



**POLICY
NUMBER
088**

Administrative Policy

Title:	Negotiated Local Levels of Performance Requirements		
Program:	Workforce Innovation and Opportunity Act		
Effective:	07/20/2015	Revised:	02/20/2020

I. PURPOSE AND SCOPE

The purpose of this policy is to provide to Local Workforce Development Boards (LWDBs) the requirements for meeting negotiated local levels of performance and prescribe corrective actions for failure to meet these requirements.

II. BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) establishes performance accountability measures and reporting requirements to assess the effectiveness of states and LWDBs in achieving positive outcomes for individuals served by the adult, dislocated worker and youth programs (WIOA) and the employment services program (Wagner-Peyser). For each state, the performance accountability measures must consist of the primary indicators of performance outlined in WIOA sec. 116(b)(2)(A) and the additional indicators of performance identified by the state (if any). For each local area, the local performance accountability measures must consist of the applicable primary indicators of performance outlined in WIOA sec. 116(b)(2)(A), additional indicators of performance identified by the state (if any) and the local level of performance for each indicator. Each LWDB is subject to the same primary indicators of performance that apply to the state.

III. AUTHORITY

[Public Law 113-128, Workforce Innovation and Opportunity Act](#), Sections 107, 116, 122 and 133

20 Code of Federal Regulations (CFR), [Parts 463.220](#) and [677](#)

[Sections 445.004](#) and [445.007](#), Florida Statutes

IV. POLICIES AND PROCEDURES

A. Negotiations and Adjustment Factors

LWDBs, Chief Local Elected Officials (CLEOs) and the Governor are required to negotiate and reach an agreement on local levels of performance based on the state negotiated levels of performance established under WIOA sec. 116(b)(3)(A). In negotiating the local levels of performance, adjustments shall be made for the expected economic conditions and characteristics of participants to be served by the LWDB using the statistical adjustment model developed pursuant to WIOA sec. 116(b)(3)(A)(viii). In addition, the negotiated local levels of performance applicable to a program year must be revised to reflect the actual economic conditions experienced and the characteristics of the populations served by the LWDB during such program year using the statistical adjustment model.

Negotiations for local levels of performance will be conducted every two years and will commence following the completion of the state's negotiations with the United States Department of Labor.

B. Required Threshold for Meeting Local Levels of Performance

For each performance indicator, an LWDB is determined to have met the standard if its performance is at or above 90 percent of the negotiated standard. Annual performance reports are available approximately 45 days after the end of the fourth quarter of a program year.

C. Annual Performance Review Meeting

The Department of Economic Opportunity (DEO) will meet with each LWDB annually to review the local area's performance outcomes as required by Chapter 445.007(3), F.S. During this meeting, DEO will communicate the performance standing for the program year (for each performance indicator), as well as provide a summary of programmatic and fiscal monitoring report findings.

D. Failure to Meet Local Levels of Performance

If an LWDB fails to meet the negotiated local levels of performance in any program year, technical assistance will be provided. The technical assistance may include:

1. Assistance in the development of a performance improvement plan;
2. The development of a modified local plan; or
3. Other actions designed to assist the LWDB in improving performance.

When providing technical assistance, DEO will take into consideration extenuating circumstances and/or variables not within the LWDB's control that may have impacted local performance when determining whether an LWDB failed to meet local performance standards, such as:

1. Natural disasters that impacted local program operations;
2. State and/or local economic and labor market conditions; and
3. Mass lay-offs in the local area that may have impacted elements of local performance.

Performance Improvement Plans

If it is determined that technical assistance will be provided to an LWDB in the form of assistance in the development of a performance improvement plan (PIP), consideration will be given to the extent and nature of the identified opportunity to improve. The LWDB and DEO will develop and implement the PIP. Progress on the implementation of LWDB Performance Improvement Plans is evaluated by DEO.

For less serious failures to meet negotiated local levels of performance, examples of PIP elements include, but are not limited to:

1. Develop and implement a mandatory staff training plan that describes how the training helps to correct identified programmatic deficiencies and an assurance the training will be executed within the first three months of the PIP. Once the mandatory staff training is executed, the LWDB shall provide supporting documentation to DEO that the mandatory training has been executed, including verification that all relevant staff received the mandatory training.
2. Participate in one or more mandatory technical assistance activities provided in the deficient areas. The LWDB is required to provide a report on when and how recommendations/suggestions resulting from participation in the technical assistance activities will be incorporated into the LWDB's local operating procedures/program processes.
3. Complete monthly self-assessment reviews and submit summary reports to DEO for the duration of the PIP.
4. Conduct quarterly performance status meetings with DEO for the duration of the PIP.
5. Develop internal review processes to evaluate implementation of revised processes and policies and provide reports to DEO as part of the quarterly review.

For more serious failures to meet negotiated local levels of performance, examples of PIP elements include, but are not limited to:

1. Require the LWDB to assemble a team of experts or a workgroup to identify systemic issues that may have resulted in failure to meet performance. Using the workgroup's findings, develop local board approved strategies to address areas of poor performance that include benchmarks, timelines with achievement/performance improvement milestones, and performance indicators to measure quarterly performance improvements.
2. Submit a modified local plan that accurately reflects the revised direction for the local board.
3. Disqualify the LWDB for performance incentives.

DEO will review the LWDB's performance improvement efforts quarterly to determine if sufficient progress is being made towards achieving acceptable performance. DEO will evaluate and verify all reports submitted by the LWDB and make the following determinations regarding the status of the LWDB's PIP:

1. **PIP Closure** – an LWDB that has satisfactorily achieved performance standards through corrective action will be considered compliant and the PIP will be closed.
2. **Continuance** – The LWDB has not satisfactorily achieved performance compliance; however, is showing improvement. The LWDB will be required to continue to work towards performance compliance under the original PIP conditions.
3. **Continuance with Modifications** – The LWDB has not satisfactorily achieved performance compliance and will remain on a PIP; however, modifications will be made to promote compliance efforts.
4. Engage in sanctions as prescribed in [Administrative Policy 104, Sanctions for Local Workforce Development Boards' Failure to Meet Federal and State Standards](#).

Sanctions

If an LWDB fails to meet the adjusted levels of performance for the same primary indicator of performance for a third consecutive program year, corrective action must be taken in accordance with WIOA sec. 116(g) and 20 CFR 677.220, as further prescribed in [Administrative Policy 104, Sanctions for Local Workforce Development Boards' Failure to Meet Federal and State Standards](#). The corrective action must include the development of a reorganization plan in consultation with the Governor.

V. REVISION HISTORY

Date	Description
02/20/2020	Revised, renamed and approved by CareerSource Florida Board of Directors.
07/20/2015	Issued by the Florida Department of Economic Opportunity as FG-OSPS-88, Corrective Action and Reorganization for Failure to Meet Local Performance.

VI. RESOURCES

[Workforce Innovation and Opportunity Act, Statewide Unified Plan, Two-Year Modification](#)