




Charlie Crist
Governor
Cynthia R. Lorenzo
Director

MEMORANDUM

DATE: June 15, 2010
TO: Regional Workforce Board Executive Directors
FROM: Kevin R. Neal, Director, Workforce Program Support 
SUBJECT: Workers' Compensation

The Florida Legislature included identical language in this year's appropriations implementing bill (HB 5003) concerning workers' compensation coverage for adults and youth participating in work experience programs. The bill language is as follows:

445.009 One-stop delivery system.—

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

This subsection expires July 1, 2011.

This language therefore extends for another year, the existing treatment of participants in a work experience activity sponsored by a regional workforce board, as an employee of the state, for purposes of workers compensation coverage.

OptaComp is the state's Workers' Compensation Provider and should be contacted using the toll free number of 1-877-518-2583, in case of a work related injury. The manager or supervisor will be asked to provide a 4-digit location code to identify the program area of the injured employee. The location code for WIA-funded work

Agency for Workforce Innovation

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experience, such as the upcoming Summer Youth Program, and any adult enrolled in a work experience activity for which workers' compensation coverage is required is 1110.

The existing location code for Food Stamp Employment and Training (FSET) and Temporary Assistance for Needy Families (TANF) participants is 1104, and that code should continue to be used for those participants.

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

Please call Mike Lynch at (850) 245-7193, or by email: Mike.Lynch@flaawi.com, if you have any questions.

KRN/dm

cc:

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