



**SOUTH FLORIDA WORKFORCE INVESTMENT BOARD
EXECUTIVE COMMITTEE MEETING
THURSDAY, AUGUST 3, 2023
8:15 A.M.**

CareerSource South Florida Headquarters
7300 Corporate Center Drive
Conference Room 2
Miami, Florida 33126

The public may view the session online. **Registration is required:**
https://us02web.zoom.us/webinar/register/WN_ISSH7LAzTdywrtfD2Q3IA

AGENDA

1. Call to Order and Introductions
2. Approval of Executive Committee Meeting Minutes
 - A. July 13, 2023
3. Information – Florida Workforce System Transformation Plan Overview
4. Information – Alignment & Consolidation Allocation for Region 23
5. Recommendation as to Approval to Allocate Funds to Reimburse the Florida Department of Commerce (Formerly DEO).
6. Recommendation as to Approval of the Amended and Restated SFWFIB Bylaws

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"Members of the public shall be given a reasonable opportunity to be heard on a specific agenda item, but must register with the agenda clerk prior to being heard."



SFWIB EXECUTIVE COMMITTEE MEETING

DATE: 8/3/2023

AGENDA ITEM: 2A

AGENDA TOPIC: MEETING MINUTES

SFWIB EXECUTIVE COMMITTEE MEETING MINUTES

DATE: July 13, 2023

LOCATION: Via Zoom: https://us02web.zoom.us/webinar/register/WN_gKA-m86nSZSxCXUhvjFhIg

- 1. CALL TO ORDER:** Vice-chair Mr. del Valle called to order the regular meeting of the SFWIB Executive Committee Meeting at 8:21AM on July 13, 2023.
- 2. ROLL CALL:** 7 members; 4 required; 7 present: Quorum established.

SFWIB EXECUTIVE COMMITTEE MEMBERS PRESENT	SFWIB MEMBERS ABSENT	SFWIB STAFF
Canales, Dequasia del Valle, Juan-Carlos, Vice-Chairman Chi, Joe Ferradaz, Gilda Loynaz, Oscar, M.D. Roth, Thomas "Tom"	Gibson, Charles, Chair	Beasley, Rick Bennett, Renee Morgan, Ebony Perrin, Yian ADMINISTRATION/IT
OTHER ATTENDEES		

Agenda items are displayed in the order they were discussed.

2A. Approval of Executive Committee Meeting Minutes – June 8, 2023

Vice-Chairman del Valle presented agenda item 2A. June 8, 2023 Executive Committee Meeting minutes for approval.

Motion by Dr. Loynaz to approve the June 8, 2023 SFWIB Executive Committee meeting minutes.

Ms. Canales seconded the motion; **item is passed without dissent.**

No further comments or suggestions were submitted from the members. Item closed.

5. Approval – External Independent Audit Firm

Vice-Chairman del Valle introduced the item; Mr. Beasley further presented.

[Mr. Chi and Mr. Roth joined the meeting.]

Mr. Beasley reported that the Finance and Efficiency Council recommends to the Executive Committee that the staff be authorized to negotiate a contract with WatsonRice Accountants and Advisors to provide external auditing services for the next three program years. He guided the Committee through the RFP selection process, including the public scoring, which occurred during the June 15, 2023 FEC meeting. The participants were subsequently invited to deliver presentations in person on June 22, 2023. The presentation ratings were added to the earlier scores to determine the final ranking and the recommended organization for approval.

Mr. Beasley reviewed the final scores for each respondent and informed those present that the Executive Committee has the authority to approve the recommendation for staff to move forward with negotiations. In August, the full board will ratify the motion.

Motion by Mr. Chi to approve the recommendation to authorize staff to begin contract negotiations for external independent auditing services with BCA WatsonRice, LLP.

Mr. Roth seconded the motion; **item is passed without dissent.**

Mr. Roth inquired as to whether fee negotiations would commence, given that the possibility of reducing the cost was discussed and accepted during the June 22 meeting. In addition, he wanted to clarify that since the contract is for three years, we will attempt to freeze the new rate, at 10-15% less than what was quoted in the response, with a potential cost-of-living increase each year. Mr. Beasley indicated that we negotiate a lower rate for the first year, and that the second and third years would allow for a modest increase, but no more than what we have paid in the past.

No further comments or suggestions were submitted from the members. Item closed.

6. Approval – New Board Members

Mr. Beasley introduced and further presented prospective new SFWIB members for Mayor Daniella Levin-Cava's consideration and potential appointment.

Currently, there are two open positions on the board (private education and business). Mr. Al West who recently retired from the Greater Miami Convention and Visitors Bureau, represented the travel and tourism industry. Mr. David Whitaker, President and Chief Executive Officer of the Greater Miami Convention and Visitors Bureau, has submitted an application to serve as his replacement.

Mr. Beasley reported that we are in the process of identifying candidates for the private education seat, including potential prospects from Atlantic University and/or Florida National University. Once applications are received, the candidate will be presented for Board consideration.

Motion by Mr. Roth to approve the recommendation to recommend Mr. David Whitaker's approval to the Board.

Dr. Loynaz seconded the motion; **item is passed without dissent.**

No further questions or comments were presented for consideration. Item closed.

3. Informational – SFWIB Agenda Format Update

Vice-Chairman del Valle introduced the item; Mr. Beasley further presented the proposed consent agenda format, which is comparable to what is currently used by the Miami-Dade County Board of Commissioners. In addition, he reviewed the proposed consent items and informed the Committee of the items that will not be included on the consent agenda, which may be viewed via the SFWIB Executive Committee Agenda for July 13, 2023 - available on the CSSF website.

Mr. del Valle requested clarification that, comparable to the MDC Board of Commissioners, consent items are discussed in depth at the Committee level, with no board-level discussion. Mr. Beasley indicated that Councils will deliberate and approve items for Board recommendation; however, any member may pull an item for additional discussion. The majority of the items listed on the consent agenda are simple and familiar to most. Members will still have access to supporting materials and documentation, if applicable, via the agenda packet.

Mr. Roth inquired as to how consent and non-consent matters will be handled at the regular board meeting. In addition, he wished to learn more about the voting procedure under the newly proposed agenda process. Mr. Beasley clarified that the consent agenda will include matters that have been previously brought before the Board. A new program will be excluded from the consent agenda so that members can gain a deeper understanding of the offering and engage in additional discussion. The SFWIB Chairman will request a motion for all consent agenda items at once; conversely, the non-consent agenda items will undergo the usual procedure of review and discussion with the full board.

Mr. Beasley informed the Committee that since the proposed agenda format has received positive feedback, the status of the item could be changed from information to approval. It will be presented to the Board for review and approval at the August Board meeting.

Motion by Vice-Chairman del Valle to approve the proposed agenda format and recommend to the Board for subsequent review and approval.

Mr. Chi seconded the motion; **item is passed without dissent.**

No further questions or comments were presented for consideration. Item closed.

4. Informational – South Florida Workforce Investment Board Bylaws

Vice Chairman del Valle introduced the item; Mr. Beasley further presented.

Mr. Beasley informed the Committee that CSSF recently concluded a review with the State that examined our programmatic and governance processes in detail to ensure compliance with State and Federal law. We were informed during the exercise that our bylaws did not comply with Federal Regulations as they are missing the member nomination process, staggered term limits, term limitations, the proxy process, notifications to the Chief Elected Official (“CLEO”), process to ensure members are active, and the use of technology.

In addition, he informed the State that although these items are not included in the bylaws, we have processes in place for each via the Interlocal Agreement and the SFWIB Membership Process and Application Packet, which have been reviewed and approved by the administrative bodies for both Miami-Dade and Monroe Counties. Prior to the review, draft bylaws were drafted, but we intended to wait until the realignment process was complete before moving forward with implementation.

Mr. Beasley provided a brief overview of the proposed bylaws sent to members for review in advance of today's session. Additionally, they have been forwarded to our attorney for review and legal sufficiency.

Changes that will be forthcoming include:

- Based on the REACT legislation in Florida, we will have to present to the CLEO a staggered term approach for member appointments.
- KPI's for member participation.
- Members may serve no more than 8 years (2 terms).
- Annual board training for WIOA, Ethics, etc. must be conducted and tracked
- In-voluntary resignation from the Board due to non-attendance.

Mr. Beasley reminded members that in-person attendance is required at meetings. To encourage attendance, the State permits teleconference and web-based participation. Mr. Beasley requests feedback from the Committee on permitting members to attend two of the six scheduled meetings per year via Zoom. A member must contact the Chairman and Executive Director to request an exception if they are unable to attend in person and have already attended the maximum number of times permitted via telecommunications.

Ms. Ferradaz wanted to know if board members are required to serve on a council/committee and if there are attendance requirements for members. In addition, she asked how consent items can be moved forward if quorum cannot be achieved in the Council meetings. Mr. Beasley verified that participation in a Committee is mandatory, as is attendance at two of the six required meetings. If quorum is not achieved, full board must review it but it cannot be a consent item.

Mr. Beasley reviewed the Board Engagement Matrix, which is designed to monitor the participation of board members throughout the year. Members are asked to commit a minimum of 24 hours per year to attending meetings, sponsored events, and community events, among other activities.

Vice-Chairman del Valle inquired if Mr. Beasley will simultaneously approach attendance and board term limits. Mr. Beasley stated that he would schedule a meeting with the Mayor's office to discuss the matter in greater detail. Members who have been inactive from meetings may be removed for lack of participation. This may serve as the initial round as we begin to stagger terms.

Mr. Roth asked if term limits are required and how many members would be affected if they were implemented. Mr. Beasley disclosed that staggered terms are a state requirement; nevertheless, the eight (8) year term limit is consistent with the state board. He went on to clarify the rationale behind the implementation of the staggered approach.



In response, Mr. Roth requested that the item be postponed until a red-lined version of the previous ordinances is received and reviewed. Mr. Beasley explained that we are currently out of compliance. In order for the bylaws to be approved at the August 2023 board meeting, we will need to finalize the draft and submit it to the Board for review and feedback with sufficient lead-time to allow for a 14-day comment period. The next Executive Committee meeting may also need to be moved up by one week to facilitate this schedule.

All SFWIB members will receive copies of the old bylaws, the Interlocal Agreement, and the amended and restated bylaws for review and comment.

Additionally, Mr. Roth requested a roster of members who may be affected by the 8-year term limit. Mr. Beasley explained that, following the departure of the SFWIB Agenda Clerk, we were unable to access previous board records to determine when members were first appointed. The original dates on which Mayor Cava appointed members may serve as a guide for this procedure.

Mr. Roth suggested, as an alternative to establishing a maximum number of meetings that could be attended via Zoom, that members cannot attend more than two (2) Zoom meetings consecutively; otherwise, they must be present in person. Vice-Chairman del Valle agrees with this approach as there are numerous reasons why members may need to attend remotely, and this allows for the necessary flexibility.

No further questions or comments were presented for consideration. Item closed.

With no further business presented to the Committee, the meeting adjourned at 9:35 am.



SFWIB EXECUTIVE COMMITTEE

DATE: 8/3/2023

AGENDA ITEM NUMBER: 3

AGENDA ITEM SUBJECT: FLORIDA WORKFORCE SYSTEM TRANSFORMATION PLAN OVERVIEW

AGENDA ITEM TYPE: **INFORMATIONAL**

RECOMMENDATION: N/A

STRATEGIC GOAL: **STRONG WORKFORCE SYSTEM LEADERSHIP**

STRATEGIC PROJECT: **Strengthen workforce system accountability**

BACKGROUND:

The Florida Workforce System Transformation Plan streamlines and modernizes the state's workforce system, enhancing alignment and accountability, serving job seekers and businesses more effectively, and improving outcomes for Floridians.

Empowered by the state's landmark Reimagining Education and Career Help (REACH) Act, the plan is focused around three pillars: Alignment and Consolidation, System-wide Improvements and Regional Planning. Implementation currently underway will increase collaboration among economic, educational, and governmental agencies; enhance services to customers to be consistent across the state; use resources more effectively and strengthen the state's economy by supporting regional economies.

The reduction in the number of local workforce development boards was a required component of the REACH Act to minimize duplication, improve consistency and maximize resources to enhance outcomes for businesses and individuals, emphasizing a customer-focused approach. Extensive feedback and research during an Alignment Evaluation phase in 2022 - 2023 resulted in the CareerSource Florida Board's approval of two additional transformation strategies – System-wide Improvements and Regional Planning.

- **Pillar 1: Alignment and Consolidation**

In May 2023, the Governor affirmed the recommendation provided by the CareerSource Florida Board of Directors to realign and consolidate 10 local workforce development areas as outlined in the Florida Workforce System Transformation Plan. These changes will affect 27 counties.

Alignment and consolidation actions include the following:

- Realign Jefferson County with CareerSource Capital Region instead of CareerSource North Florida.
- Realign Monroe County with CareerSource Southwest Florida instead of CareerSource South Florida.
- Consolidate CareerSource North Central Florida and CareerSource Florida Crown.
- Consolidate CareerSource Tampa Bay and CareerSource Pinellas.
- Consolidate CareerSource Flagler Volusia and CareerSource Brevard.

By June 30, 2024, significant local actions will have been taken to ensure Florida is transitioning to 21 local workforce development areas and boards. This will include:

- New local governance determined and in place across impacted boards.
- Interlocal agreements, consortiums, and new organizational structures that may reflect 501(c)(3) filings to establish nonprofits or other administrative structures such as governmental entities.
- Operational transitions underway for all impacted boards.

- **Pillar 2: System-wide Improvements**

The Florida Workforce System Transformation Plan provides an unprecedented opportunity to combine strategic local workforce development board alignment changes with statewide and state-level improvements in policy and operations.

These system-wide improvements will enhance consistency and coordination between local workforce development boards and state workforce partners, including CareerSource Florida, the Florida Department of Commerce and the Florida Department of Education. Consistency system-wide will help streamline experiences for job seekers, workers, and businesses, allowing a more agile workforce system to better adapt to changing marketplace and consumer expectations.

- **Pillar 3: Regional Planning**

The Workforce Innovation and Opportunity Act encourages the development of regional plans to align workforce development activities and resources with larger regional economic development areas and available resources to provide coordinated and efficient services to both job seekers and employers. The goal of regional planning is to develop, align and integrate strategies and resources to support regional economic growth.

As part of the Florida Workforce System Transformation Plan implementation, regional planning areas will be developed to include a minimum of two contiguous local workforce development areas, ensuring increased collaboration and productivity.

The Regional Planning Area Policy will be presented to the state workforce development board for approval in September 2023, with the request for initial regional planning area designation submitted to the state workforce development board for approval and recommendation to the Governor in December 2023. By June 30, 2024, at least three regional planning areas will be identified, structured, and compliant with regional planning requirements.

FUNDING: N/A

PERFORMANCE: N/A

ATTACHMENT

FLORIDA WORKFORCE SYSTEM TRANSFORMATION PLAN OVERVIEW

The Florida Workforce System Transformation Plan streamlines and modernizes the state’s workforce system, enhancing alignment and accountability, serving job seekers and businesses more effectively, and improving outcomes for Floridians.

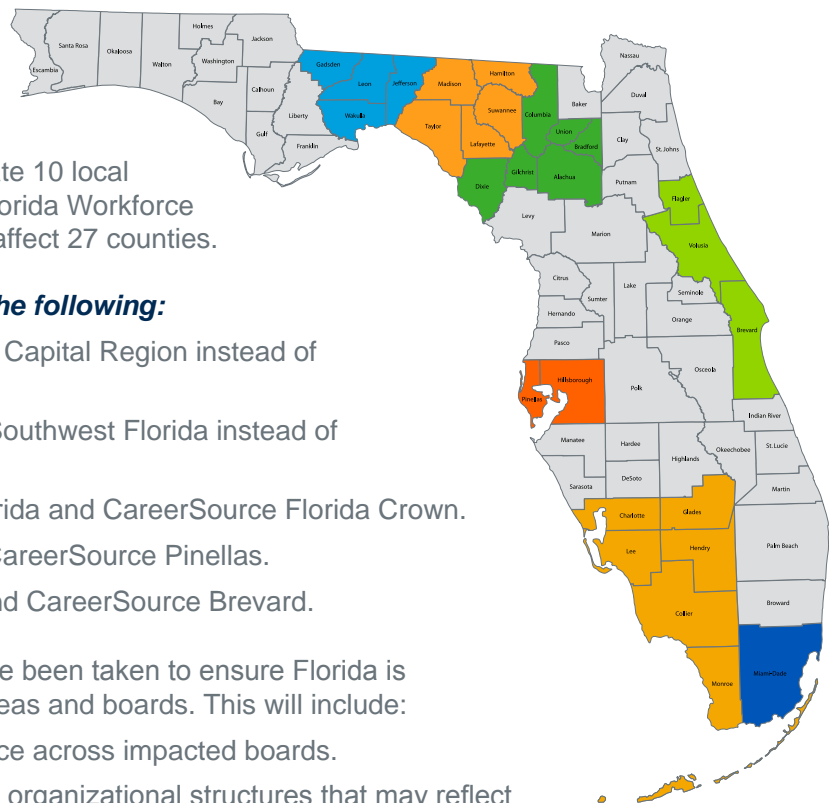
Empowered by the state’s landmark Reimagining Education and Career Help (REACH) Act, the plan is focused around three pillars: Alignment and Consolidation, System-wide Improvements and Regional Planning. Implementation currently underway will increase collaboration among economic, educational, and governmental agencies; enhance services to customers to be consistent across the state; use resources more effectively and strengthen the state’s economy by supporting regional economies.

BACKGROUND

The reduction in the number of local workforce development boards was a required component of the REACH Act to minimize duplication, improve consistency and maximize resources to enhance outcomes for businesses and individuals, emphasizing a customer-focused approach. Extensive feedback and research during an Alignment Evaluation phase in 2022 - 2023 resulted in the CareerSource Florida Board’s approval of two additional transformation strategies – System-wide Improvements and Regional Planning.

PILLAR I – ALIGNMENT AND CONSOLIDATION

In May 2023, the Governor affirmed the recommendation provided by the CareerSource Florida Board of Directors to realign and consolidate 10 local workforce development areas as outlined in the Florida Workforce System Transformation Plan. These changes will affect 27 counties.



Alignment and consolidation actions include the following:

- ▶ Realign Jefferson County with CareerSource Capital Region instead of CareerSource North Florida.
- ▶ Realign Monroe County with CareerSource Southwest Florida instead of CareerSource South Florida.
- ▶ Consolidate CareerSource North Central Florida and CareerSource Florida Crown.
- ▶ Consolidate CareerSource Tampa Bay and CareerSource Pinellas.
- ▶ Consolidate CareerSource Flagler Volusia and CareerSource Brevard.

By June 30, 2024, significant local actions will have been taken to ensure Florida is transitioning to 21 local workforce development areas and boards. This will include:

- New local governance determined and in place across impacted boards.
- Interlocal agreements, consortiums, and new organizational structures that may reflect 501(c)(3) filings to establish nonprofits or other administrative structures such as governmental entities.
- Operational transitions underway for all impacted boards.

PILLAR II – SYSTEM-WIDE IMPROVEMENTS

The Florida Workforce System Transformation Plan provides an unprecedented opportunity to combine strategic local workforce development board alignment changes with statewide and state-level improvements in policy and operations.

These system-wide improvements will enhance consistency and coordination between local workforce development boards and state workforce partners, including CareerSource Florida, the Florida Department of Commerce and the Florida Department of Education. Consistency system-wide will help streamline experiences for job seekers, workers, and businesses, allowing a more agile workforce system to better adapt to changing marketplace and consumer expectations.

By June 30, 2024, significant improvements in policies, processes, technology and tools will have been made and will be ongoing in alignment with the workforce system's commitment to continuous improvement. These enhancements, applied operationally across Florida's workforce development system, include, but are not limited to, standardized contracts and processes as well as cost savings achieved through leveraging state buying power.

PILLAR III – REGIONAL PLANNING

The Workforce Innovation and Opportunity Act encourages the development of regional plans to align workforce development activities and resources with larger regional economic development areas and available resources to provide coordinated and efficient services to both job seekers and employers. The goal of regional planning is to develop, align and integrate strategies and resources to support regional economic growth.

As part of the Florida Workforce System Transformation Plan implementation, regional planning areas will be developed to include a minimum of two contiguous local workforce development areas, ensuring increased collaboration and productivity.

The Regional Planning Area Policy will be presented to the state workforce development board for approval in September 2023, with the request for initial regional planning area designation submitted to the state workforce development board for approval and recommendation to the Governor in December 2023. By June 30, 2024, at least three regional planning areas will be identified, structured, and compliant with regional planning requirements.



SFWIB EXECUTIVE COMMITTEE

DATE: 8/3/2023

AGENDA ITEM NUMBER: 4

AGENDA ITEM SUBJECT: ALIGNMENT & CONSOLIDATION ALLOCATION FOR MONROE COUNTY

AGENDA ITEM TYPE: **INFORMATIONAL**

RECOMMENDATION: N/A

STRATEGIC GOAL: **STRONG WORKFORCE SYSTEM LEADERSHIP**

STRATEGIC PROJECT: **Strengthen workforce system accountability**

BACKGROUND:

The Florida Workforce System Transformation Plan streamlines and modernizes the state’s workforce system, enhancing alignment and accountability, serving job seekers and businesses more effectively, and improving outcomes for Floridians.

Empowered by the state’s landmark Reimagining Education and Career Help (REACH) Act, the plan is focused around three pillars: Alignment and Consolidation, System-wide Improvements and Regional Planning. Implementation currently underway will increase collaboration among economic, educational, and governmental agencies; enhance services to customers to be consistent across the state; use resources more effectively and strengthen the state’s economy by supporting regional economies.

In May 2023, the Governor affirmed the recommendation provided by the CareerSource Florida Board of Directors to realign and consolidate 10 local workforce development areas as outlined in the Florida Workforce System Transformation Plan. The following is the alignment and consolidation allocation for the region.

Counties	Adult	Youth	Dislocated Worker	Wagner-Peyser	TANF	Totals
Miami-Dade	\$5,283,792	\$4,650,553	\$3,137,652	\$3,413,410	\$12,248,098	\$28,733,505
Monroe	\$63,430	\$34,604	\$53,620	\$111,403	\$156,622	\$419,680
TOTAL	\$5,347,223	\$4,685,157	\$3,191,272	\$3,524,813	\$12,404,720	\$29,153,185

By June 30, 2024, significant local actions will have been taken to ensure Florida is transitioning to 21 local workforce development areas and boards. This will include:

- New local governance determined and in place across impacted boards.
- Interlocal agreements, consortiums, and new organizational structures that may reflect 501(c)(3) filings to establish nonprofits or other administrative structures such as governmental entities.
- Operational transitions underway for all impacted boards.

FUNDING: N/A

PERFORMANCE: N/A

NO ATTACHMENT



SFWIB EXECUTIVE COMMITTEE

DATE: 8/3/2023

AGENDA ITEM NUMBER: 5

AGENDA ITEM SUBJECT: U.S. DOL-ETA ENHANCED DESK MONITORING REVIEW

AGENDA ITEM TYPE: **APPROVAL**

RECOMMENDATION: SFWIB staff recommends to the Executive Committee to recommend to the Board the approval to reimburse the Florida Department of Commerce an amount not to exceed \$116,615 in Unrestricted Funds (Non-Federal), as set forth below.

STRATEGIC GOAL: **STRONG WORKFORCE SYSTEM LEADERSHIP**

STRATEGIC PROJECT: **Strengthen workforce system accountability**

BACKGROUND:

During the period of November 16, 2020 – September 1, 2021, the U.S. Department of Labor (DOL), Employment and Training Administration (ETA) conducted an Enhanced Desk Monitoring Review (EDMR) of the WIOA Formula grants administered through the Florida Department of Economic Opportunity (DEO), by CareerSource South Florida (CSSF). The purpose of the review was to determine the level of compliance with programmatic, fiscal, and administrative requirements. The exit conference was held September 30, 2021. The review resulted in six (6) compliance findings and questioned costs of **\$14,826,812**. DEO provided response to the report on February 22, 2023. DEO's responses were sufficient to resolve five (5) findings, with one (1) finding remaining unresolved.

The Florida Department of Commerce (formerly DEO) forwarded a letter from the U.S. Department of Labor - Employment and Training Administration's (ETA) disposition of five (5) of the six (6) finding with one (1) finding unresolved. The unresolved finding indicates CSSF did not and/or could not provide documentation for program and service eligibility for employed worker participants. Due to the lack of supporting documentation, USDOL is disallowing the training cost of \$116,615 dollars.

The following are the list of compliance findings with the response from USDOL:

- Finding #1: Improper Extension of Enrollment Dates for Adult, Dislocated Worker (DW), and Youth Participants and questioned costs of \$13,423,521.

- **DOL Response** (July 7, 2023): The state has provided the workpapers of the KPMG audit. The region agrees with the assessment that costs were allowable, allocable, and reasonable. The finding is **RESOLVED**.
- Finding #2 Lack of Required Policy, Procedures, and Written Agreements for the Local Workforce Development Board (LWDB) to serve as the One-Stop Operator (OSO) through Sole Source Procurement, and questioned costs of \$1,286,676.39.
 - **DOL Response** (July 7, 2023): During a virtual technical assistance discussion with Keantha Moore, Valerie Peacock, Corey Pitts, Julian Hardy and Jeffrey Patton, on April 27, 2023, the State shared documented communication, sent from the State Workforce Board to CSSF, which was reviewed and accepted as evidence of prior approval from the board (Attachment 2.3)). This finding is **RESOLVED**. However, the State should continue to work with CSSF to properly procure a One-Stop Operator for the LWA. If CSSF wishes to be considered for the OSO, it should defer to an independent entity to conduct the RFP and make the ultimate selection.
- Finding #3: Lack of Documented Program and Service Eligibility for Employed Worker Participants and questioned costs of \$116, 615.
 - **DOL Response** (July 7, 2023): During a virtual technical assistance discussion with Keantha Moore, Valerie Peacock, Corey Pitts, Julian Hardy and Jeffrey Patton, on April 27, 2023, the state shared that, upon further review, the participants in question were deemed ineligible. The finding is **UNRESOLVED**, and questioned costs of \$116,615 is considered unallowable cost. Therefore, to resolve the questioned costs of \$116,615, these funds must be repaid by returning the funds to the respective grants using the Payment Management System (PMS). This process is the same as a drawdown within PMS. FL DEO must follow the instructions in the attached Electronic Payment Initiative (EPI) Guidance to make payments using the PMS system. If you have any questions concerning the EPI program, please email ETA-ARTeam@dol.gov. FL DEO must provide documentation the funds were repaid, and that appropriate journal entries have been completed in its accounting records.
-
- Finding #4: Faulty Contract Administration Practices.
 - **DOL Response** (July 7, 2023): The Region has reviewed and accepted the procurement training log and OSO procurement policy (Attachment 4.6 & 4.7). This finding is **RESOLVED**.
- Finding #5: Falsified Job Placements.
 - The finding was **RESOLVED**, however, USDOL Disposition letter did not indicated a explanation how the finding was **RESOLVED**.

- Finding #6: Noncompliance with Customized Training Requirements.
 - **DOL Response** (July 7, 2023): The Region has reviewed and accepted the customized training policy provided by FL DEO (Attachment 6.1). This finding is **RESOLVED**.

CSSF will utilize unrestricted dollars (Non-Federal) to pay the identified disallowed cost of \$116,615. More importantly CSSF has implemented the following processes to minimize any reoccurrence of potential disallowed cost from business service training initiatives:

- CSSF Headquarter staff reviews all eligibility documents for business services training initiatives (i.e., On-the-Job Training, Customize Training, Employed Worker Training, etc.)
- CSSF Headquarter staff conducts on-site reviews for all business services training initiatives.

SFWIB staff recommends to the Executive Committee to recommend to the Board the approval to reimburse the Florida Department of Commerce an amount not to exceed \$116,615 in Unrestricted Funds (Non-Federal).

FUNDING: N/A

PERFORMANCE: N/A

ATTACHMENT

U.S. Department of Labor

Employment and Training Administration
Sam Nunn Atlanta Federal Center
Room 6M12 – 61 Forsyth Street S.W.
Atlanta, GA 30303



July 7, 2023

Mr. J. Alex Kelly
Secretary
Florida Department of Economic Opportunity
The Caldwell Building, Suite 212
107 East Madison Street, MSC 100
Tallahassee, FL 32399-4120

Dear Secretary Kelly:

Thank you for your fourth response, dated February 22, 2023, to our September 30, 2021, Enhanced Desk Monitoring Review report of Florida Department of Economic Opportunity's (FL DEO) Workforce Innovation and Opportunity Act Titles I and III formula grants.

This letter communicates the Employment and Training Administration's (ETA) disposition on the outstanding unresolved compliance findings from this review. One (1) of the six (6) findings identified during this review remains unresolved. Additional details on the resolution of each finding are included in the enclosure. We offer the following based on the one unresolved finding:

Finding #3: Lack of Documented Program and Service Eligibility for Employed Worker Participants

ETA Response: On April 27, 2023, ETA met with FL DEO staff for a virtual technical assistance discussion. During this discussion, FL DEO shared that, upon further review, the participants in question were deemed ineligible. Since FL DEO confirms the participants in question were, in fact, ineligible, questioned cost of \$116,615 is considered unallowable. To resolve the questioned costs of \$116,615, these funds must be repaid by returning the funds to the respective grants using the Payment Management System (PMS). This process is the same as a drawdown within PMS. FL DEO must follow the instructions in the attached Electronic Payment Initiative (EPI) Guidance to make payments using the PMS system. If you have any questions concerning the EPI program, please email ETA-ARTeam@dol.gov. FL DEO must provide documentation the funds were repaid, and that appropriate journal entries have been completed in its accounting records.

Also, FL DEO should continue to work with CareerSource South Florida (CSSF) to properly procure a One-Stop Operator (OSO) for the Local Workforce Area #23. If CSSF wishes to be considered for the OSO, it should defer to an independent entity to conduct the request for proposal in accordance with the state's procurement process and make the ultimate selection via this process.

The Regional Office will continue to be available for technical assistance as needed. If you have any questions, please do not hesitate to contact Julian Hardy, Chief for the Division of Workforce Investment, at (404) 302-5376, or Jeffrey Patton, Federal Project Officer, at Patton.Jeffrey.D@dol.gov.

Sincerely,

A handwritten signature in blue ink that reads "Kimberly G. Staley".

Kimberly G. Staley
Regional Administrator

Enclosure

EXECUTIVE SUMMARY

During the period of November 16, 2020, through September 1, 2021, the U.S. Department of Labor (DOL), Employment and Training Administration (ETA) conducted an Enhanced Desk Monitoring Review (EDMR) of the Workforce Innovation and Opportunity Act (WIOA) formula grants, administered through the Florida Department of Economic Opportunity (FL DEO), by CareerSource South Florida (CSSF), the Local Workforce Area (LWA) #23. The exit conference was held on September 30, 2021. The review resulted in six (6) compliance findings and questioned costs of \$14,826,812. The following grants were monitored during the review: WIOA Adult, Dislocated Worker (DW), and Wagner-Peyser AA-32210-18-55-A-12, AA-33223-19-55-A-12, ES-31841-18-55-A-12, ES-33387-19-55-A-12. FL DEO provided a fourth response to this report on February 22, 2023. As of this writing, FL DEO’s responses were sufficient to resolve five (5) findings, with one (1) finding remaining unresolved.

FINDINGS

Finding	Status
Finding #1: Improper Extension of Enrollment Dates for Adult, Dislocated Worker (DW), and Youth Participants and questioned costs of \$13,423,521.	Resolved
Finding #2 Lack of Required Policy, Procedures, and Written Agreements for the Local Workforce Development Board (LWDB) to serve as the One-Stop Operator (OSO) through Sole Source Procurement and questioned costs of \$1,286,676.39.	Resolved
Finding #3: Lack of Documented Program and Service Eligibility for Employed Worker Participants and questioned costs of \$116,615.	Unresolved
Finding #4: Faulty Contract Administration Practices.	Resolved
Finding #6: Noncompliance with Customized Training Requirements.	Resolved

Finding #1: Improper Extension of Enrollment Dates for Adult, DW, and Youth Participants

Core Monitoring Guide (CMG) Indicators 1.a.2 Service Design and 1.e.1: Service Delivery
Questioned Costs: \$13,423,521

Corrective Action: To resolve this finding, the State must:

- a) Implement policies and procedures that include WIOA Title I participant exit requirements;
- b) Train front-line staff on these procedures;

- c) CSSF must exit participants who have not received staff-assisted career or training services for more than 90 days;
- d) CSSF must provide a copy of these policies and procedures, documentation of staff training on WIOA requirements, and proof that CSSF exited WIOA participants whose enrollments were improperly extended; and
- e) Determine which of the \$13,423,521 questioned costs associated with each service provider contract were allowable, allocable, and reasonable; specifically, the State must determine that:
 - 1. Staffing levels were reasonable in fulfilling the needs of eligible participants;
 - 2. That documentation supports the determined cost; and
 - 3. The methodology used to make this determination must be reviewed and approved by DOL.

FL DEO Response (April 15, 2022): To resolve corrective action item (a), DEO conducted statewide training on Administrative Policy 115: Common Exit in December 2021 (Attachments 1.5 and 1.6).

To resolve corrective action item (b), CSSF provided signed training logs to document staff attendance at the common exit procedures training conducted in October 2021 (Attachment 1.7). CSSF used the procedures document, provided as Attachment 1.2 in DEO's response dated December 14, 2021, as the training material.

Regarding corrective action items (c) and (d), in USDOL's report dated September 30, 2021, USDOL advised that to resolve these elements of Finding #1, DEO must "exit participants who have not received staff-assisted career or training services for more than 90 days" and "proof that CSSF exited WIOA participants whose enrollments were improperly extended". In DEO's CAP submitted December 14, 2021, DEO advised that we worked closely with CSSF to identify and exit enrolled participants who had not received a career or training service for more than 90 days, by June 30, 2021. The spreadsheet, provided as Attachment 1.4 to DEO's CAP, shows CSSF's number of open participants in WIOA Adult, Dislocated Worker (DW), and Youth programs prior to DEO's issuance of Administrative Policy 115: Common Exit, and the number of open participants remaining after CSSF adhering to the state's policy. Therefore, the "pre" and "post" headings included in the spreadsheet aligned with the caseload size before the state's policy was issued and after the state's policy was issued, respectively. The spreadsheet showing the reduction in caseload sizes for CSSF was provided as proof of the required participant exits.

In USDOL's response dated February 15, 2022, the corrective action was revised to request "a list of participants for each program year that have been determined eligible or non-eligible and exited as a result of the new Administrative Policy #115 to identify allowability, allocability, and reasonableness of the cost with each service providers' contract". DEO is respectfully requesting for corrective action items (c) and (d) to be reconsidered for resolution based on the original corrective action required by USDOL and the documentation previously provided by DEO. DEO further requests that, as intended in USDOL's report dated September 30, 2021, corrective action item (e) be used to address the questioned costs associated with this finding.

To resolve corrective action item (e), DEO proposes the following methodology:

1. Review all CSSF's service provider contracts to determine the amount funded by the WIOA program, the payment structure(s) of each contract, and the staffing levels supported by each contract.
2. Based on the payment structures included in CSSF's service provider contracts, identify specific payment types that funded the questioned activity (improperly extending participation).
3. Work with CSSF to determine the number of staff specifically assigned to the WIOA program. From there, determine the staff assigned to WIOA case management and/or the practice of improperly extending participation.
4. Based on CSSF's WIOA staffing levels, determine the actual case manager to caseload size ratio as compared to state and national averages.
5. Compare the staffing levels supported by each contract with state or national averages for case manager to caseload size ratio.

To support or enhance the state's methodology, DEO is requesting additional technical assistance from USDOL. The specific technical assistance requested is information on methodologies used by other states to resolve the same or a substantially similar finding in which there were also questioned costs.

There were no corrective action items labeled (f) or (g) in the original USDOL report dated September 30, 2021. DEO is requesting clarification regarding the reference to corrective action items (f) and (g) in USDOL's response dated February 15, 2022.

DOL Response (June 7, 2022): ETA arranged a virtual technical assistance call that was conducted on June 1, 2022, with FL DEO; the methodology proposed was discussed and approved by the region. Unresolved.

FL DEO Response (September 14, 2022): To resolve corrective item (e), DEO is developing a solicitation for financial and performance audit services to assist in determining which costs associated with each service provider contract were allowable, allocable, and reasonable. DEO anticipates that the procurement will be completed by October 1, 2022, and the field work will be completed by January 31, 2023.

DOL Response (December 22, 2022): The state has provided a timeline for resolution of subsection (e). anticipating a completed procurement by October 1, 2022, and field work completed by January 31, 2023. Unresolved.

FL DEO Response (February 22, 2023): To resolve corrective action item (e), DEO agreed to contract with a vendor for financial and performance audit services to assist in determining which of the questioned costs outlined in this finding were allowable, allocable, and reasonable. Based on the results of this engagement (Attachment 1.8), it was determined that CSSF did not incur additional or unallowable costs by improperly extending enrollment dates for participants. DEO considers all costs questioned under this finding to be allowable, allocable, and reasonable.

Finding #1 Attachment:

- Attachment 1.8 – KPMG’s DEO Financial Performance Audit: 23-RFQ-003-CS

DOL Response (July 7, 2023): The state has provided the workpapers of the KPMG audit. The region agrees with the assessment that costs were allowable, allocable, and reasonable. The finding is **RESOLVED**.

Finding #2: Lack of Required Policy, Procedures, and Written Agreements for the LWDB to Serve as the OSO through Sole Source Procurement

CMG Indicator 2.d.1: Procurement Standards and 2.d.2 – Competition

Questioned Costs: \$1,286,676.39

Corrective Action: To resolve this finding, the State must:

- a) Ensure that CSSF expeditiously conducts a competitive process for the selection of a one-stop operator according to the requirements described in for all career centers where CSSF staff serve as the OSO.
- b) Provide evidence to demonstrate that sufficient firewalls are in place and that CSSF is not involved in every part or stage of the competitive procurement process if it intends to compete or are part of a consortium that will compete and submit a bid.
- c) Provide a timeline for the OSO procurement, and evidence of a competitive process.

FL DEO Response (April 15, 2022): In response to corrective action items (a) and (c), CSSF advised they experienced delays in their process to procure a One-Stop Operator due to a misinterpretation of federal and state requirements for standard contract language.

As a result, CSSF has provided the following revised timeline for procuring the One-Stop Operator:

- February 16, 2022 – RFP Issued
- February 28, 2022 – Deadline for Request for Clarification Inquiries
- March 3, 2022 – Offerors’ Conference
- March 24, 2022 – Deadline for Receipt of Proposals
- April 7, 2022 – Public Review Forum
- April 21, 2022 – Recommendations Approved at the Executive Committee Meeting
- June 30, 2022 – Execution of Contract
- July 1, 2022 – Contract Start Date

To fully resolve corrective action item (c), USDOL is requesting supporting documentation to review the procurement process. DEO is requesting technical assistance to clarify the specific documentation being requested.

CSSF received approval from the Chief Local Elected Official to be a direct service provider for PYs 2018-2019 and 2019-2020 (Attachments 2.9 and 2.10). At the state level, the State Workforce Development Board (SWDB) approved CSSF’s request to be a direct provider of workforce services for the period of July 1, 2018, to June 30, 2019. The SWDB extended this approval by authorizing CSSF to be a direct provider of workforce services for the period of July

1, 2018, to June 30, 2020. Please refer to Attachments 2.2, 2.3, 2.5A, 2.5B and 2.6 that accompanied DEO's CAP dated December 14, 2021.

As indicated in DEO's CAP dated December 14, 2021, DEO has requested technical assistance from USDOL to ensure a mutual understanding of the documentation or information needed to resolve the questioned costs portion of this finding. To date, USDOL has not acknowledged this request.

DOL Response (June 7, 2022): ETA arranged a virtual technical assistance call that was conducted on June 1, 2022, with FL DEO. The Region discussed examples of supporting documentation as requested and referenced WIOA Section 121(d)(2)(A), requirements that the LWDB select the OSO through a competitive process and reiterated the requirements outlined in, TEGL 15-16 which states that for an LWA to serve as a sole source provider, the Governor and CEO should approve. Costs totaling \$1,286,676.39 remain questioned and subject to disallowance. The finding is UNRESOLVED.

FL DEO Response (September 4, 2022): To resolve this finding, CSSF provided documentation for three RFPs issued for PY 2017-2018, PY 2018-2019, and PY 2019-2020 (Attachments 2.11 through 2.37). For PY 2017-2018, CSSF conducted an RFP and awarded a contract to United Migrant Opportunity Services (UMOS). However, due to the impact of Hurricane Irma in September 2017, UMOS retracted their intention to operate several career centers. As indicated in DEO's CAP dated April 15, 2022, CSSF received approval from the Chief Local Elected Official to be a direct service provider for PYs 2018-2019 and 2019-2020. At the state level, the SWDB approved CSSF's request to be a direct provider of workforce services for the period of July 1, 2018, to June 30, 2019. The SWDB extended this approval by authorizing CSSF to be a direct provider of workforce services for the period of July 1, 2018, to June 30, 2020. Understanding the requirements outlined in TEGL 15-16, the process that CSSF followed is consistent with guidance in the state's Administrative Policy Number 088: Direct Provider of Workforce Services and Administrative Policy Number 097: One-Stop Operator Procurement.

In response to corrective action items (a) and (c), CSSF conducted two RFP cycles for PY 2021-2022, which resulted in no respondents (Attachments 2.38 through 2.47).

CSSF is currently in an active RFP cycle and has provided the following revised timeline for procuring the One-Stop Operator:

- August 1, 2022 – RFP Issued
- August 23, 2022 – Deadline for Request for Clarification Inquiries
- August 25, 2022 – Offerors' Conference
- September 22, 2022 – Deadline for Receipt of Proposals
- October 6, 2022 – Public Review Forum
- October 20, 2022 – Recommendations Approved at the Executive Committee Meeting
- October 31, 2022 – Execution of Contract
- November 1, 2022 – Contract Start Date

CSSF will submit a written request to both the SWDB and DEO requesting authorization to utilize the sole source procurement option to select a One-Stop Operator if this third RFP cycle is unsuccessful.

DOL Response (December 19, 2022): DEO’s CAP response from April 14, 2022, indicated that CSSF received approval from “the Chief Local Elected Official to be a direct service provider;” however, as required in WIOA 121(d)(2a), said approval must be approved by the Chief Elected Official (CEO) and the Governor. No Governor’s approval has been provided. Costs totaling **\$1,286,676.39** remain questioned and subject to disallowance. The finding is **UNRESOLVED**.

FL DEO Response (February 22, 2023): DEO reviewed the cost analyses completed by CSSF and found that the average cost for CSSF to serve as the OSO for the period was less than the costs when the career centers were last operated by a contracted provider. While WIOA law and 20 C.F.R 678.605 require that the OSO be selected using a competitive procurement process, DEO found no evidence to support that sole sourcing the operation to CSSF resulted in excess costs. As such, DEO considers all costs questioned under Finding #2 to be allowable, allocable, and reasonable.

The corrective action taken by CSSF’s additional competitive procurement processes for the OSO demonstrated that efforts were taken to comply with procurement requirements pursuant to 2 C.F.R. Part 200. Documentation of these efforts was submitted to DEO and CareerSource Florida, Inc., (CSF) in accordance with CSF Administrative Policy 097 (Section IV.G) and CSF Administrative Policy 110 (Section IV. D.). Due to multiple failed procurements, CSSF’s request to temporarily serve as the OSO will be on the February 23, 2023 meeting agenda for a vote by the SWDB. As with previous requests that were submitted to the SWDB for approval on the behalf of CSSF, an affirmative vote on the item by the SWDB will constitute approval by the Governor. In keeping with CSF Administrative Policy 110, CSSF will be required to review their previously issued competitive solicitations and identify any elements that led to the failed procurements and update and reissue the competitive solicitation within one month of being granted temporary authority to serve in the role of OSO. DEO is actively providing CSSF with technical assistance regarding their procurement process and the governing requirements when the LWDB competes to be the OSO.

DOL Response (July 7, 2023): During a virtual technical assistance discussion with Keantha Moore, Valerie Peacock, Corey Pitts, Julian Hardy and Jeffrey Patton, on April 27, 2023, the State shared documented communication, sent from the State Workforce Board to CSSF, which was reviewed and accepted as evidence of prior approval from the board (Attachment 2.3)). This finding is **RESOLVED**. However, the State should continue to work with CSSF to properly procure a One-Stop Operator for the LWA. If CSSF wishes to be considered for the OSO, it should defer to an independent entity to conduct the RFP and make the ultimate selection.

Finding #3: Lack of Documented Program and Service Eligibility for Employed Worker Participants

CMG Indicators 1.e.3: Participant Services; 2.e: Performance Management; 2.f: Subrecipient Management and Oversight; and 3.a: Internal Controls

Questioned Costs: \$116,615

Corrective Action: To resolve this finding, the State must ensure that CSSF, as the OSO:

- a) documents participant eligibility for training services for Employed Workers as required by WIOA;

- b) creates or revises policies and procedures that include internal controls that ensure effective oversight and monitoring of service provider staff's documentation of WIOA program eligibility for Employed Workers, the priority of service for individualized career and training services, and appropriate assessments that demonstrate a need for Customized Training;
- c) provides a copy of the revised policies, procedures, and staff training; and
- d) The State must also perform required sub-recipient monitoring to ensure CSSF adheres to newly revised policies and procedures.

Reimbursement payments of \$116,615.00 made to two (2) employers for Customized Employed Worker Training services during the period of July 1, 2017, through June 30, 2020, are questioned and subject to disallowance. To resolve the questioned costs, the State must:

- a) review these files and: provide documentation that demonstrates participants requested these services; and
- b) provide documentation that services were determined eligible WIOA Adult program and Customized Training services.

FL DEO Response (April 15, 2022): In response to corrective action items (a) through (d), DEO is providing the following revised portion of our CAP response dated December 14, 2021: DEO is in the final stages of revising Administrative Policy 100: Work-Based Training to include eligibility requirements for employed workers participating in customized training, among other revisions. DEO expects to issue the revised policy by April 2022, which will replace and supersede FG-OSPS-89. DEO will provide USDOL the state's revised work-based training policy once the policy is issued. CSSF is also developing a customized training policy that will align with the state's work-based training policy and is anticipated to be approved by the LWDB in June 2022. CSSF will provide training on its local policy to front-line staff by June 2022. DEO will provide USDOL CSSF's training log once the training is completed.

Additionally, CSSF will establish local operating procedures that include internal controls that ensure effective oversight and monitoring of service provider staff's documentation of WIOA program eligibility for employed workers, the priority of service for individualized career and training services, and appropriate assessments that demonstrate a need for customized training.

To resolve corrective action items (e) and (f), DEO requested to receive the names of the two employers reviewed and the corresponding participant lists during a technical assistance call with USDOL in October 2021. It was noted that Attachment A provided by USDOL, with the original monitoring report dated September 30, 2021, included the dates and amounts of expenditures but did not disclose employer or participant names. USDOL agreed to provide the requested lists during the technical assistance call; however, to date, DEO has not received the requested information. Once DEO receives the requested lists, DEO will require CSSF to review all of the identified participants and provide DEO with the appropriate supporting eligibility and other documentation in accordance with federal, state, and local requirements. DEO will ensure the review of all participant case files and supporting documentation provided by CSSF to determine if the documentation meets federal, state, and local requirements. The results of DEO's review will be reported to USDOL after the conclusion of the review. DEO will establish a timeline for this corrective action when DEO receives the employer names and participant lists from USDOL.

DOL Response (June 7, 2022): ETA arranged a virtual technical assistance call that was conducted on June 1, 2022, with FL DEO. FL DEO indicated the corrective action was ongoing; and anticipated approval by the LWDB for the revised policies and procedures in June 2022 and completion of front-line staff training in June 2022, which addresses Corrective Action items (a) through (d). Based on this timeline, documentation should now be available to demonstrate corrective action taken to address items (a) through (d). The region requires evidence of CSSF's revised policies and procedures that include internal controls that ensure effective oversight and monitoring of service provider staff's documentation of WIOA program eligibility for Employed Workers, the priority of service for individualized career and training services, and appropriate assessments that demonstrate a need for Customized Training to resolve the finding.

Corrective Action items (e) & (f) are required to resolve the questioned costs. FL DEO's request for the employer names was given at the conclusion of the technical assistance call via email for FL DEO to provide a response to corrective action items (e) & (f) requiring documentation that demonstrates participants requested these services (e) and were determined eligible WIOA Adult program and Customized Training services (f). The finding and questioned cost totaling \$116,615 are UNRESOLVED.

FL DEO Response (September 14, 2022): In response to corrective action items (a) through (d), DEO has updated and issued Administrative Policy 100: Work-Based Learning and Work-Based Training, which updates and supersedes Administrative Policy 100: Work-Based Training and FG-OSPS 89. CSSF developed a Customized Training Policy; however, DEO determined that technical assistance was needed to ensure their local policy is compliant with federal and state requirements. CSSF expects to receive board approval on their updated policy by October 2022. DEO will provide the approved policy to USDOL-ETA upon receipt from CSSF.

To resolve corrective items (e) and (f), DEO provided CSSF with a full list of Employed Worker and Incumbent Worker participants within Employ Florida that were enrolled under the incorrect code/service. CSSF conducted a 100 percent review of these participants and determined that all individuals on the list were incorrectly coded as customized training participants. However, CSSF is not able to correct the records as the participants' cases are now closed in Employ Florida and have exited from the system.

DOL Response (December 22, 2022): FL DEO has indicated an expected completion of action items (a) through (d) to be completed by the end of October 2022. The Regional Office will review the items once submitted. DEO states that, "incorrectly coded as customized training participants" can no longer be corrected in the Employ Florida database system; however, it is unclear if DEO is claiming that, despite incorrect coding, the individuals were eligible for WIOA services; no documentation was provided demonstrating eligibility. ETA requests clarification on this point from DEO in its response. The finding is UNRESOLVED.

FL DEO Response (February 22, 2023): Based on USDOL's response dated 12/22/2022, DEO understands that a confirmation of eligibility determination is still required despite the clarification that the participants were incorrectly coded as customized training participants when they were, in fact, incumbent worker training participants. To resolve this finding, DEO is working with CSSF to confirm whether the individuals were eligible for WIOA services under

the incumbent worker training program. DEO anticipates the local and state level reviews required to confirm participants' eligibility will be completed by March 2023.

DOL Response (July 7, 2023): During a virtual technical assistance discussion with Keantha Moore, Valerie Peacock, Corey Pitts, Julian Hardy and Jeffrey Patton, on April 27, 2023, the state shared that, upon further review, the participants in question were deemed ineligible. The finding is **UNRESOLVED, and questioned costs of \$116,615 is considered unallowable cost.** Therefore, to resolve the questioned costs of \$116,615, these funds must be repaid by returning the funds to the respective grants using the Payment Management System (PMS). This process is the same as a drawdown within PMS. FL DEO must follow the instructions in the attached Electronic Payment Initiative (EPI) Guidance to make payments using the PMS system. If you have any questions concerning the EPI program, please email ETA-ARTeam@dol.gov. FL DEO must provide documentation the funds were repaid, and that appropriate journal entries have been completed in its accounting records.

Finding #4: Faulty Contract Administration Practices

CMG Indicator 2.d.5: Contract Administration

Corrective Action: To resolve this finding, CSSF LWDA must:

- a. submit a corrective action plan that ensures its procurement and contract administration practices comply with Federal statutes, regulations, and the terms and conditions of the Federal award.
- b. include in the corrective action plan a review of its procurement practices, contract structure, boilerplate contract, and updated written procurement policies and procedures that outline a formal competitive process, and
- c. provide documentation that appropriate staff have received training on Federal statutes and regulations for procurement.

In addition, the State must review the corrective action plan and relevant documents before the plan is implemented in the local area.

DEO Response (April 15, 2022): In response to USDOL's request for submission of the guidance referenced in the state's response, CSSF has submitted a memorandum issued by the Agency for Workforce Innovation (AWI), DEO's predecessor agency, which provided guidance pertaining to the use of Memorandums of Agreement or Letters of Intent (See Section II of Attachment 4.4).

To resolve this finding, CSSF submitted a draft CAP to DEO regarding their contract administration practices in March 2022. DEO is reviewing the CAP to ensure required elements are met and will provide CSSF with technical assistance, as needed and appropriate by April 2022. DEO will provide USDOL a copy of CSSF's CAP upon review and approval by DEO. Further, CSSF will ensure local staff are trained on federal, state, and local requirements governing the procurement process within 90 days of its CAP being reviewed and approved by DEO. DEO will provide USDOL a copy of CSSF's training log once training is completed.

DOL Response (June 7, 2022): The Regional Office will review the updated policies and procedures upon submission. The finding is UNRESOLVED.

DEO Response (September 14, 2022): In response to this finding, CSSF developed and submitted a CAP (Attachment 4.5) that will ensure its procurement and contract administration practices comply with federal requirements and the terms and conditions of the federal award. The CAP was approved by DEO on August 4, 2022. CSSF will ensure local staff are trained on federal, state, and local requirements governing the procurement process within 90 days (November 4, 2022) of its CAP being reviewed and approved by DEO. DEO will provide USDOL-ETA a copy of CSSF's training log once training is completed.

CSSF also provided updated policies/procedures that outline CSSF's formal competitive process for procuring the One-Stop Operator. This process is not yet consistent with the Uniform Guidance and TEGL 15-16; however, DEO is providing technical assistance to CSSF to update their process. DEO will submit updated board approved policies/procedures once they are received from CSSF. CSSF expects to receive board approval on their updated policy by October 2022. DEO will provide the approved policy to USDOL-ETA upon receipt from CSSF.

DOL Response (December 22, 2022): FL DEO has indicated an expected approved policies/procedures from CSSF by the end of October 2022. The Regional Office will review the items once submitted. The finding is UNRESOLVED.

DEO Response (February 22, 2023): To resolve this finding, CSSF trained local staff on federal, state, and local requirements governing the procurement process (Attachment 4.6). CSSF also provided updated policies/procedures. At DEO's advisement, CSSF presented the updated policies/procedures to the local board for approval in February 2023 (Attachment 4.7).

Finding #4 Attachments:

- Attachment 4.6 – Procurement Training Log (CSSF)
- Attachment 4.7 – One-Stop Operator (OSO) Procurement Policy (CSSF)

DOL Response (July 7, 2023): The Region has reviewed and accepted the procurement training log and OSO procurement policy (Attachment 4.6 & 4.7). This finding is **RESOLVED**.

Finding #6: Noncompliance with Customized Training Requirements

CMG Indicator 1.e: Participant Services; 1.e.7: Training Services

Corrective Action: To resolve this finding, the State must ensure that CSSF:

- (a) develops a WIOA compliant Customized Employed and Incumbent Worker Training policy, or adopt the current state policy,
- (b) trains key staff on the requirements, and
- (c) provides copy of the policy and documentation of training.

DEO Response (April 15, 2022): In response to this finding, DEO is providing the following revised portion of our CAP response dated December 14, 2021:

As mentioned in DEO's response and CAP for Finding #3, CSSF is developing a customized training policy that will align with the state's work-based training policy and is expected to be

approved by the LWDB in June 2022. DEO is working closely with CSSF to review and provide technical assistance on the contents of its local customized training policy to ensure alignment with federal and state requirements. CSSF will provide training on its local policy to front-line staff by June 2022. DEO will provide USDOL CSSF's training log once the training is complete.

DOL Response (June 7, 2022): FL DEO has indicated an expected completion by June 2022. The Regional Office will review the items once submitted. The finding is UNRESOLVED.

DEO Response (September 14, 2022): To resolve this finding, CSSF developed a Customized Training Policy; however, DEO determined that technical assistance was needed to ensure their local policy is compliant with federal and state requirements. CSSF expects to receive board approval on their updated policy by October 2022. DEO will provide the approved policy to USDOL-ETA upon receipt from CSSF.

DOL Response (December 19, 2022): FL DEO has indicated an expected board approval completion by the end of October 2022. The Regional Office will review the items once submitted. The finding is UNRESOLVED.

DEO Response (February 22, 2023): To resolve this finding, CSSF provided DEO with an updated version of their Customized Training Policy for review. DEO provided CSSF with technical assistance in January 2023 as the updated policy required further revision to be compliant with federal and state requirements. CSSF presented their updated policy to the local board for approval again in February 2023 (Attachment 6.1).

DOL Response (July 7, 2023): The Region has reviewed and accepted the customized training policy provided by FL DEO (Attachment 6.1). This finding is **RESOLVED**.

--END OF RESPONSE--



SFWIB EXECUTIVE COMMITTEE

DATE: 8/3/2023

AGENDA ITEM NUMBER: 6

AGENDA ITEM SUBJECT: SOUTH FLORIDA WORKFORCE INVESTMENT BOARD BYLAWS

AGENDA ITEM TYPE: **APPROVAL**

RECOMMENDATION: SFWIB staff recommends to the Executive Committee to recommend to the board the approval of the amended and restated SFWIB Bylaws.

STRATEGIC GOAL: **STRONG WORKFORCE SYSTEM LEADERSHIP**

STRATEGIC PROJECT: **Strengthen workforce system accountability**

BACKGROUND:

In accordance to Section 679.310(g) of the Workforce Innovation and Opportunity Act sets certain requirements of the Chief Elected Official (CEO). One of those requirements is to establish by-laws, consistent with State policy for Local WDB membership, that at a minimum address:

1. The nomination process used by the CEO to select the Local WDB chair and members;
2. The term limitations and how the term appointments will be staggered to ensure only a portion of membership expire in a given year;
3. The process to notify the CEO of a WDB member vacancy to ensure a prompt nominee;
4. The proxy and alternative designee process that will be used when a WDB member is unable to attend a meeting and assigns a designee as per the requirements at § 679.110(d)(4);
5. The use of technology, such as phone and Web-based meetings, that will be used to promote WDB member participation;
6. The process to ensure WDB members actively participate in convening the workforce development system's stakeholders, brokering relationships with a diverse range of employers, and leveraging support for workforce development activities; and
7. A description of any other conditions governing appointment or membership on the Local WDB as deemed appropriate by the CEO.

The Bylaws are the provisions by which the local area is governed and the LWDB and its operations are managed. They provide consistency and clarification on the roles and responsibilities of the various representatives governing the local workforce development system. The LWDB must ensure that its bylaws are up- to-date and in alignment with requirements of WIOA and state policy. At a minimum, the following are reflected in the revised SFWIB bylaws:

- (a) Purpose and Responsibilities (Functions)
- (b) Membership
- (c) Authority of LWBD
- (d) Duties and Terms of the Members
- (e) Officers
- (f) Committees
- (g) Meetings and Minutes

In accordance with WIOA and CareerSource Florida policies 91 & 110, SFWIB staff have updated the existing Bylaws to ensure compliance. SFWIB staff recommends to the Executive Committee to recommend to the board the approval of the revised SFWIB Bylaws.

FUNDING: N/A

PERFORMANCE: N/A

ATTACHMENT



AMENDED AND RESTATED BYLAWS OF THE SOUTH FLORIDA WORKFORCE INVESTMENT BOARD d/b/a CAREERSOURCE SOUTH FLORIDA

ARTICLE I

NAME, CREATION AND AUTHORITY, TAX EXEMPT STATUS, PURPOSE AND POWERS

Section 1.1 Name - The provisions of this document constitute the By-Laws of the South Florida Workforce Investment Board (hereinafter sometimes referred to as the "SFWIB" or "Board"), a separate public body, corporate and politic, and a governmental agency and governmental instrumentality of both Miami-Dade County and Monroe County, for the governance of the SFWIB.

Section 1.2 Creation and Authority – The SFWIB is created and authorized pursuant to the Interlocal Agreement Creating The South Florida Workforce Investment Board For Local Workforce Development Area 23 (hereinafter referred to as "LWDA" or "Area 23" of the state of Florida as may be amended or renewed from time to time (hereinafter the "Interlocal Agreement"), chapter 445, Florida Statutes, and applicable state and federal law.

Section 1.3 Tax Exempt Status - The SFWIB is a governmental body in all respects and shall be an organization eligible to exclude income under Section 115 of the Internal Revenue Code of the United States and contributions to which are deductible under Section 170(c)(1) of the Internal Revenue Code of the United States

Section 1.4 Mission – The SFWIB's mission is to improve the quality of life through a workforce well equipped to meet industry demand. The SFWIB values:

- Integrity and ethical behavior in all of our actions and dealings
- Fiscal and personal accountability
- Excellent service delivery
- Forward thinking, and innovation
- Passion and commitment to both internal and external customers
- Diversity in experiences and thinking

Section 1.5 Purpose and Responsibilities - The purpose of the SFWIB is to perform any and all duties necessary for the accomplishment and purpose of the WIOA and the Interlocal Agreement creating the SFWIB, in accordance with federal and state law. The SFWIB shall provide strategic and operational oversight in collaboration with the required and additional partners and stakeholders to develop a comprehensive and high-quality workforce development system in Miami-Dade County and Monroe County and public policy guidance of WIOA programs. The SFWIB shall assist in the achievement of the state's strategic and operational vision and goals, and shall exercise all powers by or under the authority of the Board subject to law; and when dealing directly with the state of Florida, the provisions of Chapter 445.007, Florida Statutes. An emphasis shall be placed on services to individuals with barriers and other individuals as identified in the SFWIB Strategic Plan.



Section 1.6 Powers - The Board shall have and exercise all rights and powers granted to Local Workforce Development Boards (under the WIOA, as amended from time to time, Chapter 445.007(5), Florida Statutes and amendments thereto, the SFWIB Bylaws, the Interlocal Agreement between Miami-Dade County and Monroe County, and as permitted by the laws of the state of Florida, including but not limited to, the power to do all acts necessary or proper for the administration of its affairs and the attainment of its purposes, provided however, that when dealing directly with the state of Florida, the exercise of said rights and powers by the Board shall not be inconsistent with the provisions of the WIOA.

ARTICLE II OFFICES

Section 2.1 Principal Office - The principal office of the Board, shall be located in Miami-Dade County, Florida.

Section 2.2 Other Offices - The Board may establish additional offices as it may from time to time determine necessary.

ARTICLE III LIMITATIONS OF METHODS

Section 3.1 Limitation of Methods - The Board shall be non-partisan, non-sectional, and non-sectarian and shall take no part or lend its influence or facilities to the nomination, election, or appointment of any candidate for public office. The Board, nor its Members, may not undertake lobbying or legislative activity of any kind in or before anybody or person of any kind, any member of the SFWIB acting as such or any staff member of the SFWIB acting as such except for legislative requests made by the Board to the Miami-Dade County Office of Intergovernmental Affairs as required by Miami-Dade County Ordinance 04-219 or as may be authorized by said Office.

ARTICLE IV MEMBERSHIP AND DUTIES

Section 4.1 Representation - The SFWIB members shall be representative of the population of the service area. The membership shall be based on the diversity of the economic and demographic composition of the county to assure equitable representation.

Section 4.3 Categories of Membership - Pursuant to Pub. L. No. 113-128, WIOA, Sections 107; 20 Code of Federal Regulations 679.320; and Section 445.007, Florida Statutes, the Board shall include members that represent entities in the categories provided below. Members must be individuals with optimum policy-making authority within the entities they represent, as the term is defined by 20 CFR 679.340. The number of members and the composition of the Board shall be determined by the Chief Elected Official (“CLEO”) of Miami-Dade County, in accordance with the Interlocal Agreement.



A. Business

A majority of the members shall represent businesses in the local workforce development area (LWDA) as individuals who:

- a. Are owners of a business, chief executive officers, chief operating officers, or other individuals with optimum policymaking or hiring authority; and
- b. Represent businesses, including small businesses, or organizations representing businesses that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the LWDA, as those terms are defined by the WIOA; and
- c. Are appointed from among individuals nominated by local business organizations and business trade associations; and
- d. At least two (2) members must represent small business as defined by the U.S. Small Business Administration.

B. Labor / Apprenticeships

Not less than 20 percent of the members must be representatives of the workforce within the LWDA who:

- a. Include at least two representatives of labor organizations nominated by local labor federations. For a LWDA in which no employees are represented by such organizations, at least two other representatives of employees shall be included.
- b. Include at least one representative, who shall be a member or a training director, of a joint-labor management, or union affiliated, registered apprenticeship program who must be a training director or member of a labor organization. If no union affiliated registered apprenticeship program exists in the LWDA, at least one representative of a registered apprenticeship program with no union affiliation in the LWDA must be appointed, if such a program exists.
- c. May include one or more representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training or education needs of individuals with barriers to employment, including organizations that serve veterans or provide/support competitive integrated employment for individuals with disabilities.
- d. May include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.



C. Education

Must include representatives of entities administering education and training activities in the LWDA who:

- a. Include a representative of eligible training providers administering adult education and literacy activities under Title II of WIOA.
- b. Include a representative of institutions of higher education providing workforce investment activities (including state/community colleges).
- c. Include a private education provider, if a public education or training provider is represented on the Board. The CareerSource Florida Board of Directors may waive this requirement if requested by a local board, including the SFWIB, if it is demonstrated that such representative does not exist in the LWDA.
- d. May include representatives of local educational agencies or community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment.

When there is more than one institution in each of the types of educational entities listed above, nominations are solicited from representatives of each of these entities. When requesting to waive the requirement for private education provider representation, the Board must demonstrate that such a provider does not exist in the LWDA. The Board shall describe, in a locally defined process, how private education providers will be identified and efforts to include those representatives on the Board. If through the local process the Board finds that a private education provider representative of an entity administering education and training activities in the LWDA does not exist, the Board shall submit a request to waive the requirement as outlined in CareerSource Florida Administrative Policy 91.

D. Governmental / Economic / Community Development

Must include representatives of economic and community development, as well as, governmental entities serving the local area who:

- a. At least one individual representing economic and community development entities serving the LWDA.
- b. At least one individual representing the State Employment Service office under the Wagner-Peyser Act serving the local area.
- c. At least one individual representing the programs carried out under title I of the Rehabilitation Act of 1973, other than sec. 112 or part C of that title serving the local area.

E. Other Entity Representation

Members may include other individuals or representatives of entities including: (1) governmental and economic and community development entities who represent transportation, housing and public assistance programs; (3) philanthropic organizations serving the LWDA; and (4) other appropriate individuals as determined by the CLEO of Miami-Dade County in the LWDA and as provided for under the Interlocal Agreement.

Section 4.4 Board Member Recruiting, Vetting and Nominating - The Board, in consultation with the CLEO shall recruit, vet, and nominate prospective SFWIB members as detailed in **Article V**. The members shall represent diverse geographic areas with the LWDA. The importance of minority and gender representation must be considered when making appointments to the Board.

Recruitment Process Instructions

When a SFWIB vacancy exists, the Executive Director will send a written notice to the Board, as well as, to the appropriate CLEO to provide notice of the vacancy within three (3) days of the vacancy, consistent with the Interlocal Agreement. The Executive Committee, subject to Board approval, will work with the Executive Director to solicit potential members to fill the vacancy.

The CLEO or Executive Committee will send written notice referring potential candidates to fill the vacancy to the Executive Director within fifteen (15) days. Once the Executive Director has determined the nomination(s) are consistent with the membership requirements of federal and state laws, as well as, local board requirements, the nominee will be referred to the SFWIB Executive Assistant. The SFWIB Executive Assistant will provide the nominee a Membership Nomination and Reappointment Form and Recruitment Brochure (i.e., Become a Leader for the South Florida Workforce Investment Board).

If the vacancy is from the business, education, labor or economic development Board membership categories, the following process shall be followed:

1. Business – Representatives must be nominated by local business organizations and or business trade associations and then submitted for review.
2. Education – When there is more than one local area provider of adult education and [literacy](#) activities under title II, or multiple institutions of higher education providing [workforce investment activities](#) as described in [WIOA](#) sec. 107(b)(2)(C)(i) or (ii), nominations are solicited from those particular entities.
3. Labor – Representatives must be nominated by local labor federations.
4. Economic Development – the CLEO/Executive Committee shall solicit nominations from both public and private local economic development agencies.

Section 4.5 Appointment of Directors - The appropriate CLEO is authorized to appoint SFWIB members who meet the criteria outlined in Section 4.3, as provided for in the Interlocal Agreement. The CLEO of Monroe County shall appoint two of the private sector members of the SFWIB, and the CLEO of Miami-Dade County shall appoint the remaining members. The CLEO may not delegate the responsibility of appointing members to the SFWIB or to the Executive Director. A SFWIB member may not assign or designate their board position on the SFWIB and/or a Council. Upon appointment, the SFWIB members must be trained on federal, state and local conflict-of-interest policies.

At no point may a member direct or request the appointment of any person, or removal from office, or employment by the Executive Director or by the CLEO or their subordinates, as provided for in the Interlocal Agreement. Any violation shall cause the removal of such a member from the Board.

Appointment Process Instructions:

Once the CLEO/Executive Committee refers a potential SFWIB member to the Executive Director and that nominee satisfies legal, regulatory and local requirements, the following activities commence:

1. Nominated individual completes a Membership Nomination and Reappointment Form, including a career biography/resume.
2. Nominee submits the Membership Nomination and Reappointment Form and career biography/resume to the SFWIB Executive Director.
3. The Executive Director forwards submitted documents to SFWIB Executive Assistant.
4. For private sector nominees, the Executive Assistant will verify the nominee's status in the business community (i.e., whether the nominee is in good standing with a Chamber of Commerce and/or economic development organizations).
5. The SFWIB Executive Assistant will scan and file the submitted documents. The original hard copy is placed in folder labeled Pending Nomination.
 - a. The Executive Assistant will e-mail scanned documents to the Executive Director for the director to submit to the Executive Committee for review and recommendation to the Board for approval. If the nominee is not approved, the Executive Assistant prepares a notification letter to the nominee for the Executive Director's signature
 - b. Where the Executive Committee approves the nomination, the nomination is included on the SFWIB Agenda for the Board to consider. If not approved, the Executive Assistant prepares a notification letter to the nominee for the Executive Director's signature.
 - c. Where the SFWIB approves the nominee, the Executive Assistant prepares a memo to CLEO recommending the review and approval for board appointment. The Membership Nomination and Reappointment Form, including the career biography/resume is included with the memo.

6. If the mayor appoints the Board's approved nominee, the following activities commence:
 - a. The new Board member is registered for new member training.
 - b. The new member receives a congratulatory letter from the CLEO with instructions for Board Member Orientation conducted by the Executive Director.
 - c. SFWIB Executive Assistant completes bottom portion of Membership Nomination and Reappointment Form, indicating date of mayoral appointment/reappointment, adds the member to the Board Member Directory and Board Member Distribution List, and ensures that the new member's name is included in appropriate section of the website.
 - d. Once the new member receives a committee assignment, the Executive Assistant will add the member to the appropriate committee distribution list.

Section 4.6 Terms/Term Limits – SFWIB members shall be appointed for fixed and staggered terms and shall serve until their successors are appointed. All appointments shall be for a term of four (4) years. Members may be reappointed for one (1) additional term. A member's service shall not exceed a total of two (2) consecutive terms or eight (8) consecutive years. Appointed members who represent governmental entities are exempt from term limit definition. Service, which commenced before July 1, 2020, does not count toward the 8-year limitation.

Section 4.7 Vacancies – SFWIB members who no longer hold the position or status that made them eligible appointees must resign or be removed by the CLEO that appointed them, as per the Interlocal. Vacancies must be filled within a reasonable amount of time, but no more than twelve (12) months from the original vacancy occurrence. All appointments to fill vacancies must follow the same process as that used to initially fill the appointment and all vacancies shall be filled by the appropriate CLEO. New SFWIB members must be appointed to fill the same category of membership as that in which the vacancy occurred; however, new members do not have to be from the same educational entity, organization or business as the members being replaced. To establish staggered terms, each appointment for a vacancy will begin a new term. If replacing a member who resigned before the end of his/her term, the new member will complete the remainder of the previous member's term before becoming eligible for reappointment.

Section 4.8 New Member Orientation and Annual Training -

- A. SFWIB members appointed to the Board are required to participate in orientation and annual training to ensure they understand the purpose of the participation on the Board. The purpose of orientation and training is to provide SFWIB members with information that empowers them to effectively serve. All new members, within six (6) months of appointment, will complete a new member orientation. The Executive Director is responsible for and shall develop Member Orientation.
- B. SFWIB members will complete annual refresher training to remind them of the purpose of their appointment as a member of the Board and will contain the topics provided for by CareerSource Florida Administrative Policy 110.

- C. New member and refresher training may be offered in-person and/or virtually at the discretion of the Board. Using the Board Engagement Matrix, the Board will monitor member participation in convening stakeholders, brokering relationships with employers, and leveraging support. On request, attendance records and course completion dates will be provided.

Section 4.9 Removal – A member, executive director or the designated person responsible for operational and administrative functions may be removed from the Board as follows:

- A. **For Cause** - SFWIB members, executive director or the designated person responsible for operational and administrative functions may be removed for cause by the Governor, the CLEO who appointed the member, or by 2/3 vote of the Board. The following grounds for removal for cause shall include, but not be limited to:

- a. Disclosure of confidential information;
- b. Misuse of position;
- c. Failure to disclose conflict of interest;
- d. Incapacity or unfitness to fulfill the duties of the Board;
- e. Engaging in fraud or other criminal acts while a member of the Board;
- f. Gross dereliction of Board responsibilities;
- g. Infractions of misfeasance (willful inappropriate action or intentional incorrect action or advice), malfeasance (willful and intentional action that injures a party), or nonfeasance (the failure to act where action is required—willfully or in neglect);
- h. Other causes as may be determined by the Board and/or defined by the Governor and CLEO.

B. **Resignations**

1. Voluntary resignations shall be those occurring when a member, for his or her own reasons, elects to leave Board and gives due notice of such intent.
2. Involuntary resignations (de-facto resignations) shall occur when a member misses one-half of the regularly scheduled Board or Board Committee/Council meetings in a twelve (12) month period. An involuntary resignation may be set aside at the request of the member followed by a majority vote of the Board.
 - i) The Executive Director of the SFWIB shall send a letter to any member who fails to attend two or more meetings, excluding committee and task force meetings, in any twelve-month period without an acceptable explanation.
 - ii) The Executive Director shall notify the CLEO who appointed the member and recommend that the member be removed from the SFWIB if the member fails to attend three or more meetings, excluding committee and task force meetings, in any twelve-month period without an acceptable excuse. The SFWIB defines "Acceptable Excuse" as a medical, business travel, or other reason approved by a majority vote.



Section 4.10 *Financial Disclosure* – Financial disclosure pursuant to Section 112.3145, Florida Statutes is required of appointed members, unless otherwise exempt under Florida law, because it permits the public to evaluate potential conflicts of interest, discourages corruption, and boosts public confidence in government.

- a. Financial disclosure Form 1 is due July 1 of each year for the preceding calendar year.
- b. Notifications will be sent to all members at least 30 days in advance of the deadline.
- c. Forms should be submitted to the Supervisor of Elections in the member's county of permanent residence.
- d. A grace period is in effect until September 1. If the disclosure is not filed or postmarked by September 1, an automatic fine of \$25 per day will begin to accrue, and will continue to build until the disclosure is filed, or the fine reaches \$1,500.
- e. Failure to submit Financial Disclosure Form 1 by the deadline could result in a finding for the SFWIB.

ARTICLE V OFFICERS

Section 5.1 *Appointed Officers* - The officers shall consist of a Chairperson and Vice-Chairperson ratified by the Board.

Section 5.2 *Duties* - The officers of the Board shall have the following duties:

A. **Chairperson.** The Chairperson shall be the chief appointed officer of the Board and shall preside at all Board and Executive Committee meetings. The Chairperson shall appoint council and council vice-chairpersons, subject to the approval or ratification of the SFWIB. All such council and task force chairs and members shall serve at the pleasure of the Chairperson. The Chairperson may remove the chair of any such council or task force and any and all such council members or task force members without cause at any time.

The Chairperson shall serve as an ex-officio member of all standing committees and shall perform such other duties as set forth in the Bylaws or as determined by the Board. The chairperson shall be a "Business" representative and preside at all meetings of the SFWIB

B. **Vice Chairperson.** The Vice-Chairperson shall, in the absence of the Chairperson or in the event of his or her inability, perform the duties of the Chairperson. The Vice Chairperson serves as the chair of the Board members membership committee and shall perform such other duties as are assigned by the Chairperson. The Vice-Chair may be removed from office as Vice-Chair without cause at any time upon the affirmative vote of a majority of the then appointed members of the SFWIB who are empowered to vote.

In the event that the office of the Chair of the SFWIB is vacant, the Vice-Chair shall assume the duties and powers set forth in (A)(1), (3) and (4) hereinabove until such time as the office of the Chair of the SFWIB is no longer vacant. The Vice Chairperson shall be a "Business" representative.



- C. Qualifications. All officers appointed after the first annual meeting of the Board must have been a member of the Board for at least one (1) year prior to being appointed to office.
- D. Appointment. The Chairperson and Vice-Chairperson shall be elected by the Board and shall serve one (1) two-year year term commencing January 1st. The Chairperson's and the Vice-Chairperson's terms shall be limited to two (2) consecutive two-year terms. There are no limitations on the number of terms not in sequence or in different offices.

Section 5.3 Executive Director - The Board shall have the authority to recommend, select, and hire an Executive Director who shall serve as the chief executive and operating officer for the Board and as such shall implement the policies, decisions, actions and directives of the Board. The Executive Director may be removed at the discretion of the Board. The Executive Director shall serve as Secretary to the Board and charged with preparing notices, agendas, minutes of the meetings of the Board and Committees and shall serve as the custodian for all minutes and voting records of official Board business. The Executive Director shall be a non-voting member of the Board, Executive, Finance and Efficiency Council, Global Talent & Competitive Council, Performance Council and any Ad-Hoc committees. The Executive Director shall serve as advisor to the chairperson and all council chairpersons and shall assemble information and data and cause to be prepared special reports as directed by the Board. Board functions that are the responsibility of the Executive Director are as follows but not limited to:

- A. Coordinating with the CLEO regarding the identification and nomination of Members to the Board and ensuring membership is compliant with WIOA and Florida Statutes.
- B. Organizing Board meetings and ensuring meetings are held according to the Bylaws and Florida's Sunshine Laws.
- C. Developing and submitting the local and regional workforce development plan.
- D. Conducting oversight of the WIOA adult, dislocated worker, youth programs and the entire One-Stop delivery system including development of policies and monitoring the administration of the programs.
- E. Negotiating and reaching agreements on local performance metrics.
- F. Negotiating with the CLEO and required partners for the Memorandum of Understanding (as prescribed in CareerSource Florida Administrative Policy 106).
- G. In compliance with Board's procurement policy, provide oversight of the competitive procurement process for procuring or awarding contracts for providers of youth programs services, providers of workforce services (if applicable), and the One-Stop Operator as required in 20 CFR 679.370.
- H. Developing an annual budget of South Florida Workforce Investment Board each program year to be submitted to the State and published in accordance with state law.
- I. Certifying the One-Stop career centers per the CareerSource Florida Administrative Policy 93.



In the event that the office of the Secretary is vacant, the Chair, or in the event of a vacancy in the office of the Chair, the Vice-Chair, shall appoint a member of the staff of the SFWIB to serve as the Secretary Pro Tem of the SFWIB until such time as the office of the Secretary of the SFWIB is no longer vacant.

ARTICLE VI BOARD MEMBER/COMMITTEES (COUNCILS)

Section 6.1 Regular Meetings - The Board shall hold regular meetings at least **six times** during a calendar year. The number of meetings may be amended at the discretion of the Chairperson. The schedule shall be provided to Board Members and posted on SFWIB's website at the start of the calendar year.

Section 6.2 Special and Emergency Meetings - Special and emergency meetings may be called by the Chairperson or by a majority of the members of the Board.

Section 6.3 Place of Meeting - The Chairperson in coordination with the Executive Director shall designate the place of meeting to ensure compliance with accessibility and nondiscriminatory requirements under Florida law, including the Sunshine Law.

Section 6.4 Notice of Meeting - All meetings will be advertised and open to the general public in compliance with the Sunshine Law, the requirements in Florida Statutes Chapter 445, and the Grantee-Subgrantee Agreement. Written/electronic notice of the date, time and place of regular and special meetings shall be emailed to all members at least seven days before such meetings, together with an agenda of the business to be conducted. If the Chairperson or a majority of the membership of the Board determines that an emergency situation requires that a special meeting be called, the seven-day notice requirement may be waived.

Section 6.5 Communication Media Technology - Members may attend only two of the six board meetings by means of communications media technology, defined in section 28-109.002 of the Florida Administrative Code to mean the electronic transmission of printed matter, audio, full-motion video, freeze frame video, compressed video, and digital video by any method available and shall include, but not be limited to, telephone conference, video conference or similar communications equipment.

Members using communications media technology to attend meetings must be: (i) allowed to participate in Board discussions; (ii) able to be heard by other Board members; and (iii) able to be heard by the public. Although SFWIB members are permitted to use communications media technology to virtually attend two meetings, physical attendance at all Board and committee meetings is required. If a member is unavailable to be physically present due to an emergency or circumstances beyond their control and would like to participate in the meeting using communications media technology, said member shall notify the Chair and Executive Director no later than 48 hours prior to the start of said meeting so that such communications media technology may be established for said meeting.



These bylaws shall not be construed to authorize any proceeding otherwise subject to the provisions of section 286.011, Florida Statutes, to be held exclusively by means of communications media technology without making provision for the attendance of any member of the public who desires to attend unless expressly authorized by law. SFWIB meetings conducted using communications media technology shall comply fully with section 120.54, Florida Statutes, and Chapter 28-109, Florida Administrative Code, as may be amended from time to time.

Section 6.6 Attendance - The SFWIB must hold in-person meetings throughout the course of the fiscal year, from July 1 to June 30. Members may attend via media technology a maximum of two times in a succession; after that, in-person attendance is required before remote participation is permitted again. Any member who is absent from more than two of the six SFWIB meetings within a fiscal year, shall be deemed to have voluntarily resigned from the SFWIB unless the member's absences were excused in advance for cause by the Chair.

Section 6.7 Quorum - A majority of the membership qualified and sitting shall constitute a quorum for the transaction of business at meetings of the Board, including those members attending via communications media technology as outlined in Section 6.5. In the absence of a quorum, the Executive Committee can take official action on the agenda, which shall be ratified at the next Board meeting.

Section 6.8 Voting - All matters before the board (except amendments to Bylaws-See **Section 8.2**) shall be determined by a majority vote of members present at the meeting with a quorum present. Each member (including those attending via communications media technology as outlined in Section 6.5), shall be able to cast one vote, and must vote on any business of the Board or any Council(s) to which he/she is assigned. The SFWIB prohibits the use of proxies to attend or vote on behalf of a member who is unable to do so in person or through communications media technology.

If a conflict of interest exists or is thought to exist, the corresponding member must abstain from voting or otherwise participating in the proceedings related to the matter and shall leave the public meeting room or other location of the public meeting until the consideration of that matter has been concluded. Any such person who does not leave the public meeting room or other place of the public meeting shall be deemed absent for purposes of constituting a quorum, counting the vote or for any other purpose.

Section 6.9 Conflict of Interest– Board Members and staff must maintain integrity, accountability and transparency in decisions and actions that earn and protect the public trust. This includes taking all necessary steps to avoid appearances of conflicts of interests. A member shall not cast a vote on or participate in any decision-making capacity regarding the provision of services by said member, their relative or any organization that the member directly represents or on any matter that would provide any direct financial benefit to the member or who have any relationship with the contracting vendor and will follow the guidelines and restrictions set forth in Chapter 445 of the Florida Statutes, CareerSource Florida Strategic Policy 2012.05.24.A.2-State and Local Workforce Development Board Contracting Conflict of Interest Policy, as well as the requirements in the Grantee-Subgrantee Agreement. Such contracts may be approved only with a two-third vote of the Board and where all conflicts of interest have been disclosed, and with the member who may benefit from such a contract (or whose organization or relative may benefit) abstaining from the vote. Any contract awarded to a SFWIB member or a contracting vendor related to a SFWIB member that is equal to or greater than \$10,000 is subject to DEO approval and requires the completion of a Contract Information/Related Party Form that has been certified by the Chairperson or Vice Chairperson as correct and true. Such contracts will be published on the SFWIB website in accordance with Chapter 445.

Section 6.10 Procedure at Meetings

- A. Robert's Rules of Order shall govern the procedure of Board meetings except when inconsistent with provisions of the Bylaws.
- B. All business shall be conducted in accordance with an agenda.
- C. Participation in meetings shall be limited to SFWIB members, Board staff and other invited guests and speakers.
- D. All business of the Board shall be conducted in accordance with the Florida government in Sunshine Law.
- E. SFWIB members may attend meetings in-person or virtually except for the annual meeting where in-person attendance is required for all Directors.
- F. All The Secretary of the Board shall record and transcribe all proceedings. At the next routinely scheduled meeting where a quorum has been established, they will be reviewed, amended, and approved as necessary. The Minutes shall indicate which Board members were present or absent and shall record the official acts of the Board; the Vote Tally Sheet shall record member voting (ayes, noes, and abstentions). Abstentions due to a conflict of interest shall be recorded along with the member's name and the rationale for the abstention. After ratification by the Board, the meeting's minutes serve as the official record of the business conducted at that meeting. Copies of approved minutes shall be posted on the CareerSource South Florida website within 15 days of Board approval.



Section 6.11 Committees (Councils)

SFWIB shall establish and maintain the following Committees/Councils comprised of Board members to assist the Board in carrying out its duties and responsibilities. Council membership and leadership appointments, as described in Section 5.2A, are appointed by the Board Chairperson and subject to Board ratification. SFWIB staff shall not serve on committees. As specified in Section 6.1, the Committees/Councils adhere to the same meeting schedule as the SFWIB. The Committee/Council Chairpersons may call special and emergency meetings as deemed necessary.

Section 6.12 Executive Committee - The Executive Committee shall be comprised of the Chairperson, Vice Chairperson, Council Chairpersons and Vice-Chairpersons. The Executive Committee shall serve as a committee with administrative oversight responsibilities and is empowered to act and take necessary interim action to implement the plans and programs of CareerSource South Florida between meetings of the Board. All restricted assets shall be managed by the Executive Committee of the Board. An Executive Committee report will be made at each Board meeting at which time the actions of the Executive Committee may be reviewed and ratified by the Board.

Section 6.13 The Finance and Efficiency Council (FEC) –The FEC oversees the development of annual budget and ensure accurate tracking, monitoring and accountability for funds. The FEC ensures adequate financial controls, financial monitoring, and shall review the Executive Director's recommended budget and make recommendations, regarding the budget to the Board. The FEC is responsible for the review and approval of the annual audit and audit firm.

Section 6.14 Global Talent and Competiveness Council (GTCC) - The GTCC is responsible for developing and delivering talent (youth and adult) to meet marketplace needs to grow South Florida's legacy and infrastructure industries, as well as, those industries that hold promise and have been identified as economic development priorities for diversifying the regional economy with high-wage jobs. GTCC also focuses on the area's economic development agenda and common strategic target. The council advises the Board on the development and implementation of policies, strategies, programs, and activities affecting workforce development by focusing on Opportunity Miami (One Community One Goal) identified seven targeted sectors.

Section 6.15 Performance Council- The Performance Council is responsible for ensuring compliance with the USDOL Federal common measures, the REACH Act Letter Grades and SFWIB Performance Goals. This includes both programmatic and financial outcomes on measures such as job placements, cost per placement and return-on-investment. The council provides oversight and accountability for positive outcomes of Florida's federal common measures.

Section 6.16 Ad Hoc Committees - Ad Hoc Committee(s) shall be established as temporary committees to address a specific issue and shall terminate upon completion of the matter of concern for which it was created. Ad Hoc Committees shall be chaired by a SFWIB member. Membership of Ad Hoc Committee(s) may include SFWIB members, and must include other individuals appointed by SFWIB who are not members but have demonstrated experience and expertise in accordance with state and federal law.

ARTICLE VII

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. All voice telephone numbers may be reached by persons using TTY/TDD equipment via the Florida Relay Service at 711.



INDEMNIFICATION AND COMPENSATION

Section 8.1 Indemnification - The Board shall indemnify, defend, save, and hold harmless each member from personal liability to the maximum extent authorized by law as same may exist from time to time. It is the intent of this Article that no member shall have personal liability for his or her acts or omissions except in those instances where the Board is prohibited, by law, from indemnifying, defending, saving, and holding harmless such member. Additionally, in the event of dissolution, liquidation, termination, or expiration of the existence of the SFWIB, the Board shall follow the provisions of the Interlocal Agreement regarding payments, debts, obligations, assets and income.

Section 8.2 Compensation - It is specifically understood that each member is serving in a volunteer capacity and without compensation. Members may be reimbursed for necessary expenses incurred in the performance of official duties upon approval in writing by CLEO of Miami-Dade County or their designee, in accordance with the Interlocal Agreement. Expenses shall be reimbursed in accordance with federal and state laws and regulations and Miami-Dade County ordinances and policies, and the Interlocal Agreement.

ARTICLE VIII ENACTMENT/AMENDMENT

Section 9.1 Enactment - These Bylaws shall become effective upon approval of the Board. Approval for enactment shall require two-thirds vote of the membership voting thereon, after notice to the membership. Said notice shall be made no later than ten (10) days prior to the meeting at which they are placed on the agenda. These Bylaws shall not be construed to take precedence over Federal, State, or local laws or regulations or to limit or constrain the rights and obligations of the Board in their agreement.

Section 9.2 Amendments - The Bylaws may be altered, amended, or repealed and new Bylaws adopted by the affirmative vote of a two-thirds (2/3) majority of the membership of the Board in attendance at any meeting, provided that any proposal to alter, amend or repeal Bylaws.

ARTICLE X STAFF SUPPORT AND PROFESSIONAL ASSISTANCE

Section 10 Staff Support and Professional Assistance - The Board and its committees shall be provided administrative, clerical, and technical support by the Board's staff. The staff shall implement the policies, decisions, actions and directives of the Board under the supervision and control of the Executive Director. It shall be the Executive Director's responsibility to assure such support is available as necessary or as requested by any Board/Committee. However, the members of the Board shall deal with the staff of SFWIB solely through the Executive Director and shall not give any orders to any employees of the SFWIB either publicly or privately. Employees shall not respond to or undertake any action to comply with any request by members. The Executive Director shall not allow any Board Member to deal with any employee. If determined necessary, the Board may hire professional consultants, including legal counsel, to assist in carrying out its responsibilities.