

**Department of Economic Opportunity (DEO)  
Adult and Dislocated Worker Funds Transfer Authority – Consultation Review**

| <u>Policy Section</u>       | <u>Stakeholder Comment</u>   | <u>Submitted by</u> | <u>Policy Language Change</u> | <u>DEO Comments</u>  | <u>Authority</u> |
|-----------------------------|--|---------------------|-------------------------------|--|------------------|
| IV. Policies and Procedures | Will DEO be proactively changing the NFA revenue amounts based on the approved prior approval, or will it be tracking expenditures in SERA as it is today?   | LWDB 12             | N                             | This policy does not impact the current process; therefore, the process will stay the same as it currently is. The expenditures are recorded in the originating grant and the amount spent for the other program is in the ‘non-add up’ cost category in SERA. | N/A              |
|                             | How will this change how the funds are transferred? Will there be an adjustment to an NFA as in some years past or will we continue to report in SERA the way we are now?  | LWDB 18             |                               |  |                  |
|                             | Will approved transfers be processed as NFA award adjustments?   | LWDB 19             |                               |  |                  |
|                             | How will approved transfers and related expenditures impact SERA reporting?  | LWDB 19             |                               |  |                  |
|                             | “When funds are transferred from one program to another, the transferred funds adopt the identity of the new fund source and are bound by all of the requirements of that source.” Does this mean there will be an official NFA transfer? Or will it remain a memo item in SERA? | LWDB 21             |                               |  |                  |
| IV.A. Prior Approval        | CSCF [CareerSource Central Florida] intends to make this process part of the annual budgeting process. Should Boards ask for 100% flexibility between the two funding streams at the beginning of the fiscal year, or should it be based on a projection?                        | LWDB 12             | N                             | DEO does not advise local boards to request 100% flexibility unless the local board has data to support the need.  | N/A              |
|                             | Is DEO requiring for additional approvals if Boards go over or under the projected percentage?   | LWDB 12             | N                             | Additional approval is not needed if the local boards does not exceed the amount for which the approval was received. However, if the local board anticipates  | N/A              |

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|                      |  |         |   | exceeding the approved amount, an additional transfer request will be required.  |   |
| IV.A. Prior Approval | How will this be tracked?  | LWDB 12 | N | Expenditures are tracked in the ‘non-add up’ cost categories in SERA.  | N/A                                     |
| IV. B. Criteria      | How can we submit a prior approval for the depletion of current funds? If the prior approval happens throughout the year it may be difficult to obtain board approval since they only meet on a quarterly basis. | LWDB 12 | N | Local boards should have locally established processes for tracking expenditures, to include expenditure projections based upon current spending patterns. The timing of requesting to transfer funds will be up to the local board to determine.  | N/A                                     |
|                      | CSCF has an annual outreach budget to inform the community of the services available in our region. CSCF does not currently do targeted outreach to the “Adult” or “Dislocated Worker” population.               | LWDB 12 | N | The wording in the policy indicates, “A description of outreach/marketing activities conducted to ensure underserved populations were aware of available services”. It does not indicate targeted outreach to specific program populations; rather, it references underserved populations. | N/A                                     |
|                      | Will DEO be further defining “underserved population?” Is this based on geographic location, race, unemployment number by zip code?  | LWDB 12 | N | No. This will be left up to local board discretion based upon factors most critical to the local area.   | N/A                                     |
|                      | Is there any restriction on the number of transfer requests a LWDB can make during a given PY?   | LWDB 15 | Y | No.  | N/A                                     |
|                      | Will there be a limit to the number of transfers, or can we request an amount and only transfer in increments?   | LWDB 18 | Y | No. There will not be a limit.   | N/A                                     |
|                      | The policy requires excessive data to support proposed transfer.   | LWDB 21 | Y | The policy has been revised to provide less criteria for transfer requests that do not exceed 25% of the program’s annual allocation. Please see the following response for additional context.  | N/A                                     |
|                      | Under Section B. Criteria for the transfer, seems excessive in justification required: ii) description of outreach services conducted and iii) labor market conditions contributing to the need of the transfer. | LWDB 18 | N | Governors must have written policy in place to evaluate transfer requests. The U.S. Department of Labor – Employment and Training Administration encourages the Governor’s policy to consider the  | Training and Employment Guidance Letter |

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|  | Why is the state being so restrictive when the Federal Law allows the flexibility to use these funds interchangeably? The timing for the requests to DEO will be based on the number and eligibility of the clients at any given time period. Any delay could result in some people not being served in a timely manner.                                       | LWDB 24 |   | employment and service needs of the local area (both job seekers and employers), current labor market information and demographics, consistency with broader strategies in the local plan, meeting the local area's negotiated levels of performance, and any other considerations the Governor considers necessary to determine the appropriateness of a transfer.  | (TEGL) No. 19-16                        |
| IV. B. Criteria  | What if the request is urgent or the LWDB is in an emergency situation? Is there any flexibility for contingency plans on the approval process? Our board meets once per quarter. We would likely project and submit a request in the beginning of the PY based on available data but wanted to see what, if any, flexibility there would be for this process. | LWDB 15 | N | Local boards should have locally established processes for handling emergency or time-sensitive situations, issues or decisions that require the board's action. Examples of such locally established processes may include, emergency meetings, or by-laws that delegate certain authorities to the Executive Committee and/or Board Chair in certain situations.   | N/A                                     |
|  | It is difficult to determine the number of participants to be served for the prior approval.   | LWDB 18 | N | The local board may provide its best estimates regarding the requested data.   | N/A                                     |
| IV. C. DEO Annual Prior Approval Request Form and Review | Why does the prior approval require board chair signature? Prior approvals for Capital expenditures don't require board chair signature. The process of transferring funding to serve Adult and Dislocated Workers is an operational process rather than a board strategy.   | LWDB 12 | N | WIOA provides authority to transfer funds allocated to the local area to the <u>local board</u> , if approved by the Governor (delegated to DEO). The signature of the board chair indicates the local board's involvement in, and approval of, the request to transfer funds.<br><br>In contrast, the manner in which Adults and Dislocated Workers are served in the local area should be part of the local board's strategy as outlined in the local plan. Whereas, the <i>function</i> of transferring funds from one program to another may be operational in nature, the local board must ensure the <i>decision</i> to transfer one program's funds for the other program's activities is consistent with broader strategies in the local plan. | WIOA Sec. 133 (b) (4)<br><br>TEGL 19-16 |
|  | The approval process seems excessive and proposes a significant delay as our region Board meetings are usually every other month.  | LWDB 18 |   |  |   |
|  | The policy requires excessive approval (C. Request must be voted and approved by entire board) and will result in significant time requirements.   | LWDB 21 |   |  |   |
|  | Fourth quarter transfer requests may be problematic for boards due to the timing of board meetings and   | LWDB 19 | N | Yes. Proof of such delegation must accompany the request, when needed.   | N/A                                     |

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|  | the requirement for the full Board vote. If a Board's by-laws indicate that the Executive Committee has the authority to act on behalf of the Board of Directors in certain situations, and that decisions of the Executive Committee in these situations will be reported to the full board but are binding, will a submitted transfer request that has Executive Committee approval and Board Chair signature be acceptable? |         |     |  |     |
| IV. C. DEO Annual Prior Approval Request Form and Review | What happens if the prior approval is denied? Are Boards risking the potential of de-obligating Dislocated Worker Funds while there is a demand from customers eligible under the Adult funding?   | LWDB 12 | N   | If the local board has met the criteria established in the policy, DEO does not intend to unreasonably withhold approval of the request. | N/A |
|  | If a transfer is approved are you required to transfer the entire amount? Or can you transfer however much is needed UP to that amount? (ie: If annual approval form is voted on by board at the start of the year for a large amount, can the actual transfer be initiated as needed?)  | LWDB 21 | N   | The approval allows up to the percentage. The board does not have to spend the full amount approved.                                     | N/A |
|  | What is the turnaround timeframe once an LWDB submits to DEO for approval?   | LWDB 15 | Y   | DEO anticipates the turnaround time to be within 10 days of receiving a complete request.  |     |
|  | How long do you anticipate the prior approval process to take?   | LWDB 19 |     |  |     |
| VI. Resources  | I would like to see the form referenced but it does not appear to be linked yet.   | LWDB 6  | N/A | The form is being updated to align with adjustments made to the policy. It will accompany the final policy when issued.                  | N/A |
|  | No annual Prior Approval form is attached.   | LWDB 21 |     |  |     |
|  | Annual Prior Approval Request Form was not attached to the policy or link provided.  | LWDB 18 |     |  |     |