institutions, unions and joint labor-management organizations. IRAPs are certified as a high-quality program by a third-party certifier that has received a favorable determination from the United States Department of Labor.

Unlike registered apprenticeships, IRAP participants cannot be considered apprentices for the purpose of meeting the Davis-Bacon Act wage requirements. The purpose of IRAP is to create an additional pathway to encourage expansion of apprenticeships beyond those industries where apprenticeships are already effective and substantially widespread. An IRAP may choose to become a registered apprenticeship program as long as it meets the standards and requirements in 29 CFR part 29. To receive WIOA training funds or an ITA, an IRAP sponsor will need to follow the process outlined in the Administrative Policy [090 - WIOA Eligible Training Provider List](#). IRAPs are not automatically included on the ETPL.

7. **Transitional Jobs** are subsidized, time-limited, paid work experience in the public, private, or nonprofit sectors for individuals with barriers to employment who are chronically unemployed or have inconsistent work history. These jobs are designed to enable individuals to establish a work history, demonstrate success in the workplace, and develop the skills that lead to unsubsidized employment. LWDBs may subsidize transitional jobs up to 100% of the cost.

Target populations include adults and dislocated workers with barriers to employment who are chronically unemployed or have an inconsistent work history. Potential target groups may include the long-term unemployed, ex-offenders, individuals who currently receive or have exhausted TANF benefits, and individuals with disabilities.



8. **Work experiences and internships** are planned, structured, learning experiences that take place in a workplace for a limited period. Work experience and internships may be paid or unpaid, as appropriate and consistent with other laws, such as the Fair Labor Standards Act. A work experience and internship may be in the private for-profit sector, the non-profit sector, or the public sector.

Work experiences and internships must include academic and occupational education components. The academic and occupational education as a component is a requirement for WIOA Youth. It is not a requirement for WIOA Adults and Dislocated Workers. The academic and occupational education components refer to contextual learning that accompanies a work experience. It includes the information necessary to understand and work in specific industries and/or occupations. For example, if a youth is in a work experience in a hospital, the occupational education could be learning about the duties of different types of hospital occupations such as a phlebotomist, radiology tech, or physical therapist. Whereas, the academic education could be learning some of the information individuals in those occupations need to know such as why blood type matters, the name of a specific bone in the body, or the function of a specific ligament. Local programs have the flexibility to determine the appropriate type of academic and occupational education necessary for a specific work experience. The educational component may occur concurrently or sequentially with the work experience.

For youth, work experiences may also include:

- a. Pre-apprenticeship programs;
- b. Summer employment and other employment activities available throughout the school year;
- c. Internships and job shadowing; and
- d. On-the-job training.

LWDBs must ensure that an employer does not use the WIOA work experience or internship activity to directly or indirectly aid in filling a job opening that is vacant because the former occupant is on strike or involved in a labor dispute that may lead to a strike.

Work experiences and internships are most appropriate for youth and adults with limited to no employment experience, dislocated workers who need exposure to new industries/occupations, unemployed workers, underemployed workers, and long-term unemployed workers.

## **B. Work-Based Training Employ Florida Service Codes**

Each work-based training activity is assigned a unique service code in Employ Florida service codes identified and described in the [Employ Florida Service Code Guide](#). The LWDB must assign the appropriate code to each individual engaged in a work-based

training activity. The details of the work-based activity must be included in the service strategy.

### **C. Recording of Worksite, Provider and O\*Net Code Information**

When a participant is enrolled into a work-based training activity, staff must record in Employ Florida, the address and location of the worksite where the participant will work.

1. For OJT, the worksite is the same as the employer and the actual location where the participant will report for work.
2. For other work-based training activities, such as work experiences, temporary jobs (including temporary disaster-relief jobs), registered apprenticeships, and pre-apprenticeships (when applicable), the actual location where the participant will report for work worksite must be recorded as part of the enrollment process.

When a participant is enrolled in a work-based training activity, the provider and O\*Net Code for the occupation in which the participant will engage or receive training must be entered into Employ Florida as part of the enrollment process.

### **D. Local Operating Procedures**

Local Operating Procedures (LOPs) help local areas further define and clarify how programs will be operated locally and are unique to each LWDB. Each LWDB must develop LOPs to establish the local requirements for the work-based training activities. The LOPs must include the allowable activities that conform to WIOA, but are not defined or captured in this administrative policy.

Each LWDB must develop LOPs as outlined below:

1. For customized training, LWDBs must describe in the LOPs how the local area defines the employer's significant portion of the cost of training, considering the size of the employer and any other factors the LWDB determines are appropriate, including:
  - a. The number of employees participating in training;
  - b. Wage and benefit levels of those employees;
  - c. Relation of the training to the competitiveness of a participant; and
  - d. Other employer-provided training and advancement opportunities.
2. LWDBs must define local eligibility criteria for IWT.
3. A description of how the LWDB will meet the non-federal share of cost for IWT.

4. LWDBs utilizing transitional jobs must include in their local operating procedures:
  - a. Provisions on the amount of reimbursement (up to 100%);
  - b. Limits on the duration of the jobs;
  - c. The supportive services to be offered; and
  - d. The manner for defining and identifying individuals who are “chronically unemployed” or “have an inconsistent work history.”

#### **E. State and Local Monitoring**

Services and activities provided under WIOA must be monitored annually for compliance with WIOA requirements by DEO pursuant to Section 185(c), WIOA. DEO will monitor the requirements outlined in this policy and local operating procedures. Additionally, LWDBs must establish local monitoring policies and procedures that include, at minimum:

1. Roles of the employer, participant, and LWDB staff;
2. Local monitoring procedures of work-based training employers and worksites to ensure that all parties are, and remain in, compliance with federal and state laws, as well as state and local policies and procedures. LWDBs should include in the monitoring process visits to the worksite and interviews of participants and supervisors by individuals who are not responsible for the management of the worksite agreement or the case management of participants at the worksite; and
3. Validation of skills and competency attainment for participants.

LWDBs must ensure participating employers agree to cooperate with monitoring requirements conducted by the state and/or LWDB and adhere to all other applicable local, state and federal rules and regulations.

#### **F. Definitions**

1. Individual Service Strategy - An individual plan for a youth which includes an employment goal, appropriate achievement objectives and the appropriate combination of services for the participant based on the objective assessment.
2. In-demand Occupation - an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy, as appropriate.



**POLICY  
NUMBER  
TBD**

## **Administrative Policy**

<b>Title:</b>	Memorandums of Understanding and Infrastructure Funding Agreements
<b>Program:</b>	Workforce Innovation and Opportunity Act
<b>Effective:</b>	

### **I. PURPOSE AND SCOPE**

The purpose of this policy is to provide local workforce development boards (LWDBs) with the requirements and procedures for developing Memorandums of Understanding (MOU) and Infrastructure Funding Agreements (IFA) under the Workforce Innovation and Opportunity Act (WIOA).

### **II. BACKGROUND**

The U.S. Department of Labor developed a uniform policy for acceptable methods of cost allocation and resource sharing with respect to funding the one-stop delivery system.

Under WIOA and consistent with the Uniform Guidance, funding provided by the one-stop partners to cover the operating costs, including infrastructure costs and additional costs, of the one-stop delivery system must be based on the partner program's proportionate use of the system and relative benefit received. WIOA requires LWDBs, with the agreement of the chief elected official, to develop and execute MOUs with required partners on the operation of the one-stop delivery system in the local service delivery area. Each LWDB must include an IFA in the MOU with required partners. The IFA details how infrastructure costs for the one-stop delivery system will be funded in the local area.

Local workforce development boards and career centers are expected to act in good faith and negotiate infrastructure costs and additional costs of operating a local one-stop delivery system in a transparent manner.

### **III. AUTHORITIES**

Public Law 113-128, the Workforce Innovation and Opportunity Act, [Section 121\(C\)](#), [Section 121\(h\)\(1\)\(B\)\(i\)](#) and [121\(h\)\(2\)\(C\)\(i\)](#)

[Uniform Guidance at 2 Code of Federal Regulations \(CFR\) Part 200](#) Federal Cost Principles

[20 CFR 678.400](#) Required One-Stop Partners

[20 CFR 678 Subpart C](#) Memorandum of Understanding for One-Stop Delivery System

[20 CFR. 678.700 - 678.760 Subpart E](#) One-Stop Operating Costs

[20 CFR 678.800](#) One-Stop Certification

[34 CFR 361.500](#) What is the Memorandum of Understanding for the one-stop delivery system and what must be included in the Memorandum of Understanding?

[34 CFR 463.700](#) What are one-stop infrastructure costs?

Training and Employment Guidance Letter ([TEGL No. 16-16](#)); ([TEGL No. 16-16, Change 1](#)) and ([TEGL No. 17-16](#))

Section [445.009\(2\)\(c\)](#), Florida Statutes

#### **IV. POLICIES AND PROCEDURES**

##### **A. The Memorandum of Understanding**

Each LWDB is required by the Workforce Innovation and Opportunity Act (WIOA), to enter into a Memorandum of Understanding (MOU) with its required one-stop partners. The MOU is an agreement that details the operations of the local one-stop delivery system, provision of programs and services, and apportionment of costs.

The LWDB has the option of entering into an umbrella MOU that addresses the issues relating to the one-stop delivery system for the LWDB, chief elected official and all partners. Alternatively, the LWDB with agreement of chief elected official, may enter into separate agreements between each partner or groups of partners.

##### **1. The Required Partners**

The LWDB must execute an agreement with the required partners. The required partners are:

- a. Programs authorized under title I of WIOA include:
  - i. Adults
  - ii. Dislocated workers
  - iii. Youth
  - iv. Job Corps
  - v. YouthBuild

- vi. Native American programs
- vii. Migrant and seasonal farmworker programs
- b. Wagner-Peyser Act Employment Service, as amended by WIOA Title III
- c. Adult Education and Family Literacy Act
- d. Division of Vocational Rehabilitation
- e. Division of Blind Services
- f. Senior Community Service Employment Program
- g. Career and technical education programs at the postsecondary level authorized under the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act (Perkins V)
- h. Trade Adjustment Assistance activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.)
- i. Jobs for Veterans State Grants Programs
- j. Employment and training activities carried out under the Community Services Block Grant
- k. Employment and training activities carried out by the Department of Housing and Urban Development
- l. Programs authorized under State unemployment compensation laws
- m. Programs authorized under sec. 212 of the Second Chance Act of 2007
- n. Temporary Assistance for Needy Families (TANF)

Pursuant to WIOA Sec. 121(b)(2)(B) and 20 CFR 678.410, 34 CFR 361.410, and 34 CFR 463.410, additional one-stop partners may be included with the approval of the LWDB and chief elected official based on needs of the local area. The LWDB must enter into a MOU with those partners to confirm the manner in which services will be offered.

## **2. Negotiating the MOU**

LWDBs must work with one-stop partners to negotiate the terms of MOUs. In each MOU, LWDBs must establish how they will fund the infrastructure costs and other shared costs of the one-stop career centers. The LWDB and partners must document

the negotiations and efforts that have taken place in the MOU.

If an agreement regarding infrastructure costs is not reached upon completion of the MOU, pursuant to 20 CFR 678.715(c) an interim infrastructure funding agreement may be included for a period of up to six months. Once an infrastructure funding agreement is reached, the LWDB and one-stop partners must amend the MOU to include the infrastructure funding agreement.

### 3. Requirements of the MOU

LWDBs must ensure each MOU includes the following requirements:

- a. A description of services that will be provided through the one-stop delivery system. This must also include the way the services will be coordinated and delivered through the one-stop delivery system.
- b. Agreement between the LWDB and partners on funding the costs of the services and the operating costs of the system, including:
  - i. Funding of infrastructure costs of one-stop centers pursuant to 20 CFR 678.700 through 678.755.
  - ii. Funding of the shared services and operating costs of the one-stop delivery system pursuant to 20 CFR 678.760.
- c. Methods for referring individuals to either the one-stop operators or partners for appropriate services and activities.
- d. Methods to ensure the needs of workers, youth and individuals with barriers to employment, including individuals with disabilities, are addressed when providing access to services. Access may be provided to technology and materials that are available through the one-stop delivery system.
- e. The duration of the MOU and procedures for amending it.
- f. Assurances that the MOU will be reviewed and renewed, not less than once every three years, to ensure appropriate funding and delivery of services. Additionally, the MOU must be renewed if substantial changes occur prior to the three-year renewal period.
- g. The signatures of the chairperson of the LWDB, one-stop partners, the chief elected official(s), and the time period in which the agreement is effective. The MOU must be updated not less than every three (3) years to reflect any changes in the signatory official of the board, one-stop partners, and chief elected officials, or one-stop infrastructure funding. The MOU will not be considered executed without the signature of all parties.

- h. Any other provisions agreed to by the LWDB and partners. The provisions must be consistent with WIOA title I, the authorizing statutes and regulations of one-stop partner programs, and the WIOA regulations.
- i. An infrastructure funding agreement. The requirements related to infrastructure funding are outlined in section B of this policy.

## **B. Infrastructure Funding Agreements**

Infrastructure Funding Agreements (IFAs) are a mandatory component of the local MOU. A LWDB may negotiate an umbrella IFA for all of its career centers or an individual IFA with each of its career centers. LWDBs must ensure the IFA contains an infrastructure costs budget. The other component of the operating budget consists of additional costs, which include applicable career services, and may include shared operating costs and shared services.

Local workforce development boards, career center partners and chief elected officials may negotiate the IFA, along with additional costs, when developing the operating budget for the local area. Pursuant to 20 CFR 678.755(b), the operating shared services budget must be included in the MOU. LWDBs must contribute toward infrastructure costs based on the proportionate use of the career centers and relative benefits received. All required and additional partners must contribute to infrastructure costs of the comprehensive career centers.

LWDBs must include the following elements within IFAs:

1. The period of time in which this infrastructure funding agreement is effective. This may be a different time period than the duration of the MOU.
2. Identification of an infrastructure and shared services budget that will be periodically reconciled against actual costs incurred and adjusted accordingly to ensure that it reflects a cost allocation methodology that demonstrates how infrastructure costs are charged to each partner in proportion to its use of the one-stop center and relative benefit received, and that complies with 2 CFR part 200 (or any corresponding similar regulation or ruling).
3. Identification of all one-stop partners, chief elected officials and LWDB participating in the infrastructure funding arrangement.
4. Steps the LWDB, chief elected officials and one-stop partners used to reach consensus or an assurance that the local area followed the guidance for the state funding process.
5. Description of the process to be used among partners to resolve issues during the MOU duration period when consensus cannot be reached.
6. Description of the periodic modification and review process to ensure equitable benefit among one-stop partners.



7. Signatures of individuals with authority to bind the signatories to an IFA, including all partners, chief elected officials and LWDBs participating in an IFA.

### **C. Allocation of Infrastructure Costs Process**

To allocate infrastructure costs, LWDBs must:

- a. Identify one-stop career center operating costs, including infrastructure costs and additional costs.
- b. Develop the operating budget that includes an infrastructure costs budget and additional costs budget.
- c. Develop the cost allocation methodology, including the identification of cost pools and allocation bases.
- d. Determine estimated partner contributions.
- e. Prepare and agree to the IFAs.
- f. Allocate actual costs by each partner's proportionate use and relative benefit received.
- g. Conduct a periodic reconciliation (i.e., monthly or quarterly).
- h. Modify infrastructure costs budget and/or cost allocation methodology, as appropriate.
- i. Evaluate the existing process and prepare for the following program year.

The infrastructure funding mechanisms are subject to review by federal administering agencies and partners to ensure compliance with applicable requirements. LWDBs will use federal guidelines, this policy and tools supplied to work with all partners to determine and agree upon infrastructure funding.

### **D. Resolution of Issues in Memorandums of Understanding and/or Infrastructure Funding Agreements:**

If a LWDB is unable to execute MOUs or agree on infrastructure costs with required partners, all parties shall attempt to resolve the issue in a timely and efficient manner. If resolved no further action is necessary.

If issues regarding MOUs and/or IFAs remain unresolved, LWDBs shall document the issue and efforts at resolution. Documentation is forwarded to the Department of Economic Opportunity, Division of Workforce Services (DEO) and the Chancellor for Career and Adult Education, the Director of the Division of Vocational Rehabilitation, the Director of the Division of Blind Services or the executive administrator(s) of agencies responsible for administering the partner's program. DEO and the appropriate division will work to resolve the impasse and secure an executed agreement. A joint decision shall be transmitted within 30 calendar days of receipt.

Issues will be remanded back to the local partners to execute recommended action. If issues remain unresolved, the LWDB must notify CareerSource Florida and include the details of the impasse. CareerSource Florida will work with the Commissioner of Education, the Executive Director of the Department of Economic Opportunity or other agency heads to resolve the impasse and provide a resolution response to the all parties. Decisions are considered final.

If recommended action or required resolution is not implemented, the State Funding Mechanism (SFM) will be initiated.

#### **E. Funding Mechanism Requirements**

Under the Local Funding Mechanism (LFM), one-stop career center partners may determine what funds they will use to pay for infrastructure costs. There are no specific caps on the amount or percentage of overall funding a partner may contribute to fund infrastructure costs under the LFM, except that contributions for administrative costs may not exceed the amount available for administrative costs. LFMs provide LWDBs and partners the flexibility to design and fund a one-stop delivery system through a consensus, to meet the needs of their local area by leveraging the funds and resources available to provide program services. The intent of the LFM is to encourage local areas to reach a consensus in developing a local IFA.

After all local MOU and IFA negotiation options have been exhausted, even when only one required partner is unable to come to agreement, the SFM is triggered.

The CareerSource Florida Board of Directors, represented by CareerSource Florida, consults with the Governor regarding the funding of infrastructure costs and is responsible for the development of the formula used by the Governor under the SFM to determine a one-stop career center's budget.

Under the SFM, the LWDB is required to calculate the statewide funding caps and the amount available for local areas that have not reached consensus and to determine the partners' contributions for infrastructure. The statewide caps are calculated by considering total funding for a partner against the statutory caps specified in WIOA for infrastructure costs. The SFM is only applicable to required partners and cannot be triggered by additional partners not reaching a consensus.

If the SFM is triggered:

Local workforce development boards must provide a notice they are unable to reach a consensus on infrastructure funding to the Governor, CareerSource Florida and the Department of Economic Opportunity. Notification must be provided by the specific date established in DEO's guidance on infrastructure funding.

The SFM requires complex calculations and determinations and seek the guidance of multiple parties. Reaching consensus on IFAs must be completed by the LWDBs no

later than March 30, prior to the beginning of the subsequent program year beginning July 1.

Local workforce development boards must provide local negotiation materials to the Department of Economic Opportunity. The following steps will be executed:

1. Determine one-stop career center infrastructure budget(s);
2. Establish cost allocation methodology;
3. Determine partners' proportionate shares;
4. Calculate statewide caps;
5. Assess the aggregate total of infrastructure contributions as it relates to the statewide cap; and
6. Adjust proportionate shares.

#### **F. Infrastructure Funding Appeals Process**

Local workforce development boards and partners may appeal the state funding mechanism and determination of shared infrastructure costs. The appeal may be founded on the basis that the determination is inconsistent with proportionate share requirements, the cost contribution limitations or the cost contribution caps consistent with the process described in the state plan.

Appeals must be sent within 21 days from the LWDB's receipt of the state's determination on shared infrastructure costs. Appeals must be filed in writing with the President and CEO of CareerSource Florida. Decisions on appeals will be documented in writing and considered final.

#### **G. State and Local Monitoring**

The Department of Economic Opportunity will monitor the requirements outlined in this policy.

### **V. DEFINITIONS**

**Infrastructure Costs** – Non-personnel costs that are necessary for the general operation of the one-stop career center, including: rental of the facilities; utilities and maintenance; equipment (including assessment-related and assistive technology for individuals with disabilities); and technology to facilitate access to the career center, including technology used for the center's planning and outreach activities.

**Local Funding Mechanism (LFM)** – A process where the LWDBs, chief elected official(s) and career center partners negotiate and agree to the amounts that each partner will contribute for one-stop infrastructure funding, and the methods of calculating the

amounts to include the infrastructure funding terms in the MOU as an IFA, and to sign the MOU and accompanying IFA.

**State Funding Mechanism (SFM)** – A process triggered if the career center partners cannot agree on infrastructure contributions under the LFM. The Governor conducts a structured process for determining the final infrastructure funding if all options to agree on a locally negotiated infrastructure funding agreement have been exhausted. SFM only applies to infrastructure costs, not additional shared costs. SFM does not apply to non-required partners.

## VI. REVISION HISTORY

Date	Description
	This administrative policy aligns with Section III(b)(2) and Section VI(a)(1)(d) of the State of Florida Workforce Innovation and Opportunity Act Unified Plan.
	Under the Workforce Investment Act of 1998 (WIA), costs that were shared among partners, including infrastructure costs, were outlined and funded through Resource Sharing Agreements between local boards and one-stop partners. The U.S. Department of Labor developed a uniform policy on acceptable methodologies for cost allocation and resource sharing with respect to funding the one-stop delivery system. The funding arrangements were incorporated into a Memorandum of Understanding (MOU).
	This administrative policy replaces AWI Final Guidance 00-001 Final Guidance Procedures for Developing Memorandums of Understanding Under the Workforce Investment Act of 1998 and the Workforce Florida Act of 1996 as Amended – Memorandum of Understanding.

## VII. ATTACHMENTS

Florida WIOA [Unified State Plan](#)

## VIII. RESOURCES

[Sample MOU and Infrastructure Costs Toolkit](#)

FAQs: [Infrastructure Funding Guidance](#)

[State of Florida IFA Template](#)



**POLICY  
NUMBER TBD**

## **Administrative Policy**

<b>Title:</b>	<b>Priority of Service</b>
<b>Program:</b>	Workforce Innovation and Opportunity Act
<b>Effective:</b>	

### **I. PURPOSE AND SCOPE**

The purpose of this administrative policy is to outline to local workforce development boards (LWDBs) the requirements for providing priority of service to eligible individuals under the Workforce Innovation and Opportunity Act (WIOA).

### **II. BACKGROUND**

The Workforce Innovation and Opportunity Act requires priority be given to public assistance recipients, other low-income individuals and individuals who are basic skills deficient, when providing individualized career services and training services for adult participants. The U.S. Department of Labor (USDOL) Jobs for Veterans Act (JVA) and the Veterans' Benefits, Healthcare, and Information Technology Act of 2006 outlines the Priority of Service for WIOA-eligible veterans and eligible spouses. Other eligible individuals may be served only after first serving individuals who meet the established veteran priority of service criteria. Priority of service applies to participants served in the WIOA adult program. Priority of service does not apply to participants served in the WIOA dislocated worker program.

### **III. AUTHORITIES**

Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128, the [Sections 3 and 134\(c\)\(3\)\(E\)](#)

20 Code of Federal Regulations (C.F.R.) [20 C.F.R. 680.600 - 680.660](#); [20 C.F.R. 683.230](#) and [20 CFR Part 1010](#)

Title 38, United States Code ([38 U.S.C. 4213](#))

[Training and Employment Guidance Letter \(TEGL\) No. 19-16](#) and [TEGL 10-09](#)

[Section 445.004](#) , Florida Statutes (F.S.)

#### **IV. POLICIES AND PROCEDURES**

Priority of service means adults who meet the criteria outlined in this administrative policy must be served before other persons for the receipt of individualized career services and training services.

##### **A. Statutory Priority for Adult Funds**

WIOA focuses on serving individuals with barriers to employment and ensures access to these services on a priority basis. LWDBs must give priority for the provision of individualized career and training services in the following sequential order:

1. Recipients of public assistance.
2. Low-income individuals. Payments for unemployment compensation, child support payments and old-age survivors' insurance are not excluded from income calculations for determining if an individual is low income.
3. Individuals who are basic skills deficient.

##### **B. Veteran and Adult Priority of Service**

Veterans and eligible spouses receive priority of service for all USDOL-funded job training programs, which include WIOA programs. However, when programs are statutorily required to provide priority for a particular group, such as the WIOA priority for adult funds described above, priority must be provided in the order described below. Veterans who receive priority of service must meet all WIOA adult program eligibility requirements. For income-based eligibility determinations, amounts paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs cannot be considered income for eligibility purposes.

LWDBs must ensure veterans and eligible spouses are made aware of their eligibility to priority of service, the full array of workforce programs and services available to them, and any applicable eligibility requirements for those programs and services.

Priority of service must be provided to eligible WIOA adult program participants in the following order:

1. Veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, including the underemployed, or individuals who are basic skills deficient.
2. Individuals who are not veterans or eligible spouses who are included in the groups given WIOA priority selection criteria, (public assistance recipient, other low-income individuals including underemployed or basic skills deficient).
3. All other veterans and eligible spouses who are not included in the WIOA priority groups (see above items 1 and 2).

4. Other individuals who do not meet the statutory priority, but who are identified as priority populations established by the Governor and/or local workforce development boards.
5. Other individuals who do not meet the statutory priority and who do not meet the Governor's or local workforce development board's discretionary priority, but who do meet the WIOA adult program eligibility.

### **C. Veterans' Registration in Employ Florida**

A veteran's self-registration in the state's management information system, Employ Florida, will automatically record service code 089 - Notification of Veterans Priority of Service. Veterans and individuals who register in Employ Florida, or who are entered in Employ Florida by staff must be advised of their eligibility to priority of service and the code 189 must be entered on the service plan screen by staff. The 089 and 189 service codes are priority of service indicators.

### **D. Local Operating Procedures**

Local operating procedures (LOPs) guide how LWDBs operationalize policies related to their priority of services. Each LWDB must develop LOPs that at a minimum:

1. Establish standardized procedures for implementing priority of service for WIOA Adult Program participants.
2. Provide comprehensive, customer-driven and seamless priority of services that offers adults, veterans and eligible spouses a full range of employment and training services.
3. Establish a process to identify additional priority individuals who are eligible to receive priority of service and ensure the process is consistent with priority of service for veterans and the provisions of WIOA.
4. Any additional priority populations identified by the LWDB or the state should be reflected in WIOA local area plan(s).

### **E. State and Local Monitoring**

Services and activities provided under WIOA must be monitored annually for compliance by the Department of Economic Opportunity (DEO). DEO will monitor the requirements outlined in this policy and local operating procedures. Additionally, LWDBs must establish monitoring policies and procedures that include, at minimum:

1. The roles of the employer, participant and LWDB staff and
2. Monitoring procedures of employers and worksites to ensure all parties are and remain in compliance.

LWDBs must ensure participating employers agree to cooperate with monitoring efforts by the state and/or LWDB and adhere to all other applicable local, state and federal rules and regulations.



## V. DEFINITIONS

1. **Basic Skills Deficient** – An individual who is unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job, in the individual's family or in society.
2. **Eligible Spouse** - The spouse of:
  - a. Any veteran who died of a service-connected disability;
  - b. Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
    - i. Missing in Action;
    - ii. Captured in line of duty by a hostile force; or
    - iii. Forcibly detained or interned in line of duty by a foreign government or power;
  - c. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs;
  - d. Any veteran who died while a disability was in existence.
3. **Low Income** – An individual who:
  - a. Receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received, assistance through the Supplemental Nutrition Assistance Program (SNAP) established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for Temporary Assistance for Needy Families (TANF) program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the Supplemental Security Income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or state or local income-based public assistance;
  - b. Is in a family with total family income that does not exceed the poverty line; or 70 percent of the Lower Living Standard Income Level;
  - c. Is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6)), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2)));
  - d. Receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);
  - e. Is a foster child for whom state or local government payments are made; or
  - f. Is an individual with a disability whose own income meets the income requirement, but who is a member of a family whose income does not meet this income requirement.

4. **Public Assistance Recipient** – An individual who receives, or in the past six months has received, or is a member of a family that receives or in the past six months has received, assistance through one or more of the following:
  - a. Supplemental Nutrition Assistance Program;
  - b. Temporary Assistance for Needy Families;
  - c. Supplemental Security Income; or
  - d. Other state or local income-based assistance.
5. **Veteran** – An individual who served in the active military, naval, or air service, and was discharged or released under conditions other than dishonorable. Active service includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes. 38 U.S.C. 101(2)
6. **Veteran Priority of Service** – Veterans and eligible spouses are given priority over non-covered persons for the receipt of employment, training and placement services provided under a qualified job training program. Priority means veterans and eligible spouses are entitled to precedence over non-covered persons for services. This means a veteran or an eligible spouse either receives access to a service earlier in time than a non-covered person or, if the resource is limited, the veteran or eligible spouse receives access to the services instead of or before the non-covered person.

## VI. RESOURCES

[Workforce Innovation and Opportunity Act, Statewide Unified Plan, Two-Year Modification](#)

# WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)

## Florida's Unified State Plan

July 1, 2020 – June 30, 2024

>>[Click here](#) to view and comment on the 2020-2024 draft plan.



The vision of WIOA is to achieve and maintain an integrated, job-driven workforce system that links Florida's diverse, talented workforce to businesses and improves the quality of life for citizens.

*Under WIOA, Florida's workforce system is supported by three key pillars:*

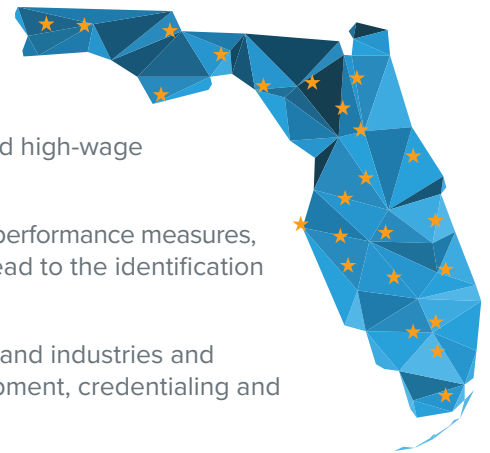
- 1** | The demands of businesses and workers drive workforce solutions.
- 2** | The workforce system supports strong regional economies.
- 3** | Career centers provide first-rate customer service to job seekers, employees and businesses.

Since the submission of Florida's first Unified State Plan in 2016, regular interagency meetings of the WIOA Core Program Partners addressed aspects of an advanced plan implementation. These meetings included leadership and subject matter experts from each of the WIOA core partners. Regular implementation meetings are conducted to share information, provide input for the modification of the unified plan and make recommendations.

Florida continues its ongoing collaboration with WIOA partners and key stakeholders to further enhance and expand the implementation of WIOA to position Florida as a global leader for talent.

## FLORIDA'S VISION FOR IMPLEMENTING WIOA

- 1.** Enhance alignment and market responsiveness of workforce, education and economic development systems through improved service integration that provides businesses with skilled, productive and competitive talent—and Floridians with employment, education, training and support services to reduce welfare dependence and increase opportunities for self-sufficiency, high-skill and high-wage careers and lifelong learning.
- 2.** Promote accountable, transparent and data-driven workforce investments through performance measures, monitoring and evaluation that inform strategies, drive operational excellence, lead to the identification and replication of best practices and an efficient workforce delivery system.
- 3.** Improve career exploration, educational attainment and skills training for in-demand industries and occupations for Florida youth, leading to enhanced employment, career development, credentialing and postsecondary education opportunities.



## GOALS OF WIOA

- 1** | **Increase** access to education, training and employment—particularly for people with barriers to employment.
- 2** | **Create** a comprehensive, high-quality workforce by aligning workforce investment, education and economic development.
- 3** | **Improve** the quality and labor market relevance of workforce investment, education and economic development efforts.
- 4** | **Promote** improvements in the structure and delivery of services.
- 5** | **Increase** the prosperity of workers and employers.
- 6** | **Reduce** welfare dependency, increase economic self-sufficiency, meet employer needs and enhance the productivity and competitiveness of the nation.

## FLORIDA'S WIOA STRATEGIES

***WIOA strategically coordinates the following core programs that design, implement and drive Florida's workforce development:***

- Workforce investment and policy direction provided by the CareerSource Florida Board of Directors
- Adult, dislocated worker and youth programs administered by the Florida Department of Economic Opportunity
- Wagner-Peyser Act job search and placement services administered by the Florida Department of Economic Opportunity
- Adult education and family literacy programs administered by the Florida Department of Education
- Vocational Rehabilitation and Blind Services administered by the Florida Department of Education

### ***Focusing on the Business Customer***

- Evaluating and redefining standards and measures for business customer service to facilitate seamless access to tools and services across programs
- Using the market segmentation framework and planning tools developed by CareerSource Florida to ensure that businesses are identified for proactive talent support strategies
- Coordinating business services across core programs
- Using a Salesforce-based Customer Relationship Management platform to assess business customer participation

### ***Strengthening Sector Strategies***

- Enhancing sector strategies by prioritizing targeted industries to bolster Florida's economy
- Building capacity of the state and local workforce system through scalable sector strategies
- Supporting operationalization of sector strategies into design, delivery of job seeker and business services through policy development and performance improvement
- Empowering local systems to use sector partnerships to move beyond development of training programs to development of career pathways
- Expanding apprenticeship opportunities within the sector strategy framework

### ***Establishing Career Pathways***

- Developing career pathways through apprenticeship expansion, progressive policies and strategic funding investments that increase work-based opportunities statewide
- Participating in the integrated education and training model for Florida's Integrated Career and Academic Preparation System led by the Florida Department of Education
- Promoting the development of contextualized instruction with a specific career pathway focus, career development and transition services to be integrated into adult basic education
- Continuing cross-referral and provision of CareerSource Florida representatives directly to numerous adult education facilities and providing counseling and advisement related to awareness of workforce services

### ***Enhancing Performance Measurement***

- The CareerSource Florida Board of Directors is committed to driving performance by measuring local workforce development boards on customized metrics directly reflecting Florida's strategic workforce priorities including placement of and training for persons with barriers to employment and high-value services to strategic business sectors
- Providing technical assistance through webinars, one-on-one telephone consultations, training on world-class performance approaches and in-person presentations
- Evaluating and continuously improving performance management systems
- Driving the types of outcomes Florida's workforce network needs for the state to become a global leader for talent

### ***Providing Quality Services to Individuals with Disabilities***

- Implementing the Florida Abilities Work portal to better link employers to job seekers with disabilities
- Continuing collaboration through Employment First Florida to facilitate improved coordination of services to help people with disabilities gain employment and achieve self-sufficiency
- Providing priority assistance such as job search, career planning and skill building through Florida's Ticket to Work program led by Florida's Division of Vocational Rehabilitation

### ***Enhanced Alignment with Florida's Workforce Network Partners***

- Engaging across core programs through specialized workgroups focused on leadership, governance, transparency, accountability, performance and implementation of successful strategies
- Coordinating policy discussions and decisions with WIOA core program leadership to ensure alignment between workforce and education programs
- Expanding strategic partnerships through collaboration with additional stakeholders



# THE **GIG ECONOMY** AND **FLORIDA'S** **WORKFORCE SYSTEM**

## AN OVERVIEW

## INTRODUCTION

CareerSource Florida commissioned a comprehensive study, which began in 2019, on the potential impacts of the emerging gig economy on Florida's workforce system. The resulting study, *The Gig Economy and Florida's Workforce System*, considered national research and data on the gig economy; gathered Florida-specific data and trends; and engaged workforce, education, economic development and business partners in discussions about the future of work in Florida.

CareerSource Florida is among the first state workforce development organizations nationally to explore the implications of gig work and entrepreneurship in a comprehensive, research-driven manner. Following are some of the key findings synthesized by Cambridge Systematics from national and Florida-specific research.

### DEFINITIONS AND DATA

- Gig work includes on-call and contract workers, temporary staffing agency and seasonal workers, independent contractors and the self-employed, and independent workers in the online platform community.
- The terms gig, sharing, on-demand and online economy are often used to describe the emerging market for temporary work arrangements that is enabled through online work marketplaces and web-based gig work platforms.
- According to a survey of 6,000 U.S. workers, 35 percent (more than 1 in 3 Americans) freelanced in 2018.
- Key participants in the gig economy include gig workers and gig platforms, the online or app-based services that link gig workers to hiring parties. They also include contracting businesses and contracting individuals, both of whom hire gig workers.
- With the continued growth in online gig platform providers that cater to a wider variety of professional, technical, business and consumer services, the gig economy is expanding into new industries and reaching a greater diversity of occupations and skill levels.
- Skills advertised on online platforms include coding or software programming languages; experience in design and editing software programs; familiarity with common customer support or management software packages; proficiency in foreign language or technical editing; and finance, accounting, legal, architecture, and other accepted accreditations.





# DEMOGRAPHICS

While gig economy workers represent a cross section of the workforce, the independent workforce shows some demographic patterns.



## EDUCATION

Independent workers are slightly more educated than the overall U.S. workforce.

- 39 to 43 percent\* of independent workers have a bachelor's degree or higher, compared to only 29 percent of workers in Florida.
- 67 percent\* of workers participating in online, electronically mediated work have a bachelor's degree or higher, compared to 41 percent of all workers nationwide.

*(\* Does not include temporary staffing agency and on-call workers.)*



## AGE

Independent workers are more likely to be younger than employees in traditional work arrangements.

- Of Americans self-reporting that they were gig workers in 2017, 43 percent were ages 25 to 34.



## GENDER

National data show more men than women are doing independent work. Men are substantially more likely than women to rely on independent work full-time, and women are more likely to earn supplemental income and to work part-time.

- 60 percent of freelancers in 2018 were men.
- 37 percent of female freelancers indicate they do so because of family-related issues (such as childcare), compared to 12 percent of male freelancers.



## GEOGRAPHY

Independent workers are more likely than traditional workers to live in an urban area, with a higher concentration of these workers in Western states.

# UNDERSTANDING INDEPENDENT WORKERS

Workers participate in the gig economy for a variety of reasons. Top rationales cited by both full-time and part-time gig workers include flexibility, freedom, independence, lifestyle, opportunity and earning potential.

**OPPORTUNITY.** Gig work offers a greater variety of assignments, tasks, and opportunities than traditional full-time work, and workers are more likely to prioritize lifestyle and value work-life balance over earning potential.

- 60 percent of all gig workers participate in the gig economy out of choice rather than necessity.
- 51 percent of gig workers suggest there is no amount of additional money that would make them take a traditional job.

**INTEREST.** Gig economy platforms such as Etsy, eBay and Shutterstock enable workers to leverage interests in arts and crafts, design, cooking, photography, music and other creative tasks to earn income.

**INCOME.** Supplemental earners may do so to make ends meet, to meet unexpected needs, to pay down debt or to meet savings and retirement goals. One study reported that one-third of respondents were working specifically to save for retirement.

**FLEXIBILITY.** Independent work offers flexibility in work hours, locations, tasks, and time commitment and greater independence for self-directed work.

- 44 percent of one survey's respondents cited flexibility as the reason they gig.
- 42 percent work less than weekly; 30 percent work weekly; and 28 percent work daily.
- According to one study, the majority of gig participants are active in gig/independent work just one to three months a year.

**NECESSITY.** Physical disabilities, vocational limitations or other mobility challenges may limit full-time work opportunities for some individuals who find temporary or online work achievable.

- 29 percent of freelance workers reported health concerns as the primary reason why an ongoing traditional work role was not an option.



The study describes six working archetypes of independent workers, who may fall into one or more of these categories.

## THE SUBSCRIBER

Chooses gig work for flexibility; more likely to be highly skilled and engaged on a full-time equivalent basis

## THE SUPPLEMENTER

Chooses gig work to provide additional income, often with sporadic or infrequent commitments

## THE ALTERNATIVE

Chooses gig work out of necessity because traditional jobs are not available to them

## THE RELUCTANT

Chooses gig work out of need or to keep active during periods of unemployment, transition or recovery

## THE RETIREE

Chooses gig work to supplement a fixed income or simply to stay active and engaged

## THE ENTHUSIAST

Chooses gig work to produce goods or crafts, or to support a favorite cause or organization



# TOP GIG EMPLOYERS

Some of the largest companies that use gig workers include:

**fiverr**

**freelancer**

**GIGSTER**

**guru**

**peopleperhour**

**Uber**

**upwork™**

## BUSINESSES AND THE GIG ECONOMY

The workforce needs of businesses engaged in the gig economy can be viewed from the following archetypes:

### UTILIZERS

Use gig workers to supplement their existing workforce (ex: tax preparation or IT services)

### PROVIDERS

Have a workforce primarily composed of gig workers (ex: companies such as Uber and Instacart)

### FACILITATORS

Connect businesses to online workers and assume some responsibility for recruitment, training and management of these workers (ex: WeGoLook, a company that provides temporary adjusters for the insurance industry)

## WORKFORCE TRAINING

- The primary reasons gig workers are interested in training are to keep up with changing technologies, grow work through marketable skills, expand professional networks and learn about other work opportunities.
- Upwork's 2018 *Freelancing in America* survey found freelancers were twice as likely as non-freelancers to save money for education purposes.
- Educational partners, private businesses and workforce programs offer a variety of skills training workshops, online courses, certificates and other flexible learning opportunities.
- For some professional services gig workers, engaging in the gig economy through a platform provider may be the first step toward launching their own incorporated business or moving toward more traditional work arrangements as a self-employed consultant or contractor.

## CONCLUSION

Future trends indicate the nature of work is changing and independent work and non-traditional work arrangements are likely to continue to grow as a share of the labor force. What will this mean for tomorrow's workers and businesses? Workers may enjoy the flexibility and potential of entrepreneurship but miss out on the traditional worker protections and access to benefits, such as health insurance and retirement savings plans. Businesses may turn to the gig economy to manage costs, improve agility and expand talent availability. As the growing gig economy continues to make its impacts known, CareerSource Florida will use this information to identify areas of opportunities for Florida's businesses and workforce.





**For Immediate Release**  
January 15, 2020

**Contact:** Victoria Heller  
(850) 760-0529  
[vlheller@careersourceflorida.com](mailto:vlheller@careersourceflorida.com)

## **New CareerSource Florida study sheds light on gig economy and implications for Florida**

**Tallahassee, Fla.** – CareerSource Florida is releasing [\*The Study on The Gig Economy and Florida's Workforce System\*](#), the result of a six-month, research-driven exploration that is among the first of its kind in the nation.

The study, commissioned by the state workforce development board, presents findings about the characteristics of independent workers and the expanding nature of gig work, which includes a variety of non-traditional work arrangements often enabled through online platforms. Drawing on national and Florida-specific data, the study identifies challenges and opportunities associated with the growing trend for both workers and industry. The report reinforces the importance of adapting education and training programs to meet Florida's changing workforce needs.

"The emerging gig economy is constantly evolving and transforming how Floridians can make a living," said **Governor Ron DeSantis**. "The findings of this study can help inform statewide policy and maximize prosperity for Florida's workers and businesses."

Historically, gig work has been more prevalent across creative and professional service industries and in occupations well-suited to task or project-based work. Now, the gig economy is expanding to include a wider variety of professional, technical, business and consumer services and includes a greater diversity of skill levels.

"With its business-friendly climate and quality of life, Florida already is a draw for entrepreneurs. Encouraging gig and non-traditional work arrangements could further strengthen our state's position in the national and global economy," said **CareerSource Florida President and CEO Michelle Dennard**. "On the individual level, gig work is shown to provide unemployed or underemployed workers with opportunities to gain work experience and build transferable skills – an important priority of our state board."

CareerSource Florida has established a multidisciplinary workgroup of business, industry and community leaders from across the state to help determine how Florida's workforce system can meet the demands of businesses and workers in the gig economy.

"Florida's workforce system is diving even deeper into this data to explore innovative ways to respond and support both businesses and working Floridians as business models evolve," said workgroup leader **Stephanie Smith, Senior Manager of Public Policy at Uber** and a member of CareerSource Florida's Board of Directors.

The study shows workers enter the gig economy for numerous reasons. Both full-time and part-time gig workers cite flexibility, freedom, independence, lifestyle, opportunity and earnings potential. The range of talent and skills available to businesses allows them to use gig workers to fill a variety of workforce needs, from seasonal work in hospitality or retail to immediate access to specialty skills, language or niche needs. Gig workers can provide valuable support for the launch of a new product, entering new markets, or even integrating new software.

“CareerSource Florida is a pioneer in undertaking this kind of research,” **said Evan Enarson-Hering of Cambridge Systematics**, which conducted the study. “Our research revealed areas of opportunity that will help CareerSource Florida and its collaborative partners lead the national conversation on the growing gig economy.”

###



## Continuous Improvement Performance Initiative Quarterly Performance Report

Program Year Quarter 1: July 1 – Sept. 30, 2019

Training and Business Metrics

### Introduction

It is a priority of the CareerSource Florida Board of Directors to remain transparent and accountable as Florida continues to enhance performance in serving businesses and job seekers, with a focus on targeted industries, training and opportunity populations. In 2019, the board authorized the development and implementation of the Continuous Improvement Performance Initiative and allocated \$5 million to recognize local workforce development board performance based on initiative metrics for state fiscal year 2019-2020. The initiative is supported by a website, which can be accessed at <https://performance.careersourceflorida.com/CIP>.

Authorized by Florida law (FS 445.004(6)(b)), this initiative represents the evolution of how performance within Florida's workforce system is measured, tracked and continuously improved. The initiative is aligned with the goals and strategies of the state of Florida, the federal Workforce Innovation and Opportunity Act, and CareerSource Florida's corporate goals.

The initiative includes three key metrics with additional credit for serving individuals with barriers to employment and for providing staff-assisted, high-value services to business establishments in up to five industry sectors selected by each local workforce development board:

- **Employment Rate 1<sup>st</sup> Quarter After Exit:** The percentage of Workforce Innovation and Opportunity Act and Wagner-Peyser participants who exited the system and had certified wages in the first quarter after exit
- **Participant Training Rate:** The percentage of Workforce Innovation and Opportunity Act participants who received training services
- **Business Penetration:** The number of business establishments provided a staff-assisted, high-value service by a local workforce development board

### Performance Results Summary for 24 Local Workforce Development Boards (LWDB)

*Note 1: All quarterly performance targets based on 10% improvement compared to same quarter, previous year.*

*Note 2: Employment Rate 1<sup>st</sup> Quarter After Exit not included in this report due to data lag. Results will be available on the next Quarterly Performance Report.*

Metric	Continuous Improvement Performance Initiative Targets Met		Total Participants Trained	Training Participant Number of Barriers to Employment	Business Establishments Served	Number of High Value Services to Targeted Industries
	Number	Percent	Number	Number	Number	Number
Participant Training Rate	21	88%	11,227	15,685		
Business Penetration	13	54%			9,689	8,883
Total	34	71%				

Top barriers during this quarter include low income (8,330), single parents including single pregnant women (1,706), long-term unemployed (1,154), and ex-offenders (1,083).

# Information Items



## Speaker Bios

### John Kaliski, Principal, Cambridge Systematics



from Dartmouth College.

John has more than 20 years of experience in integrated planning and policy, economic development, visioning and strategic planning. John has worked with state and regional agencies, and other public and private entities, to understand long-range trends and potential futures; define visions and goals; develop strategic plans; and align policies, plans, and investments. John has managed recent efforts for the Florida Chamber Foundation, Florida Department of Transportation, Florida Department of Economic Opportunity, CareerSource Florida, Space Florida, and regional organizations and agencies throughout Florida. John earned a B.A. in Government

### Evan Enarson-Hering, Principal, Cambridge Systematics



M.S. in Public Policy from the University of Michigan and a B.A. in International Political Economy from Colorado College.

Evan has more than 11 years of experience in applied policy analysis, performance management, regional economics, strategic planning, and socioeconomic indicators. Evan has managed work covering organizational strategic planning, workforce and education, economic development, finance and tax policy, trade and logistics, and transportation policy development and analysis. Evan has managed and supported clients throughout Florida, including the Florida Chamber Foundation, Gulf Coast Community Foundation, Palm Beach North Chamber of Commerce, Florida Department of Economic Opportunity and CareerSource Florida. Evan earned an