

Workforce Investment Act Waiver Request

Waiver from the requirement to provide incentive grants to local areas (WIA Section 134(a)(2)(B)(iii) and 20CFR 665.200(e)).

Date: 11/8/2011

State: New York State

Agency: New York State Department of Labor

Statutory and/or regulatory requirements to be waived

Waiver of WIA Section 134(a)(2)(B)(iii) and 20 CFR 665.200(e) requiring the provision of incentive grants to local areas.

Actions undertaken to remove state or local barriers

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

Goals and expected programmatic outcomes of waiver

The reduction to five percent in the WIA allotment for Program Year 2011 Governor's Reserve funds restricts the state's ability to effectively fund and carry out all of the required statewide workforce investment activities. The current funding level in the Governor's Reserve is insufficient to cover the cost of incentive grants to local areas. The state's reduced funds are being used to cover the following required activities:

- operating fiscal and management accountability information systems (WIA Section 134(a)(2)(B)(vi) and 20 C.F.R. 665.200(b)(1));
- submitting required reports (WIA Section 136(f));
- disseminating the list of eligible training providers for adults and dislocated workers (WIA Section 134(a)(2)(B)(i) and 20 C.F.R. 665.200 (b)(1)), and youth activities (20 C.F.R. 665.200(b)(4)), and;
- providing technical assistance to poor performing local areas (WIA Section 134(a)(2)(B)(iv) and 20 C.F.R 665.200(f)).

Our goal in seeking this waiver is to ensure that the state may prioritize the use of Governor's Reserve funds for the required activities we deem most essential to the basic functions of the workforce investment system. However, New York does see value in awarding incentive funds

to overachieving local areas. As such, we are also submitting a waiver to permit us to set aside up to 6 percent of our Rapid Response funds to make incentive awards to areas achieving exemplary performance.

Individuals impacted by the waiver

This waiver will provide the state agency with more flexibility in directing Governor's Reserve funds to those activities that best preserve basic functions of the statewide workforce investment system. This waiver will have a negative impact on local areas that have achieved exemplary performance. As such, NYSDOL is concurrently submitting a waiver request to permit the State to use up to 6 percent of its Rapid Response funds to make incentive awards.

Process for monitoring progress in implementation

New York State will monitor progress and ensure accountability for Federal funds in connection with these waivers by reviewing monthly expenditure, performance and other reports, through regular contact with the ETA Regional Office liaisons, and through its monitoring and performance accountability system. All other monitoring and feedback will continue as described above.

Notice to affected local boards

Should the waiver be granted, the Department will issue a Technical Advisory (TA) that will be disseminated to Chairpersons of Local Workforce Investment Boards, Chief Elected Officials, WIA Grant Recipients, WIA Fiscal Agents and WIA Local Area Contact Persons. The TA will also be posted on the New York State Department of Labor's web-site at: <http://www.labor.state.ny.us/workforcenypartners/tas.shtm>.

Public Comment

Notice of the waiver request was posted on the New York State Department of Labor's home page at: <http://www.labor.ny.gov/home/>. A 15 day comment period was allowed – OR – X comments were received and are attached along with the outcome of the state's review of these comments.

All comments were taken into account when developing the final draft of this request.