

**Department of Economic Opportunity
Local Workforce Development Area and Board Governance – Consultation Review***

***Note:** After the conclusion of the consultation period for this policy, the Department of Economic Opportunity (DEO) and the CareerSource Florida professional team convened a workgroup of local directors to ensure that all comments and concerns related to the draft policy were fully addressed. The workgroup was comprised of experts within the state representing various governance structures. This document only contains the comments received from partner stakeholders during the consultation period.

<u>Policy Section</u>	<u>Concerns</u>	<u>Submitted by</u>	<u>Policy Language Change</u>	<u>DEO Comments</u>	<u>Authority</u>
IV. A.1. Chief Local Elected Official (CLEO)	Local elected officials have total control over bylaws. Elected officials should be able to remove members with or without cause as they serve at their pleasure.	LWDB 22	No	Refer to 20 CFR 679.310(g) concerning bylaws and local elected officials. Other causes for removal of a board member may be addressed in the LWDBs bylaws/applicable documents.	20 CFR 679.310(g)
	This section calls for the CLEO to: "Negotiate and reach agreement on local performance measures with the LWDB and the state." Local boards must be given time to arrange for a review of DEO's suggested measures and prepare a response to provide the CLEO information prior to the actual negotiations with DEO, otherwise there is no meaningful interaction with the CLEO. Often the time provided to prepare for the DEO negotiations does not allow for this type of interaction. Depending on the timing, meetings with the CLEO take time to arrange. We have three commissioners whose schedules must be coordinated. We suggest that 45 days be allowed prior to the DEO negotiations.	LWDB 10	Yes	The policy language has been updated.	N/A
IV. A.2. Fiscal Agent	No fiscal agent can respond to findings unless they are also the administrative entity. Should say in conjunction with...if they are not the same entity.	LWDB 22	Yes	The policy language has been updated.	20 CFR 679.420
IV.A.3 Local Workforce Development Board	Indicates that the Local Workforce Development Board is responsible for conducting workforce research and regional labor market analysis. Does the use and	LWDB 19	No	Yes. Information received from such sources is sufficient for meeting this requirement.	N/A

	dissemination of the data provided through DEO's Bureau of Workforce Statistics and Economic Research, Jobs EQ, or similar systems sufficient for meeting this requirement?				
IV. A. 4. Local Workforce Development Board Chairperson	<p>The LWDB chairperson serves a two-year term and can serve no more than two terms.</p> <p>COMMENT: This is not in the law and is arbitrary. Some places have one-year terms with a renewable one year. Why include this? It should be a local decision. Further some areas allow bream and then a person can serve again as a chair. Delete. It is not in the state purview and does not take into account the ability to find an appropriate person to chair in local area.</p>	LWDB 22	Yes	The policy language has been updated.	445.007(2)(a)
IV. B. One Entity Performing Multiple Functions	<p>This section is a little confusing. Clarification is requested concerning the difference between the process required due to sudden termination of a contract and resulting failed procurement, versus the process required when an entity has been serving in multiple roles and the one-stop operator procurement process is unsuccessful (policy 097).</p>	LWDB 19	Yes	<p>The policy language has been updated.</p> <p>Clarification has been added that distinguishes the processes for, and responsibilities of, the local board when:</p> <ul style="list-style-type: none"> • The local board is serving in multiple functions. • What must happen when there is a failed OSO procurement whereby causing the LWDB to be designated as the OSO or the board seeks to be included in the solicitation of the OSO procurement process. • Procurement has failed where there was previously a contracted provider. 	N/A
	<p>This section discusses one entity performing multiple functions. The structure of the section does not provide a clear statement regarding the ability of a local board to serve in multiple capacities, especially as a direct services provider. Existing policy regarding the board serving as such should be clearly stated. This should be inclusive of the availability of waivers from the governor when clear performance benefits and cost savings can be exhibited.</p>	LWDB 10	Yes	The policy language has been updated.	N/A

IV. B. One Entity Performing Multiple Functions	<p>This section establishes parameters for an entity performing multiple functions. It speaks of items that must be included in a “contract or agreement.”</p> <p>If the local board is the entity:</p> <ul style="list-style-type: none"> • Who is the agreement with? EO or the CLEO? • What is the agreement? The Interlocal, the Plan or a separate document? 	LWDB 10	Yes	<p>The policy language has been updated.</p> <p>Guidance has been added on how LWDBs performing multiple functions will ensure that steps are taken to eliminate/mitigate risks, ensure transparency, create firewalls and still allow for operational efficiency and cost savings.</p>	N/A
	<p>The Board Governance policy, page 7 states LWDBs and staff should not have the role and perform responsibilities of the one stop operator, the provider of workforce services, and/or provider of youth program services.</p> <p>We believe it is in the best interest of the local community to decide whether workforce services is a contracted or directly provided service. As the direct provider of workforce services there is a cost savings and an opportunity to provide a more robust menu of services to the community.</p> <p>We believe local areas should have the options of taking a hybrid approach to providing youth services. For years, we have had both an in-house youth vocational services and contracted provider of youth services. There is a benefit from and programmatic and fiscal perspective to continuing to offer a mix of both.</p> <p>How will this part of the policy effect the four-year plan that is already approved by DEO and outlines the LWDB’s role as the direct service provider? The Local Workforce Development Plan was approved by DEO and CareerSource Pinellas is the provider of workforce services. This is in place until 2024.</p>	LWDB 14			

IV. E. 1. Interlocal, Consortium and Other Agreements	Interlocal Agreement - While much of the detail indicated is likely already in most LWDBs' Interlocal Agreements, there may be components that will need to be added. This will take time since it will need to be added to BOCC meeting agendas. Please, will there be a designated time period that allows LWDB's to update or amend these agreements if needed?	LWDB 19	Yes	The policy language has been updated. Yes. DEO expects local boards to start the process of updating agreements upon issuance of the approved policy by DEO. Within 180 days of the policy being issued, each local board must submit the appropriate documents to DEO for state-level review.	N/A
	The following language raises concerns: "This agreement is between the chief elected officials of each jurisdiction within the local area and must contain signatures of all county commissioners and/or mayors." Each of our three county commissions approve the chair of their commission to sign the agreement. This is a common practice. We obtain those signatures. This has been the accepted approach for decades. Is DEO now requiring that we obtain the signatures of each of the five commissioners from each county on our Interlocal? The Chair cannot sign it unless it has been approved by a majority of the commissioners of that county. The Clerk of the Court ensures that the Chair only signs for the County when they have been approved to do so. Requiring unanimous approval may be an unrealistic requirement.	LWDB 10	Yes	The policy language has been updated.	N/A
	This requires the "Designation and responsibilities..." of the Executive Director- operational and administrative- to be included in the Interlocal. Most boards set these by policy and are generally broadly stated in nature to ensure that the ED has the authority and responsibility over all operational and administrative functions required to run the organization.	LWDBs 10 and 22	Yes	The policy language has been updated.	N/A
	This section requires that the Interlocal recognize the liability of the CLEOs for misspent funds. How specific is this requirement? It calls for designating "what funds" will be used. The recognition of responsibility should be enough. Requiring a detailed statement on which funds will be used does not allow for flexibility by the CLEO on	LWDB 10	Yes	The policy language has been updated.	N/A

	how that jurisdiction will repay on misspent funds. Local boards carry general liability insurance to cover this situation and some have unrestricted funds that can be used.				
IV. C. 2 Bylaws	Bylaws - much of this information is likely already in most LWDBs' bylaws, but some components may need to be added. This will require committee work and board and CLEO approval. Please, will there be a designated time period that allows LWDB's to meet the compliance standards indicated?	LWDB 19	No	Yes. DEO expects local boards to start the process of updating bylaws upon issuance of the approved policy by DEO. Within 180 days of the policy being issued, each local board must submit the appropriate documents to DEO for state-level review.	N/A
	This section discusses the Bylaws and, by its inclusion in the section on the Interlocal, implies that the Bylaws should be part of the Interlocal. Our Interlocal delegates the issue of Bylaws to the commissioners appointed by their respective commissions to serve on our Consortium. By requiring Bylaws to be part of the Interlocal means that any, however minor, change will require going back to each county commission and having a revised Interlocal approved. It should be sufficient that, if granted authority by their commissions, the consortium members be the approving body for the Bylaws.	LWDB 10	Yes	The policy language has been updated.	N/A
	According to WIOA, Bylaws are established by the CLEOs. How does DEO set forth what the bylaws will include? The tone of the policy seems to mandate how the CLEOs establish bylaws, which is not in WIOA or Florida Statutes.	LWDB 11	Yes	The policy language has been updated. Note: The language in this policy aligns with the federal regulations that require CLEOs to establish bylaws, consistent with state policy for LWDB membership. Additionally, the U.S. Department of Labor provided DEO with technical assistance that included guidance related to Bylaws that have been adopted as state policy.	20 CFR 679.310(g)

IV. D New Board Member Orientation and Annual Training	Chapter 445.007 (5) “The department and CareerSource Florida, Inc., in consultation with the state board, shall implement a training program for the local workforce development boards to familiarize local board members with the state’s workforce development goals and strategies.” There is no mention of Annual Training.	LWDB 11	No	The requirement for annual training is being established through this state policy. Note: The U.S. Department of Labor provided DEO with technical assistance that emphasized the importance of ensuring initial and ongoing training for LWDB members to ensure they maintain an understanding of their key roles and responsibilities as LWDB members.	N/A
	Placing a “90” day timeframe on new board member orientation is not required in WIOA or the Sub-Grantee Agreement. Where is the requirement that the orientation happen within 90 days. Training should occur within a reasonable timeframe.	LWDB 11	Yes	The policy language has been updated.	N/A