



POLICY

SECTION: CSTB	POLICY# 020-C0063	PAGE: 1 of 7
TITLE: CSTB Negotiated Local Levels of Performance Requirements		EFFECTIVE DATE: 7.16.20
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PURPOSE: To provide guidance to staff on the importance of meeting the WIOA Primary Indicators of Performance, negotiated local levels of performance, between the Department of Economic Opportunity and CareerSource Tampa Bay and the prescribed corrective actions, if CSTB fails to meet the required standards.

BACKGROUND: The Workforce Innovation and Opportunity Act (WIOA) establishes performance accountability indicators and performance reporting requirements outlined in WIOA sec. 116(b)(2)(A). The purpose is to assess the effectiveness of states and local workforce development board (LWDB) areas in achieving positive outcomes for individuals served by the workforce development system’s six (6) core programs including: adult, dislocated workers and youth programs (WIOA) and the employment services program (Wagner-Peyser).

POLICY:

The WIOA Primary Indicators of Performance were designed with the intent to create a common, universal, transparent system of performance measurements so that Congress and the public can hold LWDB’s and providers accountable for service delivery area. This new performance accountable system, as articulated in sec. 116 of WIOA, maintains alignment and integration across all core programs.

The approach entails:

- Measuring service quality for employment using exits
- Measuring service quality for training using exit and progress
- Measuring service quality for employers using labor market data

States and LWDB’s are held to six WIOA Primary Indicators of Performance established by WIOA for Title I – Adult, DW and Youth, and Title III Wagner-Peyser programs. Note that the

indicators are not applied uniformly across each program, some indicators are not applicable to specific programs, and others have different definitions for certain programs.

Table 1 identifies each indicator and the program it applies to.

Table 1. WIOA Primary Indicators of Performance.

Performance Indicator	Adult/Dislocated Worker	Youth	Wagner-Peyser
Employment Rate: 2nd QTR	✓	✓	✓
Employment Rate: 4th QTR	✓	✓	✓
Median Earning	✓	✓	✓
Credential Attainment	✓	✓	
Measurable Skills Gains	✓	✓	
Business Indicators	✓	✓	✓

Definitions for the six indicators are outlined below:

1. **Employment Rate 2nd Quarter** - The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program. This measure applies to WIOA Adult, WIOA Dislocated Worker, WIOA Youth, and Wagner Peyser programs.
 - a. Title I Youth, the indicator is the percentage of program participants in education or training activities, or unsubsidized employment, during the second quarter after exit;
2. **Employment Rate 4th Quarter** - The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program. This measure applies to WIOA Adult, WIOA Dislocated Worker, WIOA Youth, and Wagner Peyser programs.
 - a. Title I Youth, the indicator is the percentage of program participants in education or training activities, or unsubsidized employment, during the fourth quarter after exit;
3. **Median Earnings 2nd Quarter** - The statistical median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the

program. This measure applies to WIOA Adult, WIOA Dislocated Worker, WIOA Youth, and Wagner Peyser programs.

4. Credential Attainment - The percentage of participants who attain a recognized a recognized postsecondary credential, secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program, provided that a program participant who obtains a secondary school diploma or its recognized equivalent is included in the percentage of program participants who have attained a secondary school diploma or its recognized equivalent only if the participant also is employed or is enrolled in an education or training program leading to a recognized postsecondary credential within one year after from the program exit. This measure applies to WIOA Adult, WIOA Dislocated Worker, and WIOA Youth programs.
5. Measurable Skill Gains - The percentage of program participants who, during a program year, are in an education or training program that leads to a recognized post-secondary credential or employment and who are achieving measurable skill gains toward such a credential or employment. This measure applies to WIOA Adult, WIOA Dislocated Worker, WIOA Youth programs.
6. Business Indicators - Effectiveness in Serving Employers indicator will be measured as a shared outcome across all six core programs within each state to ensure a holistic approach to serving employers. This measure applies to the Wagner-Peyser programs.
 - a. Repeat Business Customers (percentage of repeat businesses using services within the previous three years prior to current PY); and
 - b. Business Penetration Rate (percentage of businesses using services out of all businesses in the State).
 - i. *NOTE: These are experimental measures for the first three PY's of WIOA.*

Negotiations and Adjustment Factors

U.S. Department of Labor (DOL) negotiates with all 50 states, each state has targets for each indicators. USDOL negotiated performance levels for each state must be agreed upon by no later than June 30th.

DEO establishes the Florida statewide goals with USDOL and then negotiates with each of the 24 LWDBs. The LWDB's must finalize their negotiated local levels of performance no later than September 30th.

Every two years CSTB is required to negotiate our local level of performance with DEO. Under WIOA, the statistical adjustment model, established by the Secretaries, will be used to ensure that the negotiated levels of performance are based on the actual economic conditions and characteristics of participants. DEO established baselines by utilizing data pulled from the prior two Program Years.

CSTB's LWDB, CEO, and Governor are required to negotiate and reach an agreement on local levels of performance based on the state negotiated levels of performance established under WIOA sec. 116(b)(3)(A). In negotiating the local levels of performance, adjustments shall be

made for the expected economic conditions and characteristics of participants to be served by the local workforce development board using the statistical adjustment model developed pursuant to WIOA sec. 116(b)(3)(A)(viii). In addition, the negotiated local levels of performance applicable to a program year must be revised to reflect the actual economic conditions experienced and the characteristics of the populations served by CSTB during such program year using the statistical adjustment model.

Required Performance Thresholds

For each performance indicator, LWDBs must have met the standard if its performance is at or above 90% of the negotiated standard. Achievement of success is defined as 90% or above for each indicator. The calculation methodology includes our actual performance divided by the target to equal our actual achievement for each indicator.

Annual performance reports are available approximately 45 days after the end of the fourth quarter of a program year.

In addition, CSTB conducts its own review process on a quarterly basis, CSTB analyzes, reviews, and tracks CSTB relative performance. Also, CSTB benchmarks its performance to prior Program Year (PY) quarterly periods and against other metro LWDBs in Florida. WIOA Primary Indicators of Performance Reports are shared with appropriate CSTB Committees, Executive Committee and Board of Directors.

Annual Performance Review Meeting

The Department of Economic Opportunity (DEO) will meet with CSTB to conduct an annual review of the regional performance outcomes as required by Chapter 445.007(3), F.S.. During this annual meeting, DEO will communicate the final PY performance for each indicator, as well as provide a summary of programmatic and fiscal monitoring report findings.

DEO has conducted these visits in person and remotely to review our regional performance with our executive leadership team and Board of Directors.

Failure to Meet Local Levels of Performance

In the event a LWDB fails to meet the negotiated local levels of performance in any program year, technical assistance will be provided by DEO. The technical assistance may include the following:

1. Assistance in the development of a regional performance improvement plan;
2. The development of a modified local Workforce Services Plan; or
3. Other actions designed to assist LWDB in improving performance.

If technical assistance is required, DEO will take into consideration any variables or extenuating circumstances that are not within CSTB's control that may have impacted local performance when determining whether CSTB failed to meet local performance standards, such as:

1. Natural disasters that impacted local program operations;
2. State and/or local economic and labor market conditions; and
3. Mass lay-offs in the local area that may have impacted elements of local performance.

Performance Improvement Plans

If technical assistance is required by DEO it will be provided to CSTB in the form of a performance improvement plan (PIP) that is jointly developed by DEO and CSTB. During this development DEO will give consideration to the extent and nature of the identified opportunity to improve. Once the CSTB PIP is developed and implemented, DEO is responsible for evaluating progress on quarterly basis to determine if sufficient progress is being achieved to meet acceptable performance. Reference CareerSource Florida (CSF) Administrative Policy, *Negotiated Local Levels of Performance Requirements- Policy #088*, which outlines examples of PIP elements. CSTB will adhere to all aspects of this *Policy #088*.

DEO will evaluate and verify all reports submitted by CSTB and make the following determinations regarding the status of CSTB’s PIP:

PIP Closure:	CSTB has satisfactorily achieved performance standards through corrective action will be considered compliant and the PIP will be closed.
Continuance:	CSTB has not satisfactorily achieved performance compliance; however, is showing improvement. CSTB will be required to continue to work towards performance compliance under the original PIP conditions.
Continuance with Modifications:	CSTB has not satisfactorily achieved performance compliance and will remain on a PIP; however, modifications will be made to promote compliance efforts
Engage in sanctions	As prescribed in CareerSource Florida Administrative Policy #104- Sanctions for Local Workforce Development Boards’ Failure to Meet Federal and State Standards.

Sanctions

If CSTB fails to meet the adjusted levels of performance for the same primary indicator of performance for a third consecutive program year, corrective action must be taken in accordance with WIOA sec. 116(g) and 20 CFR 677.220, as further prescribed in CareerSource Florida Administrative Policy, *Sanctions for Local Workforce Development Boards’ Failure to Meet Federal and State Standards*. The corrective action must include the development of a reorganization plan in consultation with the Governor.

Training

Director of MIS & Data Services and his team conducts annual training for CSTB staff to ensure that staff have a thorough understanding of WIOA Performance. The training is designed to improve staff knowledge of foundational components of performance indicators to drive achievement of outstanding outcomes. During training staff will review how services, data and outcomes are connected. One of the main goals is for staff to identify how their line of business, services or programs impact the participants individual outcomes.

References:

- CareerSource Florida Administrative Policy #088, Negotiated Local Levels of Performance Requirements: http://www.floridajobs.org/docs/default-source/lwdb-resources/policy-and-guidance/guidance-papers/2020-guidance-papers/adminpolicy088_negotiatedlocallevelsperfrequirements---final.pdf?sfvrsn=348643b0_2
- CareerSource Florida Administrative Policy #104, Sanctions for Local Workforce Development Boards' Failure to Meet Federal and State Standards: http://www.floridajobs.org/docs/default-source/lwdb-resources/policy-and-guidance/guidance-papers/2020-guidance-papers/adminpolicy104_-_sanctionslwdbfailmeetfed-statestds---final.pdf?sfvrsn=858143b0_2
- WIOA, Sections 107, 116, 122, and 133: <https://www.govinfo.gov/app/details/PLAW-113publ128>
- TEGL 10-16 Change 1 – Performance Accountability Guidance for Workforce Innovation Opportunity Act (WIOA) Title I, Title II, Title III and Title IV Core Programs: https://wdr.doleta.gov/directives/attach/TEGL/TEGL_10-16-Change1_Acc.pdf
- TEGL 10-16 Performance Accountability Guidance for Workforce Innovation Opportunity Act (WIOA) Title I, Title II, Title III and Title IV Core Programs: https://wdr.doleta.gov/directives/attach/TEGL/TEGL_10-16-Change1_Attachment_6_Acc.pdf
- TEGL 14-18 Aligning Performance Accountability, Reporting, Definitions, and Policies Across Workforce Employment and Training Programs Administered by U.S. Department of Labor (DOL): https://wdr.doleta.gov/directives/attach/TEGL/TEGL_14-18.pdf
- TEGL 9-17 Negotiating Performance Goals for the WIOA Title I Programs and Wagner-Geyser Act Employment Service as amended by Title III of WIOA, for Program Years (PYs) 2019 and PY 2019: https://wdr.doleta.gov/directives/attach/TEGL/TEGL_9-17_Acc.pdf
- TEGL 11-19 Negotiations and Sanctions Guidance for the WIOA Core Programs: https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3430

- Florida Statutes Section 445.004:
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0445/Sections/0445.004.html
- Florida Statutes Section 445.007:
http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0445/Sections/0445.007.html
- 20 Code of Federal Regulations (CFR), Parts 463.220 and 677:
<https://www.govinfo.gov/content/pkg/CFR-2019-title20-vol4/xml/CFR-2019-title20-vol4.xml>
- WIOA, Statewide Unified Plan, Two-Year Modification:
<https://careersourceflorida.com/wp-content/uploads/2018/03/2018-20-Workforce-Innovation-and-Opportunity-Act-Unified-Plan.pdf>

INQUIRIES: Any questions about this procedure should be directed to the Chief of Performance, Policy Officer, Director of MIS and Data Services, or their designee.