



DEC - 7 2012

The Honorable Richard Scott
Governor of Florida
The Capitol
400 South Monroe Street
Tallahassee, Florida 32399-0001

Dear Governor Scott:

This letter provides approval of Florida's State Integrated Workforce Plan for Title I of the Workforce Investment Act (WIA), the Wagner-Peyser Act (W-P), including W-P Agricultural Outreach Plan, and plans for coordination with Trade Adjustment Assistance (TAA). The Employment and Training Administration (ETA) received the State Plan on September 13, 2012. This letter also responds to Florida's WIA waiver requests.

Training and Employment Guidance Letter (TEGL) No. 21-11, issued on March 27, 2012, and TEGL No. 21-11, Change 1 issued on August 8, 2012, provide guidance for states to submit their State Workforce Plans and waivers for Program Year (PY) 2012 and beyond. We appreciate the State's responsiveness to this guidance.

Plan Review and Approval

ETA has reviewed the Florida State Integrated Workforce Plan in accordance with Title I of WIA, the Wagner-Peyser Act, the Trade Act (as amended), the corresponding regulations, the State Integrated Workforce Plan Requirements for Workforce Investment Act Title I/Wagner-Peyser Act and Department of Labor Workforce Programs (<http://www.doleta.gov/usworkforce/wia-planning/docs/integrated-planning-guidance.pdf>), and TEGL No. 21-11, and the corresponding Change 1. Pursuant to 20 CFR 661.230(e), this letter constitutes a written determination under WIA Section 112 (29 USC 2822) that ETA is approving the WIA Title I, W-P and TAA portions of Florida's State Plan for the period July 1, 2012 through June 30, 2017, PY 2012-PY 2016. The annual W-P Agricultural Outreach Plan is approved for the period July 1, 2012 through June 30, 2013.

The State is eligible to receive WIA formula allotments for Adult, Dislocated Worker, and Youth programs, and W-P program allotments, effective July 1, 2012 through June 30, 2017.

Performance Levels

As you are aware, the Regional Administrator annually negotiates with State representatives the performance goals for the WIA and W-P programs. As required by TEGs No. 21-11 and 38-11 dated June 18, 2012, the negotiations of PY 2012 goals were completed in September 2012, well before the deadline of December 31, 2012. On September 18, 2012, the Regional Administrator forwarded to Florida a letter advising the State of the PY 2012 WIA and W-P final performance goals. The letter constitutes a modification to the State Integrated Workforce Plan. ETA will

incorporate Florida's final performance goals for PY 2012 into the Regional and National Office copies of the State Integrated Workforce Plan. Please include these final PY 2012 goals in the State's official copy of the State Workforce Plan.

Waivers

As part of Florida's State Integrated Workforce Plan, the State submitted waiver requests for waivers of statutory and regulatory requirements under WIA (copy enclosed). The State's requests for waivers are written in the format identified in WIA Section 189(i)(4)(B) and 20 CFR 661.420(c). The disposition of the State's waiver requests is outlined below. This action is taken under the Secretary's authority at WIA Section 189(i) to waive certain requirements of WIA Title I, Subtitles B and E, and Sections 8-10 of the Wagner-Peyser Act.

Waiver of WIA Section 133(b)(4) to increase the allowable transfer amount between Adult and Dislocated Worker funding streams allocated to a local area.

The State is requesting a waiver to permit an increase in the amount a state is allowed to transfer between the Adult and Dislocated Worker funding streams. The State is granted this waiver through June 30, 2017. Under the waiver, transfer authority is limited to 50 percent. This limitation provides states flexibility while ensuring consistency with Congressional intent regarding the level of funding appropriated for the WIA Adult and Dislocated Worker programs.

Waiver to permit the State to replace the performance measures at WIA Section 136(b) with the common measures.

The State is requesting a waiver that allows the State to replace the 17 performance measures under WIA Section 136(b) with the common measures. The State is granted this waiver through June 30, 2017.

This waiver permits the State to negotiate and report WIA outcomes against the common performance measures only, rather than the performance measures described at WIA Section 136(b). The State will no longer negotiate and report to ETA on the following WIA measures: WIA adult and dislocated worker credential rates; participant and employer customer satisfaction; older youth measures; and younger youth measures. The State will use the three adult common performance measures to negotiate goals and report outcomes for the WIA Adult and WIA Dislocated Worker programs. The State will use the three youth common performance measures to negotiate goals and report outcomes for the WIA Youth program. Workforce Investment Act Standardized Record Data system (WIASRD) item 619, Type of Recognized Credential, should be completed for each individual as appropriate, regardless of this waiver to report on common performance measure outcomes only.

Waiver of the required 50 percent employer contribution for customized training at WIA Section 101(8)(C).

The State is requesting a waiver of the required 50 percent employer contribution for customized training to permit the use of a sliding scale for the employer contribution based on the size of the business. The State is granted this waiver through June 30, 2017. Under the waiver, the following sliding scale is permitted: 1) no less than 10 percent match for employers with 50 or fewer

employees, and 2) no less than 25 percent match for employers with 51-250 employees. For employers with more than 250 employees, the current statutory requirements (50 percent contribution) continue to apply. When determining the funding source for customized training, the State must use the appropriate program funds for the appropriate WIA-eligible population. The State and local area may provide customized training to individuals over age 18 with WIA Adult funds and must provide priority to low-income individuals when funds are limited; the State and local area may provide customized training to dislocated workers with WIA Dislocated Worker funds. Customized training provided with statewide funds must serve WIA eligible individuals.

Waiver of WIA Section 101(31)(B) to increase the employer reimbursement for on-the-job training.

The State is requesting a waiver to permit an increase in employer reimbursement for on-the-job training through a sliding scale based on the size of the business. The State is granted this waiver through June 30, 2017. Under the waiver, the following reimbursement amounts will be permitted: 1) up to 90 percent for employers with 50 or fewer employees, and 2) up to 75 percent for employers with 51-250 employees. For employers with more than 250 employees, the current statutory requirements (50 percent reimbursement) will continue to apply. When determining the funding source for on-the-job training, the State must use the appropriate program funds for the appropriate WIA-eligible population. The State and local area may provide on-the-job training to individuals over age 18 with WIA Adult funds and must provide priority to low-income individuals when funds are limited; the State and local area may provide on-the-job training to dislocated workers with WIA Dislocated Worker funds. On-the-job training provided with statewide funds must serve WIA eligible individuals.

Waiver of WIA Section 134(a) to permit local areas to use a portion of local funds for incumbent worker training.

The State is requesting a waiver to permit local areas to conduct allowable statewide activities as defined under WIA Section 134(a)(3) with local WIA formula funding, specifically incumbent worker training. The State is granted this waiver through June 30, 2017. Under this waiver, the State is permitted to allow local areas to use up to 20 percent of local Dislocated Worker funds for incumbent worker training only as part of a layoff aversion strategy. ETA believes limiting incumbent worker training to the specified level and requiring it to be a part of layoff aversion is the best use of funds in the current economic climate where serving unemployed workers is a paramount responsibility of the workforce system. All training delivered under this waiver is restricted to skill attainment activities. Local areas must continue to conduct the required local employment and training activities at WIA Section 134(d), and the State is required to report performance outcomes for any individual served under this waiver in the Workforce Investment Act Standardized Record Data system (WIASRD), field 309. TEGL No. 26-09, Section 7A, "Workforce Investment Act (WIA) Waiver Policy and Waiver Decisions for PY 2009 and 2010" and TEGL No. 30-09, "Layoff Aversion Definition and the Appropriate Use of Incumbent Worker Training for Layoff Aversion Using a Waiver" provide policy guidance related to implementation of this waiver.

Waiver of WIA regulations 20 CFR 662.240(b)(10) to allow One-Stop Career Center staff to perform intake and eligibility determination for additional programs.

The State is requesting a waiver of 20 CFR 662.240(b)(10). The waiver permits the State to include three supportive workforce programs cited by the State: Temporary Assistance for Needy Families (TANF), Food Stamp Employment and Training (FSET), and Medicaid programs in the list of services specified in 20 CFR 662.240(b)(10). Under the waiver, intake and eligibility determination for these programs are considered to be WIA core services and can be paid for with WIA funds. The State is granted this waiver through June 30, 2017.

Waiver of WIA Section 134(a)(1)(A) to permit a portion of the funds reserved for rapid response activities to be used for incumbent worker training.

The State is requesting a waiver to permit use of rapid response funds to conduct allowable statewide activities as defined under WIA Section 134(a)(3), specifically incumbent worker training. The State is granted this waiver through June 30, 2017. Under this waiver, the State is permitted to use up to 20 percent of rapid response funds for incumbent worker training only as part of a layoff aversion strategy. ETA believes limiting incumbent worker training to layoff aversion is the best use of funds in the current economic climate where serving unemployed workers is a paramount responsibility of the workforce system. All training delivered under this waiver is restricted to skill attainment activities. The State is required to report performance outcomes for any incumbent workers served under this waiver in the Workforce Investment Act Standardized Record Data system (WIASRD), field 309. TEGL No. 26-09, Section 7A, "Workforce Investment Act (WIA) Waiver Policy and Waiver Decisions for PY 2009 and 2010" and TEGL No. 30-09, "Layoff Aversion Definition and the Appropriate Use of Incumbent Worker Training for Layoff Aversion Using a Waiver" provide policy guidance related to implementation of this waiver.

Waiver of 20 CFR 666 and 667.300(a) to reduce the collection of participant data for incumbent workers.

The State is requesting a waiver of the requirements to reduce the data collection burden for employers participating in WIA-funded incumbent worker training programs. The waiver permits the State to discontinue the collection of the following Workforce Investment Act Standardized Record Data (WIASRD) elements: single parent (117), unemployment compensation eligible status at participation (118), low income (119), TANF (120), other public assistance (121), homeless individual and/or runaway (125), and offender (126). The State is granted this waiver through June 30, 2017.

Waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts for older and out-of-school youth.

The State is requesting a waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts (ITAs) for older youth and out-of-school youth program participants. The State is granted this waiver through June 30, 2017. Under this waiver, the State can use ITAs for older youth and out-of-school youth program participants. The State must continue to make the 10 youth program elements available as described at WIA Section 129(c)(2). The State should ensure that funds used for ITAs are tracked and that the ITAs are reflected in the individual service strategies for these youth.

Waiver of the Wagner-Peyser regulations that require labor exchange activities be delivered by State merit staff.

The State is requesting a waiver of the merit staffing requirements in Wagner-Peyser Act regulations. The requirement that Wagner-Peyser Act services be provided by state merit staff employees derives from Section 3 and 5(b)(1) of the Wagner-Peyser Act and the Secretary's interpretation of the applications of those sections. These sections are not covered by the WIA waiver authority; therefore, a waiver cannot be approved.

The approved waivers are incorporated by reference into the State's WIA Grant Agreement, as provided for under paragraph 3 of the executed Agreement, and are incorporated into the State Integrated Workforce Plan. A copy of this letter should be filed with the State's WIA Grant Agreement and with the approved State Plan. In addition, as described in TEGL No. 29-11, the State should address the impact these waivers have had on the State's performance in the WIA annual performance report, due on October 1 of each year.

We look forward to working together as you implement your State Integrated Workforce Plan for PY 2012 and beyond. As discussed in TEGL 36-11, we strongly encourage State WIA grantees to adopt the use of the American Job Center brand for your physical One-Stop Career Centers and online tools. We are available to provide technical assistance. If you have any questions related to the issues discussed above, please contact Toni Buxton, the Federal Project Officer for Florida, at (404) 302-5367 and Buxton.Toni@dol.gov.

Sincerely,



Jane Oates
Assistant Secretary

Enclosures

cc: Helen Parker, Regional Administrator, ETA Atlanta Regional Office
Toni Buxton, Federal Project Officer for Florida



*Dwayne E. Ingram, Chairman
Chris Hart IV, President*

September 13, 2012

Division of WIA Adult Services and Workforce System
Employment and Training Administration
U.S. Department of Labor
200 Constitution Ave., NW, Room S-4209
Washington, DC 20210
Attention: Heather Fleck

RE: Florida's 2012-2016 State Strategic Workforce Plan

Dear Ms. Fleck:

Pursuant to Training Guidance Letter (TEGL) No. 21-11, dated March 27, 2012, Workforce Florida, Inc., and the Florida Department of Economic Opportunity are pleased to submit Florida's 2012-2016 State Strategic Workforce Plan, which includes a formal request for new negotiated levels of performance for Program Year 2012-2013. We also are requesting the renewal of nine current state waivers and one new waiver as detailed in the enclosures.

Florida's 2012-2016 State Workforce Plan reflects Governor Rick Scott's vision for a workforce development system that is highly responsive to the needs of the marketplace and serves as a strong partner with economic development and education, while focusing on connecting Floridians to employment, training and career advancement opportunities.

This plan outlines a strong vision for aligned workforce and economic development and integrated workforce strategies, programs and services. The plan also demonstrates Florida's enhanced alignment to support a new, consensus-built Florida Strategic Plan for Economic Development aimed at advancing critical strategies in six primary areas or pillars — talent supply and education, innovation and economic development, infrastructure and growth leadership, business climate and competitiveness, civic and governance systems, and quality of life and quality places. Workforce development is integral to our economic development objectives and strategies, many of which also align with national priorities for building a more competitive workforce and economy.

As with previous plans, the process to develop the State Workforce Plan provided opportunities for myriad workforce entities, staff, partners and members of the public to comment on the plan's content including the waiver requests. The current state strategic planning process also has

Ms. Heather Fleck
September 11, 2012
Page 2

been and continues to be an open, public process. Florida's State Workforce Plan was presented to the Workforce Florida Board of Directors in a public meeting in August and approved for submission.

If your agency has questions or needs any additional information, please contact Scott Fennell, Workforce Florida's Executive Vice President for Operations and CFO, at 850-414-8298 or scott.fennell@workforceflorida.com.

A hard copy of Governor Scott's signature page with original signatures is being sent via express mail.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Hart IV", with a stylized flourish at the end.

Chris Hart IV, President & CEO

cc: Adam Hollingsworth, Chief of Staff, Executive Office of the Governor

Enclosures:

2012-2016 Florida's State Workforce Investment Plan
WIA Waiver Requests in 2012-2016 State Workforce Investment Plan

STATE OF FLORIDA WORKFORCE INVESTMENT ACT WAIVER REQUESTS

TRANSFER AUTHORITY

Pursuant to WIA Section 189 (i)(4)(B) and the WIA Federal regulations at 20 CFR 661.420, The state of Florida submits this request for a general waiver to increase the transfer authority of local workforce investment boards from the current 20 percent to 50 percent for Adult and Dislocated Worker funds. Note that Florida was previously approved for this waiver. This authority will provide the local boards with greater flexibility for responding to changes in their local labor markets and will help ensure that the WIA funds allocated to each local area are being utilized in a way that maximizes customer service, including training for employed workers and for other demand-driven needs of the business community. This waiver will apply to Program Year 2012 and subsequent years.

A. Statutory or Regulatory Requirements to be Waived

WIA Section 133(b)(4) and 20 CFR 667.140 state that a local board may, upon approval by the Governor, transfer not more than 20 percent of the funds allocated to the local area for a fiscal year between Adult and Dislocated Worker employment and training activities.

The state of Florida requests that local boards be allowed to transfer up to 50 percent of a program year allocation for Adult funds and up to 50 percent of a program year allocation for Dislocated Worker funds between the two funding stream

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

The anticipated goal is increased flexibility for the local areas in allocating and expending Adult and Dislocated Worker funds. Such increased flexibility will allow greater responsiveness to deal with massive worker dislocations. This flexibility will also enable local areas to better serve the needs of their customers and would heighten their ability to respond to changes in the local labor market, particularly to respond to the growing employer demand for training which can be funded at the local level only with WIA Adult funds.

C. State or Local Statutory or Regulatory Barriers

There is no state or local statutory or regulatory barrier to the implementation of the proposed waiver.

D. Description of Individuals Impacted by the Waiver

Eligible adults and dislocated workers, as well as business customers, will benefit from the waiver. Granting the local boards the ability to move substantial funds to the areas of greatest need will ensure optimum service to the general population of that workforce area.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

This request was developed as a result of concerns expressed by local areas and demand from business partners. The state relies heavily on input from local areas in making major policy decisions. The problems with the 20 percent limitation on fund transfers between Adult and Dislocated Worker funding streams were discussed with local areas to gain input on the issues and the benefits of being granted this waiver.

A draft of the State Plan, including the requested waivers, will have been posted at least two months prior to its submission to the Secretary, with instructions for submitting comments, and is widely distributed to workforce partners throughout the state. Access to information about the State Plan

and the processes associated with its preparation and submission is prominently posted on the websites of Workforce Florida and the Department of Economic Opportunity.

Workforce Florida, Inc. and the Department of Economic Opportunity will monitor all transfer of funds by the local areas. Because of the past granting of this waiver, the state has processes in place to ensure that requested fund transfers are in compliance with the waiver and to monitor the proper expenditure of funds for each funding stream.

**STATE OF FLORIDA
WORKFORCE INVESTMENT ACT
WAIVER REQUEST**

ADOPTION OF COMMON MEASURES

Pursuant to WIA Section 189 (i)(4)(B) and the WIA Federal regulations at 20 CFR 661.420, The state of Florida requests a waiver to allow the state to replace the 17 Workforce Investment Act (WIA) Title I performance measures (15 core and 2 customer satisfaction measures) with the common measures delineated in TEGL 17-05. If approved, the state of Florida would be allowed to report outcomes solely under the nine common measures for all required federal reports for the current program year which began July 1, 2012 and beyond for the following programs: the Workforce Investment Act, the Wagner-Peyser Act, the Jobs for Veterans Act, and the Trade Adjustment Assistance (TAA) program. The nine common measures outlined in TEGL 17-05 are: Entered Employment, Retention, Average Earnings, Youth Placement in Employment or Education, Youth Attainment of a Degree or Certificate, and Youth Literacy and Numeracy Gains.

This waiver would allow Florida to avoid the inconsistencies and complexities inherent in the current WIA performance reporting requirements. It would allow the state to effectively align accountability across all programs within the workforce system. The common measures more effectively support the state's goals of promoting on-the-job training and customized training for Dislocated Workers and Adults, including employed workers. They also more clearly target out of school youth and youth most in need as identified by USDOL's Vision Statement.

A. Statutory or Regulatory Requirements to be Waived

Florida seeks a waiver of requirements found in Sections 136(b)(2) and (c)(1) of the Workforce Investment Act and 20 CFR 666.100(a) and 666.300(a), which specify the required state and local performance measures for WIA Title IB programs, as well as a waiver of the 17 indicators of performance for activities authorized under sections 129 and 134 of the Act.

Specifically, with approval of this request, the state would not be required to report the following WIA measures: WIA Adult and Dislocated Worker credential rates, participant and employer customer satisfaction, older youth and younger youth measures.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

This waiver will assist efforts to more fully integrate all partner programs involved in the workforce system.

With this waiver, Florida expects to see the following benefits

- Simplified and streamlined performance measurements
- Improved one-stop case manager integration through the use of common measures which capture the effectiveness of the workforce system across all partners
- Provision of clear and more understandable information concerning all workforce partner programs
- Enhanced capacity for Florida to continue to implement USDOL's youth vision which focuses on out-of-school populations
- Removal of the current disincentives for the provision of on-the-job training and customized training

C. State or Local Statutory or Regulatory Barriers

There is no state or local statutory or regulatory barrier to the implementation of the proposed waiver.

D. Description of Individuals Impacted by the Waiver

Approval of this waiver will positively impact all customers of Florida's workforce system by streamlining program measurements, thus allowing program managers the opportunity to better measure the success of the overall system and effect meaningful change.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

This request was proposed by the state's association of Regional Workforce Board executive directors as a result of discussions at the local level as well as with state partners. The state relies heavily on input from local areas in making major policy decisions.

A draft of the State Plan, including the requested waivers, will have been posted at least two months prior to its submission to the Secretary, with instructions for submitting comments, and is widely distributed to workforce partners throughout the state. Access to information about the State Plan and the processes associated with its preparation and submission is prominently posted on the websites of Workforce Florida and the Department of Economic Opportunity.

Workforce Florida, Inc. and the Department of Economic Opportunity will monitor the implementation of this waiver, through their ongoing monitoring of performance of the workforce programs listed above as well as the overall progress toward the goals and objectives in this Plan. Information in Employ Florida Marketplace is reviewed and reported to Regional Workforce Board and Workforce Florida on a regular basis. Review of the implementation of this waiver will be regularly placed on the agenda of public meetings of Workforce Florida's boards and councils.

**STATE OF FLORIDA
WORKFORCE INVESTMENT ACT
WAIVER REQUEST**

CUSTOMIZED TRAINING EMPLOYER MATCH

Pursuant to WIA Section 189 (i)(4)(B) and the WIA Federal regulations at 20 CFR 661.420, the state of Florida requests a waiver to modify the required 50 percent employer match for customized training to a match based on a sliding scale from 10 to 50 percent. Specifically, the state of Florida will establish, or may permit the Regional Workforce Boards to establish the required portion of the training costs. The costs for employers with 50 or fewer employees would not be less than 10 percent; for employers with 51 to 250 employees not less than 25 percent; and the costs for employers with 251 or more employees would not be less than 50 percent. The waiver will apply to Program Year 2012 and subsequent years.

A. Statutory or Regulatory Requirements to be Waived

The state of Florida is requesting a waiver of the requirement of the 50 percent employer match for customized training, as identified at WIA Section 101 (8)(C) and 20 CFR 663.715

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

The proposed waiver will provide Florida's Regional Workforce Boards a greater flexibility for responding to their local labor market needs and will ensure that WIA funds are being utilized in a manner that will maximize the response to the needs of small businesses.

Program Year 2010 data show that 92.6percent of Florida's 374,537 employers employ 25 or fewer workers.

By adjusting the requirement of a 50 percent employer match towards the cost of training to small businesses, Florida's workforce system will be able to more effectively support job creation in that sector of the employer community that supports the overwhelming majority of the state's jobs. The proposed sliding scale creates the necessary flexibility for small employers to provide a required match more reasonably suited to their size and will result in an increase in small business participation in customized training programs.

The state's Regional Workforce Boards will be able to increase the percentages of job seekers that receive training and training related employment.

C. State or Local Statutory or Regulatory Barriers

There are no state or local statutory or regulatory barriers to implementing the proposed waiver.

D. Descriptions of Individuals Impacted by the Waiver

Individuals affected by the waiver are small businesses who will benefit from the reduced match and will have an enhanced ability to train individuals to their unique specifications. Adults, older youth, and dislocated workers who will receive customized training and training related employment will also benefit.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

A draft of the State Plan, including the requested waivers, will have been posted at least two months prior to its submission to the Secretary, with instructions for submitting comments, and is widely distributed to workforce partners throughout the state. Access to information about the State Plan and the processes associated with its preparation and submission is prominently posted on the websites of Workforce Florida and the Department of Economic Opportunity.

Workforce Florida Inc. and the Department of Economic Opportunity, as the state administrator and overseer of WIA funds, will monitor the implementation of this waiver and the use of funds by the local areas. The state's monitoring policy and procedures is already in place to ensure compliance with this waiver. Information contained in the state's management information system and financial management tracking system will be reviewed and reported to the local areas and Workforce Florida on a regular basis. Review of the implementation and application of the policy will regularly be placed on the agenda of public meetings of Workforce Florida's board and councils.

**STATE OF FLORIDA
WORKFORCE INVESTMENT ACT
WAIVER REQUEST**

ON-THE-JOB TRAINING EMPLOYER MATCH

Pursuant to WIA Section 189 (i)(4)(B) and the WIA Federal regulations at 20 CFR 661.420, the state of Florida requests a waiver to modify the requirements which limit the employer reimbursement for the costs associated with on-the-job training (OJT) to 50 percent of the OJT participant's wage rate. Florida proposes to adjust the OJT reimbursement based on a sliding scale from 90 to 50 percent. Specifically, the state will establish, or may permit the Regional Workforce Boards to establish the OJT reimbursement costs. Based on a sliding scale the reimbursement for employers with 50 or fewer employees could be up to 90 percent; for employers with 51 to 250 employees up to 75 percent; and the reimbursement for employers with 251 or more employees would continue to be no more than 50 percent. The waiver will apply to Program Year 2012 and subsequent years.

A. Statutory or Regulatory Requirements to be Waived

The state of Florida is requesting a waiver of the requirement of the 50 percent employer reimbursement limit for on-the-job training, as identified at WIA Section 101 (31)(B) and 20 CFR 663.710.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

The proposed waiver for a sliding scale will provide Florida's Regional Workforce Boards a greater flexibility for responding in their local labor markets and will ensure that WIA funds are being utilized in a manner that will maximize the response to the needs of small businesses.

Program Year 2010 data show that 92.6 percent of Florida's 374,537 employers employ 25 or fewer workers.

By adjusting the 50 percent employer reimbursement limit for small businesses, Florida's workforce system will be able to more effectively support job creation in that sector of the employer community that supports the overwhelming majority of the state's jobs. The proposed sliding scale creates the necessary flexibility for small employers to be reimbursed at level more reasonably suited to their size and will result in an increase in small business participation in on-the-job training programs.

The state's Regional Workforce Boards will be able to increase the number of job seekers that receive training and training related employment.

C. State or Local Statutory or Regulatory Barriers

There are no state or local statutory or regulatory barriers to implementing the proposed waiver.

D. Descriptions of Individuals Impacted by the Waiver

Individuals affected by the waiver are small businesses who will benefit from the reduced match and will have an enhanced ability to train individuals to their unique specifications. Adults, older youth, and dislocated workers who will receive on-the-job training and training related employment will also benefit.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

A draft of the State Plan, including the requested waivers, will have been posted at least two months prior to its submission to the Secretary, with instructions for submitting comments, and is widely distributed to workforce partners throughout the state. Access to information about the State Plan

and the processes associated with its preparation and submission is prominently posted on the websites of Workforce Florida and the Department of Economic Opportunity

Workforce Florida Inc. and the Department of Economic Opportunity, as the state administrator and overseer of WIA funds, will monitor the implementation of this waiver and the use of funds by the local areas. The state's monitoring policy and procedures is already in place to ensure compliance with this waiver. Information contained in the state's management information system and financial management tracking system will be reviewed and reported to the local areas and Workforce Florida on a regular basis. Review of the implementation and application of the policy will regularly be placed on the agenda of public meetings of Workforce Florida's board and councils.

**STATE OF FLORIDA
WORKFORCE INVESTMENT ACT
WAIVER REQUEST**

USE OF DISLOCATED WORKER FUNDS FOR INCUMBENT WORKER TRAINING

Pursuant to WIA Section 189 (i)(4)(B) and the WIA Federal regulations at 20 CFR 661.420, the state of Florida requests a waiver to enable local Regional Workforce Boards to expand employed worker training activities by allowing up to 20 percent of dislocated worker funds as described in WIA Section 133(b)(2) to be expended on incumbent worker training as part of a local layoff aversion strategy as described in TEGs 26-09 and 30-09. This waiver will apply to Program Year 2012 and subsequent years.

In Florida, incumbent worker training is a proven strategy to help current employers retain employment and avoid layoffs through skills upgrade training. Since 2005, the state has made effective use of a succession of waivers allowing the use of local funds for incumbent worker training. This is even more critical in today's economy as Florida has suffered a net loss of almost 750,000 jobs since reaching peak employment in April of 2007. It has also proven to be a more cost effective strategy over retraining. The current average cost to provide incumbent worker training is \$495 per participant compared to a retraining cost that in some cases can exceed \$10,000. Additionally, with incumbent worker training, workers are often able to advance their careers thereby opening up positions for others that are less skilled, thus creating new job opportunities for low-income participants.

A. Statutory or Regulatory Requirements to be Waived

The state of Florida is requesting a waiver to permit Regional Workforce Boards to conduct allowable statewide activities, to wit incumbent worker training, as defined under WIA Section 134(a)(3) with up to 20 percent of local WIA Dislocated Worker formula funding as part of a layoff aversion strategy.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

This waiver provides Regional Workforce Boards the opportunity to more effectively address layoff aversion by providing incumbent worker training activities with a demand-driven, business focus. Global competition has required companies to dramatically adapt in order to survive, and changes in the workplace have increased employers' demand for an educated and skilled workforce. Investing public resources to support technical skills training of incumbent workers is a practical layoff aversion strategy for the state. It retains good jobs in the economy and critical industries in the region and can lead to the creation of jobs in Florida's targeted sectors. Workforce programs coordinated for these industry sectors drive talent pipeline development and high-paying job opportunities. Developing human capital by improving workforce skills as a result of technology or workforce change increasingly serves as the foundation of competitive advantage and can be a core driver of economic success. A better skilled workforce is the most effective retention tool. It is imperative that communities retain these local businesses as they are valuable resources that generate jobs and create taxes. Training can help stabilize a company by contributing to increased productivity and overall competitiveness and in many cases provide companies employees' promotional opportunities and increased wages. Ongoing incumbent worker training is a valuable investment for a business that can have a positive impact on its bottom line. As the state's goals for a better trained workforce are achieved, local businesses and local economies are strengthened and therefore future layoff situations are prevented.

Local programs funded as a result this waiver must provide training as part of a local layoff aversion strategy. Additionally, as appropriate, local programs must be patterned after the state level program.

which is mandated by Section 445.003 of the Florida Statutes and includes the following provisions that should be applied to local areas using the proposed waiver:

The Incumbent Worker Training Program is created for the purpose of providing grant funding for continuing education and training of incumbent employees at existing Florida businesses. The program will provide reimbursement grants to businesses that pay for preapproved, direct, training-related costs.

To be eligible for the program's grant funding, a business must have been in operation in Florida for a minimum of 1 year prior to the application for grant funding; have at least one full-time employee; demonstrate financial viability; and be current on all state tax obligations. Priority for funding shall be given to businesses with 25 employees or fewer, businesses in rural areas, businesses in distressed inner-city areas, businesses in a qualified targeted industry, businesses whose grant proposals represent a significant upgrade in employee skills, or businesses whose grant proposals represent a significant layoff avoidance strategy.

The program will not reimburse businesses for trainee wages, the purchase of capital equipment, or the purchase of any item or service that may possibly be used outside the training project. A business approved for a grant may be reimbursed for preapproved, direct, training-related costs including tuition, fees, books and training materials; and overhead or indirect costs not to exceed 5 percent of the grant amount.

A business that is selected to receive grant funding must provide a matching contribution to the training project, including, but not limited to, wages paid to trainees or the purchase of capital equipment used in the training project; must sign an agreement the training project as proposed in the application; must keep accurate records of the project's implementation process; and must submit monthly or quarterly reimbursement requests with required documentation.

All Incumbent Worker Training Program grant projects shall be performance-based with specific measurable performance outcomes, including completion of the training project and job retention.

The grant administrator shall withhold the final payment to the grantee until a final grant report is submitted and all performance criteria specified in the grant contract have been achieved. No more than 10 percent of the Incumbent Worker Training Program's total appropriation may be used for overhead or indirect purposes.

Layoff Aversion Strategy:

In April of 2012, Florida's unemployment rate was at 8.3 percent still higher than the US rate of 7.7 percent. The majority of Florida counties (40 out of 67) have an unemployment rate above the US level and five counties are still in double digits. While the rate of job loss has tapered off in the state, it is still imperative to keep businesses competitive and most importantly to retain them in the state by averting layoffs. This can be done by investing public resources to support occupational, technical and/or soft skills training. Additionally, this training enables employers to adjust more readily to the changing economic climate increasing their competitiveness and providing a more solid base for employee retention. Most recently this strategy has been employed to address the changes affecting the aerospace industry in Central Florida.

Workforce Florida's newly adopted strategic plan identifies target industry clusters that align with the state's economic development plan, the Roadmap to Florida's Future. By providing incumbent worker training in these identified clusters, Florida can grow and maintain businesses that offer high

skill and high wage jobs which not only averts layoffs but stabilizes the economy. Additionally, established local partner networks involving the Regional Workforce Boards, economic development agencies and local businesses are the best source for recognizing early signs of possible layoffs.

C. State or Local Statutory or Regulatory Barriers

There are no state or local statutory or regulatory barriers to implementing the proposed waiver.

D. Descriptions of Individuals Impacted by the Waiver

All WIA customers, as well as the state's Regional Workforce Boards, will be positively affected by the adoption of the above requested waiver. Increased numbers of individuals that are in need of service will be provided service. Regional Workforce Boards, identifying unmet needs or experiencing the sudden need for increased services in their areas, will have more timely access to additional resources. The rate of investment of WIA funds will increase.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

A draft of the State Plan, including the requested waivers, will have been posted at least two months prior to its submission to the Secretary, with instructions for submitting comments, and is widely distributed to workforce partners throughout the state. Access to information about the State Plan and the processes associated with its preparation and submission is prominently posted on the websites of Workforce Florida and the Department of Economic Opportunity.

The state's request to enable Regional Workforce Boards to expand employed worker training activities by allowing up to 20 percent of local Dislocated Worker funds to be expended on incumbent worker training, was developed by Workforce Florida. Based on its review of the goals established in the state's strategic plan, the Board identified the need to revise policy governing the investment of local allocation funds in order to achieve the maximum investment of WIA funds.

Workforce Florida Inc. and the Department of Economic Opportunity, as the state administrator and overseer of WIA funds, will monitor the implementation of this waiver and the use of funds by the local areas. Information contained in the state's management information system and financial management tracking system will be reviewed and reported to the local areas and Workforce Florida on a regular basis. Locally funded incumbent worker training will also be reported as required in the quarterly submission of the Workforce Investment Act Standardized Record Data (WIASRD).

Review of the implementation and application of the policy will regularly be placed on the agenda of public meetings of State Board and regular scheduled meetings of the Board members and staff, with partner agencies, representatives of Regional Workforce Boards, one-stop operators and other partners.

**STATE OF FLORIDA
WORKFORCE INVESTMENT ACT
WAIVER REQUEST**

RAPID RESPONSE FUNDING FOR ALLOWABLE STATE LEVEL ACTIVITIES

Pursuant to WIA Section 189 (i)(4)(B) and the WIA Federal regulations at 20 CFR 661.420, the state of Florida requests a waiver to allow up to 20 percent of its state-level rapid response funds as described by WIA Section 133 (a) (2) to be used for allowable state-level activities (non administrative).

A. Statutory or Regulatory Requirements to be Waived

The state of Florida is requesting a waiver to permit the use of up to 20 percent of rapid response funds to conduct allowable statewide activities, to wit incumbent worker training, as defined under WIA Section 134(a)(3) as part of a layoff aversion strategy. This waiver will apply to Program Year 2012 and subsequent years.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

This waiver provides Workforce Florida the opportunity to more effectively address layoff aversion by providing incumbent worker training activities with a demand-driven, business focus. Global competition has required companies to dramatically adapt in order to survive and changes in the workplace have increased employers' demand for an educated and skilled workforce. Investing public resources to support technical skills training of incumbent workers is a practical layoff aversion strategy for the state. It retains good jobs in the economy and critical industries in the region and can lead to the creation of jobs in Florida's targeted sectors. Workforce programs coordinated for these industry sectors drive talent pipeline development and high-paying job opportunities. Developing human capital by improving workforce skills as a result of technology or workforce change increasingly serves as the foundation of competitive advantage and can be a core driver of economic success. A better skilled workforce is the most effective retention tool. It is imperative that communities retain these local businesses as they are valuable resources that generate jobs and create taxes. Training can help stabilize a company by contributing to increased productivity and overall competitiveness and in many cases provide companies employees' promotional opportunities and increased wages. Ongoing incumbent worker training is a valuable investment for a business that can have a positive impact on its bottom line. As the state's goals for a better trained workforce are achieved, local businesses and local economies are strengthened and therefore future layoff situations are prevented.

The state level program, which is mandated by Section 445.003 of the Florida Statutes, includes the following provisions:

The Incumbent Worker Training Program is created for the purpose of providing grant funding for continuing education and training of incumbent employees at existing Florida businesses. The program will provide reimbursement grants to businesses that pay for preapproved, direct, training-related costs

To be eligible for the program's grant funding, a business must have been in operation in Florida for a minimum of 1 year prior to the application for grant funding; have at least one full-time employee, demonstrate financial viability, and be current on all state tax obligations. Priority for funding shall be given to businesses with 25 employees or fewer, businesses in rural areas, businesses in distressed inner-city areas, businesses in a qualified targeted industry, businesses whose grant proposals represent a significant upgrade in employee skills, or businesses whose grant proposals represent a significant layoff avoidance strategy.

The program will not reimburse businesses for trainee wages, the purchase of capital equipment, or the purchase of any item or service that may possibly be used outside the training project. A business approved for a grant may be reimbursed for preapproved, direct, training-related costs including tuition, fees, books and training materials, and overhead or indirect costs not to exceed 5 percent of the grant amount.

A business that is selected to receive grant funding must provide a matching contribution to the training project, including, but not limited to, wages paid to trainees or the purchase of capital equipment used in the training project; must sign an agreement the training project as proposed in the application; must keep accurate records of the project's implementation process; and must submit monthly or quarterly reimbursement requests with required documentation.

All Incumbent Worker Training Program grant projects shall be performance-based with specific measurable performance outcomes, including completion of the training project and job retention.

The grant administrator shall withhold the final payment to the grantee until a final grant report is submitted and all performance criteria specified in the grant contract have been achieved. No more than 10 percent of the Incumbent Worker Training Program's total appropriation may be used for overhead or indirect purposes.

Layoff Aversion Strategy:

In April of 2012, Florida's unemployment rate was at 8.3 percent still higher than the US rate of 7.7 percent. The majority of Florida counties (40 out of 67) have an unemployment rate above the US level and five counties are still in double digits. While the rate of job loss has tapered off in the state, it is still imperative to keep businesses competitive and most importantly to retain them in the state by averting layoffs. This can be done by investing public resources to support occupational, technical and/or soft skills training. Additionally, this training enables employers to adjust more readily to the changing economic climate increasing their competitiveness and providing a more solid base for employee retention. Most recently this strategy has been employed to address the changes affecting the aerospace industry in Central Florida.

Workforce Florida's newly adopted strategic plan identifies target industry clusters that align with the state's economic development plan, the Roadmap to Florida's Future. By providing incumbent worker training in these identified clusters, Florida can grow and maintain businesses that offer high skill and high wage jobs which not only averts layoffs but stabilizes the economy. Additionally, established local partner networks involving the Regional Workforce Boards, economic development agencies and local businesses are the best source for recognizing early signs of possible layoffs.

C. State or Local Statutory or Regulatory Barriers

There are no state or local statutory or regulatory barriers to implementing the proposed waiver.

D. Descriptions of Individuals Impacted by the Waiver

All WIA customers will be positively affected by the adoption of the above requested waiver. In the ever-changing climate, the flexibility afforded in this waiver will increase the efficiency with which the state can respond to anticipated job losses. Increased numbers of individuals that are in need of service will be provided service.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

A draft of the State Plan, including the requested waivers, will have been posted at least two months prior to its submission to the Secretary, with instructions for submitting comments, and is widely distributed to workforce partners throughout the state. Access to information about the State Plan and the processes associated with its preparation and submission is prominently posted on the websites of Workforce Florida and the Department of Economic Opportunity.

Workforce Florida Inc. and the Department of Economic Opportunity, as the state administrator and overseer of WIA funds, will monitor the implementation of this waiver and the use of funds by the local areas. Information contained in the state's management information system and financial management tracking system will be reviewed and reported to the local areas and Workforce Florida on a regular basis. Locally funded incumbent worker training will also be reported as required in the quarterly submission of the Workforce Investment Act Standardized Record Data (WIASRD).

Review of the implementation and application of the policy will regularly be placed on the agenda of public meetings of State Board and regular scheduled meetings of the Board members and staff, with partner agencies, representatives of Regional Workforce Boards, one-stop operators and other partners.

**STATE OF FLORIDA
WORKFORCE INVESTMENT ACT
WAIVER REQUEST**

DATA CAPTURE REQUIREMENTS IMPACTING INCUMBENT WORKER TRAINING

Pursuant to WIA Section 189 (i)(4)(B) and the WIA Federal regulations at 20 CFR 661.420, the state of Florida requests a waiver to minimize the data capture requirements for employers participating in WIA-funded incumbent worker training programs. Since this training is sought to improve the competitiveness of both the employer and the worker, data capture requirements should be based on employer application, rather than individual trainee eligibility. This waiver will apply to Program Year 2012 and subsequent years.

A. Statutory or Regulatory Requirements to be Waived

The state of Florida is requesting a waiver to discontinue the collection of the following WIASRD elements for participants enrolled in incumbent worker training: single parent, unemployment compensation eligible status at participation, low income TANF, other public assistance, homeless or runaway, and offender.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

Greater responsiveness to employers' immediate training needs and greater coordination of state and local workforce and economic development activities. One of the primary reasons why local workforce boards provide incumbent worker training is to improve their regional economies by averting layoffs and upgrading the skills of their existing workforce, thus improving their competitiveness. Additionally, as workers improve their skills and climb the career ladder, it enables the board to backfill those vacancies.

Elimination of excessive administrative requirements. A hindrance to usage of these programs is federal data requirements, which is far too cumbersome, especially for small employers.

C. State or Local Statutory or Regulatory Barriers

There are no state or local statutory or regulatory barriers to implementing the proposed waiver.

D. Descriptions of Individuals Impacted by the Waiver

All WIA customers will be positively affected by the adoption of the above requested waiver. Regional Workforce Boards will improve linkages with employers, allowing more workforce services to more individuals.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

A draft of the State Plan, including the requested waivers, will have been posted at least two months prior to its submission to the Secretary, with instructions for submitting comments, and is widely distributed to workforce partners throughout the state. Access to information about the State Plan and the processes associated with its preparation and submission is prominently posted on the websites of Workforce Florida and the Department of Economic Opportunity.

The state's policy regarding the provision of incumbent worker training as well as the data capture requirements was developed by Workforce Florida. Based on its review of the goals established in the state's Strategic Plan, the Board identified the need to revise policy governing the investment of local funds in order to achieve the maximum investment of WIA funds. Data capture requirements have been extensively discussed at Regional Workforce Board business liaisons meetings and through Guidance Papers.

Workforce Florida Inc. and the Department of Economic Opportunity, as the state administrator and overseer of WIA funds, will monitor the implementation of this waiver, as they continue to evaluate all WIA performance and the progress towards goals and objectives expressed in the State Plan. Information contained in the state's management information system and the financial management tracking system will be reviewed and reported to the local areas and Workforce Florida on a regular basis

Review of the implementation and application of the policy will regularly be placed on the agenda of public meetings of State Board and regular scheduled meetings of the Board members and staff, with partner agencies, representatives of Regional Workforce Boards, one-stop operators and other partners

**STATE OF FLORIDA
WORKFORCE INVESTMENT ACT
WAIVER REQUEST**

**USE OF YOUTH WIA FUNDS FOR INDIVIDUAL TRAINING ACCOUNTS FOR OLDER
YOUTH**

Pursuant to WIA Section 189 (i)(4)(B) and the WIA Federal regulations at 20 CFR 661.420, the state of Florida requests a waiver to allow Regional Workforce Boards (RWBs) to appropriately use WIA Youth formula funds to provide training for older youth and out-of-school youth through the use of individual training accounts (ITA), based on a valid needs assessment of interests, skills and aptitudes. This waiver will apply to Program Year 2012 and subsequent years.

Without this waiver, older youth (ages 18 and over) must be enrolled as adults in order to obtain occupational skills training through the use of an ITA. This co-enrollment requirement is a duplicative and unnecessary process which unnecessarily requires Regional Workforce Boards to draw down their adult funds. This waiver would allow older out-of-school youth to select approved ITA programs from the eligible training provider list, while retaining their youth classification. Training costs thus could be charged as out-of-school Youth expenditures, and would not need to be tracked across different funding streams.

A. Statutory or Regulatory Requirements to be Waived

The state of Florida is requesting a waiver of 20 CFR 664.510 on the use of ITAs for older and out-of-school youth participants.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

Customer choice. This waiver will afford older and out-of-school youth the same opportunity as adults to make informed decisions through the choice of training. It is anticipated that a significant number of older and out-of-school youth will avail themselves of this opportunity.

More effective use of funds to serve out-of-school youth. The waiver will allow Regional Workforce Boards to provide meaningful training activities to out-of-school youth and meet federal requirements to expend 30 percent of youth funds for this population.

Additional flexibility. The waiver provides one more means of providing services to more youth participants based on identified needs.

Elimination of excessive administrative requirements. The waiver eliminates the duplicative and burdensome paperwork requirements associated with co-enrolling participants in adult and youth activities, as well as the burden of additional tracking and reporting of activities, expenditures and outcomes, and frees front-line staff to provide substantive case management services.

C. State or Local Statutory or Regulatory Barriers

There are no state or local statutory or regulatory barriers to implementing the proposed waiver.

D. Descriptions of Individuals Impacted by the Waiver

This waiver will directly impact older and out-of-school WIA-eligible youth, allowing them to benefit from an ITA. These youths' needs will be met more quickly without unnecessary paperwork or tracking.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

A draft of the State Plan, including the requested waivers, will have been posted at least two months prior to its submission to the Secretary, with instructions for submitting comments, and is widely

distributed to workforce partners throughout the state. Access to information about the State Plan and the processes associated with its preparation and submission is prominently posted on the websites of Workforce Florida and the Department of Economic Opportunity.

This request was developed as a result of concerns expressed by local areas. As with all major workforce policies, the state has solicited dialogue from Regional Workforce Boards which overwhelmingly supported this request.

Workforce Florida Inc. and the Department of Economic Opportunity, as the state administrator and overseer of WIA funds, will monitor the funding of ITAs for older and out-of-school youth. The Department already has monitoring processes to ensure compliance with this waiver.

**STATE OF FLORIDA
WORKFORCE INVESTMENT ACT
WAIVER REQUEST**

INCREASED CORE SERVICES CAPABILITIES AT LOCAL ONE-STOP CENTERS

Pursuant to WIA Section 189 (i)(4)(B) and the WIA Federal regulations at 20 CFR 661.420, the state of Florida requests a waiver to allow any One-Stop Career Center staff who are funded by either WIA or Wagner-Peyser to perform participant intake and eligibility determination for other supportive workforce programs such as the Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), and Medicaid Programs without having to cost allocate staff-time for each respective program. This waiver will apply to Program Year 2012 and subsequent years.

A. Statutory or Regulatory Requirements to be Waived

The state is seeking a waiver of 20 CFR 662.240(b)(10) to allow the state to continue to consider participant intake and eligibility determination for these TANF, SNAP, and Medicaid as WIA core services that can be paid with WIA funds and not be allocated to those programs.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

The goal of this waiver is to expand the services offered to customers at local One-Stop Career Centers without having to enter into unnecessary funding agreements. These services are consistent with the type of core services envisioned under WIA. The waiver will allow the state's Regional Workforce Boards to provide a needed service to its one-stop customers without having the administrative burden of cost allocation or the need to continually execute new funding agreements with the state entity responsible for those programs.

C. State or Local Statutory or Regulatory Barriers

There are no state or local statutory or regulatory barriers to implementing the proposed waiver.

D. Descriptions of Individuals Impacted by the Waiver

One-Stop customers will benefit from an increased level of services available at the "One-Stop Career Centers" thereby eliminating the need for them to expend extra time and effort to go to other non-WIA and Wagner-Peyser funded staff for intake and eligibility determination for their enrollment in other supportive workforce programs. The waiver will also increase the number of individuals coming into the One-Stop Centers thus increasing the number of individuals who can benefit from the workforce services offered at the One-Stop Career Centers.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

A draft of the State Plan, including the requested waivers, will have been posted at least two months prior to its submission to the Secretary, with instructions for submitting comments, and is widely distributed to workforce partners throughout the state. Access to information about the State Plan and the processes associated with its preparation and submission is prominently posted on the websites of Workforce Florida and the Department of Economic Opportunity.

This request was developed as a result of concerns expressed by local areas. As with all major workforce policies and procedures, the state has solicited dialogue and input from Regional Workforce Board.

Workforce Florida Inc. and the Department of Economic Opportunity, as the state administrator and overseer of WIA funds, will monitor the use of funds by local areas. The Department already has monitoring processes to ensure compliance with this waiver. Review of the implementation and application of the policy will regularly be placed on the agenda of public meetings of the State Board

and regularly scheduled meetings of the Board members and staff, with partner agencies, representatives of Regional Workforce Boards, One-Stop operators and other partners

**STATE OF FLORIDA
WORKFORCE INVESTMENT ACT
WAIVER REQUEST**

**USE OF NON-MERIT STAFF FOR DELIVERY OF LABOR EXCHANGE ACTIVITIES
FUNDED UNDER THE WAGNER-PEYSER ACT**

Pursuant to WIA Section 189 (i)(4)(B) and the WIA federal regulations at 20 CFR 661.420, the state of Florida requests a waiver of 20 CFR Sections 652.215 and 652.216 that require the use of state merit based staff to delivery traditional labor exchange activities funded under the Wagner-Peyser Act. Florida has made great strides in restructuring its workforce service delivery system to move away from the programmatic and financial "silos" inherent in a fragmented delivery system and to achieve a truly integrated network of One-Stop Career Centers and services. The requested waiver will allow the state to more concretely integrate the delivery of services at its one-stop centers by eliminating

A. Statutory or Regulatory Requirements to be Waived

20 CFR Sections 652.215 and 652.216 that require that labor exchanges services must be provided by state merit staff employees.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

Florida has been pro-active in the empowerment of Regional Workforce Boards and the decentralization of service-delivery decision-making. In so doing, the state has distributed the maximum levels of funding and day-to-day operational flexibility to the regions and their contracted One-Stop providers. This has included Workforce Investment Act (WIA) funds, Temporary Assistance to Needy Family (TANF) funds, Food Stamp Employment and Training (FSET) funds, Trade Adjustment Act (TAA) funds, and certain WP and Unemployment Compensation funds, allowing the local boards providers to decide what employees to hire, what skill level to recruit, how to train, supervise, discipline, direct and terminate as needed

A key obstacle to the state's effort to truly integrate service delivery at the local level is the inability to integrate Wagner-Peyser funded staff with other one-stop center staff. The foundation for the one-stop centers is the staff members that provide basic core services and those services are primarily delivered by WIA and Wagner-Peyser funded staff. Unlike other One-Stop Career Center partner services, WP and WIA unassisted and assisted core services are virtually indistinguishable as it relates to customer service. The state agency and the RWBs and One-Stop Career Center providers have been largely successful in developing processes and agreements to work around a wide variety of impediments (such as disparate wages, working hours, employee benefits, and other 15 working conditions for One-Stop staff) but the requested waiver would streamline these procedures and allow regions to manage their local one-stop center staff holistically without these impediments. These challenges exist for all One-Stop Career Center partners and include morale and disciplinary problems due to disparate wages, hours, benefits and other working conditions for One-Stop staff who are essentially doing the same customer service work.

C. State or Local Statutory or Regulatory Barriers

There is no state or local statutory or regulatory barrier to implementing the state's policy or any federal waiver necessary to implement the policy. The policy is in accord with the intent of state statutes enacted to implement WIA and to integrate the delivery of workforce services through the network of One-Stop Career Centers. Further, this waiver supports the WIA Reauthorization vision of the U.S. Department of Labor as described in the proposed rule in the December Federal Register.

Additionally, the Agency for Workforce Innovation has annually secured state-level authority to accommodate any waiver approved by the Department

D. Description of the Individuals Impacted by the Waiver

All one-stop customers will be positively affected by the waiver and its resulting adoption of the above-referenced policy and improved integrated services.

Elimination of dual payroll, human resources and related costs for maintaining two sets of overhead mechanisms will reduce overall administrative expenditure, thereby freeing up funds for additional training and workforce services for employers and job seekers.

Current state agency employees providing WP services on state payroll will be shifted to local payrolls and will then be eligible for the same benefits, wages, terms and conditions of employment as other One-Stop staff paid with WIA, TANF or other funds. Local One-Stop operators will benefit from having consistent and direct control and accountability for all staff providing services to the public and producing the performances for which RWBs and providers are held responsible. The transition will be achieved in the similar manner as when Private Industry Councils and state staffed local direct services were divested and placed under contracted One-Stop operators, also noting that many former state "merit-staff" employees have already individually made such personal transitions. Several years ago, Florida successfully transitioned the TANF-funded services from state merit staff to the RWBs. In recent years, the Department of Economic Opportunity has also transitioned FSET, TAA and certain Reemployment Assistance support services to the boards as well. Only WP program staff (including veterans' program staff) remain outside of this system. Again, from the standpoint of customer service, One-Stop customers will benefit from the complete integration of WP into the service delivery scheme by the removal of artificial staff barriers to services. This applies not only to better integration with WIA customers, but also TANF, FSET, Reemployment Assistance and TAA customers.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

A draft of the State Plan, including the requested waivers, will have been posted at least two months prior to its submission to the Secretary, with instructions for submitting comments, and is widely distributed to workforce partners throughout the state. Access to information about the State Plan and the processes associated with its preparation and submission is prominently posted on the websites of Workforce Florida and the Department of Economic Opportunity.

The state request for this waiver has been fully announced, discussed, debated and open to public comment for several years. The waiver request is supported by Workforce Florida, Inc., Board and the local RWBs also support the request noting the administrative difficulties resulting from attempting to offer "seamless" integrated services provided partially by employees on someone else's payroll.

The implementation of this policy will be monitored by Workforce Florida, Inc., and the Department of Economic Opportunity as they continue to monitor all WIA performance and the progress toward goals and objectives expressed in the State Plan. Information contained in the state's management information system and financial management tracking system will be reviewed and reported to the local areas and Workforce Florida, Inc., on a regular basis. Review of the implementation and application of the policy will regularly be placed on the agenda of public meetings of the Workforce Florida State Board and regularly scheduled meetings of the Board members and staff, with partner agencies, representatives of RWBs, One-Stop operators and other partners.