



SOUTH FLORIDA WORKFORCE INVESTMENT BOARD

YOUTH COUNCIL MEETING

**Thursday, April 14, 2011
8:00 A.M.**

Doubletree Miami Mart/Airport Hotel and Exhibition Center
711 NW 72nd Avenue
Salon A
Miami, Florida 33126

AGENDA

1. Call to Order and Introductions
2. Approval of Youth Council Meeting Minutes
 - A. December 16, 2011
 - B. February 24, 2011
3. Information – Youth Programs Performance Update
4. Information – WIA Youth Employment & Training Services RFP
5. Information – Summer 2011 Youth Services Program
6. Information – Transferred Youth Files Update
7. Recommendation as to Approval of the Results of the SFWIB-Adult Mankind Organization, Inc. Information Resolution Conference



2.A

SFWIB - Youth Council

April 14, 2011

**Minutes of SFWIB Youth Council Meeting,
December 16, 2010**

South Florida Workforce Investment Board
 Youth Council Meeting
 December 16, 2010 at 8:00 A.M.
 Miami Dade College West Campus
 3800 NW 115th Avenue, 3rd Floor
 Doral, Florida 33178

<p>YOUTH COUNCIL MEMBERS IN ATTENDANCE</p> <ol style="list-style-type: none"> 1. Ferradaz, Gilda (Vice-Chair) 2. Brown, Clarence 3. Jennings, Donna 4. Scott, Kenneth 5. Talbert, Gregg 6. Walker, Wanda <p>Youth Council Members Not in Attendance</p> <ol style="list-style-type: none"> 7. Brown, Willie J. 8. Rodriguez-Roig, Alex 9. West, Alvin 	<p>SFWIB STAFF</p> <p>Morgan, Myria</p> <p>OTHER ATTENDEES</p> <p>Castillo, Alicia - AMO Clark, Robert - <i>Greater Miami Service Corps (GMSC)</i> Dorsette, Deborah - <i>Greater Miami Service Corps (GMSC)</i> Farinas, Irene - AMO Heit, David - <i>Youth Co-Op</i> Kos, Claudia - <i>Youth Co-Op</i> Mardy, Angela – <i>Youth Co-Op</i></p>	<p>Marti, Sergio – <i>Miami-Dade County Public Schools (M-DCPS)</i></p> <p>Martinez, Ronald - <i>Youth Co-Op</i> Ramirez, Michelle - <i>Youth Co-Op</i> Rosario, Ed – <i>Job Corps</i> Someillan, Ana – AMO Varela, Vivian - <i>Youth Co-Op</i></p>
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Note: Agenda items are listed in the order in which they were discussed.

1. Call to Order and Introductions

Ms. Clarence Brown called the meeting to order and asked the members present to introduce themselves.

1. Information –Workforce Professional Champion Award Nomination

Ms. Myria Morgan, SFWIB Youth Programs Manager announced the name of SFWIB’s nominee for the Workforce Professional Champion Award. Her name is Paulina Velez with Youth Co-Op. Ms. Morgan also mentioned this is the first time Region 23 has selected a nominee.

Someone from the audience asked when the selection will be held by the State. Ms. Morgan responded tomorrow, December 17, 2010.

[Gilda Ferradaz arrived; **Quorum Achieved**]

2. Approval of Youth Council Meeting Minutes for October 21, 2010

Mr. Clarence Brown moved the approval of the minutes for October 21, 2010. It was seconded by Dr. Jennings; **Minutes Passed.**

2. Information – 2010 ARRA Summer Youth Employment Program Presentation

Ms. Morgan presented the item and showed a video presentation hosted by Youth Co-Op regarding the 2010 ARRA Summer Youth Employment Program.

3. Information – Update on Request for Proposals for Juvenile Justice Involved Youth

Ms. Morgan presented the item and mentioned that on October 21, 2010 the Board approved the release of a Request for Proposals (RFP) to provide youth services to the juvenile justice system population. The RFP was released on Monday, December 13, 2010 via SFWIB's website. She also mentioned that the Offerors' Conference date has changed to December 23rd.

Dr. Jennings inquired about the next Committee meeting date and Ms. Morgan responded that it will be sometime in February.

Mr. Clarence Brown inquired about the year-round internship program that was discussed at the prior Youth Council meeting held in October. Ms. Morgan responded that a waiver was submitted but staff has not heard back from the State as of yet.

Other Topic(s):

Someone from the audience made the Council aware of a potential problem with future performance reporting. He mentioned that old cases transferred to their agency may bring their performance rating down, due to their inability to locate the youths and close the cases. He is concerned the agency may potentially lose its contract due to this problem.

Ms. Morgan explained to the Council the current issue and Dr. Jennings responded that she recalls this topic being discussed at a prior meeting in which the Council had decided to have staff make recommendations to the State.

Mr. Clarence Brown inquired about the fiscal impact. Ms. Morgan said she's not too sure; however, she'll research it.

Mr. Beasley explained that he met with the providers on Tuesday, December 14, 2010 and asked that they provide a timetable on a monthly basis showing both negative and positive exits.

Ms. Ferradaz suggested that the pending letter to the State be disregarded and instead, develop a plan internally.

Ms. Ferradaz asked if there were any questions or concerns then adjourned the meeting.



2.B

SFWIB - Youth Council

April 14, 2011

**Minutes of SFWIB Youth Council Meeting,
February 24, 2011**

South Florida Workforce Investment Board
Youth Council Meeting
February 24, 2011, 8:00 A.M.
Doubletree Miami Mart/Airport Hotel and
Exhibition Center
711 NW 72nd Avenue
Miami, Florida 33126

YOUTH COUNCIL MEMBERS IN ATTENDANCE	OTHER ATTENDEES	
10. Brown, Clarence 11. Brown, Willie J. 12. Jennings, Donna	Banks, Theron: GNUC Barroso, Lupe: CNC Castillo, Alicia : AMO Clark, Robert : Greater Miami Service Corps (GMSC) Clark, Robert: Greater Miami Service Corps (GMSC) Dorsette, Deborah : Greater Miami Service Corps (GMSC) Farinas, Irene : AMO Ford, Sharon: Transition, Inc. Heit, David : Youth Co-Op Hernandez, Ana: AMO Kos, Claudia : Youth Co-Op Marti, Sergio : Miami-Dade County Public Schools (MDCPS)	Martin, Marisol: Youth Co-Op, Inc. Rosario, Ed: Job Corps Rosemond, Daniel: City of Miami Gardens Ryland, Violet: DCF Someillan, Ana : AMO Someillan, Elsa: Community Coalition, Inc. St. Fort, Shirley: Greater Miami Service Corps (GMSC) Thorpe, Twanda: Greater Miami Service Corps (GMSC) Velez, Pauline Yoder, Laurin: City of Miami Gardens
YOUTH COUNCIL MEMBERS NOT IN ATTENDANCE		
1. Ferradaz, Gilda (Vice-Chair) 2. Rodriguez-Roig, Alex 13. Scott, Kenneth 14. Talbert, Gregg 15. Walker, Wanda 16. West, Alvin		
SFWIB STAFF Morgan, Myria		

Note: Agenda items are listed in the order in which they were discussed.

1. Call to Order and Introductions

Mr. Clarence Brown called the meeting to order and noted that a quorum had not yet been achieved. Because there was no quorum present, Mr. Brown noted that the information items would be reviewed first.

3. Information –Transferred Youth Files Follow-up Update

Ms. Myria Morgan reported on providers’ concerns regarding the youth files transferred to their respective agencies from providers who no longer deliver youth services. At the last Youth Council meeting, the issue was discussed. The first meeting on transferred files was on February 17 and the following suggestions were submitted:

1. Establish a Youth Performance Improvement Team to review the cases, outcomes and goal attainments on a monthly basis at the regional level. The review will determine the number of remaining cases which could be terminated negatively without affecting the percentage negotiated by SFWIB with the State (lower than 90%) for positive outcomes and goal attainments;
2. Available funding should be applied to provide incentives to re-engage youth who are eligible and have dropped out of the program;
3. Assign a designated point person with the capability to research each youth through the UI system, statewide and nationwide for those service partners without such a point person;

4. Current service partners should be granted access to Facebook and MySpace to support their search for youth participants for the purpose of re-engaging them using social networking sites frequented by youth. The access should be limited to specific youth provider staff assigned to this task;
5. Contact past providers to ascertain if they have any contact with the youth at the present time; and
6. Contact MDCPS representative to check on youth's school status.

The next meeting is on March 1 and the providers were told to bring information to start strategizing how to exit these youth. An update will be provided at the April Youth Council meeting.

4. Information – Education Secretary Launches U.S. Dashboard

Ms. Morgan presented the item and suggested those interested visit the website: (<http://dashboard.ed.gov>). She noted that it is very interesting.

5. Information – WIA Youth Program Audit Review Results

Ms. Morgan presented the item and noted that the audit of the Youth Program for the past two years resulted in no findings.

Mr. West asked Mr. Brown to continue the meeting.

[Mr. Al West arrived.]

6. Information – 2011 Summer Youth Employment Initiative

SFWIB successfully administered the 2009 and 2010 American Recovery and Reinvestment Act (ARRA) Summer Youth Employment Programs, assisting in placing into employment over 4,000 youth at regional worksites.

The summer 2011 program will be called the *2011 Hire-A Youth Summer Employment Program Initiative*.

CAA proposes to focus its attention on the 14-17 year-old age group and SFWIB will target placing young adults ages 18-24. An additional element is to have local businesses participate by providing entry level summer employment opportunities to youth ages 16-17.

7. Information – Finance Committee Recommendation to the Board to Accept & Allocate an additional \$1,198,792.00 in WIA Dislocated Worker Program Funds

On January 19, 2011, Workforce Florida Inc. (WFI) awarded SFWIB an additional \$1,198,792.00 in funds for the WIA Dislocated Worker Program for the period of July 1, 2010 to June 30, 2012.

Ms. Morgan noted that the Finance Committee was meeting simultaneously and that the staff recommendation was option 2.

Option 1: Allocate funds to the providers in the same proportions as in the approved budget and use the funds to assist dislocated workers with traditional employment and vocational training activities.

Option 2: Transfer the funds to the WIA Adult program and use the funds to provide summer employment and training opportunities to young adults ages 18 to 24.

[Quorum still not achieved.]

Mr. West suggested that action be taken and he will confer with Mr. Beasley before the full Board meeting.

8. Recommendation as to Approval of a Juvenile Justice Involved Youth Services Contractor

Myra Morgan presented.

As a failed RFP, SFWIB staff offered recommendations for the Youth Council's consideration:

1. Choose to award funding to the top two scoring Respondents;
2. Choose to award funding to the top three scoring Respondents; or
3. Declare RFP failed the procurement process.

Mr. West questioned whether the threshold was too high or if it was a systemic problem and how to correct it.

Ms. Morgan noted that the process has been used twice and staff is working on tweaking the process.

The consensus would be to accept staff's recommendation of option 1, and to move ahead, since staff stated that the agencies recommended have a good history with SFWIB, and that it is only \$400,000.00,

and must be expended very soon. In addition, the SFWIB rating system used for the last two (2) RFPs must be changed and will be changed.

Dr. Jennings noted that she would declare this a failed RFP. Just because the funds must be spent is no reason to award the \$400,000.00.

Mr. West commented that staff must ensure that they understand what was wrong with this tool, and the new tool must not have the same issues.

Dr. Jennings commented that the problem might just be that the plans presented may have been weak. Mr. West questioned whether the proposers were able to put together a viable plan.

Dr. Jennings responded that she would not want to approve proposals below the threshold.

Mr. Will Brown reminded that the tool should be re-done.

Mr. West inquired whether a agency could be pre-approved before responding to the RFP. Could a Request for Qualifications (RFQ) be sent out, then based on RFQ response, move to request for proposals.

Mr. Clarence Brown noted that a tool that requires just plugging in numbers is not the best tool.

The consensus of the members present was to move the item forward to the full board.

9. Recommendation as to Approval to Transfer Administrative Costs to the City of Miami Gardens' Internship Project

Myria Morgan presented the item.

Mr. Rosemond thanked the council, and noted that administrative costs are necessary, and the request is appropriate.

The consensus of the members present was to move the item to the full board.

10. Recommendation as to Approval to Authorize staff to Draft and Release a RFP for WIA Youth Employment & Training Services

Myria Morgan presented the item.

SFWIB staff recommends that the Youth Council recommend to the Board the approval to authorize staff to draft and release a Request for Proposals for Workforce Investment Act Youth Employment and Training Services.

The consensus of the members present was to move the item to the full board.

2. Approval of Youth Council Minutes of December 16, 2010

As there was no quorum present, the minutes for the December 16, 2010 were not approved.

Mr. Brown asked if there were any questions or concerns then adjourned the meeting.



3.

SFWIB - Youth Council

April 14, 2011

Youth Programs Performance Update

Information Item

BACKGROUND

Staff will provide information on the status of Youth Programs Service Providers' performance.



4.

SFWIB - Youth Council

April 14, 2011

**WIA Youth Employment & Training Services
RFP**

Information Item

BACKGROUND

The SFWIB at its February 24, 2011 meeting approved the Youth Council recommendation to authorize staff to draft and release a Request for Proposals (RFP) for WIA Youth Employment & Training Services as the existing contracts for year-round youth services expire at the end of this Program Year, June 30, 2011.

Staff has drafted a Youth Services RFP and it is scheduled to be released to the public during April 2011. Upon its release, the RFP and all applicable attachment will be posted on the SFWIB website (www.southfloridaworkforce.com). The results of the RFP will be presented to the Youth Council at its June 2011 meeting.



5.

SFWIB - Youth Council

April 14, 2011

Summer 2011 Youth Services Program

Information Item

BACKGROUND

At its February 24, 2011 meeting, the SFWIB approved applying \$1,198,792.00 in WIA Dislocated Worker Program funds to provide a 2011 summer employment and training opportunities youth program for young adults ages 18 to 24.

The program will be comparable to last summer's ARRA Youth Program. The estimated program start date is July 1, 2011 and the estimated end date is September 30, 2011. The focus of the program will be on the development of work readiness skills and internships. Youth participants will work approximately 160 hours at \$10.00 an hour. Both Miami-Dade and Monroe youth are eligible to participate.



6.

SFWIB - Youth Council

April 14, 2011

Transferred Youth Files Update

Information Item

BACKGROUND

At the December 16, 2010 Youth Council meeting, the youth providers voiced their concerns about youth files transferred to their respective agencies from providers who no longer provide youth services. Current providers are concerned about the transfer's potential impact to future performance reporting, i.e. their performance ratings falling below standard.

Staff and providers were charged with developing an internal plan to exit the transferred youth. On February 17, 2011, staff and providers met to discuss strategies for exiting the youth. Providers and SFWIB staff agreed to work as a collective entity to solve this issue.

On March 31, 2011, SFWIB Youth staff met again with youth Service Providers' staff to discuss the transferred files. During the meeting, the youth service providers agreed that each agency will determine how many youth will exit their individual program(s) before the end of the program year (6/30/11) based on their individual performance numbers.



7.

SFWIB - Youth Council

April 14, 2011

Approval of the Results of the SFWIB-Adult Mankind Organization, Inc. (AMO) Informal Resolution Conference

RECOMMENDATION

SFWIB staff recommends that the Youth Council recommend to the Board the approval of the results of the SFWIB-AMO Informal Resolution Conference relevant to the Juvenile Justice Involved Youth Request for Proposals (JJRFP).

BACKGROUND

The SFWIB at its February 24, 2011 meeting approved awarding contracts to the top two JJRFP scoring respondents. Based on the Board's decision, AMO was not awarded a contract as it was the third highest scoring JJRFP respondent. AMO timely requested an appeal hearing to contest its score, alleging that its Budget Narrative was scored incorrectly.

Per the SFWIB Service Provider Appeal Rules, a disagreement with a score or evaluation is not an issue subject to appeal. However, an error of material and relevant fact, i.e. an inconsistent methodology applied to the scoring of a proposal is an appealable issue.

An Informal Resolution Conference was held on April 4, 2011. During the conference, AMO presented evidence to drive its argument regarding the Budget Narrative score. Staff reviewed AMO's allegation and determined that the scoring of the Budget Narrative did not elevate to an error of material and relevant fact. Accordingly, AMO's score was not altered. A resolution was drafted reflecting this outcome.

Attachment

SOUTH FLORIDA WORKFORCE INVESTMENT BOARD
SERVICE PROVIDER APPEAL RULES

1. Scope of Rules

These Rules shall apply to appeals by Service Providers including, but not limited to, One-Stop (Career Center) operators and other Service Providers, which have been awarded, or have applied for an award of grant funds from the South Florida Workforce Investment Board (SFWIB) pursuant to any federal or state funded program or activity. These Rules shall apply to all actions or decisions of the SFWIB by which the interests of such a Service Provider are affected by the denial, de-obligation, termination, or determination of eligibility or ineligibility for grant funding or of grant funding with respect to WIA, TANF, Wagner-Peyser, Refugee Employment and Training Services Program or other federal or state funded program or activity.

2. Definitions

- (a) “Appeal” shall mean an appeal filed by a Service Provider pursuant to these Rules.
- (b) “SFWIB” shall mean the South Florida Workforce Investment Board.
- (c) “Informal Resolution Panel” shall mean a panel consisting of the Executive Director of the SFWIB, or a member of the staff of the SFWIB designated by the Executive Director, and not less than two non-Service Provider voting members of the SFWIB.
- (d) “Appeal Panel” shall mean a panel consisting of three non-Service Provider voting members of the SFWIB. Members of the panel shall be from a rolling alphabetized list (first letter of last name, starting with the letter “a”) of voting non-Service Provider members of the SFWIB. In the event that a member is not available for a public meeting of the Appeal Panel for an appeal hearing then the next member on the rolling alphabetized list of names shall serve on the Appeal Panel. Each appeal hearing shall be conducted by a particular Appeal Panel and, upon the conclusion of the one appeal hearing by the particular Appeal Panel, the names of the members who served on the Appeal Panel shall be re-entered alphabetically again on the rolling alphabetized list of non-Service Provider voting members. Each appeal hearing shall be heard by an Appeal Panel designated for that particular appeal hearing.
- (e) “One-Stop (Career Center) Operator” shall mean the public or private entity or entities which operate one or more One-Stop (Career) Centers.
- (f) “Refugee Employment and Training Services Program” shall mean the Refugee Employment and Training Program as set forth in the Immigration and Nationality Act, 8 U.S.C. § 1101 et. seq.
- (g) “Service Provider” shall mean a One-Stop (Career Center) operator or other person or entity which has been awarded grant funds or which has applied for an award of

grant funds from the South Florida Workforce Investment Board for the provision of workforce services in Region 23 pursuant to any federal or state funded program or activity.

- (h) “TANF” shall mean the Temporary Assistance for Needy Families Program as set forth in the Social Security Act, 42 U.S.C. § 1305 et. seq.
- (i) “Wagner- Peyser” shall mean the Wagner-Peyser Act of 1933 (National Employment Services Act), 29 U.S.C. § 49 et. seq.
- (j) “Workforce Investment Act” or “WIA” shall mean the Workforce Investment Act of 1998, 29 U.S.C. § 2801, et. seq.

3. Issues Subject to Appeal

Service Providers affected by the denial, de-obligation, termination, determination of eligibility or ineligibility for grant funding, or of grant funding, by the SFWIB with respect to any federal or state funded program or activity may appeal pursuant to these Rules as to the following issues:

- (a) The action or decision of the SFWIB is alleged by the Service Provider to be in violation of applicable federal or state law; or
- (b) The action or decision of the SFWIB is alleged by the Service Provider to be based upon an error of material and relevant fact(s); or
- (c) The action or decision of the SFWIB is alleged by the Service Provider to be invalid because of an alleged denial of procedural due process.

4. Issues Not Subject To Appeal

No appeal shall be permitted pursuant to these Rules if:

- (a) The Service Provider agrees that the procurement process followed was fair and the Service Provider’s score was acceptable for funding but budget limitations or program allocations or the availability of funds to the SFWIB prevented the Service Provider from being funded, in whole or in part, or from being eligible for funding; or
- (b) The Service Provider agrees that the procurement process followed was fair and no error of material and relevant fact occurred, but the Service Provider does not agree with the score, ranking or evaluation of the Service Provider; or
- (c) The Service Provider agrees that the procurement process followed was fair and no error of material and relevant fact occurred, but the Service Provider does not agree

that the Service Provider failed to satisfy the technical requirements of the particular competitive procurement process; or

- (d) The Service Provider was awarded funding, but the Service Provider does not agree with the amount awarded or the service delivery area applicable to the award.

5. **Appeal**

- (a) The Service Provider shall file a written appeal in the Office of the Executive Director of the SFWIB not later than five (5) calendar days after receipt by the Service Provider of written notice of the decision or action of the SFWIB to be appealed from. The failure of the Service Provider to file a timely appeal in accordance with these Rules shall be deemed a waiver of the Service Provider's right to appeal or otherwise challenge any such decision or action of the SFWIB and the action or decision of the SFWIB shall be deemed final in all respects.
- (b) All appeals shall be timely filed and contain the following information:
 - (1) A statement of the decision or action of the SFWIB appealed from and the date of the decision or action of the SFWIB;
 - (2) A statement of when and how the Service Provider received notice of the decision or action of the SFWIB;
 - (3) A statement of how the Service Provider's interests will be affected by the decision or action of the SFWIB;
 - (4) A statement of all disputed issues of material and relevant fact, or, if there are none, a statement that there are no disputed issues of material and relevant fact;
 - (5) A statement of the reasons why the decision or action of the SFWIB is incorrect;
 - (6) A copy of any document upon which the Service Provider relies to support the Service Provider's contention that the decision or action of the SFWIB should be reversed or modified;
 - (7) A request for a formal hearing;
 - (8) A statement of the relief sought by the Service Provider which sets forth the action or decision of the SFWIB which the Service Provider seeks in the appeal; and
- (c) An appeal shall be dismissed by the SFWIB if the appeal is not in substantial compliance with subsection (b) of this Rule or has been untimely filed.

- (d) Prior to an appeal hearing occurring, the Service Provider shall attend and participate in an Informal Resolution Conference conducted by an Informal Resolution Panel at a time and place determined by the Executive Director or by the Executive Director's designee. The Informal Resolution Conference shall be held in accordance with the Florida Public Meetings Law. The SFWIB staff and the Service Provider shall seek in good faith to resolve any or all of the issues in the pending appeal. Failure of the Service Provider to attend or participate in good faith in the Informal Resolution Conference shall be deemed a waiver of both the Service Provider's right to an Informal Resolution Conference and right to an appeal hearing and the action or decision of the SFWIB appealed from shall be deemed final in all respects. Any resolution resulting from the Informal Resolution Conference shall be in writing and signed by the SFWIB Executive Director or by the Executive Director's designee, and the Service Provider. No such resolution shall be effective unless and until approved by the SFWIB and upon such approval shall be deemed to be the final action or decision by the SFWIB. In the event there is no resolution as a result of the Informal Resolution Conference or the SFWIB does not approve the proposed informal resolution, then the appeal shall be heard by the Appeal Panel.

6. Filing

- (a) In construing these Rules, filing shall mean received by the Office of the Executive Director of the SFWIB during normal business hours.
- (b) All appeals and all other papers filed with the SFWIB shall contain the following:
 - (1) The name of the Service Provider which is filing the appeal; and
 - (2) The name, address, telephone number, and facsimile number of the Service Provider filing the appeal or other paper and the name, address, telephone number, and facsimile number of the Service Provider's Florida-licensed legal counsel or of the president or a corporate vice-president (president or corporate vice president is only applicable to for-profit corporations and not-for-profit corporations) (LLCs, other business entities, and governmental entities shall be required to provide the information with respect to Florida-licensed legal counsel); and
 - (3) The original signature of the person filing the appeal or paper on behalf of the Service Provider.
- (c) Any appeal or paper received by the Executive Director of the SFWIB after 5:00 P.M. shall be deemed filed on the next business day.
- (d) An original and three (3) copies of each appeal and of each paper shall be filed by the Service Provider in the Office of the Executive Director of the SFWIB.

- (e) All appeals and papers filed shall be styled to indicate clearly the subject matter of the document and the name of the Service Provider requesting relief.
- (f) No Service Provider or other person or entity shall be permitted to file any appeal or paper by electronic transmission

7. Notice of Appeal Hearing

- (a) Notice of the appeal hearing shall be provided to the Service Provider not less than five (5) calendar days prior to the date of the scheduled hearing.
- (b) The Notice of Hearing shall advise the Service Provider of the following:
 - (1) The date, time, and location of the appeal hearing;
 - (2) That the Service Provider shall be represented at the appeal hearing by Florida-licensed legal counsel or the president or a corporate vice-president of the corporation if the Service Provider is a for-profit corporation or not-for-profit corporation (not applicable to LLCs, other business entities, or governmental entities, all of which must be represented by Florida-licensed legal counsel) and that the Service Provider will provide, at the Service Provider's own expense, a court reporter to report the appeal hearing and to administer oaths or affirmations to witnesses who testify at the appeal hearing;
 - (3) That the Service Provider shall present at the hearing any relevant and material documents, sworn testimony, other evidence and other information in support of the Service Provider's appeal;
 - (4) That the Service Provider's failure to be present at the hearing or to participate in the appeal hearing shall be deemed to be a waiver of the Service Provider's right to an appeal under these Rules; and
 - (5) That, except for an emergency, as determined by the Executive Director of the SFWIB or by the Executive Director's designee, a continuance of the appeal hearing may be granted only upon written request filed with Office of the Executive Director of the SFWIB not less than three (3) calendar days prior to the scheduled date for the appeal hearing and which request shall specifically set forth the grounds for the request for continuance. Emergency requests for continuances may be filed by facsimile transmission to the Office of the Executive Director at any time. The Executive Director is hereby authorized to grant emergency continuances and non-emergency continuances if the Executive Director determines that the granting of such a continuance is in the best interests of the SFWIB and a continuance will not unduly burden any interested person. Notice of the granting or denial of a

continuance, emergency or non-emergency, shall be posted on the website of the SFWIB.

8. Hearing

All appeal hearings shall be conducted in accordance with the following:

- (a) The Appeal Panel may issue any rulings at the appeal hearing necessary to prevent delay, to afford the Service Provider a fair and reasonable opportunity to present evidence and legal argument, and to promote a just, speedy and inexpensive determination of the issues in the appeal;
- (b) Each party shall have the right to present witnesses and other evidence and to impeach any witness regardless of which party called the witness to testify;
- (c) Hearsay evidence may be used to supplement or explain other evidence, but shall not be sufficient by itself to support a finding;
- (d) Any documents or records submitted by any party at the hearing shall be marked as an exhibit and shall be retained by the SFWIB staff as part of the record of the proceedings;
- (e) The appeal hearing shall be recorded by an electronic recording instrument by the SFWIB staff. As noted in the Notice of Hearing, the Service Provider shall provide a court reporter to report the appeal hearing, at the expense of the Service Provider, and to administer oaths and affirmations to all witnesses testifying at the appeal hearing. Any party may, at its own expense, provide an additional court reporter to report the appeal hearing. Any party who orders a transcript of the appeal hearing shall order the same at the party's own expense. The transcript of the court reporter provided at the expense of the Service Provider, as required by these Rules, shall be the official transcript. The Service Provider shall pay for the expenses of the court reporter's appearance, transcription, and the provision of the original transcript of the entire appeal hearing to the SFWIB for inclusion in the official appeal file of the SFWIB for the particular appeal. If a court reporter does not report the appeal hearing, a transcript of the appeal hearing which has been prepared from the electronic recording instrument operated by SFWIB staff shall be the official transcript of the appeal hearing and said transcript shall be transcribed and prepared by a court reporter selected by the Executive Director of the SFWIB, at the expense of the Service Provider, and the original of such transcript of the entire appeal hearing shall be provided to the SFWIB, at the expense of the Service Provider, for inclusion in the official appeal file of the SFWIB for the particular appeal;
- (f) The appeal hearing shall be held in accordance with the Florida Public Meetings Law.

South Florida Workforce Investment Board
Service Provider Appeal Rules

- (g) The court reporter or other person authorized by Florida law to administer oaths and affirmations to witnesses shall administer such oath or affirmation to all witnesses who testify at the appeal hearing.
- (h) In the event that a translator is needed for any testimony by any witness then the translator shall be provided by the Service Provider at the expense of the Service Provider.
- (i) The SFWIB, although not a party to the appeal, may, in the discretion of the Appeal Panel, provide testimony and other evidence during the appeal hearing.
- (j) At the conclusion of the presentation of evidence and legal argument at the appeal hearing, the Appeal Panel shall confer in public at the appeal hearing and issue a recommendation to the SFWIB as to the disposition of the appeal. No such recommendation to the SFWIB shall be effective until and unless not less than two of the three members of the Appeal Panel vote for the recommendation as to the disposition of the appeal.
- (k) Upon receipt of the recommendation as to disposition of the appeal from the Appeal Panel, the SFWIB shall accept or reject or modify the recommendation or take such other action necessary and appropriate to dispose of the appeal. The action of the SFWIB with respect to the appeal shall constitute final action by the SFWIB as to the issues raised by the appeal.