



Charlie Crist
Governor
Cynthia R. Lorenzo
Interim Director

MEMORANDUM

DATE: June 5, 2009
TO: Regional Workforce Board Executive Directors and Fiscal Directors
FROM: Kevin R. Neal, Workforce Services Director
SUBJECT: Workers' Compensation

The implementing bill (SB 2602) for the 2009-10 General Appropriations Act contains language that adds a new subsection to Chapter 445 relative to workers compensation coverage for adults and youth participating in work experience programs. The language is:

445.009 One-stop delivery system.—

(11)(a) A participant in an adult or youth work experience activity administered under this chapter shall be deemed an employee of the state for purposes of workers' compensation coverage. In determining the average weekly wage, all remuneration received from the employer shall be considered a gratuity, and the participant shall not be entitled to any benefits otherwise payable under s. 440.15, regardless of whether the participant may be receiving wages and remuneration from other employment with another employer and regardless of his or her future wage-earning capacity.

This subsection expires July 1, 2010.

Effective July 1, 2009, participants in a work experience activity sponsored by a regional workforce board shall be deemed an employee of the state for purposes of workers compensation coverage. Prior to that date, regional workforce boards must make appropriate arrangements to secure their own workers compensation coverage for participants.

OptaComp is the state's Workers' Compensation Provider and should be called at the toll free number of 1-877-518-2583 in case of a work related injury. The manager or supervisor will be asked to provide a 4-digit location code to identify the program area of the injured employee. The location code for WIA funded work experience such as the upcoming Summer Youth Program is 1110.

Agency for Workforce Innovation

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Any adult enrolled in a work experience activity for which workers compensation coverage is required would also be covered by the state and you should use the location code of 1110 for those adult participants as well. (The existing location code for FSET and TANF participants is 1104 and that code should continue to be used for those participants.)

You will need to track the number of participants and the number of hours that each participant is engaged in a work experience activity for which workers compensation is required. The Agency will require that you report that information at the end of the summer for the Summer Youth Program and at the end of the program year (June 30th) for any adult participating in a work experience activity. This data is needed to report to the Division of Risk Management. Risk Management converts hours worked into FTEs and then uses that number, in addition to an “experience” or “claims history” element, by location code, to equitably distribute the cost of our Workers Comp premium.

If you have already secured workers compensation coverage for your summer youth participants then you need to make sure that the insurance carrier is aware that state coverage will begin on July 1, 2009 and the local policy should be modified to account for that. Please call Mike Lynch at (850) 245-7193 if you have any questions about this memorandum.

KRN/ml

cc: Steve Urquhart
Larry Champion
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Mike Lynch