



**POLICY  
NUMBER  
083**

# Administrative Policy

|                   |  |                 |            |
|-------------------|--|-----------------|------------|
| <b>Title:</b>     | Direct Provider of Workforce Services    |                 |            |
| <b>Program:</b>   | Workforce Innovation and Opportunity Act |                 |            |
| <b>Effective:</b> | 11/13/2013                               | <b>Revised:</b> | 03/28/2024 |

## I. PURPOSE AND SCOPE

The purpose of this policy is to outline the processes for local workforce development boards (LWDBs) to:

1. Request designation as a direct provider of workforce services (other than training services) (hereafter referred to as “direct service provider”);
2. Request an extension of a previous designation as a direct service provider; and
3. Submit annual performance reports.

## II. BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) allows LWDBs to be direct providers of basic and individualized career services (also referred to as “workforce services”), with the agreement of the chief local elected official (CLEO) in the local workforce development area, LWDB, and the Governor. LWDBs have the flexibility to award contracts for career services and are not required by statute to competitively procure providers of career services. WIOA regulations strongly encourage the use of a competitive procurement process in the selection of providers for program activities and services.

## III. AUTHORITY

Workforce Innovation and Opportunity Act of 2014, [Public Law 113-128](#), Sections 107(d)(10)(D); 107(g)(2); and 121(d)(4)(A)

[20 Code of Federal Regulations \(CFR\) 679.410](#) and [20 CFR 679.430](#)

Training and Employment Guidance Letter (TEGL) No. 15-16,

[Workforce Innovation and Opportunity Act \(WIOA\) Competitive Selection of One-Stop Operators](#), January 17, 2017

[Section 445.007\(6\), Florida Statutes \(F.S.\)](#)

#### **IV. POLICY**

LWDBs that wish to be designated as direct providers of workforce services (other than training services) must formally request to do so using the processes outlined in this policy.

##### **A. Request to Serve as Direct Provider of Workforce Services**

The LWDB initiates the process of becoming a direct service provider by submitting a Request to Serve as a Direct Provider of Workforce Services (Attachment A), via email to the Florida Department of Commerce (FloridaCommerce) at [LWDBGovernance@commerce.fl.gov](mailto:LWDBGovernance@commerce.fl.gov). The following items must be included with the request and be incorporated into the LWDB's local WIOA plan within 60 days of approval of the request:

- (1) A description of the revised business model the LWDB has elected to follow; a description of the workforce services the LWDB plans to provide; and how the services will be delivered. This will include a reference to those items in the local WIOA plan that would change if the request is approved (at a minimum, the process for selecting service providers and the description of the local one-stop system), as well as a revised organization chart reflecting the proposed new structure and service delivery model.
- (2) The effective date for when the LWDB will begin to provide workforce services.
- (3) The transitional period needed to ensure continuity in service delivery to the LWDB's customers, if applicable.
- (4) The period of time, not to exceed three years, during which the LWDB will directly provide workforce services.
- (5) A statement of the reason(s) why the LWDB has decided to directly provide the workforce services.
- (6) A description of how the LWDB will establish a firewall that clearly separates and defines its existing role as the oversight body for the LWDB's workforce delivery system from its new role as the direct provider of workforce services.
- (7) Identification of the grant program(s) that currently fund the workforce service delivery model and that will fund the LWDB's direct service activities.
- (8) The estimated cost of the services and results of a cost analysis that documents expected reduction in costs if the LWDB provides the workforce services rather than contracting those services to another provider.
- (9) A description of any other anticipated improvement to service delivery and performance outcomes.
- (10) Documentation that the public was provided at least 30 days' notice to review and

comment on the proposed change in service delivery. Any submitted comments must be included.

- (11) Documentation that the CLEO has agreed to the planned change in service delivery.
- (12) The completed Request to Serve as a Direct Provider of Workforce Services.

## **B. Requesting an Extension to Serve as a Direct Provider of Workforce Services**

A LWDB that wishes to continue operating as a direct service provider beyond the approved three-year time period is required to submit a Request for Extension to Serve as a Direct Provider of Workforce Services (Attachment B) service via email to FloridaCommerce at [LWDBGovernance@commerce.fl.gov](mailto:LWDBGovernance@commerce.fl.gov). The LWDB must submit its request at least three months before the current approval expires. A request for extension must include the following:

- (1) A review of how the direct provision of workforce services during the prior period fit the business model that the LWDB proposed in its original request and any proposed changes in the business model or the particular workforce services the LWDB intends to provide during the extension period.
- (2) The effective date for when the extension will begin.
- (3) The period of time, not to exceed three years, for when the extension will be in effect.
- (4) A review of the LWDB's stated reasons in its previous request why the LWDB has decided to directly provide workforce services, and an explanation of how it is still in the best interest of the LWDB's customers that the LWDB continue to provide these services.
- (5) A review of the effectiveness of the firewall established by the LWDB to clearly separate existing roles as oversight body for the LWDB's workforce delivery system and its role as the direct provider of workforce services, and an explanation of changes to be made to the firewall.
- (6) Identification of the grant program(s) that fund the workforce service delivery model.
- (7) A cost analysis that documents the actual reduction in costs with the LWDB providing workforce services rather than contracting those services to another provider and an estimate of such costs and savings for the upcoming three-year period.
- (8) A review of any other realized improvement to service delivery and performance outcomes and description of anticipated improvements.
- (9) Documentation that the public was provided at least a 10 days' notice to review and comment on the proposed extension. Any submitted comments must be included.
- (10) Documentation that the CLEO has agreed to the planned extension.
- (11) Completed Request for Extension to Serve as a Direct Provider of Workforce Services.

### **C. Review and Approval Process**

FloridaCommerce will review the LWDB's request for permission to be a direct service provider of workforce services or the request for an extension for compliance with statutory requirements and this policy. FloridaCommerce will make a recommendation to the state workforce development board (state board) whether to approve the LWDB's request to be designated as a direct service provider. The LWDB will be advised of the final decision after the state board's action is taken. Approval will be granted for up to three years.

### **D. Required Annual Performance Report**

A LWDB designated as direct provider of workforce services must submit a performance report at the end of each program year during which direct workforce services were provided. The report must contain, at a minimum, the following:

- (1) An analysis of cost savings as a result of the LWDB providing direct workforce services.
- (2) A description of improvement in performance outcomes.
- (3) A description of any "best practices" that could be shared with other LWDBs.

The annual performance report will be due no later than September 30th of each year (or when requested by FloridaCommerce) and must be submitted via email to FloridaCommerce at [LWDBGovernance@commerce.fl.gov](mailto:LWDBGovernance@commerce.fl.gov).

### **E. LWDBs as Direct Service Providers and One-Stop Operators**

A LWDB may serve as both a direct service provider and the one-stop operator (OSO). LWDBs are not required to compete to serve as direct service providers; however, they are required to be selected as the OSO as the result of a competitive procurement process as outlined in [Administrative Policy 097 - One-Stop Operator Procurement](#) and [Administrative Policy 110 - Local Workforce Development Area and Board Governance](#). In cases where the LWDB is both the OSO and a direct service provider, there must be firewalls and internal controls within the operator/service provider entity, as well as specific policies and procedures or oversight, monitoring, and evaluation of performance of the LWDB as the direct service provider, consistent with 20 CFR 679.430.

## **V. DEFINITIONS**

- (1) **Direct Provider of Workforce Services** – An entity that provides basic and individualized career services (also referred to as "workforce services") to job seekers and/or employers. A service provider may be competitively procured or designated to provide organizations or job seekers with workforce services.

(2) **Firewall** – Protective measures to ensure the transparency, integrity, proper oversight and management of internal processes.

(3) **One-Stop Operator** - means one or more entities designated or certified under WIOA sec. 121(d).

## VI. REVISION HISTORY

| <b>Date</b>       | <b>Description</b>  |
|-------------------|---|
| March 28, 2024    | Revised and issued by the Florida Department of Commerce.             |
| December 21, 2017 | Revised and issued by the Florida Department of Economic Opportunity. |
| November 13, 2013 | Issued by the Florida Department of Economic Opportunity.             |

## VII. ATTACHMENTS

[Attachment A - Request to Serve as a Direct Provider of Workforce Services](#)

[Attachment B - Request for Extension to Serve as a Direct Provider of Workforce Services](#)