

**U.S. Department of Labor**

**Employment and Training Administration  
Sam Nunn Atlanta Federal Center  
Room 6M12 - 61 Forsyth Street, S.W.  
Atlanta, Georgia 30303**



January 15, 2021

Dane Eagle  
Executive Director, Florida Department of Economic Opportunity  
The Caldwell Building, Suite 212  
107 East Madison Street, MSC 100  
Tallahassee, Florida 32399-4120

Grant Type: Adult, Dislocated Worker, Youth

Grant Numbers: AA-30737-17-55-A-12, AA-32210-18-55-A-12, AA-33223-19-55-A-12

Grant Type: National Dislocated Worker Grant (NDWG)

Grant Numbers: DW-34017-19-60-A-12, DW-31163-17-60-A-12, DW-31593-18-60-A-12

Grant Type: Wagner-Peyser (WP)

Grant Numbers: ES-30982-17-55-A-12, ES-31841-18-55-A-12, ES-33387-19-55-A-12

Grant Type: Independent Initiative

Grant Number: MI-31467-18-75-A-12

Grant Type: Trade Adjustment Assistance (TAA)

Grant Numbers: TA-31693-18-55-A-12, TA-32645-19-55-A-12

Grant Type: Senior Community Service Employment Program (SCSEP)

Grant Number: AD-33731-19-60-A-12

Dear Mr. Eagle:

During the period of February 10, 2020, through August 7, 2020, the U.S. Department of Labor (DOL), Employment and Training Administration (ETA) conducted a compliance review to determine your level of compliance with programmatic, fiscal, and administrative requirements. The exit conference was held on January 13, 2021. ETA recognizes the delay in issuing the enclosed report. The broad scope of the review and the impact of the COVID-19 pandemic in gathering and analyzing additional information and data to complete the report caused this delay. Despite the delay, we hope you find the information useful in correcting the compliance deficiencies and that the report may assist in the continuous improvement of the state's workforce system.

The enclosed report outlines the results of the review and identifies 50 compliance findings that must be addressed, two (2) areas of concern and four (4) promising practices. Several of the findings contained in this report have regulatory, statutory, and policy violations that carry the potential for questioned

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costs. As a follow-up to this review, we will validate and make subsequent determinations about potential questioned costs as needed. Please submit your response to the findings outlined in the report to your Federal Project Officer (FPO) at [dondlinger.jeremy@dol.gov](mailto:dondlinger.jeremy@dol.gov), and [RO3-RA-ATL@dol.gov](mailto:RO3-RA-ATL@dol.gov) within 30 days of receipt of this report.

We hope that our review and this report are helpful to you. Please express our appreciation to your staff for their cooperation and assistance during this review. If you have any questions, please contact your FPO, Jeremy Dondlinger, at (404) 302-5377 or [dondlinger.jeremy@dol.gov](mailto:dondlinger.jeremy@dol.gov) and Sonja Baisden Shell at [baisdenshell.sonja.m@dol.gov](mailto:baisdenshell.sonja.m@dol.gov).

Sincerely,

A handwritten signature in black ink that reads "Lenita Jacobs-Simmons". The signature is written in a cursive style with a large initial "L" and "S".

Lenita Jacobs-Simmons  
Regional Administrator

Enclosure

cc: Michelle Dennard, President and CEO, CareerSource Florida

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**EXECUTIVE SUMMARY**

The comprehensive review identified 50 findings, four (4) areas of concern and four (4) promising practices:

**Findings:**

- ❖ Finding #1: Noncompliance with State Board Composition Requirements
- ❖ Finding #2: Incomplete SWDB Member Vacancy Policy
- ❖ Finding #3: Lack of SWDB Statewide Policy Development Delegation Policy and Procedures
- ❖ Finding #4: Absence of SWDB Staff Hiring Policy
- ❖ Finding #5: Noncompliance with Local Plan Requirements
- ❖ Finding #6: Noncompliance with “Sunshine Provision”
- ❖ Finding #7: Eligible Training Provider List does not Include Required Information
- ❖ Finding #8: Lack of a Needs-Related Payment Policy
- ❖ Finding #9: Noncompliance with Incumbent Worker Training Policy Requirements
- ❖ Finding #10: Inadequate Monitoring and Oversight of the LWDB Youth Program Design and Fiscal Requirements
- ❖ Finding #11: Lack of Required Youth Statewide Activities for Youth Eligible Provider List and Providing Additional Assistance to LWDBs
- ❖ Finding #12: Lack of SWDB Criteria for Selection of Youth Providers
- ❖ Finding #13: Noncompliance with Youth Policies and Guidance
- ❖ Finding #14: Inaccurate MIS Youth Program Service Codes and Descriptions
- ❖ Finding #15: Lack of Adult Priority of Service Policy
- ❖ Finding #16: Lack of Dislocated Worker Policies
- ❖ Finding #17: Noncompliance with Pass-through Entity Requirements
- ❖ Finding #18: Lack of Adult and Dislocated Worker Funds Transfer Policy
- ❖ Finding #19: Incomplete Processes in Employment Services and Employment-Related Law Complaint Policy
- ❖ Finding #20: WOTC Quarterly Audits Were Not Completed as Required
- ❖ Finding #21: Noncompliance with “Sunshine Provision”
- ❖ Finding #22: Noncompliance with Individual Employment Plan (IEP) Development Requirements
- ❖ Finding #23: Lack of Customized Training Policy and Guidance
- ❖ Finding #24: Lack of Incumbent Worker Training Policy
- ❖ Finding #25: Approved Occupational Training from non-ETPL Providers
- ❖ Finding #26: Improper Extension of Enrollment Dates for Adult, DW, & Youth Participants
- ❖ Finding #27: Lack of 14 Youth Element Design Framework in Local Plan
- ❖ Finding #28: Lack of Career Pathways in Standard Youth Service Provisions
- ❖ Finding #29: LWDB Lacks Parent and Youth Involvement in Program Design
- ❖ Finding #30: Incomplete Enrollment Process for Youth
- ❖ Finding #31: Lack of Access and Referrals to the WIOA Youth Program
- ❖ Finding #32: Noncompliance with WIOA Youth Eligibility Policy Guidance
- ❖ Finding #33: Local Area Determining Youth Participation Based on Age

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- ❖ Finding #34: Not All 14 Youth Elements Made Available
- ❖ Finding #35: WEX Activities Do Not Include Occupational and Academic Components
- ❖ Finding #36: Lack of Youth Follow-up Opt-out Requirements
- ❖ Finding #37: Lack of Local Area Youth Incentive Policy
- ❖ Finding #38: Inadequate Monitoring and Oversight of Local Youth Program Design and Fiscal Requirements
- ❖ Finding #39: Lack of Adult Priority of Service Policy
- ❖ Finding #40: Lack of Dislocated Worker Policy
- ❖ Finding #41: Inadequate Contract Administration Processes
- ❖ Finding #42: Noncompliance with Grievance Process Requirements
- ❖ Finding #43: SCSEP Memorandum of Understanding Not in Place
- ❖ Finding #44: No Host Agency Policies to Govern Training Plan
- ❖ Finding #45: No Joint IEP and Service Plan Development between The Sub-Grantee, Host Agency, and Participants
- ❖ Finding #46: No Joint IEP and Service Plan Development between The Sub-Grantee, Host Agency, and Participants
- ❖ Finding #47: Inadequate Procedures for Processing ES and Employment-Related Law Complaints
- ❖ Finding #48: Incorrectly Recording Job Referrals and Placements During Mass Recruitments
- ❖ Finding #49: Lack of Trade Adjustment Assistance (TAA) Case Management Policy
- ❖ Finding #50: Noncompliance with 504 Disability Requirement

**Areas of Concern:**

- ❖ AOC #1: No Uniformed Strategic Plan for Rapid Response and Layoff Aversion
- ❖ AOC #2: Ineffective Prevailing Wage and Practice Surveys

**Promising Practices:**

- ❖ PP #1: Promoting Career-Themed Education and Industry Certifications for Middle and High Schools Students through the Career and Professional Education Act
- ❖ PP #2: WOTC Application Processing Automation through Electronic System
- ❖ PP #3: Expanding IT talent pipeline through Support of TechHire Centers at Local Non-Profits
- ❖ PP #4: Partnerships with Community-Based and Faith-Based Organizations to Create Access Points

Please note that the review did not cover any areas outside the defined scope. Although no material issues came to the reviewers' attention other than those contained in this report, this report does not provide assurance that other issues may not exist.

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**SCOPE OF REVIEW**

**Date of Review:**

February 10, 2020 – August 7, 2020

**Date of Entrance Conference:**

**February 10, 2020**

**Site(s) Visited:**

Department of Economic Opportunity (DEO), Tallahassee – State Level  
CareerSource Florida (CSF), Tallahassee – State Level  
CareerSource South Florida (CSSF), Miami – Local Level  
Homestead American Job Center (AJC) – CSSF Local Level  
Belle Glade AJC – Career Source Palm Beach County Local Level  
AARP Foundation-Little Havana (Miami) – Local Level  
City of Coral Gables Police Department- City of Carol Gables – Local Level  
Independent Living Community-Liberty City-Miami – Local Level

**ETA Reviewer(s):**

Winston Tompoe, Office of State Systems (OSS) Director  
Jessica Otieno, Federal Project Officer (FPO)  
Julian Hardy, FPO  
Rachel-Floyd Nelson, FPO  
Arthur Brooks, FPO  
Jeremy Dondlinger, FPO  
Susan Tesone, FPO  
Channah YisraEL, FPO  
Melissa Keels, FPO  
Carol Andry-Hixon, Grants Management Specialist/Regional Grant Officer  
Mara Buchanan, Senior Accountant

**Attendees at Exit Conference:**

Michelle Dennard, CSF President and Chief Executive Officer  
Andrew Collins, CSF Chief Financial Officer and Chief Operating Officer  
Andra Cornelius, CSF Senior Vice President of Business and Workforce Development  
Adriane Grant, CSF Vice President of External Affairs  
Dan McGrew, CSF Vice President of Strategic Policy and Performance  
Brian McManus, DEO Chief of Staff  
Adrienne Johnston, DEO Director of Workforce Services  
Casey Penn, DEO Bureau Chief  
Keantha Moore, DEO Administrator of Policy & Training  
Steven Gustafson, DEO Administrator of Statewide Programs  
Charles Williams, DEO Administrator of Monitoring & Performance  
Trina Travis, DEO Senior Management Analyst for Governance  
Richard Evans, DEO Supervisor of Policy  
Winston Tompoe, ETA OSS Director

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Sonja Baisden-Shell, ETA Chief for the Division of Workforce Investment  
Julian Hardy, FPO  
Rachel-Floyd Nelson, FPO  
Jeremy Dondlinger, FPO  
Susan Tesone, FPO  
Latanya Lowery, FPO  
Carol Andry-Hixon, Grants Management Specialist/Regional Grant Officer  
Felicia Alderman, OSID DFMAS Director  
Narin VanWingerden, Accountant  
Hasnein Gulamali, Accountant

**Programs/Grants Reviewed:**

Adult, Dislocated Worker, Youth: AA-30737-17-55-A-12, AA-32210-18-55-A-12, AA-33223-19-55-A-12

National Dislocated Worker Grant (NDWG): DW-34017-19-60-A-12, DW-31163-17-60-A-12, DW-31593-18-60-A-12

Wagner-Peyser (WP), Migrant Seasonal Farmworker (MSFW), Workforce Information Grant, Work Opportunity Tax Credit (WOTC): ES-30982-17-55-A-12, ES-31841-18-55-A-12, ES-33387-19-55-A-12

Independent Initiative: MI-31467-18-75-A-12

Trade Adjustment Assistance (TAA): TA-31693-18-55-A-12, TA-32645-19-55-A-12

Senior Community Service Employment Program (SCSEP): AD-33731-19-60-A-12

**Time Period for the Review:** July 1, 2017 – June 30, 2020

**The purposes of the review were to:**

- ❖ Determine if the grants/programs are operating in compliance with all applicable Federal laws, regulations, policies and other grants management requirements.
- ❖ Evaluate whether the grant program is likely to meet its projections for enrollments, expenditures and performance outcomes;
- ❖ Assess whether the quality of the grant program and/or services is sufficient to meet performance goals; and
- ❖ Identify any technical assistance needs.

**Tools used to Conduct Review:**

ETA Core Monitoring Guide (CMG), revised August 2018  
Financial and Trade (TAA) Supplements  
Workforce Innovation and Opportunity Act (WIOA) Youth Supplement  
Joint WIOA Monitoring Guide

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**BACKGROUND**

*Service Delivery Area: State of Florida*

*Grant Period of Performance (in months): July 1, 2017 – June 30, 2020 (36 months)*

*Award Amounts:*

- AA-30737-17-55-A-12 (\$153,228,630.00)*
- AA-32210-18-55-A-12 (\$156,580,877.00)*
- AA-33223-19-55-A-12 (\$144,785,518.00)*
- DW-34017-19-60-A-12 (\$3,000,000.00)*
- DW-31163-17-60-A-12 (\$30,000,000.00)*
- DW-31593-18-60-A-12 (\$6,060,765.00)*
- ES-30982-17-55-A-12 (\$39,907,635.00)*
- ES-31841-18-55-A-12 (\$39,692,869.00)*
- ES-33387-19-55-A-12 (\$39,466,503.00)*
- MI-31467-18-75-A-12 (\$1,000,000.00)*
- TA-31693-18-55-A-12 (\$3,280,628.00)*
- TA-32645-19-55-A-12 (\$4,495,365.00)*
- AD-33731-19-60-A-12 (\$4,681,926.00)*

DEO serves as the administrative and fiscal entity for the WIOA Title I and Title III programs and workforce system grants. The workforce development system in Florida consists of 24 Local Workforce Development Boards (LWDBs), CareerSource Florida, Inc., the State Workforce Development Board (SWDB) and partners across the state. CSF provides oversight and policy direction for talent development programs administered by DEO.

The One-Stop AJC brand is CareerSource. Each local workforce development area (LWDA) has a local identifier that corresponds to the brand. For instance, LWDA 23 is titled CareerSource South Florida (CSSF).

SCSEP is administered through multiple national and state grantees. The Department of Elderly Affairs is the administrative and fiscal entity for the Florida state SCSEP grant, and is included in the scope of this review. The state grant is sub-contracted with non-profit organizations and national grantees as sub-recipients. The state grant has sub-contractors or sub-recipients present in every LWDA throughout Florida.

A review of the WIOA youth program expenditures shows the State, as a whole, is meeting the 75 percent Out of School Youth (OSY) and 20 percent Work Experience (WEX) expenditure requirements. While the State reports youth expenditures as an aggregated total of the locals, these expenditure requirements apply more strictly at the local level. The State is responsible for monitoring and ensuring that the LWDA's meet these requirements.

*PY17 – PY19 Youth Expenditures: Source: 9130 Financial Report Data, as of March 6, 2020*

**Local Area Combined Funding**

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PY	Authorized (10d)	Program Authorized (10d-10f)	% OSY of Program Expenditures	Work Experience % of Program Expenditures
PY17	40,254,942	38,278,531	89.6%	25.7%
PY18	43,412,779	41,244,088	88.4%	25.8%
PY19	39,120,332	38,933,286	91.4%	20.1%

The following chart summarizes the programmatic performance for the WIOA Title I and III programs, using program year (PY) 18 as a snapshot. For PY18, Florida met or exceeded almost all performance measures for the Title I and III programs. The final adjusted calculations demonstrate that two (2) of the youth measures are slightly low, but both of these appear to be on track as of the third quarter for PY19.

*PY2018 Florida Performance Measures and Outcomes*

WIOA Performance Measures	ETA Outcomes National PY18	Negotiated Levels PY18	State Reported Annual PY18	Final Adjusted PY18	Most Recent PY19 Q3*
<b>WIOA Title I Adult</b>					
Employment Rate 2nd quarter after exit	71.3%	<b>85.0%</b>	85.7%	86.2%	85.8%
Employment Rate 4th quarter after exit	70.9%	<b>82.5%</b>	87.0%	82.4%	84.6
Median Earnings in the 2nd quarter after exit	\$6,170	<b>\$6,850</b>	\$8,272	\$6,801	\$8,406
Credential Attainment Rate	62.3%	<b>62.0%</b>	84.2%	63.0%	80.8
Measurable Skill Gains	47.9%	<b>Baseline</b>	56.0%	Baseline	61.8
<b>WIOA Title I Dislocated Worker</b>					
Employment Rate 2nd quarter after exit	70.9%	<b>83.0%</b>	88.7%	84.0%	84.3%
Employment Rate 4th quarter after exit	71.7%	<b>79.0%</b>	86.7%	79.4%	86.5%
Median Earnings in the 2nd quarter after exit	\$7,377	<b>\$6,850</b>	\$8,199	\$7,163	\$8,665
Credential Attainment Rate	66.6%	<b>68.0%</b>	81.9%	65.8%	81.8%
Measurable Skill Gains	43.5%	<b>Baseline</b>	60.8%	Baseline	64.4%
<b>WIOA Title I Youth</b>					
Education or Training Activities or Employment in the 2nd quarter after exit	73.1%	<b>75.0%</b>	81.5%	80.3%	79.8%
Education or Training Activities or Employment in the 4th quarter after exit	72.6%	<b>69.0%</b>	80.1%	67.3%	79.7%
Median Earnings in the 2nd quarter after exit	\$3,326	<b>Baseline</b>	\$3,614	Baseline	\$3,748
Credential Attainment Rate	62.2%	<b>75.2%</b>	79.8%	75.0%	77.9%
Measurable Skill Gains	47.0%	<b>Baseline</b>	49.5%	Baseline	51.7%
<b>WIOA Title III Wagner Peyser Employment Services</b>					
Employment Rate 2nd quarter after exit	68.3%	<b>62.0%</b>	66.0%	62.6%	67.6%



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Employment Rate 4th quarter after exit	67.9%	<b>64.0%</b>	64.1%	64.6%	66.6%
Median Earnings in the 2nd quarter after exit	\$5,789	<b>\$4,850</b>	\$5,335	\$4,976	\$5,414

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**FINDINGS**

**STATE LEVEL**

- 1. WIOA**
- 2. WIOA Youth**
- 3. WIOA Adult/Dislocated Worker**
- 4. WIOA Fiscal**
- 5. State Level ES/WOTC**

*Section 1: WIOA*

**Finding #1: Noncompliance with State Board Composition Requirements  
State Level, WIOA  
CMG Indicator: 1.a.1 Strategic Planning**

**Condition:** The SWDB does not meet representation requirements for WIOA. At the time of the review, the SWDB failed to meet the following:

- The business majority requirement;
- Two (2) or more union representatives;
- One or more registered apprenticeship representatives;
- The 20 percent workforce representation requirement; and
- WIOA core programs representation.

It was also unclear whether the board met the unique representation requirement for Adult Education and Vocational Rehabilitation based on the information provided during the review. In addition, the State website does not reflect the State Board membership composition and its confirmed members.

**Cause:** The SWDB failed to ensure its membership composition complied with WIOA requirements.

**Criteria:**

- 20 CFR 679.110 (b) outlines the requirements for SWDB composition.

**Corrective Action:** To resolve this finding, the State must provide a list of all current board members, identify any vacant slots, and describe the process for filling vacancies on the board.

**Finding #2: Incomplete SWDB Member Vacancy Policy  
State Level, WIOA  
CMG Indicator 1.a.1 Strategic Planning**

**Condition:** The State does not have a policy or process in place for the nomination of SWDB members when a vacancy occurs.

**Cause:** The SWDB failed to develop a process for the nomination of new SWDB members when a vacancy occurs.

**Criteria:**

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- WIOA Section 101(b)(1)(C)(i), (ii), and (iii) requires that (1) Representatives of business have been nominated by state business organizations and business-made associations; and two (2) Representatives of labor have been nominated by state labor federations.
- 20 CFR 679.110(d) establishes the requirement for the Governor to include the SWDB chair and member nomination process in the SWDB by-laws.

**Corrective Action:** To resolve this finding, the State must revise the by-laws and incorporate nomination process and procedures in accordance with WIOA regulations. The State must provide a copy of the amended by-laws.

**Finding #3: Lack of SWDB Statewide Policy Development Delegation Procedures  
State Level, WIOA**

**CMG Indicator: 1.a.1 Strategic Planning, Indicator 1.a.3 Coordination and Integration**

**Condition:** The State indicated that policy development activity is a function of both DEO and CSF staff. DEO is responsible for administrative policies, and CSF staff are responsible for strategic policy. Policy documents are developed and implemented in both the CSF and DEO organizations. There was evidence that the SWDB does review and approve some policy. The SWDB can delegate policy-making authority to other entities, but must have written procedures in place that outline the specific functions that they choose to delegate.

**Cause:** The State failed to develop statewide policies and procedures regarding the delegation of specific functions.

**Criteria:**

- 20 CFR 679.130(b) identifies the following as one of the functions of the SWDB: “Review of statewide policies, programs, and recommendations on actions that must be taken by the State to align workforce development programs to support a comprehensive and streamlined workforce development system.
- 679.130(f) states, “Development and review of statewide policies affecting the coordinated provision of services through the State’s one-stop delivery system described in WIOA sec. 121(e)...”
- 679.130(l) states, “Development of other policies as may promote statewide objectives for and enhance the performance of the workforce development system in the State.”

**Corrective Action:** To resolve this issue, the State must create policies and procedures that outline the specific functions that the SWDB delegates to other entities. The State must provide a copy of these policies and procedures.

**Finding #4: Absence of SWDB Staff Hiring Policy  
State Level, WIOA  
CMG 1.b.1 Designating Personnel, Staff, Hiring**

**Condition:** The SWDB does not have a policy for hiring staff.

**Cause:** The SWDB failed to develop policies that detail the objective qualifications and other appropriate criteria for hiring staff.

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**Criteria:**

- 20 CFR 679.160 provides that the SWDB must establish and apply, in the hiring of staff, a set of objective qualifications for the position of director that ensures the individual selected has the required knowledge, skills, and abilities to carry out the functions of the SWDB. This regulation also includes salary and bonus limitations.

**Corrective Action:** To resolve this finding, the SWDB must develop a formal policy or procedure that establishes objective personnel qualifications for the director position. The required qualifications must ensure that the individual selected can effectively carry out the functions of the SWDB. The SWDB should also create a written agreement for staff serving in multiple roles for the board.

**Finding #5: Noncompliance with Local Plan Requirements  
State Level, WIOA  
CMG Indicator: 1.a.1 Strategic Planning**

**Condition:** CSSF, the local area visited as part of this review, is operating from a 2016 Local Plan. A subsequent review of 12 of the 24 LWDB websites revealed that two (2) of the local areas only provided the 2016 plan as their current, approved plan.

**Cause:** The SWDB failed to ensure all Local Areas updated their 2018 plan requirements.

**Criteria:**

- 20 CFR 679.550 requires that each LWDB, in partnership with the appropriate local elected officials, must develop and submit a comprehensive four (4)-year plan to the Governor.
- 20 CFR 679.580 requires that the four (4)-year plan of a local workforce area be updated at the end of the first two (2)-year period in accordance with the requirements of 20 CFR 679.530, which requires the Governor to establish procedures for plan modifications.
- 20 CFR 679.500(c), requires the Governor to establish and disseminate a policy for the submission of local and regional plans to LWDBs and regional planning areas. The policy must set a deadline for the submission of the regional and local plans that accounts for the activities required in plan development outlined in 20 CFR 679.510 and 679.550.

**Corrective Action:** To resolve this finding, the State must ensure all local areas are operating under current, approved local workforce plans. The State must provide ETA a copy of the policy and procedures for local plans and plan modifications, and evidence that all LWDBs comply with the local plan requirements.

**Finding #6: Noncompliance with “Sunshine Provision”  
State Level, WIOA**

**CMG Indicator: 3.a.3. Compliance with Applicable Laws and Regulations**

**Condition:** Florida State Policy 2018.09.26.A.1 identifies a number of items that must be available via website by the State and local boards to meet the Sunshine Provision requirements. The following items were missing from the CSF website: the SWDB meeting minutes, the by-laws, and the new 2020 State Plan. Only one (1) local area of the 12 reviewed was in compliance with both Sunshine Provision

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requirements and State policy. The absence of these items conflicts with both the federal Sunshine Provision requirements, in addition to State policy.

**Cause:** The SWDB failed to monitor the local areas to ensure compliance with the Sunshine Provision.

**Criteria:**

- 20 CFR 679.140 describes the State’s requirement to conduct business in an open manner under the “Sunshine Provision” of WIOA.
- 20 CFR 679.390 describes the LWDB’s requirement to conduct business in an open manner under the “Sunshine Provision” of WIOA.

**Corrective Action:** To resolve this finding, the State must provide evidence that it is meeting the Sunshine Provision requirements in WIOA and the State policy. The State must also provide a plan for ensuring that the LWDBs comply with the State policy. The State must provide confirmation that all LWDBs are meeting this requirement.

**Finding #7: Eligible Training Provider List does not Include Required Information**

**State Level, WIOA**

**CMG Indicator: 1.c.2 Product Development**

**Condition:** The LWDB Eligible Training Provider Lists (ETPLs) for LWDA 2, 9 and 23 does not include required performance information.

Florida provides its ETPL via two (2) different websites. One (1) ETPL is available on the Employ Florida Marketplace (EFM), the other on the DEO Florida Jobs website. The DEO website provides a separate ETPL for each LWDB in Florida, but they are not displayed in a standardized format and information about training programs varied greatly among them.

In Florida, occupational training providers apply to the EF ETPL via an online application. The EF ETPL application asks training providers to include the following information: description of training, duration, costs, class size, skills acquired, performance information and an attestation that the program is certified by a LWDB.

**Cause:** The State failed to ensure that training providers were submitting all required information when adding their programs to the ETPL. The table below summarizes the training programs reviewed and the missing required information:

<b>Training Provider</b>	<b>Program</b>	<b>LWDA/s Certification</b>	<b>Missing information</b>
Seminole State College of Florida	AC Refrigeration & Heating Technology	CareerSource Central Florida	Duration, class size, program prerequisites, skills acquired, performance information
Hendry County Schools – Clewiston Adult School	Applied Welding Technologies	CareerSource Southwest Florida	Class size, program prerequisites, performance information

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Broward College- CS	Cybersecurity	CareerSource Broward	Class size, program prerequisites, skills acquired, performance information
Bethune-Cookman University	Accounting Technology	CareerSource Flagler Volusia	Description, duration, costs, class size, skills acquired, performance information
Concorde Career Institute – Tampa (Polk)	Medical Assistant	Unknown (information not provided)	Costs, class size, LWDB certification, skills acquired, program prerequisites, performance information
AAA School of Dental Assistance, Inc. – Polk	Dental Assisting w/Expanded Functions	CareerSource Polk	Description, class size, program prerequisites, skills acquired, performance information
Pasco-Hernando State College-Cs	Practical Nursing-C	Certified by nine different LWDA's	Description, duration, class size, program prerequisites, performance information
The Academy of South Florida-State	Network Technician	CareerSource Broward and CareerSource Palm Beach County	Description, class size, program prerequisites, skills acquired, performance information
Miami Dade College – 315799	Respiratory Therapy Technician/Assistant	CareerSource Broward and CareerSource South Florida	Description, class size, program prerequisites, skills acquired, performance information
Santa Fe College- CSNCFI	Emergency Medical Technician-C	CareerSource North Central Florida	Description, duration, class size, program prerequisites, skills acquired, performance information

**Criteria:**

- 20 CFR 680.450(e) and 20 CFR 680.460(f)(1) list the performance information requirements for initial and continued eligibility of training programs included on the ETPL.
- State Administrative Policy 90: WIOA Eligible Training Provider List (Policy 90) describes CSF initial and continued training program eligibility requirements.

**Corrective Action:** To resolve this finding, the State must demonstrate that training provider programs on its LWDB and statewide ETPLs include all required information.

**Finding #8: Lack of a Needs-Related Payment Policy**

**State Level, WIOA**

**CMG Indicator: 1.e Participant Services, 1.e.6: Supportive Services**

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**Condition:** The State does not have a Needs-Related Payment policy to define the method for determining level of needs-related payments, the eligibility criteria and the payment amount.

**Cause:** The State failed to develop the required Needs-Related payment policy as required by WIOA to ensure the provision of consistent direction across the State.

**Criteria:**

- 20 CFR 680.930 – 680.970, states that the State Workforce Development Board must establish the payment level for participants of statewide projects.

**Corrective Action:** To resolve this finding, the State must develop a Needs Related Payment Policy. The State must provide a copy of the policy.

**Finding #9: Noncompliance with Incumbent Worker Training Policy Requirements**

**State Level, WIOA**

**CMG Indicator: 1.e Participant Services, 1.e.7: Training Services**

**Condition:** CareerSource Florida has not updated its current Incumbent Worker Training Policy to meet WIOA regulations. CareerSource Florida created its current policy, FG-OSPS 89, on January 11, 2016, before ETA published the WIOA regulations. The policy does not list the correct citations.

**Cause:** The State failed to update its Incumbent Worker Training policy to align with WIOA guidelines and regulations.

**Criteria:**

- 20 CFR 680.780-820; 682.210(b), 682.320(b)(4)
- WIOA sec. 134(d)(4), (B), 134(a)(3)(A)(i) and (ii), 134(d)(4)(C) and 134(d)(4)(D) (i)-(iii) and 134(d)(4)(ii)(C) and (D).

**Corrective Action:** To resolve this finding, the State must update its policy to comply with WIOA regulations. The State must submit a copy of the policy.

*Section 2: WIOA Youth*

**Finding #10: Inadequate Monitoring and Oversight of the LWDB Youth Program Design and Fiscal Requirements**

**State Level, WIOA Youth**

**CMG Indicator: 2.f.4 Sub-recipient Monitoring**

**Condition:** The State's monitoring tool is insufficient to adequately assess and ensure LWDBs compliance with federal, state, local, and other requirements for the Youth program. The State conducts annual participant file reviews and monitoring of the WIOA Adult, Dislocated Worker (DW), Youth and Employment Service program in each of the 24 LWDBs. The State also indicated that they conduct quarterly desk reviews for some programs, but that the Youth program is not included in this process.

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The State did not have a process in place for routine monitoring, identifying, and addressing LWDBs not meeting their 75 percent OSY or 20 percent Work Experience (WEX) requirements. The State tracks the Local Youth Program OSY and WEX expenditures; however, the State did not report having any process in place to respond to or address the local area's failure to comply with the 75 percent OSY or 20 percent WEX requirements.

**Cause:** The SWDB failed to develop a process and monitoring tool that allow for adequate oversight of the Youth program requirements.

### **Citation:**

- 20 CFR 682.200(j), 20 CFR 683.220, and 20 CFR 683.410 identify the State's oversight and monitoring responsibility.
- The Uniform Administrative Requirements at 2 CFR 200.328(a), 2 CFR 200.331, 2 CFR 200.333, and 2 CFR 200.338 encompass overarching State requirements that require the non-federal entity to monitor its activities under federal awards to assure compliance with federal requirements and to ensure performance expectations are being achieved. In addition, these sections cover the requirement that the non-federal entity "monitor the activities of the sub-recipient as necessary to ensure that the sub-award is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the sub-award."

**Corrective Action:** To resolve this finding, the State must develop a monitoring plan and tool that includes programmatic monitoring. The State must provide copies of the monitoring plan, monitoring tool and monitoring schedule for the State's review of local areas.

### **Finding #11: Lack of Required Youth Statewide Activities for Youth Eligible Provider List State Level, WIOA Youth CMG Indicator: 1.c. Products & Deliverables**

**Condition:** The State is not disseminating the list of eligible providers of youth activities.

**Cause:** The SWDB failed to disseminate the list of eligible providers of youth activities, as required.

### **Criteria:**

- 20 CFR 682.200(b)(6) "Disseminating by various means... A list of eligible providers of youth activities as described in WIOA sec. 123..."

**Corrective Action:** To resolve this finding, the State must disseminate a list of eligible providers of youth activities throughout the State.

### **Finding #12: Lack of SWDB Criteria for Selection of Youth Providers State Level, WIOA Youth CMG Indicator: 1.b. Implementation, 1.b.5 Contracts and Sub-awards, 2.d.2 Competition, 2.f.1 Sub-recipient and Contractor**

**Condition:** The State has not developed the criteria that local boards must use in awarding grants for youth workforce investment activities, nor have they issued procurement guidance for youth provider



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selection process. The State indicated that it instructed the LWDBs to describe the criteria for youth provider procurement; however, it was not included in the local planning guidance or in the local plans.

**Cause:** The SWDB failed to create statewide criteria for the selection of youth services providers.

**Criteria:**

- 20 CFR 681.400, the LWDBs are required to identify youth service providers based on the criteria established in the State plan.

**Corrective Action:** To resolve this finding, the SWDB must reevaluate the youth program design and service delivery requirements, provider selection criteria, and related youth policies for the statewide workforce system. The State must develop criteria the local boards must use in the provider selection process and edit existing policies accordingly. The State must provide a copy of the updated policy.

**Finding #13: Noncompliance with Youth Policies and Guidance**

**State Level, WIOA Youth**

**CMG Indicator: 1.a.2 Service Design and 1.c.2 Product Development**

**Condition:** The State's policies and procedures are incomplete and inconsistent with WIOA Youth program federal regulations and guidance.

- **Low-Income Exception:** With regard to basic eligibility criteria, State Policy 95 incorrectly states that the low-income exception is in relationship to the "requires additional assistance" barrier.
- **State Requirements for In-School-Youth and Out-of-School Youth Criteria:** The State plan does not provide guidance explaining the State's interpretation of In-School-Youth (ISY) and Out-of-School Youth (OSY) by providing clear definitions of, and requirements for, determining participant statuses of "attending school" and "not attending school."
- **Basic Skills Deficient Criteria:** The State plan defers the responsibility of defining the basic skills deficient criteria with the LWDBs; this is inconsistent with State Policy 95, which sets forth a basic skills deficient definition, and does not reference the requirement for the LWDBs to fulfill this responsibility.

Without clear guidance and clarification of the full eligibility requirements, local area program staff are often unable to accurately and effectively understand and validate the individual's true eligibility status. This can lead to errors in eligibility determination, resulting in disallowed costs if participants are enrolled who are not eligible, or it could unnecessarily limit and restrict potentially eligible youth from qualifying.

**Cause:** The SWDB failed to provide clear State guidance for determining youth participant eligibility to LWDBs.

**Criteria:**

- 20 CFR 681.210-681.310 provides the eligibility criteria for the youth program.
- TEGs 8-15 and 21-16 further explain the requirements set forth in 20 CFR 681.210-681.310.
- 20 CFR 681.600 and TEG 21-16 establish and explain the WEX requirements.

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- 20 CFR 679.130 gives the SWDB the responsibility of developing policies to conduct continuous improvement and to promote statewide objectives for and enhance the performance of the workforce system.
- 20 CFR 683.410 provides that recipients are responsible for oversight of sub-recipients and contractors to determine whether there is compliance with WIOA and other federal regulations.

**Corrective Action:** To resolve this finding, the SWDB must revise or develop comprehensive youth policy guidance to address the issues identified in this finding. The State must then update the State plan where appropriate to ensure consistency.

**Finding #14: Inaccurate MIS Youth Program Service Codes and Descriptions  
State Level, WIOA Youth  
CMG Indicator: 2.e. Performance Management; 3.6 Internal Controls**

**Condition:** Case managers in CSSF are not properly capturing and reporting program element services provided to participants. They did not enter into the system several services that were required and incorporated into their service strategies for youth participants. Several of the codes do not align to the regulatory description and requirement of the youth program service. In some instances, case managers were using service codes for Adult Mentoring and Counseling.

**Cause:** DEO failed to align the MIS service codes with the youth program elements accurately, and failed to ensure that the local areas were using the correct youth codes in the MIS system.

**Criteria:**

- 2 CFR 200.303 and 200.61, the State Workforce Agency must have effective internal controls in place that provide “reasonable assurance” around the reliability of internal and external reporting.
- TEGL 21-16

**Corrective Action:** To resolve this finding, the State must clearly define the service codes in the EF system to align with the program element definitions. In its response to this report, the State must verify changes made in the EF system and describe training provided to address this issue.

*Section 3: WIOA Adult/Dislocated Worker*

**Finding #15: Lack of Adult Priority of Service Policy  
State Level, WIOA Adult  
CMG Indicator: 1.e Participant Services, 1.e.2: Priority of Service**

**Condition:** The State does not have an Adult Priority of Service Policy.

**Cause:** The State failed to develop priority of services and special population’s policies as required by WIOA regulations to provide consistent direction across the state.

**Criteria:**

- 20 CFR 680.600 – 680.680, requires the state to develop a priority and special population’s policy.

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- 20 CFR 680.230 and 20 CFR 680.150(b), State must comply with regulations by developing priority of services and special population policy.
- WIOA sec. 134(c)(3)(E), WIOA sec. 3(5) ‘basic skills deficient’, WIOA sec. 3(24) “individuals with barriers to employment”, and WIOA sec. 3(36)(A)(i) and (vi).

**Corrective Action:** To resolve this finding, the State must develop a priority of service and special population policy. The State must provide a copy of this policy.

**Finding #16: Lack of Dislocated Worker Policies**

**State Level, WIOA DW**

**CMG Indicator: 1.e Participant Services, 1.e.3: Eligibility/Enrollment**

**Condition:** The State does not have a Dislocated Worker eligibility policy.

**Cause:** The SWDB failed to develop policies to include WIOA guidelines and regulations for eligibility determination of dislocated workers.

**Criteria:**

- WIOA sec. 3(15)(B)(ii) or (iii), requires States to create policies to define terms such as “general announcement” of a plant closing
- WIOA sec. 3(15)(A)(iii) and 20 CFR 680.600 “unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters,” and “unlikely to return to a previous industry or occupation” .

**Corrective Action:** To resolve this finding, the state must develop policies for determining the eligibility of dislocated workers. The State must provide a copy of this policy.

*Section 4: Fiscal*

**Finding #17: Noncompliance with Pass-through Entity Requirements**

**State Level, Fiscal**

**CMG Indicator: 2.f.3 Post Sub-award Responsibilities**

**Condition:** The State’s sub-award agreement does not reflect the provision of workforce development activities as prescribed in the WIOA regulations and the Uniform Administrative Requirements. The Grantee/Sub-grantee Agreement template provided was from the year 2012, which predates the implementation of WIOA and the Uniform Administrative Requirements.

**Cause:** The SWDB failed to update its sub-award agreement to incorporate the provisions of workforce development activities as prescribed in the WIOA regulations and Uniform Administrative Requirements.

**Criteria:**

- 2 CFR 200.331 requires all pass-through entities must: (a) Ensure that every sub-award is clearly identified to the sub-recipient as a sub-award

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- §200.331(2)(3) further requires the sub-award to include: (2) All requirements imposed by the pass-through entity on the sub-recipient so that the Federal award is used in accordance with Federal statutes, regulations and the terms and conditions of the Federal award; and

**Corrective Action:** To resolve this finding, the State must update the Grantee/Sub-grantee Agreement, and incorporate into the agreement required provisions of the WIOA and Wagner-Peyser Act. The State must provide a timeline by when the updated sub-award agreements will be signed and fully executed with LWDBs.

**Finding #18: Lack of Adult and DW Funds Transfer Policy  
State Level, Fiscal  
CMG Indicator: 2.f.4 Sub-recipient Monitoring**

**Condition:** LWDBs may transfer 100 percent of funds between the two (2) programs; however, the current transfer policy does not establish factors and criteria to allow for the transfer of funds between Adult and DW programs.

**Cause:** The SWDB failed to establish criteria or factors governing the transfer of funds between Adult and Dislocated Worker programs.

**Criteria:**

- 20 CFR 683.130(c) requires, “Before making any transfer described in paragraph (a) of this section, a Local WDB must obtain the Governor's written approval. The Governor's written approval must be based on criteria or factors that the Governor must establish in a written policy, such as the State Unified or Combined Plan or other written policy”.

**Corrective Action:** To resolve this finding, the State must update its policy for transferring funds between Adult and DW programs. The State must provide a copy of this updated policy.

*Section 5: ES/WOTC*

**Finding #19: Incomplete Processes in Employment Services and Employment-Related Law  
Complaint Policy  
State Level, ES  
CMG Indicator: 2.i.4 Grievance and Complaint System**

**Condition:** Florida provided the DEO Employment Service Complaint Resolution System Handbook as its Employment Services (ES), employment-related law, and discrimination complaint policy. Several parts of the policy did not comply with federal regulations.

**Cause:** DEO’s ES complaint policy failed to include all required complaint processing requirements.

**Criteria:**

- 29 CFR 38.35, 29 CFR 38.69, 20 CFR 658.411, and 20 CFR 658.417, provide all requirements for processing ES and employment-related law complaints.

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**Corrective Action:** To resolve this finding, the State must revise its ES and employment-related law complaint policy to correct the inaccurate and incomplete processes noted above. The State must provide a copy of the revised policy.

**Finding #20: WOTC Quarterly Audits Were Not Completed as Required  
State Level, WOTC  
CMG Indicator: 2.a.1 Specific Award Conditions**

**Condition:** The period of performance for the current Florida WOTC grant is from 10/01/2018 to 09/30/2020. Quarterly audits were not performed for Fiscal Year (FY) 2018 Quarter 4 (July – September 2018), FY 2019 Quarter 3 (April – June 2019), and FY 2020 Quarter 1 (October – December 2019).

**Cause:** DEO staff failed to conduct required quarterly audits.

**Criteria:**

- TEGL 10-18 and the WOTC grant agreement require that the grantee “establish and maintain an orderly system for regularly verifying the eligibility of a random sample of individuals certified under WOTC...”
- ETA Handbook 408 defines the WOTC audit process as “the post-issuance examination, performed on a quarterly basis by someone other than the person who approved the Certification, of a prescribed random sample of Certifications and supporting documentation.”

**Corrective Action:** To resolve this finding, DEO must complete WOTC audits for the three quarters identified above. The State must provide a copy of the completed audits.

**LOCAL LEVEL FINDINGS**

1. **WIOA**
2. **WIOA Youth**
3. **WIOA Adult/DW**
4. **Fiscal**
5. **SCSEP/MSFW/TAA/All Programs**

*Section 1: WIOA*

**Finding #21: Noncompliance with “Sunshine Provision”**

**Local Level, WIOA**

**CMG Indicator: 3.a.3. Compliance with Applicable Laws and Regulations**

**Condition:** CSSF does not meet the WIOA Sunshine Provision requirements in the areas of affiliation of LWDB members, selection of one-stop operators, award of grants or contracts to eligible training providers of workforce investment activities, including providers of youth workforce investment activities, minutes of formal LWDB meetings, and LWDB by-laws.

**Cause:** The LWDB failed to comply with the required Sunshine Provision.

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**Criteria:**

- 20 CFR 679.390 describes the requirements for LWDBs to conduct business in an open manner under the “Sunshine Provision” of the WIOA.
- Florida State Policy 2018.09.26.A.1 identifies a number of items that must be available via website by the state and local boards in order to meet the Sunshine Provision requirements.

**Corrective Action:** To resolve this finding, the local area must provide evidence that it is meeting all requirements of the Sunshine Provision.

**Finding #22: Noncompliance with IEP Development Requirements**

**Local Level, WIOA**

**CMG Indicator: 1.e Participant Services, 1.e.5: Participant Services Plan, 1.e.7: Training Services**

**Condition:** The review found that the CSSF is not using participant assessment results to develop an IEP and identify the need for WIOA training services. Assessments may include diagnostic testing, other assessment tools and in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals and development of an IEP.

**Cause:** The LWDB failed to develop the proper guidance, processes, and procedures to guide the local service delivery system to comply with identifying a need for WIOA training services.

**Criteria:**

- WIOA sec. 134(C)(2)(A)(xii)(I) and (II) and 20 CFR 680.170 outlines services an individual must receive before a determination for training is made.
- WIOA sec. 134(c)(3)(A)(i) and 20 CFR 680.210, “an individuals must, at a minimum receive either an interview, evaluation or assessment, and career planning or any other method through which the one-stop center or partner can obtain enough information to make an eligibility determination to be determined eligible for training services”
- 20 CFR 680.220(b), “the case file must contain a determination of the need for training services as determined through the interview, evaluation, or assessment, and career planning informed by the local labor market information and training provider performance information, or through any other career services received.”

**Corrective Action:** To resolve this finding, CSSF must provide justification of the determination to provide training services for mass-recruited employed worker participants who have not completed an evaluation to determine a need for training services. CSSF must also develop an assessment policy that identifies how to document and utilize current one-stop assessments in determining the need for training. The State must provide a copy of the policy.

**Finding #23: Lack of Customized Training Policy and Guidance**

**Local Level, WIOA**

**CMG Indicator: 1.e Participant Services, 1.e.7: Training Services**

**Condition:** The participant files reviewed showed enrollment of participants employed after a mass recruitment with an employer into WIOA and then into customized training. In addition, files lacked

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documentation that the employer paid for any of the training cost. Employed Worker Training contracts were missing in some files, and in those that had contracts, the file stated employers may be reimbursed a percentage of the total training cost for workers, which is out of compliance. As a result of missing policy and guidance from the LWDB the participant enrolled did not meet the requirements for customized training.

**Cause:** The LWDB has failed to develop the appropriate guidance for customized training and does not comply with the definition of customized training.

**Criteria:**

- WIOA sec. 134(c)(3)(D) and in paragraphs (a) through (k) lists types of training services.
- 20 CFR 680.760 and 680.770 “Customized training is conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.”

**Corrective Action:** To resolve this finding, CSSF must comply with regulations for customized training, and develop customized training policy, processes and procedures for program participation. The State must provide a copy of the policy.

**Finding #24: Lack of Incumbent Worker Training Policy**

**Local Level, WIOA**

**CMG Indicator: 1.e Participant Services, 1.e.7: Training Services**

**Condition:** CSSF has not established up-to-date policies and definitions to determine which workers, or groups of workers, are eligible for incumbent worker services.

**Cause:** The LWDB failed to develop an Incumbent Worker policy.

**Criteria:** The following regulations establish the requirements for the development of an Incumbent Worker Policy:

- 20 CFR 680.780-820, 682.210(b), 682.320(b)(4)
- WIOA sec. 134(d)(4), (B), 134(a)(3)(A)(i) and (ii), 134(d)(4)(C) and 134(d)(4)(D) (i)-(iii) and 134(d)(4)(ii)(C) and (D)

**Corrective Action:** To resolve this finding the LWDB must develop an incumbent worker training policy. The State must provide a copy of this policy.

**Finding #25: Approved Occupational Training from non-ETPL Providers**

**Local Level, WIOA**

**Indicator 1.e.7: Training Services**

**Condition:** During the review of case files, two (2) participants (IDs # 15006764 and 8486531) received training from courses that are not on the ETPL. One Youth Program participant received Certified Nursing Assistant (CNA) training from the Jackson Training Center. The Individual Service Strategy in the case file notes that Jackson Training Center is a “non-approved” provider. The Farmworker Career Development Center, also a WIOA Youth provider in CSSF, confirmed that other participants received CNA training from this provider. Another Adult Program participant received “Hospitality Institute” training from the Miami-Dade College. This training program is also not included on the Florida ETPL.

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**Cause:** CSSF failed to ensure that customers received training from approved ETPL programs.

**Criteria:**

- 20 CFR 680 Subpart D requires occupational training providers to apply for inclusion on the State's eligible training provider list (ETPL).

**Corrective Action:** To resolve this finding, the State must work with CSSF to ensure that all WIOA Adult, DW, and Youth participants can only receive WIOA-funded occupational training from providers on the ETPL.

**Finding #26: Improper Extension of Enrollment Dates for Adult, DW, and Youth Participants  
Local Level, WIOA**

**CMG Indicator: 1.a.2 Service Design**

**Indicator 1.e.1: Service Delivery**

**Condition:** Case file review found that AJC staff manually extended participants' enrollment in the WIOA Adult, DW and Youth programs when participants had no services for 90 days and no planned additional services.

This occurred in the following sample case files in CSSF (7901062, 15006764, 8486531, 14522452, 14294091, 9804424, 15052494, and 59391429). Case notes in these files indicate that career center staff manually extended program enrollment by stopping the "soft exit" when a participant approached 90 days without a recorded career service.

Several current WIOA participants whose enrollment period extends more than multiple years were also identified. Title I program enrollments over multiple years indicate that these Title I customers' enrollment are manually extended after ninety days, without career services. Case notes indicate that staff spend time calling customers enrolled in WIOA for multiple years to inquire about their employment status and rate of pay. Career center staff dedicate significant time to calling participants who remain incorrectly enrolled. This is not an allowable grant activity and may result in questioned costs if identified in subsequent reviews.

**Cause:** CSSF staff failed to detect improper extensions of enrollments during programmatic monitoring.

**Criteria:**

- 20 CFR 677.150(c)(1) defines the date of exit as the last date of service for Title I Adult, DW, and Youth programs. The last day of service cannot be determined until at least 90 days have elapsed since the participant last received a staff-assisted career service.

**Corrective Action:** To resolve this finding, the State must work with CSSF to exit all participants within 90 days of employment.

*Section 2: WIOA Youth*

**Finding #27: Lack of 14 Youth Element Design Framework in Local Plan**



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**Local Level, WIOA Youth**

**CMG Indicator: 1.a.1 Strategic Planning**

**Condition:** The local plan does not describe the method for ensuring that the 14 youth program elements are available. The plan lists some services available through the local WIOA Youth program, but the description and specific reference to the availability of the 14 elements within the framework is missing.

**Cause:** The LWDB failed to develop a proper youth program design framework that ensures that all 14 youth elements are available.

**Citation:**

- 20 CFR 681.420 (b) require that the local plan describe the design framework for the youth program and how the 14 program elements are to be made available in this framework.

**Corrective Action:** To resolve this finding, the State must work with the local area to amend its local plan to include a description that ensures that the 14 program elements are available. The State must provide a copy of the amended plan.

**Finding #28: Lack of Career Pathways in Standard Youth Service Provisions**

**Local Level, WIOA Youth**

**CMG Indicator: 1.e.1 Service Delivery, 1.e.5 Participant Service Plan, 1.d.2 Career Pathways**

**Condition:** The youth participants' Individual Service Strategy (ISS) plans template fail to incorporate Career pathways as a standard requirement. The LWDB is responsible for establishing the requirements of the ISS as part of designing the framework of services, and ensuring that program services comply with these requirements.

**Cause:** The LWDB failed to establish clear guidance for implementing Career Pathways into youth Individual Service Strategy plans.

**Criteria:**

- 20 CFR 681.420(a)(2) requires the LWDB to design the framework of youth program services to include an ISS that identifies career pathways.
- 20 CFR 679.370(f) requires LWDBs to develop and implement career pathways within the local area.

**Corrective Action:** The LWDB must develop guidance to incorporate Career Pathways into the development of ISS plans. LWDB must provide a copy of the guidance.

**Finding #29: LWDB Lacks Parent and Youth Involvement in Program Design**

**Local Level, WIOA Youth**

**CMG Indicator: 1.a. Planning & Program Design**

**Condition:** The LWDB's youth program design lacks the involvement and input of parents, youth participants, and community members. The LWDB is responsible for assessing the needs of the youth population in the local area, determining the vision and strategies for the youth program and developing the program design framework.

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**Cause:** The LWDB failed to develop a process to outline the involvement of parents, youth, and community members in the creation of the local youth program design.

**Citation:**

- 20 CFR 681.420, outlines how LWDBs must design the youth program, requires LWDBs to ensure that parents, youth participants, and other members of the community with experience relating to youth programs are involved in both the design and implementation of its youth programs.
- 20 CFR 681.650, explains that LWDBs must also make opportunities available to successful participants to volunteer to help other participants as mentors, tutors, or in other activities.

**Corrective Action:** To resolve this finding, the LWDA must follow the requirement for parents, youth participants, and other members of the community with experience relating to youth programs to be involved in both the design and implementation of their youth programs. LWDA must provide a copy of the established process.

**Finding #30: Incomplete Enrollment Process for Youth  
Local Level, WIOA Youth  
CMG Indicator: 1.e.3. Eligibility/Enrollment**

**Condition:** CSSF's WIOA youth enrollment process does not comply with the law. One or more of the four (4) required activities were not completed prior to enrollment of the youth into the WIOA youth program. In several files, the objective assessment was completed after the date of participation. In many files, the objective assessment and ISS plans were incomplete.

There is a potential for questioned costs when the four (4) eligibility elements are not completed and the individual receives youth program services.

**Cause:** The LWDB has failed to create program design processes, procedures, policies and structures that comply with WIOA regulations.

**Criteria:**

- 20 CFR 681.320(b) state, "In order to be a participant in the WIOA youth program, all of the following must occur: (1) An eligibility determination; (2) The provision of an objective assessment; (3) Development of an individual service strategy; and (4) Participation in any of the 14 WIOA youth program elements."

**Corrective Action:** To resolve this finding, CSSF must ensure that all four (4) requirements of WIOA youth participation are met.

**Finding #31: Lack of Access and Referrals to the WIOA Youth Program  
Local Level, WIOA Youth  
CMG Indicator: 1.e.3. Eligibility/Enrollment**

**Condition:** LWDA's do not comply with local requirements for WIOA Youth program access and referrals. If a youth case manager is not present when a youth visits the AJC, the youth is referred to an

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offsite center or told to return the next day. The LWDA also lacks a referral tracking system for youth referred to offsite centers.

**Cause:** The LWDB failed to ensure the one-stop system design for delivery of youth services met WIOA requirements.

**Criteria:**

- 20 CFR 678.305 allows direct linkage through technology as one of the three options for providing access to AJC program services, however
- 20 CFR 681.700(c) limits those options for the WIOA Youth program. The local area must have either a program staff member or a staff member from a partner program physically present at the AJC.

**Corrective Action:** To resolve this finding, the LWDB must ensure youth participants have access to services and develop a process for tracking partner referrals. The State must provide evidence that this has occurred.

**Finding #32: Noncompliance with WIOA Youth Eligibility Policy Guidance  
Local Level, WIOA Youth  
CMG Indicator: 1.e.3. Eligibility/Enrollment**

**Condition:** CSSF's guidance for WIOA youth program eligibility is inconsistent, incorrect, and not in compliance with WIOA and state requirements.

- **Basic Skills Deficient (BSD) and Requires Additional Assistance:** CSSF has defined these criteria in their local plan, but CSSF has not issued any policy communicating this requirement, and the youth provider contracts are inconsistent with this requirement.
- **BSD:** The provider contract document "Exhibit AA" which covers eligibility requirements for OSY providers does not provide CSSF's definitions for BSD or "requires additional assistance". The "ISY Exhibit AA" contract document does not provide a definition for BSD. The provider contract document, "Attachment F" provides a definition of BSD, but it does not match the definition in the local plan.
- **"Requires additional assistance":** Many of the criteria established for this barrier in the local plan are duplicates of already existing eligibility criteria, such as "having one or more disabilities" or "pregnant or parenting youth".
- **ISY Exhibit AA Contract Document:** Provides a definition for "requires additional assistance" that is inconsistent with the local plan.
- **"Requires additional assistance" five percent exception:** The memo issued by the Executive Director on February 27, 2020 does not match the definition the local area included in their local plan.
- **Incorrect OSY requirements in Youth Provider Contracts:** Exhibit AA has OSY eligibility requirements that are out of compliance and states that all OSY are to be low-income or living in a high poverty area, which is incorrect.

**Cause:** The LWDB failed to develop program and operational guidance for youth eligibility that comply with WIOA regulations.

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**Criteria:**

- 20CFR 681.210-681.310 defines specific eligibility requirements for youth participants
- TEGs 8-15 and 21-16 defines specific eligibility requirements for youth participants.
- 20 CFR 681.290(b) and 681.300 establish the requirement for the local area to establish policy for “basic skills deficient” and “requires additional assistance” criteria.

**Corrective Action:** To resolve this finding, CSSF must work with the State to establish and revise youth program eligibility guidance, and review and update all contract documents that include eligibility requirements that comply with WIOA regulations. The State must submit copies of the LWDB approved policies, revised local plan and contractual documents as applicable, and any other applicable documentation to confirm resolution.

**Finding #33: Local Area Determining Youth Participation Based on Age  
Local Level, WIOA Youth  
CMG Indicator: 1.e.3. Eligibility/Enrollment**

**Condition:** The local Career Center refers young, potential participants to either the WIOA Youth or Adult program, based on their age. Determining program referrals based solely on an individual’s age does not consider other eligibility factors.

**Cause:** The LWDB failed to establish a referral process for services that based on factors other than age alone.

**Criteria:**

- 20 CFR 681.440 states that a local program must determine the appropriate program for the participant based on their service needs and if the participant is career-ready based on an assessment of their occupational skills, prior work experience, and employability.

**Corrective Action:** To resolve this finding, the LWDBs must establish a process based on identified need to assist in determining the appropriate program for participants between the ages of 18 and 24. The State must provide documentation to describe an established process.

**Finding #34: Not All 14 Youth Elements Made Available  
Local Level, WIOA Youth  
CMG Indicator: 1.e.1. Service Delivery; 1.c Products and Deliverables**

**Condition:** The LWDA is not providing access to all 14 youth elements. The elements noted as unavailable included: occupational skills training, leadership development opportunities, entrepreneurial skills training, and adult mentoring.

**Cause:** The LWDB has not established partnerships or MOUs with partner agencies to ensure that all 14 elements are available and provided.

**Criteria:**

- 20 CFR 681.460 requires that all 14 program element services be made available to youth participants.

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- 20 CFR 681.470 states: “Local programs may leverage partner resources to provide some of the readily available program elements. However, the local area must ensure that if a program element is not funded with WIOA Title I youth funds, the local program has an agreement in place with a partner organization to ensure that the program element will be offered. The LWDB must ensure that the program element is closely connected and coordinated with the WIOA youth program.”
- 20 CFR 681.420 requires that LWDBs must ensure that WIOA youth service providers provide participants with information about the full array of applicable or appropriate services available through the LWDBs or other eligible providers, or one-stop partners.

**Corrective Action:** To resolve this finding, the LWDA must ensure they make available all 14 program elements to youth participants. The State must provide a list of the LWDB providers that they have identified to provide each of the 14 program element services, and information about how those services are made available to all youth participants in the local area. The State must provide a copy of the revised local plan, policies, MOUs and contracts.

### **Finding #35: Work Experience (WEX) Activities Do Not Include Occupational and Academic Components**

**Local Level, WIOA Youth**

**CMG Indicator: 1.e. Participant Services, 1.c. Products and Deliverables**

**Condition:** Work experience services provided to youth program participants do not include the required academic and occupational education components.

**Cause:** The LWDB failed to ensure required academic and occupational education components were included in youth work experiences.

#### **Citation:**

- 20 CFR 681.460(a) (3) identify paid and unpaid work experiences “that have academic and occupational education as a component of the work experience” as one of the 14 program elements.
- 20 CFR 681.600 states that work experiences are a planned structured learning experience that takes place in a workplace for a limited period. Work experiences provide the youth participant with opportunities for career exploration and skill development.
- 20 CFR 681.460(b) states that the specific program services provided to the youth participants are based on each participant’s objective assessment and individual service strategy.
- 20 CFR 681.420 requires the ISS to identify the participant’s career pathways.

**Corrective Action:** To resolve this finding, the LWDB must redesign their program to ensure occupational and academic education components are included in all WEX. The State must provide documentation confirming the required changes.

### **Finding #36: Lack of Youth Follow-Up Opt-out Requirements**

**Local Level, WIOA Youth**

**CMG Indicator: 1.e.9 Follow-Up Services**

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**Condition:** The LWDB does not make the opt-out of follow-up services as required by law, available to youth participants. The youth service provider contract provisions do not include language that addresses the opt-out clause for youth follow-up services. The LWDB does not have any policy that covers the follow-up requirements

**Cause:** The LWDB failed to create policy and guidance to address the opt-out of follow-up services for youth.

**Criteria:**

- 20 CFR 681.580 discusses the requirement for follow-up services in general.
- TEGL 21-16 further clarifies: “If at any point in time during the program or during the 12 months following exit the youth requests to opt out of follow-up services, they may do so. The request to opt out or discontinue follow-up services made by the youth must be documented in the case file”.

**Corrective Action:** To resolve this finding, the LWDB must revise local level documentation to ensure compliance with youth follow-up service requirements. The State must provide a copy of the revised documentation.

### **Finding #37: Lack of Local Area Youth Incentive Policy Local Level, WIOA Youth CMG Indicator: 1.e Participant Services, 2.1 Administrative Controls**

**Condition:** CSSF does not have a policy for the provision of incentives for youth program participants. A review of participant files revealed that incentive payments are entered into the participant record system as supportive services. Incentive payments are allowable; however, incorrectly reporting them as supportive service payments could impact the participants’ ability to receive needed supportive service assistance.

**Cause:** The LWDB failed to develop a youth incentive payments policy.

**Criteria:**

- 20 CFR 681.640, state: The local program must have written policies and procedures in place governing the award of incentives and must ensure that such incentive payments are tied to the goals of the specific program; outlined in writing before the commencement of the program that may provide incentive payments; align with the local program’s organizational policies and are in accordance with the requirements contained in 2 CFR part 200.
- 20 CFR 681.570 defines supportive services that enable an individual to participate in WIOA activities. .

**Corrective Action:** To resolve this finding, CSSF must develop a youth incentive payments policy, in accordance with WIOA regulations and guidance. This policy must include the method for ensuring that payments are recorded in the case management system. The State must provide a copy of the policy.

### **Finding #38: Inadequate Monitoring and Oversight of Local Youth Program Design and Fiscal Requirements**

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**Local Level, WIOA Youth**

**CMG Indicator: 2.f. Sub-recipient Management & Oversight**

**Condition:** The LWDB’s current monitoring processes does not ensure that providers are meeting all of the program and contract requirements, or that participants are receiving the services as required by WIOA. The LWDBs did not have a method to track and monitor the five percent eligibility exception for those qualifying under the “requires additional assistance” criteria.

**Cause:** The LWDB failed to create a monitoring tool that would allow them to monitor all programmatic requirements.

**Criteria:**

- 20 CFR 679.370 indicates that the local board must conduct oversight of youth workforce investment activities.
- 2 CFR 200.328(a) and 2 CFR 200.331(d). These sections require that the non-federal entity monitor its activities under Federal awards to assure compliance with Federal requirements and to ensure performance expectations are being achieved and that the non-federal entity “monitor the activities of the sub-recipient as necessary to ensure that the sub award is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the sub-award...”

**Corrective Action:** To resolve this finding, CSSF must establish and implement a formal monitoring program for their youth service providers. CSSF must describe the steps it will take to ensure its monitoring complies with WIOA regulations and CSSF must provide a copy of the monitoring tool, monitoring plan, and monitoring schedule for CSSF’s monitoring of the service providers.

*Section 3: Adult/Dislocated Worker*

**Finding #39: Lack of Adult Priority of Service Policy**

**Local Level, WIOA Adult**

**CMG Indicator: 1.e Participant Services, 1.e.2: Priority of Service**

**Condition:** The LWDB’s priority of services and special populations’ policy does not comply with WIOA regulations.

**Cause:** The LWDB failed to develop the WIOA required priority of services policy.

**Criteria:**

- 20 CFR 680.600 – 680.680, establishes state and local areas must develop a priority and special population’s policy.

**Corrective Action:** To resolve this finding, CSSF must develop a priority of service and special population policy that complies with WIOA regulations. The State must provide a copy of the policy.

**Finding #40: Lack of Dislocated Worker Policies**

**Local Level, WIOA DW**

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**CMG Indicator: 1.e Participant Services, 1.e.3: Eligibility/Enrollment**

**Condition:** The LWDB has does not have a required Dislocated Worker policy for determining eligibility.

**Cause:** The local board failed to develop the WIOA required dislocated worker policy

**Criteria:**

- WIOA sec. 3(15)(B)(ii) or (iii), “unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters,” and “unlikely to return to a previous industry or occupation” under WIOA sec. 3(15)(A)(iii)
- 20 CFR 680.600

**Corrective Action:** To resolve this finding, CSSF must develop a dislocated worker policy in compliance with WIOA regulations. The State must provide a copy of the policy.

*Section 4: Fiscal*

**Finding #41: Inadequate Contract Administration Processes**

**Local Level, Fiscal**

**CMG Indicator: 2.d.5: Contract Administration**

**Condition:** CSSF’s one stop operator and youth provider contracts contain provisions for performance incentive payments for each Title I participant entering employment at or above a set hourly wage. The review identified numerous instances in which participants were not properly exited from the system as required when AJC staff could not confirm a favorable employment outcome. In these instances, AJC staff manually extended participants’ enrollment in the WIOA Adult, DW and Youth programs without providing a career service. CSSF’s contract structure creates an incentive to delay exit from the program when a participant does not become gainfully employed after receiving career services. Potentially paying providers for services provided to ineligible participants or for services not provided could result in questioned costs.

Other areas of the contract boilerplate that are of concern include:

- The contract is confusing and ambiguous on what the local area is actually paying for due to the numerous attachments and exhibits that describe services.
- There is no indication in the contract that the contractor is a sub-recipient. Local areas must monitor sub-recipients.
- The statement of work (SOW) does not provide a detailed process for the supervision of partners, management of State employees, and management of the one-stop center. Management of the Wagner-Peyser (WP) staff may violate the WP regulations that were in place at that time.
- Performance measures stated are not tied to WIOA indicators, which may not result in positive WIOA performance outcomes.
- The contract includes a provision to provide all business services, but LMI is not included, and it is not clear who will be performing this function.



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**Cause:** The LWDB failed to develop contract administration processes that involve performance monitoring and quality assurance to identify deficiencies in the contract implementation, scope and conditions.

**Criteria:**

- 2 CFR 200.318(b) requires Non-Federal entities to maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- 20 CFR 677.150(c)(1) defines the date of exit as the last date of service for Title I Adult, DW, and Youth programs. ETA regulations do not allow an exemption to postpone an exit to wait for a better employment outcome.

**Corrective Action:** To resolve this finding, the State must review the invoices received and all payments made in regards to the CareerSource centers, OSY and ISY service provider contracts to ensure payments are consistent with the performance/milestones outlined in the contract

The LWDB must develop a contract template that may be modified to cover other services and reduce the number of exhibits and attachments. The contract must include a specified SOW that outlines the goods or services provided in consideration for specified payments. The State must provide a copy of the revised contract template.

**Finding #42: Noncompliance with Grievance Process Requirements**

**Local Level, Fiscal**

**CMG Indicator: 2.i.4 Grievance and Complaint System**

**Condition:** CSSF handles most complaints and grievances through informal resolution procedures, but lacks a monitoring process to track resolution of those complaints and grievances. CSSF has available on its website Grievance Procedures and Statewide Discrimination-Complaint Processing Information to address participant and interested party formal grievances and complaints.

**Cause:** The LWDB failed to develop a process to track and monitor grievances and complaints resolved through informal resolution.

**Citation:**

- WIOA sec. 188, 20 CFR 683.600-683.650, 20 CFR Part 658, and 20 CFR 683.700 requires States and local areas to establish grievance procedures that allow participants to file grievances and complaints alleging violations of the requirements of WIOA. The regulations also require a system to maintain and monitor grievances.

**Corrective Action:** To resolve this issue, the LWDB must update their Grievance Procedures to include a system for monitoring the resolution of informal grievances. The State must provide a copy of the policy.

*Section 5: SCSEP/ES/MSFW/TAA/All Programs*

**Finding #43: SCSEP Memorandum of Understanding Not in Place  
AARP Foundation Sub-Grantee and Host Agency, SCSEP**

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**CMG Indicator: 1.a.3 Coordination integration, 1.b.4 Required One Stop Partner**

**Condition:** The LWDB has not entered into a MOU and IFA Agreement with the local SCSEP provider, AARP. As a direct provider of services listed in Section 121 of the WIOA, AARP Foundation is a required partner and must enter into an MOU, including an Infrastructure Funding Agreement (IFA), with the AJC in the LWDAAs where it provides those direct services.

**Cause:** LWDA failed to enter into a MOU and IFA with the sub-recipient.

**Criteria:**

- TEGL 16-16 states, “One of the critical requirements that a one-stop partner must satisfy is signing the local MOU...”
- 20 CFR 678.500, “the MOU must describe the services to be provided, infrastructure and additional costs and contributions, the duration of the agreement, and other elements...”

**Corrective Action:** To resolve this finding, the LWDA must enter into an MOU and IFA agreement with the AARP Foundation. The State must provide copies of the signed MOU and IFA.

**Finding #44: No Host Agency Policies to Govern Training Plan  
Independent Living Facility Host Agency, SCSEP  
CMG Indicator: 1.e.7 Training Service**

**Condition:** The Host Agency did not have policies governing the development of training plans and the delivery of training services. The participant files did not document regular contact between host agency staff and participants to discuss participants’ employment goals and documentation of participants’ training milestones. Training should include lectures, seminars, classroom instruction and on the job experience. The Host Agency only documented the on the job experience.

**Cause:** The Host Agency failed to develop required policy to guide the development of participant training plans.

**Criteria:**

- 20 CFR 641.540-545, OAA 502 (c) (6) (A) (ii)
- Older Workers Bulletin 04-04, “A detailed training plan must be developed through the IEP that lists the needed skills and a realistic timeline for learning them”.

**Corrective Action:** To resolve this finding the host agency and grantee must develop a policy to ensure all requirements are included in the participant’s training plan. The State must provide a copy of the policy.

**Finding #45: No Joint IEP and Service Plan Development between the Sub-Grantee, Host  
Agency, and Participants  
Independent Living Facility Host Agency, SCSEP  
CMG Indicator: 1.e.5: Participant Service Plan**

**Condition:** The sub-grantee and host agency did not have a policy that provides guidance in the development of a participant’s IEP.

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**Cause:** The Host Agency failed to develop operational policy to guide local sub-grantees on IEP development.

**Criteria:**

- 20 CFR 641.535(a) (3) – “Using the information gathered during the initial assessment to develop an IEP that includes an appropriate employment goal for each participant...”
- WIOA sec. 134(c) (2) (A) (xii) (II)
- Older Worker Bulletin 04-04, “Quality training must have a foundation of a good assessment followed by the development of a service strategy which is documented on the Individual Employment Plan (IEP)”.

**Corrective Action:** To resolve this finding, the Host Agency, Independent Living Facility, must develop a policy that provides guidance in the development of the participant’s IEP. The State must provide a copy of the policy.

**Finding #46: No Joint IEP and Service Plan Development between the Sub-Grantee, Host Agency, and Participants  
The City of Coral Gables Police Department Host Agency, SCSEP  
CMG Indicator: 1.e.5: Participant Service Plan**

**Condition:** The sub-grantee and host agency did not have a policy that provides guidance in the development of a participant’s IEP.

**Cause:** The Host Agency failed to develop operational policy to guide local sub-grantees on IEP development.

**Criteria:**

- 20 CFR 641.535(a) (3) – “Using the information gathered during the initial assessment to develop an IEP that includes an appropriate employment goal for each participant...”
- WIOA sec. 134(c) (2) (A) (xii) (II)
- Older Worker Bulletin 04-04, “Quality training must have a foundation of a good assessment followed by the development of a service strategy which is documented on the Individual Employment Plan (IEP)”.

**Corrective Action:** To resolve this finding, the City of Coral Gables Police Department must develop a policy that provides guidance in the development of the participant’s IEP. The State must provide a copy of the policy.

**Finding #47: Inadequate Procedures for Processing ES and Employment-Related Law Complaints  
Local Level, ES  
CMG Indicator: 2.i.4 Grievance and Complaint System**

**Condition:** CSSF complaint procedures do not comply with the ES and Employment-Related law procedures. Career center staff do not use ETA Form 8429 to record complaints. The complaint form used by CSSF staff does not solicit all required information necessary to process a complaint. The process for filing complaints alleging discrimination does not include the option to file directly with the

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Civil Rights Center (CRC). State Workforce Agencies (SWAs) are required to report information pertaining to complaints and apparent violations to ETA quarterly through 5148 reports. A request to review PY 2019 complaint files was sent to the LWDB, to determine if CSSF accurately reported complaints and/or apparent violations. LWDB did not provide these files.

**Cause:** CSSF failed to establish requirements for processing and reporting complaints

### **Criteria:**

- 20 CFR 658.410(c)(1-6) list the required information necessary for ES staff to process a complaint. To ensure that complainants provide this information
- 20 CFR 658.411(a)(3) requires that States use the Complaint/Referral Form 8429 (see Training and Employment Notice 20-19 to access ETA Form 8429: [https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=3427](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3427)).
- 29 CFR 38.35 describes how individuals can file complaints alleging discrimination with the local Equal Opportunity Officer, or to file directly with the Civil Rights Center (CRC).
- 20 CFR 653.109(b)(9) requires SWAs to collect data on complaints and apparent violations.

**Corrective Action:** To resolve this finding, CSSF must revise its local complaint procedures to ensure career center staff are compliant with recordkeeping, processing, and reporting requirements. The State must provide a copy of the revised local complaint procedures.

### **Finding #48: Incorrectly Recording Job Referrals and Placements during Mass Recruitments Local Level, MSFW**

#### **CMG Indicator: 1.e.1 Service Delivery**

**Condition:** Career center staff incorrectly recorded job referrals and placements. Growers and farm labor contractors (FLCs) organize mass recruitment events onsite at the employer's location, and AJC staff assist workers with completing I-9 forms to verify work authorization. These farmworkers are also enrolled as ES Program participants. Federal staff reviewed the case files for several farmworkers that received the I-9 assistance. Service records, in case files # 9163621, 14714676, 9415946, 12197816, 13077355, and 14104313 show job referrals and job placements connected to the mass recruitment events. Career center staff did not provide job referrals or job placements to farmworkers at these mass recruitment events. These farmworkers were already recruited and hired by Growers and FLCs.

**Cause:** The LWDB failed to provide guidance on how to record job referrals and placements properly during mass recruitment events.

### **Criteria:**

- 20 CFR 651 defines a job referral as “the act of bringing to the attention of an employer a participant or group of participants who are available for specific job openings or for a potential job” and a job placement as “the hiring by a public or private employer of an individual referred by the ES office for a job or an interview.”

**Corrective Action:** To resolve this finding, the LWDB must revise and/or create processes that correctly define job referrals and job placements. The State must provide copies of the revised or new processes.

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**Finding #49: Lack of Trade Adjustment Assistance (TAA) Case Management Policy  
CMG Indicator: Trade Supplement 4.82 Case Management Process for Trade-Affected Workers**

**Condition:** CSSF does not have a policy to document the required eight (8) case management services to trade-affected workers. Without the policy, the State and LWDB could not demonstrate that they provide or offer these eight employment and case management services to eligible workers.

**Cause:** LWDB failed to create a required trade program policy.

**Criteria:**

- Trade Act Sec. 235, Governor-Secretary Agreement, and TEGL No. 22-08 Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade and Globalization Adjustment Assistance Act of 2009 Section G 1
- Employment and Case Management Services Provision of Services, stated as Statutory Change: Section 1826 of the 2009 Amendments amends Section 235 of the 2002 Act to read: SEC. 235.
  - The Secretary shall make available, directly or through agreements with States under section 239, to adversely affected workers and adversely affected incumbent workers covered by a certification under subchapter A of this chapter...” eight employment and case management services.

**Corrective Action:** To resolve this finding, the SWDB and LWDB must develop a policy to ensure staff are aware of and make the eight (8) employment and case management services available to eligible individuals. The State must provide a copy of the policy.

**Finding #50: Noncompliance with 504 Disability Requirements**

**Local Level, All programs**

**CMG Indicator: 2.i: Civil Rights, Complaints, Grievances and Incident Reporting, 2.i.3:**

**Facilities**

**Condition:** CSSF one-stop career centers do not comply with disability, physical and programmatic accessibility requirements. Individuals with disabilities cannot access the water fountain, door, bathroom or parking lot in two (2) of the centers. In addition, the career centers do not provide language translation services for all non-English speaking individuals, as well as individuals who are blind or deaf.

**Cause:** LWDB failed to provide adequate accommodations for individuals with disabilities.

**Criteria:**

- Section 504 of the Rehabilitation Act of 1973: provides that no otherwise qualified individual with a disability shall, solely by reason of this or her disability, be excluded from the participation in, be denied the benefits or, be subjected to discrimination. Recipients are obligated to provide physical and programmatic accessibility and reasonable accommodation.
- WIOA 20 CFR 678.305(e) requires that all comprehensive one-stop centers must be physically and programmatically accessible to individuals with disabilities as described in 29 CFR, part 38, the implementing regulations of WIOA section 188; also reference 20 CFR 678.800(e).

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**Corrective Action:** To resolve this finding, the LWDA must ensure that all career centers comply with Section 504 of the Rehabilitation Act of 1973. The State must provide a copy of evidence of accommodations.

**AREAS OF CONCERN**

**Area of Concern #1: No Uniformed Strategic Plan for Rapid Response and Layoff Aversion  
State Level, WIOA  
CMG Indicator: 1.d.3 Business Services**

DEO administers Rapid Response services, while CSF delivers Layoff Aversion through the Business Services team. ETA is not providing input on which entity should deliver these services; however, there should be more collaboration between the two (2) entities, to ensure the services comply with WIOA guidance.

**Criteria:**

- 20 CFR 682.330 outlines required Rapid Response, and layoff aversion, activities.

**Recommended Action:** The State must develop a process that allows for more collaboration between both entities, in the delivery of layoff aversion and unemployment resulting from layoffs strategies and assistance.

**Area of Concern #2: Ineffective Prevailing Wage and Practice Surveys  
State Level, MSFW  
CMG Indicator: 2.a.1 Specific Award Conditions**

The Office of Foreign Labor Certification (OFLC) utilizes prevailing wage and practice surveys to help determine prevailing wages and working conditions in agricultural occupations.

DEO did not complete prevailing wage and practice surveys for any agricultural occupations in 2019. In 2018, Florida mailed approximately 400 surveys to agricultural employers. Employers returned approximately ten (10) completed surveys to DEO.

**Recommendation:** Florida DEO should prioritize conducting H-2A prevailing wage and practice surveys.

**PROMISING PRACTICES**

*The practices described below are noted for the record to provide a fuller picture of grant activities. Their inclusion here constitutes neither a specific endorsement nor a recommendation for future funding.*

**Promising Practice #1: Promoting Career-Themed Education and Industry Certifications for Middle and High Schools Students through the Career and Professional Education Act**

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### **State Level, WIOA**

In 2007, the Florida Legislature passed the Career and Professional Education (CAPE) Act. The Act created a partnership between workforce and education stakeholders to achieve the following:

- To improve middle and high school academic performance by providing rigorous and relevant curriculum opportunities;
- To provide rigorous and relevant career-themed courses that articulate to postsecondary-level coursework and lead to industry certification;
- To support local and regional economic development;
- To respond to Florida's critical workforce needs; and
- To provide state residents with access to high-wage and high-demand careers.

The Cape Act partnership includes the Florida Department of Education, Florida DEO, and CSF. CSF's role in implementation is to recommend industry certifications based on current labor market information.

The 2018-2019 CAPE Act annual report summarizes the progress the CAPE Act has made in promoting career-themed education and industry certifications. In the 2018-2019 school year, Florida school districts registered 1,233 unique career-themed courses. Among the 505,821 CAPE student participants, 125,066 students earned industry-recognized credentials in 193 of the 264 different certifications included on the CAPE Industry Certification Funding List.

### **Promising Practice #2: WOTC Application Processing Automation through Electronic System State Level, WOTC**

Florida implemented an electronic application system for processing WOTC applications. The system allows employers to submit WOTC applications, and for DEO to issue certifications and denials electronically. This system automates verifying WOTC eligibility for five different target groups, greatly reducing application processing time. The electronic system also assigns applications for review to Florida DEO staff to ensure timely WOTC application processing and prevent any application backlogs.

### **Promising Practice #3: Expanding IT talent pipeline through Support of TechHire Centers at Local Non-Profits Local Level, WIOA**

CSSF partnered with two (2) local non-profits, Big Brothers Big Sister of Miami (BBBSM) and YWCA of South Florida to create onsite TechHire Centers. These centers support disadvantaged youth to explore careers in Information Technology (IT) by offering regular cohort training in topics such as network administration and application development. These trainings teach IT skills, prepare students for IT certification exams, and help young students gain experience and industry-recognized credentials. More information about the TechHire Center located at the YWCA is available online at: <https://www.ywca-miami.org/what-we-do/empowerment-and-economic-advancement/techhirecenter/>.

### **Promising Practice #4: Partnerships with Community-Based and Faith-Based Organizations to Create Access Points Local Level, All**

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CSSF has established partnerships with several community-based and faith-based organizations throughout their service area to prioritize serving individuals with barriers to employments. CSSF partners with the Camillus House Homeless Shelter to create an access point for career and training services. Through a resource sharing agreement, Camillus House provides space for one kiosk and four (4) CSSF staff at their shelter with the commitment to refer at least 300 homeless individuals to career services annually. CSSF partners with the faith-based organization, Trinity Church, to provide a resource room at the church with eight computers and training on how to navigate EMD. Trinity church provides one staff to assist individuals with EMD and the space for the resource room. Another similar agreement is in place with the non-profit, Centro Campesino, to provide 20 computers and training on EMD in exchange for space onsite at the non-profit's location to serve customers; many of which are low income and MSFWs. Five (5) public libraries are also access points for career services. These partnerships have created many different locations where career and training services are accessible to individuals with barriers to employment.

**- END OF REPORT -**