

DIRECTIVE
WORKFORCE SERVICES

Number: WSD11-6

Date: November 17, 2011
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TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: EXTENSION OF TWO SUMMER YOUTH WAIVERS

EXECUTIVE SUMMARY:

Purpose:

The purpose of this directive is to convey the policy and procedural information pertaining to the extension of two waivers granted to the State of California under the Workforce Investment Act of 1998 (WIA) regarding summer youth employment activities funded with both Temporary Assistance to Needy Families (TANF) and WIA.

Scope:

This directive applies to all Local Workforce Investment Areas (LWIA) and all other recipients of WIA formula funding.

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 30-10, WIA Youth Program Guidance for Program Year 2011 (June 2, 2011)
- 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 WSD11-3, dated August 1, 2011, and finalizes Workforce Services Draft Directive WSDD-61, issued for comment on October 21, 2011. The Workforce Services Division received one comment during the draft comment period. This resulted in one substantive change to the directive which is viewed as highlighted text. The highlighted text will remain on the Internet for 30 days from the issuance date. A summary of the comment is provided as Attachment 2. Retain this directive until further notice.

BACKGROUND:

On June 27, 2011, the Department of Labor (DOL) granted California approval of 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 LWIA staff increased flexibility in program design. These two waivers were effective May 1, 2011, through September 30, 2011. On September 29, 2011, the DOL granted California an extension of the two waivers through December 31, 2011.

POLICY AND PROCEDURES:

1. Waiver of Common Performance Measures

The DOL granted California an extension of the waiver from the use of common 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 beyond the summer months. This waiver extension is effective October 1, 2011, through December 31, 2011. This waiver does not apply to youth participating in other WIA youth program elements or summer youth employment activities funded solely with WIA formula funds.

2. Waiver to Provide Program Design Flexibility

The DOL granted California an extension of the waiver of statutory and regulatory provisions as follows:

- Waiver of the requirement at 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 provide follow-up services with WIA youth funds as deemed appropriate for such participants.
- Waiver of the requirement at 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 extension is effective October 1, 2011, through December 31, 2011, and applies only to youth co-enrolled in TANF and WIA funded summer youth employment activities beyond the summer months. Youth transitioning to year-round WIA youth services after December 31, 2011, must have in place an objective

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assessment and individual service strategy as required by WIA. This waiver does not apply to youth participating in other WIA youth program elements or summer youth employment activities funded solely with WIA formula funds.

Both waivers impact all co-enrolled TANF and WIA youth, ages 14 to 21, LWIAs, local TANF agencies, and business partners that employ eligible youth. The LWIAs 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 LWIAs will offer supportive services, occupational skills training, and other relevant services to youth.

Where TANF and LWIA 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 run and supervise the youth as appropriate.

New summer youth participants can be enrolled between October 1, 2011, and December 31, 2011, as long as their summer youth employment ends no later than December 31, 2011. Additionally, the summer youth participants who continue in summer youth employment activities beyond September 30, 2011, shall have the justification documented in their individual service plans. For those older youth that are not expected to return to school after completing summer youth employment, 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.

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/ MICHAEL EVASHENK, Chief
Workforce Services Division

Attachments available on the Internet:

1. [Waiver Approval Letter from DOL](#) (PDF)
2. [Summary of Comments](#) (PDF)