

DIRECTIVE
WORKFORCE SERVICES

Number: WSD13-3

Date: August 16, 2013
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TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: SUMMER YOUTH WAIVERS FOR LOS ANGELES COUNTY

EXECUTIVE SUMMARY:

Purpose:

This directive provides policy guidance for two waivers granted to California as it relates to summer youth employment activities funded with both the Temporary Assistance for Needy Families (TANF) and the Workforce Investment Act (WIA).

Scope:

This directive applies only to the Los Angeles County Local Workforce Investment Area. If other Local Workforce Investment Areas (local area) desire to utilize the waivers, they will be required to submit a separate request to the Employment Development Department.

Effective Date:

This directive is effective upon release.

REFERENCES:

- WIA Sections 136 and 189(i)
- Title 20 Code of Federal Regulations (CFR) Sections 661.420 - 430 and 664
- Training and Employment Guidance Letter 33-12, WIA Youth Program Guidance for Program Year 2013 (June 11, 2013)
- Training and Employment Notice 24-09, Joint Letter from the Employment and Training Administration and the U.S. Department of Health and Human Services Administration for Children and Families regarding youth subsidized employment opportunities under the TANF Emergency Contingency Funds (ECF) (January 19, 2010)
- Workforce Services Information Notice WSIN09-59, Subject: Youth Employment Opportunities Under TANF ECF (April 27, 2010)

STATE-IMPOSED REQUIREMENTS:

This directive contains no State-imposed requirements.

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FILING INSTRUCTIONS:

This directive supersedes Workforce Services Directive WSD12-2, dated July 13, 2012, and finalizes Workforce Services Draft Directive WSDD-90, issued for comment on July 18, 2013. There were no comments received during the draft comment period. Retain this directive until further notice.

BACKGROUND:

On June 6, 2013, the Department of Labor (DOL) granted California two waivers related to summer youth employment activities: (1) a waiver of the common performance measures for summer youth participants co-enrolled in TANF and WIA funded youth programs, and (2) a waiver of provisions under WIA Section 129(c) and Title 20 CFR 664 to allow local area staff increased flexibility in program design.

POLICY AND PROCEDURES:

Waiver of Common Performance Measures

The DOL granted California a waiver from the use of common performance measures to allow the State to use the work readiness indicator as the sole indicator of performance for youth co-enrolled in TANF and WIA funded summer employment activities. The waiver does not apply to WIA youth participating in program elements beyond summer employment and supportive services. The waiver is effective from May 1, 2013, through September 30, 2013.

This waiver impacts all co-enrolled TANF and WIA youth, ages 16 to 21, local areas, local TANF agencies, and business partners that employ eligible youth. The local areas and TANF agencies can serve co-enrolled low income participants, including those who have barriers to employment, such as out-of-school youth and those most at risk of dropping out; youth in and aging out of foster care; youth offenders and those at risk of court involvement; homeless and runaway youth; children of incarcerated parents; migrant youth; Indian and Native American youth; and youth with disabilities. The local areas will offer supportive services, occupational skills training, and other relevant services to youth.

Where TANF and local area partnerships are formed and operating, both TANF and WIA youth funds can be used to pay wages for youth who are eligible for both funding sources and co-enrolled in both programs. Each youth must meet the eligible criteria for their appropriate funding source (age, eligibility, etc.). Additionally, both TANF and WIA funding can be used to pay youth wages plus contractor costs to operate and supervise the youth as appropriate.

For those older youth that are not expected to return to school, individual service plans and strategies should be documented and the participants should be enrolled in WIA adult programs or provided further education and training under WIA youth funded activities.

Waiver to Provide Program Design Flexibility

The DOL granted California a waiver of statutory and regulatory provisions as follows:

- Waiver of the requirement in WIA Section 129(c)(2)(I) and 20 CFR 664.450(b) to provide a minimum of 12 months of follow-up services, to allow local areas to

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provide follow-up services with WIA youth funds as deemed appropriate for such participants.

- Waiver of the requirement in WIA Section 129(c)(1)(A) and 20 CFR 664.405(a)(1) to provide objective assessment and the requirement at WIA Section 129(c)(1)(B) and CFR 664.405(a)(2) to develop an Individual Service Strategy (ISS), to allow local areas to provide an assessment or ISS as deemed appropriate for such participants.

This waiver is effective May 1, 2013, through September 30, 2013, and applies only to youth co-enrolled in TANF and WIA funded youth programs and participating in subsidized summer youth employment activities. Youth transitioning to year-round WIA youth services after September 30, 2013 must have in place an objective assessment and ISS as required by WIA. This waiver does not apply to summer youth employment activities funded solely with WIA formula funds.

Reporting

Report summer youth program enrollment in the Job Training Automation system, as follows:

- Select TANF on the WIA application.
- Participants must be placed under Grant Code 309 on the WIA Enrollment/Registration form. Enrollment dates must be after May 1, 2013 and before September 30, 2013. Finally, youth must be placed in at least one of the following activity codes: "34," "39," "70," or "72."

If summer youth program participants require services after the end of the summer program, they should be co-enrolled into Grant Code 309 and 301. If they are adults 18 and over they should be co-enrolled in WIA funded services Grant Code 309 and 201. If they are dislocated workers 18 and over they should be co-enrolled in Grant Code 309 and 501.

ACTION:

Please bring this directive to the attention of all relevant parties.

INQUIRIES:

If you have any questions, please contact your [Regional Advisor](#) at (916) 654-7799.

/S/ JOSÉ LUIS MÁRQUEZ, Chief
Workforce Services Division

Attachment is available on the Internet:

[Waiver Approval Letter from DOL](#) (PDF)