

Ron DeSantis
GOVERNOR



Dane Eagle
EXECUTIVE DIRECTOR

February 18, 2021

Ms. Lenita Jacobs-Simmons
Regional Administrator
U.S. Department of Labor/ETA
61 Forsyth Street, S.W., Room
6M12 Atlanta, Georgia 30303

Dear Ms. Simmons:

The Florida Department of Economic Opportunity (DEO) is in receipt of the U.S. Department of Labor (USDOL), Employment and Training Administration's (ETA) Comprehensive Monitoring Report dated January 15, 2021.

Florida is committed to fully resolving the deficiencies cited by ETA. We extend our thanks to you and your team for the technical assistance provided to DEO, CareerSource Florida, and CareerSource South Florida.

Enclosed, you will find corrective action responses to 46 of the 50 findings cited in the report. The remaining four findings will be addressed in a separate response by the Florida Department of Elder Affairs. All attachments referenced in the corrective action response are in the one-drive location shared with the ETA team during the review.

Once again, thank you for ETA's assistance and guidance during this process. If you have any questions, please contact Adrienne Johnston, Director of Workforce Services at Adrienne.Johnston@deo.myflorida.com or (850) 245-7427, or Casey Penn, Chief of One-Stop and Program Support at Casey.Penn@deo.myflorida.com or (850) 245-7466.

Sincerely,

Dane Eagle

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**U.S. Department of Labor
Employment and Training Administration**

**Comprehensive Review:
Florida's Workforce Innovation and Opportunity Act (WIOA) Program
Corrective Action Plan**

February 19, 2021

Submitted to:

Ms. Lenita Jacobs-Simmons
Regional Administrator
U.S. Department of Labor/ETA
Atlanta Regional Office, Region 3
61 Forsyth St., SW, Rm6M12
Atlanta, Georgia 30303

The United States Department of Labor (USDOL) Employment and Training Administration (ETA) conducted a comprehensive review of several of Florida’s programs to determine the state’s compliance with programmatic, fiscal and administrative requirements. USDOL ETA reviewed:

- Workforce Innovation and Opportunity Act (WIOA) – Adult, Dislocated Worker, and Youth
- National Dislocated Worker
- Wagner-Peyser
- Independent Initiative
- Trade Adjustment Act (TAA)
- Senior Community Service Employment Program (SCSEP)

The comprehensive review, which began on February 10, 2020 and concluded on August 7, 2020, included state and local assessments of compliance with program implementation activities and administration. USDOL issued the final report on January 15, 2021 and requires a response from the Department of Economic Opportunity (DEO) or the Department by February 19, 2021.

The report identified 50 findings of non-compliance and two areas of concern. DEO is required to submit a Corrective Action Plan (CAP) that formally responds to 46 of 50 findings. The remaining four findings will be addressed in a separate response by the Florida Department of Elder Affairs. This CAP includes corrective actions of DEO, CareerSource Florida and/or the State Workforce Development Board (SWDB), and CareerSource South Florida (CSSF) that have already been taken or are in progress.

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.

Corrective Action Response: The SWDB Composition and process for appointments by the Governor is described in Chapter 445.004(3)(a)-(d), Florida Statutes. Appointments, terms and vacancies are described in the [CareerSource Florida Bylaws](#). CareerSource Florida communicates with the Governor's Office regularly on statewide workforce issues and the need for appointments. The Governor of Florida recently made appointments to the SWDB. More appointments are expected in 2021. A copy of 445.004, Florida Statutes and the SWDB composition are provided as attachments.

- Attachment 01 – Florida Statute 445.004
- Attachment 02 – 2020 CareerSource Florida 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:

- 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.

Corrective Action Response: The SWDB Composition and process for appointments by the Governor is described in Chapter 445.004(3)(a)-(d), Florida Statutes. Appointments, terms and vacancies are described in the [CareerSource Florida Bylaws](#). The SWDB composition can be found in *Attachment 02*. The [Current SWDB membership](#) is also available on CareerSource Florida’s website. CareerSource Florida’s Bylaws are scheduled for revision and will be presented at the May 2021 SWDB meeting.

CareerSource Florida does not have a board vacancy policy but abides by the requirements listed in 445.004 and the CareerSource Florida Bylaws.

**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.

Corrective Action Response: The SWDB policy making authority is established in WIOA, Florida Statute, CareerSource Florida Bylaws, and the DEO and CareerSource Florida Agreement. The SWDB has not delegated its policy making authority. Subsequent to USDOL’s visit in February 2020, all policies strategic and administrative have been and will continue to be presented to the SWDB for approval until such time as policy delegating

authority has been created. An example of this practice is evidenced in [June 2020 Board Minutes](#). A copy of the DEO and CareerSource Florida Agreement is included as an attachment.

- Attachment 03 – DEO and CareerSource Florida Agreement

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.

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.

Corrective Action Response: Chapter 445.004(g), Florida Statutes requires the SWDB to hire an executive director for CareerSource Florida. The executive director serves as the president, the chief executive officer, and an employee of CareerSource Florida. The president of CareerSource Florida serves at the pleasure of the Governor." The duties of the President (Chief Executive Officer) and Treasurer (Chief Financial Officer) of CareerSource Florida are described in the CareerSource Florida Board Bylaws Section 5.2.

Additionally, USDOL noted that the SWDB create written agreements for staff serving in multiple roles for the board. No staff for CareerSource Florida serve in multiple roles.

Upon a vacancy in the President/CEO position, the SWDB establishes a selection process to properly assess candidate qualifications and capacity to serve in the role of President/CEO.

The selection process for the President of CareerSource Florida, qualifications for the President/CEO, and staff job descriptions are included as attachments.

- Attachment 04 – CSF Executive Director Selection Process
- Attachment 05 – CareerSource Florida Staff Job Descriptions

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.

Corrective Action Response: The Workforce Innovation and Opportunity Act requires each LWDB to develop and deliver to the state a four-year plan. These plans were submitted in partnership with the local chief elected officials. Regulations require states and LWDBs to regularly revisit and recalibrate state plan strategies in response to changing economic conditions and workforce needs of the state (20 CFR, Unified and Combined Plans Under Title I of Workforce Innovation and Opportunity Act, §676.135). CareerSource Florida, in consultation with DEO, issues local plan instructions, as well as plan modification instructions, to the LWDBs. The local plan instructions provide the requirements and the process by which LWDBs must develop, modify, and submit their local plans. Local plans describing each LWDB's strategic vision and local operations effective July 1, 2018 through June 30, 2020 were submitted to the state and approved by the SWDB in May 2018.

- Attachment 06 – Plan Modification Instructions for 2018 – 2020 local plans
- Attachment 07 – Board Action Item – Local Plan Modification Approval

[2020-2024 local plan instructions](#) were issued to local boards in November 2019 and are available on CareerSource Florida's website. All [approved local plans](#) are posted on the DEO website. Twenty-two of the 24 WIOA Local plans for 2020-2024 have officially been approved

by the SWDB. Two of the local board plans were conditionally approved pending final signatures and/or other elements required by the Department. DEO will follow-up with these local areas for outstanding elements to finalize approval of the local plans for the two areas.

DEO will incorporate an annual review of all LWDB websites to ensure that local plans and plan modifications are timely posted to each LWDB's website, once approved by the SWDB.

To ensure all local areas are operating under current approved local workforce plans, when programmatic monitoring notification letters are sent to each LWDB, the letter includes an enclosure identifying a list of required documents that must be made available. During the desk review, DEO's monitors collects, compiles, and analyzes this information that could include a review of sections of the approved local plans. During the review process LWDB staff may be interviewed to ensure that they know and understand the operational requirements outlined in the local area's most recently approved local plan and policies. The attachments below have been revised to clearly specify the requirement to include the LWDB's current and approved WIOA local plans for review.

- Attachment 08 – 2020 – 2021 Onsite Notification Letter Enclosure
- Attachment 09 – 2020 – 2021 Local Board Governance Review Tool

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 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.

Corrective Action Response: Chapter 445.004(1), Florida Statutes states "The [Florida] Legislature finds that public policy dictates that CareerSource Florida operate in the most open

and accessible manner consistent with its public purpose. To this end, the Legislature specifically declares that CareerSource Florida, its board, councils, and any advisory committees or similar groups created by CareerSource Florida are subject to the provisions of chapter 119 relating to public records, and those provisions of chapter 286 relating to public meetings."

The "[Boardroom](#)" section of CareerSource Florida's website provides access to the following public records and resources:

- Executive Committee & Board Councils
- Executive Committee Charter
- Finance Council Charter
- Strategic Policy & Performance Council Charter
- Board & Council Meeting Schedule, Materials and Minutes
- Board-Approved Policies
- Bylaws of CareerSource Florida
- Travel Guidelines
- Workforce System Overview

Policies and Initiatives, WIOA Unified Plans and Two-Year Modifications, and local plans are also published on the CareerSource Florida's website: <https://careersourceflorida.com/about-us/policies-and-initiatives/>.

To ensure that LWDBs are compliant with the sunshine provisions, the state's updates to the Grantee-Subgrantee Agreement incorporates the mandates outlined in 20 CFR 679.390 and the instructions in Florida's Strategic Policy 2018.09.26.A.1, which requires the boards to conduct business in an open manner under the Sunshine Provision of WIOA. Additionally, in February 2021 an administrative policy on Local Workforce Development Area and Board Governance will be presented to the SWDB for approval. The policy provides direction and instruction on local area governance, including transparency under the WIOA Sunshine Provision. As a part of the department's Board Governance and Compliance review strategy, the Department will conduct a periodic review of all LWDB websites to ensure that requirements outlined in the grantee-subgrantee agreement, administrative policy (once approved), and Strategic Policy 2018.09.26.A.1 are being followed. The periodic review of these requirements will occur once per year, at a minimum. The Department has also begun the process of monitoring for compliance with these requirements during the 2020 – 2021 monitoring cycle by reviewing local board websites for the required elements. LWDBs compliance with these requirements are accomplished through the financial monitoring using the [2020-2021 Financial Monitoring Tool](#). The updated Grantee Subgrantee Agreement template is provided as an attachment and the Local Area and Board Governance Administrative Policy will be provided to USDOL in March 2021.

- Attachment 10 – Grantee-Subgrantee Agreement

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:

Training Provider	Program	LWDA/s Certification	Missing information
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
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 LWDBs	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-CSNCFL	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.

Corrective Action Response: DEO is currently working with Geographic Solution Incorporated in the development of an integrated online State and local ETPL application solution within the State’s case management and labor exchange system, Employ Florida. The design will allow LWDBs the ability to upload and manage its local ETPL in addition to allowing training providers to apply for inclusion on the State’s ETPL through an online application process. The application process will comply with 20 CFR 680.450(e) and 20 CFR 680.460(f)(1), State Administrative Policy 90 to include all the requirements outlined in Training and Employment Guidance Letter (TEGL) 8-19 such as: description of training, duration, costs, class size, skills acquired, performance information and if appropriate, an attestation that the program is certified by a LWDB. DEO will complete these actions and submit a link to the revised ETPL section of Employ Florida by June 2021.

**Finding #8: Lack of a Needs-Related Payment Policy
State Level, WIOA**

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

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.

Corrective Action Response: Administrative Policy 109: Supportive Services and Needs-Related Payments was approved by the SWDB in December 2020. This policy has been revised to address the requirement for the SWDB to establish the payment levels for statewide projects. The revised policy is scheduled for consideration by the SWDB at the February 2021 meeting. DEO will submit a copy of the policy to ETA by March 2021.

**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.

Corrective Action Response: Administrative Policy 100: Work-Based Training, which includes the state's requirements for Incumbent Worker Training, was approved by the SWDB in February 2020. DEO will review and update Administrative Policy 109 to ensure complete alignment with WIOA guidelines and regulations as well as the inclusion of the required citations. DEO will review FG-OSPS 89 for continued relevance and to determine if Administrative Policy 100 should rescind and supersede this guidance. The revised policy will be presented for consideration by the SWDB by June 2021. DEO will submit a copy of the policy to ETA in July 2021.

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.

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.

Corrective Action Response: DEO has a long-established process for routine monitoring, identifying, and addressing LWDBs not meeting their required WIOA Title 1 B earmarks, including the 75 percent OSY and 20 percent Work Experience (WEX) requirements. DEO’s Bureau of Financial Management performs, no less than quarterly, a review of these earmarks and communicates the results with the Bureau of One-Stop Program Support (OSPS). Any boards that are considered to be at risk of not meeting their required earmarks are contacted by BFM and OSPS to ensure they are recording their expenditures correctly and/or to provide

technical assistance. If it is determined that, after technical assistance, a board is unable to meet an earmark, a performance improvement plan may be required. Attached is a copy of the Bureau of Financial Management's procedure.

- Attachment 11 – BFM Quarterly Analysis of WIOA Earmarks.

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.

Corrective Action Response: DEO is compiling a statewide list of eligible providers for youth activities. DEO will disseminate the statewide list of eligible youth providers via the DEO website as well as via email to the LWDBs by March 2021. A link to the direct webpage and a copy of the email communication to the LWDBs will be provided to ETA in April 2021.

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 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.

Corrective Action Response: DEO is drafting a Youth Program Design Administrative Policy which will include the requirements that LWDBs must follow when selecting eligible youth service providers. The policy will be presented for consideration by the SWDB by June 2021 and provided to ETA in July 2021.

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.
- TEGLs 8-15 and 21-16 further explain the requirements set forth in 20 CFR 681.210-681.310.
- 20 CFR 681.600 and TEGL 21-16 establish and explain the WEX requirements.
- 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.

Corrective Action Response: Administrative Policy 95: Youth Program Eligibility is being revised to update the language related to low-income exception and basic skills deficient definition/criteria. The policy will be presented for consideration by the SWDB by June 2021.

The state’s requirement for In-School Youth and Out-of-School Youth criteria, as outlined for the state’s definition for not attending school and attending school, is included in [Florida’s approved WIOA Unified Plan for the period of July 1, 2020 through June 30, 2024](#).

**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.

Corrective Action Response: DEO is currently reviewing the Employ Florida (EF) Service Code Manual to ensure the service codes are properly mapped to EF and they clearly aligns with the WIOA youth program element definitions. DEO will disseminate the EF Service Code Manual via the Department’s website as well as a memorandum that provides direction on accessing the manual and its proper use to the Local Workforce Development Boards

(LWDBs) in May 2021. A copy of the memorandum notifying the LWDBs will be provided to ETA in May 2021.

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.
- 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.

Corrective Action Response: Administrative Policy 105: Priority of Service was approved by the SWDB in February 2020.

- Attachment 12 – Administrative Policy 105: Priority of Service

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.

Corrective Action Response: DEO is drafting an Adult and Dislocated Worker Eligibility Administrative Policy which will include WIOA guidelines and regulations for eligibility determinations for adults and dislocated workers. The policy will be presented for consideration by the SWDB by June 2021. A copy of the approved policy will be provided to ETA by July 2021.

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
- §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.

Corrective Action Response: Since the implementation of 2 CFR 200, the Department has been in compliance with the requirements of 2 CFR 200.331. Paragraph C of the Fiscal and Administrative Controls Section of the previous Grantee-Subgrantee Agreement states, “The Board shall receive its level of allocated funding and other funding by way of a Notice of Fund Availability (NFA). These notices may contain more specific instructions regarding the expenditure of funds and additional terms and conditions tied to the specific awards.” The NFAs issued to the its subrecipients clearly identify each sub-award as a sub-award, requires that the subrecipient follow applicable laws, rules, regulations and requires that the funding be used consistent with the applicable federal funding agreement. In addition, each NFA provides

a link to the federal funding agreement on DEO’s public facing website for reference by the subrecipient.

Furthermore, the Department revised its Grantee-Subgrantee Agreement, effective July 1, 2020, which ensures the requirements of 2 CFR 200.331 are met in the same way as the previous agreement via the NFA process. See *Attachment 12* for the revised agreement. All agreements were executed by September 30, 2020, with the majority of agreements executed prior to August 1, 2020. The executed agreement with CSSF is provided as an attachment.

- Attachment 13 – LWDB 23 Executed Grantee Subgrantee Agreement

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.

Corrective Action Response: DEO is drafting an Adult and Dislocated Worker Transfer Authority Administrative Policy which will include the factors and criteria to allow for the transfer of funds between these programs. The policy will be presented for consideration by the SWDB by June 2021. A copy of the approved policy will be provided to ETA by July 2021.

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.

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.

Corrective Action Response: The Employment Service and Employment-Related Law Handbook has been revised to include all required complaint processing requirements. The handbook will be finalized and disseminated to the LWDBs in March 2021. A copy of the final handbook will be provided to ETA by April 2021.

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.

Corrective Action Response: DEO has developed internal guidance on Certification Verification and Audit Requirements for staff to prevent this from oversight of this requirement

from occurring in the future. The required audits will be conducted in February 2021. The audit reports and internal guidance will be provided to ETA in March 2021.

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.

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.

Corrective Action Response: In accordance with the requirements detailed in WIOA sec. 107(e) Sunshine Provision and 20 CFR 679.390, CareerSource South Florida, through open meetings and electronic means (i.e., website postings, ads placed in local papers, email blasts, community forums, etc.) makes meetings, the local plan, LWDB membership, designation and certification of one-stop operators, grant awards/contracts to eligible youth providers, and board minutes available to the public as required. In response to USDOL’s report, CSSF added each board member’s affiliation and by-laws to the website. The [Board Home Portal](#) is a landing page that provides quick access to all required postings. Some direct links are included below:

- Board Home Portal - <http://www.careersourcesfl.com/board/>

- Board Members - <http://www.careersourcesfl.com/members/>
- 2020-2024 CSSF WIOA Local Plan - <http://www.careersourcesfl.com/>
- Bylaws - <http://www.careersourcesfl.com/wp-content/uploads/SFWIB-By-Laws.pdf>

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.

Corrective Action Response: CSSF identified that the mass-recruited employed worker participants were supposed to be enrolled as Incumbent Worker Training participants but were incorrectly coded as customized training participants. CSSF is requesting the full list of participants that resulted in this finding so that the issue may be remedied.

CSSF established guidance through training that documents the usage of assessments to determine the need for WIOA training services. CSSF will also develop an assessment policy that identifies how to document and utilize current one-stop assessments in determining the need for training and provide the policy to DEO by April 2021. CSSF’s IEP Training Presentation is included as an attachment.

- Attachment 14 – IEP Training Presentation 2018

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 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.

Corrective Action Response: CSSF will review and revise its current customized training policy to comply with regulations, state law and state [Administrative Policy 100](#). CSSF will submit the revised policy to DEO by April 2021. DEO will submit CSSF’s policy to ETA by May 2021.

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.

Corrective Action Response: CSSF has an active Incumbent/Employed Worker Training Policy that was approved by the South Florida Workforce Investment Board (SFWIB) in August 2015. However, CSSF acknowledges that this policy was approved prior to the final regulations being issued for WIOA.

CSSF is aware that the state intends to revise Administrative Policy 100: Work-based Training and that, upon issuance of the state's revised policy, CSSF will be required to review, update and obtain local board approval of its local Incumbent Worker/Employed Worker Training policy within 180 days. The state expects Administrative Policy 100 to be issued in June 2021, therefore, CSSF will provide DEO with a copy of its updated local policy by December 2021.

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.

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.

Corrective Action Response: The Department will conduct an audit of the files that resulted in this finding and determine what funding source was used to train these individuals. DEO will provide the results of the Department's analysis upon completion. If additional action is warranted as a result the review and analysis, the action plan will be included as part of the Department's final analysis.

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.

Corrective Action Response: DEO will work with CSSF to review, identify and exit participants as required. DEO expects to complete the analysis of participants that need to be exited by June 2021 and will instruct CSSF accordingly.

DEO is currently coordinating the development of a Common Exit Administrative Policy which will include but not be limited to:

- A program exit must occur when a participant has not received any WIOA, or partner funded services for 90 consecutive calendar days, has no planned gap in services, and is not scheduled for future services. The date of the exit is the last day on which the participant received a WIOA, or partner funded service.
- Exits will not be prolonged by extending service dates or opening new services unless it is demonstrated and documented that the participant has unmet needs and is actively being served.

- Prolonging exit due to the inability to contact a participant is inappropriate.

The policy will be presented for consideration by the SWDB by May 2021. A copy of the approved policy will be provided to ETA by June 2021.

CSSF has developed a WIOA follow-up policy. The policy is scheduled to be presented for approval at the SFWIB February 18, 2021 meeting. CSSF will submit the board approved policy to DEO by April 2021. DEO will submit CSSF's WIOA follow-up policy to ETA by May 2021.

CSSF is aware that the state intends to issue a common exit policy and upon issuance of the state's policy, CSSF will be required to review, update and obtain local board approval of local policies related to exiting program participants. CSSF will submit all relevant policy revisions to DEO by December 2021.

Section 2: WIOA Youth

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

Corrective Action Response: A description of the availability of the 14 youth program elements are provided on pages 97 and 98 of [CSSF's 2020-2024 WIOA Local Plan](#) under Program Design.

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.

Corrective Action Response: CSSF will develop guidance to ensure that career pathways are required in each participant's ISS and is directly related to the outcome of the participant's objective assessment. The Career Pathways requirement will also be implemented in the Program Delivery portion of the service contract in (Exhibit AA Section II under program elements). CSSF expects to have the career pathways guidance completed and implemented in the Program Delivery portion by April 2021. CSSF will submit the required documentation of the career pathway guidance and proof that it has been incorporated into the provider service delivery contract to DEO by April 2021. DEO will submit verification to ETA by May 2021.

**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.

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.

Corrective Action Response: CSSF will develop a strategy to involve community partners and agencies to include parents and youth to participate in developing, enhancing and improving the current youth program framework. CSSF will submit the final strategy with implementation plan to DEO by April 2021. DEO will submit CSSF’s strategy and implementation plan by May 2021.

**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.

Corrective Action Response: CSSF will develop a strategy to create internal controls to prevent the enrollment of youth that have not met the (4) required criteria. These strategies may include but are not limited to:

- Utilizing an automated audit tool to identify enrollment cases that has not met the criteria before enrollment.
- Validating enrollment requirements by implementing a request for enrollment process that will require CSSF authorization before enrollment.

- Holding youth providers accountable by implementing a \$1,000 payback penalty for enrolling youth that do not meet the enrollment criteria.

CSSF will finalize its strategy and submit verifying documents to DEO by May 2021. DEO will submit documentation to ETA by June 2021.

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 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.

Corrective Action Response: CSSF has a referral process in place that requires any participant who enters a career center must complete an initial assessment (IAA). The initial assessment along with the input of the participant is utilized to determine the best suitable services for the participant-based eligibility and not by the participant's age. If the participant is more suitable for youth services, the youth is referred to a designated youth provider or the youth provider of their choice. CSSF will submit a copy of the referral process to DEO by April 2021. DEO will submit the referral process to ETA by May 2021.

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.

Criteria:

- 20CFR 681.210-681.310 defines specific eligibility requirements for youth participants
- TEGLs 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.

Corrective Action Response: CSSF expects to provide DEO with revised local youth program youth eligibility guidance by June 2021.

CSSF is aware that the state intends to revise Administrative Policy 095: Youth Program Eligibility and that, upon issuance of the state’s revised policy, CSSF will be required to review, update and obtain local board approval of its local Youth Eligibility policy within 180 days.

DEO will work with CSSF to revise their local plan and contract documents, if warranted, for provision to DEO. If local plan and contract revisions are required, DEO will review the

revised documents for alignment with federal and state requirements and guidelines within 90 days of receipt. DEO will submit copies of the CSSF's approved policy, revised local plan and contract documents, as applicable, by September 2021.

**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.

Corrective Action Response: CSSF has a referral process in place that requires any participant who enters a career center to complete an initial assessment (IAA). The initial assessment along with the input of the participant is utilized to determine the best suitable services for the participant based on eligibility and not by the participant's age. CSSF will submit a copy of the referral process to DEO April 2021. DEO will submit CSSF's process to ETA by May 2021.

**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.

- 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.

Corrective Action Response: All CSSF youth providers have been required to submit a resource plan that contains each of the 14 elements, who they are facilitated by, and how. The resource plan is due to CSSF by March 2021. CSSF will submit the list of youth providers, along with the youth elements provided by each and how those services are made available by the youth providers, to DEO by March 2021. DEO will submit CSSF’s list of youth providers and services provided to ETA by April 2021.

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.

Corrective Action Response: In October 2019, all CSSF youth providers were trained on the PWE educational and occupational academic component. Verification of occupational and academic education implementation into WEX and paid work experience training for youth services providers is included an attachment.

- Attachment 15 – WEX implementation plan and PWE training

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

Local Level, WIOA Youth

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

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.

Corrective Action Response: CSSF has developed a WIOA follow-up policy which has been updated to include the opt out of follow up. The policy is scheduled to be presented for approval at the SFWIB February 18, 2021 meeting. The follow-up policy addresses the opt-out option. CSSF will submit the local WIOA follow up policy to DEO by April 2021. DEO will submit CSSF’s local WIOA follow-up policy to ETA by May 2021.

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.

Corrective Action Response: CSSF has developed a WIOA Incentive policy. The policy is scheduled to be presented for approval at the SFWIB February 18, 2021 meeting. CSSF will submit the local board approved WIOA incentive policy to DEO by April 2021. DEO will submit the policy to ETA by May 2021.

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

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.

Corrective Action Response: CSSF has a formal WIOA Youth monitoring Plan. CSSF previously submitted the monitoring reports containing the tool in November 2020. Additionally, the monitoring tools are developed to include all eligibility criteria (5% eligibility criteria). The PY 20-21 tool has been revised to include specific language (clarification) of the 5% exception. CSSF will provide DEO with its monitoring plan, monitoring tool, and monitoring schedule by June 2021. DEO will provide the documents to ETA by July 2021.

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.

Corrective Action Response: CSSF will provide its local adult priority of service policy to DEO by April 2021. DEO will provide CSSF’s local dislocated worker policy to ETA by May 2021.

Finding #40: Lack of Dislocated Worker Policies

Local Level, WIOA DW

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.

Corrective Action Response: CSSF will provide its local dislocated worker policy to DEO by April 2021. DEO will provide CSSF’s local dislocated worker policy to ETA by May 2021.

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.

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.

Corrective Action Response: The current contract includes a Program Design and Service Delivery, Exhibit AA which outlines the goods and services. Program staff is working to incorporate the SOW into the Service Delivery.

CSSF will ensure that duplicate language contained in the performance exhibits for payment, and deliverables be streamlined into one exhibit. CSSF expects that the updated contract template will be completed by May 2021 and will submit the template to DEO by May 2021. DEO will submit CSSF’s updated contract templates to ETA by June 2021.

DEO will work with CSSF to obtain copies of all contracts, amendments, and invoices for the period of time under review for the one-stop operator and youth service provider to ensure that the payments are consistent with the performance/milestones outlined in the contract.

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.

Corrective Action Response: CSSF has updated its Grievance procedures to include a system for monitoring resolution of informal grievances. The procedures are being presented to the SFWIB on February 18, 2021 for approval. CSSF will submit the approved procedures and verification of the board's approval to DEO by April 2021. DEO will submit CSSF's updated grievance procedures by May 2021.

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**

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 LWDA's 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.

Corrective Action Response: The Florida Department of Elder Affairs will provide a separate response for this finding, along with the executed agreement between CSSF and AARP Foundation for the time period of 2019-2020.

CSSF is in the process of executing a MOU and IFA with AARP Foundation for PY20-21 and PY21-22. CSSF expects the PY20-21 agreement will be effective March 2021.

**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.

Corrective Action Response: The Florida Department of Elder Affairs will provide a response to USDOL separately.

**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.

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.

Corrective Action Response: The Florida Department of Elder Affairs will provide a response to USDOL separately.

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.

Corrective Action Response: The Florida Department of Elder Affairs will provide a response to USDOL separately.

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 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).
- 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.

Corrective Action Response: CSSF is currently developing ES and Employment-Related law complaint guidance and procedures to track local complaints. CSSF expects that the guidance and procedures will be completed by March 2021 and will submit proof to DEO by April 2021. DEO will submit CSSF's complaint guidance and procedures to ETA by May 2021.

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.

Corrective Action Response: CSSF is currently developing guidance/processes regarding Job Referrals and Placements for MSFW Program. CSSF expects that the procedures will be completed by March 2021 and will submit proof to DEO by April 2021. DEO will submit the procedures by May 2021.

**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.

Corrective Action Response: The Department issued [Administrative Policy 108: TAA Employment and Case Management Services](#) to the LWDBs on 06/04/2020. The policy outlines minimum requirements for providing the eight (8) employment and case management services under the TAA program, along with reporting instructions and required documentation. The policy was approved by the SWDB on 06/04/2020. The policy was provided to USDOL on 07/14/2020. The Department will conduct mandatory statewide TAA training on 02/25/2021-02/26/2021 which will include a component dedicated to reviewing the requirements outlined in Administrative Policy 108.

CSSF has developed a TAA policy that is scheduled to be presented for approval at the SFWIB on February 18, 2021. CSSF will provide the policy to DEO by April 2021 for submission to USDOL. DEO will submit CSSF’s local board approved TAA policy by May 2021.

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).

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.

Corrective Action Response: CSSF will conduct a thorough review and evaluation of all centers. Using the results from the evaluation, CSSF will develop a plan to correct deficiencies identified during the assessment and implement corrective action measures to ensure all centers comply with Section 504. CSSF expects to complete the evaluation and development of the corrective action measures plan by April 30, 2021. CSSF anticipates implementation of the plan to be completed by June 1, 2021 with all deficiencies addressed and resolved by August 31, 2021. CSSF will submit verification of completion to DEO September 2021. DEO will submit CSSF's verification to ETA October 2021.

End of Report