

# DIRECTIVE

## WORKFORCE SERVICES

Number: WSD13-14

Date: June 25, 2014

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TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: WIA SUMMER YOUTH WAIVERS

### EXECUTIVE SUMMARY:

#### Purpose:

This directive provides policy guidance for two waivers granted to California regarding summer youth employment activities funded with both 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 (local area). If other local areas desire to utilize the waivers, they will be required to submit a separate request to the Employment Development Department (EDD).

#### 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 ([TEGL 33-12](#)), WIA Youth Program Guidance for Program Year 2013 (June 11, 2013)
- Training and Employment Notice ([TEN 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 (January 19, 2010)

### STATE-IMPOSED REQUIREMENTS:

This directive contains no State-imposed requirements.

### FILING INSTRUCTIONS:

This directive supersedes Workforce Services Directive WSD13-7, dated December 31, 2013, and finalizes Workforce Services Draft Directive WSDD-104, issued for comment on May 29, 2014. There were no comments received during the draft comment period. Retain this directive until further notice.

*The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.*

## **BACKGROUND:**

On April 15, 2014, the U.S. 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. The waivers have been approved from May 1, 2014, through June 30, 2017.

## **POLICY AND PROCEDURES:**

### **Waiver of Common Performance Measures**

The DOL granted California a 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. 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, 2014, through June 30, 2017.

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 run 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 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 an 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, 2014 through June 30, 2017, 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 30th of the given year, 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 CalJOBS<sup>SM</sup> 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<sup>st</sup> and before September 30<sup>th</sup> of the given year. Finally, youth must be placed in at least one of the following activity codes: “400,” “408,” “409,” “416,” “425,” “426,” or “427.”

If summer youth program participants require services after the end of the summer program, they should be enrolled into the Youth Formula. If they are adults 18 and over they can be enrolled in WIA funded services the Adult Formula. If they are dislocated workers 18 and over they should be enrolled in the Dislocated Worker Formula. If the participant receives any services after September 30th of the given year under any formula funds grant, they will be subject to common measures for that funding stream.

### **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



APR 15 2014

The Honorable Edmund J. Brown  
Governor of California  
State Capitol Building Suite 1173  
Sacramento, California 95814

Dear Governor Brown:

The Employment and Training Administration (ETA) is pleased to respond to your requests for waivers of statutory and regulatory requirements under the Workforce Investment Act (WIA). This action is taken under the Secretary's authority to waive certain requirements of WIA Title I, Subtitles B and E, and sections 8-10 of the Wagner-Peyser Act. The original requests are written in the format identified in WIA section 189(i)(4)(B) and 20 CFR 661.420(c), and meet the standard for approval at 20 CFR 661.420(e). The following is the disposition of the State's waiver requests (copy enclosed).

Requested Waiver: Waiver of performance measures for youth participants in summer youth employment activities and co-enrolled in TANF and WIA programs.

The State has requested a waiver of the common performance measures for youth who participate in subsidized summer youth employment activities that utilize Temporary Assistance to Needy Families (TANF) funds and are co-enrolled in WIA-funded youth programs. The requested waiver is approved and allows the State to use the work readiness indicator as the only indicator of performance for youth co-enrolled in WIA Youth and TANF programs and participating in subsidized summer youth employment activities. The waiver is effective from May 1, 2014 through June 30, 2017. This waiver applies only to WIA Youth performance requirements; the State must comply with any reporting requirements established through TANF. This waiver does not apply to WIA youth participating in program elements beyond summer employment and supportive services.

Requested Waiver: Waiver to provide program design flexibility in serving youth participants in summer youth employment activities and co-enrolled in TANF and WIA programs.

The State has requested a waiver of certain provisions under WIA Sec. 129(c) and 20 CFR 664 to allow Local Workforce Investment Area (LWIA) staff increased flexibility in program design. Through this waiver, the State will be able to provide program design flexibility in serving youth who participate in subsidized summer youth employment activities that utilize TANF funds and are co-enrolled in WIA-funded youth programs.

The requested waiver is approved. Specifically, the State is granted a 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 youth participants.
- Waiver of the requirement at WIA section 129(c)(1)(A) and 20 CFR 664.405(a)(1) to provide an objective assessment and the requirement at WIA section 129(c)(1)(B) and 20 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 youth participants.

The approved waivers are in effect from May 1, 2014 through June 30, 2017, and only apply to youth co-enrolled in WIA Youth and TANF programs and participating in subsidized summer youth employment activities. Youth enrolled in summer programs in 2014, 2015, and 2016 transitioning to year-round WIA Youth services after September 30 of the given year, must have in place an objective assessment and individual service strategy as required by WIA. The State may not apply these waivers to summer youth employment activities funded solely with WIA formula funds.

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 this constitutes a modification of the State Plan. A copy of this letter should be filed with the State's WIA Grant Agreement and the approved State Plan. In addition, as required by TEGP No. 06-13, the State should address the impact this waiver has had on the State's performance in the WIA annual performance report, due on October 1 of each year.

We look forward to continuing our partnership with you and achieving better workforce outcomes. If you have any questions related to the issues discussed above, please contact Carol Padovan, the Federal Project Officer for California, at (415) 625-7946 and [Padovan.Carol@dol.gov](mailto:Padovan.Carol@dol.gov).

Sincerely,



Eric M. Seleznow  
Acting Assistant Secretary

Enclosure

cc: Virginia Hamilton, Regional Administrator, ETA San Francisco Regional Office  
Carol Padovan, Federal Project Officer for California

**STATE OF CALIFORNIA  
WORKFORCE INVESTMENT ACT (WIA)  
WAIVER REQUEST**

**Waiver Relating to Program Design Flexibility for Summer Youth Activities**

The California Workforce Investment Board (State Board) and the Employment Development Department (EDD), as the administrative entity of the WIA, submit this request for a waiver to apply the program design flexibility for summer youth outlined in Training and Employment Notice 35-11 for youth enrolled in summer employment activities funded with WIA youth formula allocations in conjunction with Temporary Assistance to Needy Family (TANF) monies.

This request seeks this waiver of WIA Section 129(c)(2) for three consecutive program periods: May 1, 2014 through September 30, 2014; May 1, 2015 through September 30, 2015; and May 1, 2016 through September 30, 2016.

In keeping with the guidelines set forth at WIA Section 189(i)(4)(B) and 20 Code of Federal Regulations Part 661.420(c), please accept the following as a request for waiver.

**A. Statutory or Regulatory Requirements to be Waived**

The State Board respectfully requests a waiver of the required program elements in WIA Section 129(c)(2). The waiver would apply to youth co-enrolled in summer youth employment activities funded by WIA youth formula allocations in conjunction with TANF monies.

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

The goal of this waiver request is to provide the Los Angeles County local workforce investment board (local board) with the flexibility to determine the type and level of assessment to be included in an Individual Service Strategy (ISS) for youth participating in a summer youth employment activity during the summer months only, and if the 12 month follow-up will be appropriate for these youth participants.

If this waiver is granted, the local board and its TANF agency partners will be able to expeditiously serve low-income participants as well as those with 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 run-away youth; children of incarcerated parents; migrant youth; Indian and Native American youth; and youth with disabilities. The local board and its partner agencies will offer supportive services, occupational skills training, and other relevant services for youth this summer.

Overall, the youth employment rate has continued to remain extremely low during the current economic downturn. Regular WIA youth formula funding exists and TANF funding is also available. The granting of this waiver will assist TANF entities and local areas to pool their resources to provide opportunities for low-income and at-risk youth. During the period of May 1, 2013 through September 30, 2013, approximately 1,700 youth were co-enrolled in both WIA and TANF. Through the leveraging of both of WIA and TANF dollars, L.A. County was able to augment services to better meet the needs of L.A. County's youth. All 1,700 youth obtained summer jobs. It is estimated that leveraging this funding, given the set aside of \$1.1 million remains at its current level at minimum, 700 youth should be served annually through this waiver, although the hope is that this number will be exceeded as was the case this year.

Allowing for flexibility in assessments, ISSs, and follow-up services allows the State Board and the local areas to give youth a unique opportunity to explore work experiences that may not have been possible without the pooling of WIA and TANF ECF. Without this waiver, the assessment and follow-up requirements would impede the true intent of this summer employment program as concerns over monitoring and separation of funding streams would overshadow the great opportunities and choices given to California's youth during these challenging economic times.

### **C. State or Local Statutory or Regulatory Barriers**

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

### **D. Description of Individuals Impacted by the Waiver**

Youth participants ages 16 to 21 are impacted by this waiver request. In addition, the local areas, local TANF agencies and their business partners that employ the eligible youth will be impacted. Only youth co-enrolled in WIA youth programs and TANF will be affected by this waiver.

Currently, the requested waiver will only affect the Los Angeles County Workforce Investment Area. If other local areas desire to use the waiver for their summer programs, they will be required to make separate requests to EDD.

It is anticipated that where these TANF and local area partnerships are formed and operating, both the WIA youth funds and TANF funds will be used to pay wages for youth this summer. Some of these youth will be eligible for both funding sources and may be co-enrolled in both programs. Each youth will meet the eligible criteria for their appropriate funding source (age, eligibility, etc.). Additionally, both WIA and TANF funding will be used to pay youth wages plus contractor costs to run and supervise the youth as appropriate.

The local areas are best positioned to make determinations and assessments of the youth participating in the summer employment opportunities. For those older youth that

are not expected to return to school, individual service plans and strategies will be documented and the participants will be enrolled in WIA Adult programs or provided further education and training under WIA youth funded activities.

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

Due to the expediency required to implement this program and effect these summer youth programs and the youth served by them, the waiver was not publicized prior to being submitted to the Department of Labor. In the years prior, the State Board has received no comments to this waiver. However, prior to the waiver being fully implemented, a public comment period will be open for 10 days before the policy is finalized. This is a standard practice in California and a means to request and receive any public comments on proposed policies or guidance issued to the workforce system and its partners.

If this waiver is approved, youth who are in need of additional services under WIA shall have the justification documented in their individual service plans and will be enrolled into other experiences such as WIA youth services or co-enrolled into a WIA Adult program or service.

The State Board and the EDD, as the administrative entity of the WIA in California, will monitor all summer youth employment programs. The State's current monitoring policy/procedures will be modified to include a review of the appropriate youth participant plans.

**STATE OF CALIFORNIA  
WORKFORCE INVESTMENT ACT (WIA)  
WAIVER REQUEST**

**Waiver Relating to Performance Measures for Summer Youth Activities Funded  
by WIA and Temporary Assistance for Needy Families (TANF)**

The California Workforce Investment Board (State Board) and the Employment Development Department (EDD), as the administrative entity of the WIA, submit this request for a waiver to the use of Common Measures for Youth enrolled in summer employment activities funded in conjunction with TANF funds.

In keeping with the guidelines set forth at WIA Section 189(i)(4)(B) and 20 Code of Federal Regulations Part 661.420(c), please accept the following as a request for waiver.

The State Board respectfully requests a waiver to Common Measures for youth to allow the State to use the work readiness indicator as the only performance measure for youth co-enrolled in WIA and TANF summer employment activities. This waiver request would permit the work readiness indicator to be used for three consecutive program periods: May 1, 2014 through September 30, 2014; May 1, 2015 through September 30, 2015; and May 1, 2016 through September 30, 2016.

**A. Statutory or Regulatory Requirements to be Waived**

Common Measures for Youth specified in Employment and Training Agency Training and Employment Guidance Letter 17-05 and approved for use by California on December 11, 2007.

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

The previously approved waivers for May 1, 2013 through September 30, 2013 were pivotal to the success of the Summer Youth Program. In 2013, the program saw enrollment of 2,787 youth participants, all of whom were placed in training and employment. These youth were co-enrolled in both WIA and TANF, a leveraging method that allowed for the better service of the needs of Los Angeles County youth.

These waivers allowed Los Angeles County to focus on work readiness indicators in addition to allowing local area to offer youth the unique opportunity to explore work experiences that may not have been possible without combining WIA and TANF funds. Without this waiver, the performance requirements would impede the true intent of this summer employment program as concerns over performance would overshadow the great opportunities and choices given to California's youth during these challenging economic times.

Los Angeles County will continue to seek out other funding opportunities to increase summer employment opportunities youth. Typically, Los Angeles estimates that it will serve approximately 700 youth during each Summer Youth program period. However, in recent years; this area has managed to double if not triple its estimate of enrolled youth participants to be served under this waiver.

Allowing the local area this flexibility will in turn allow them to use more of their resources to focus on the critical goal of offering at-risk youth with subsidized summer employment activities, without creating new administrative burdens.

This waiver becomes even more critical as the youth employment opportunities have continued to remain low during this time of economic downturn. Los Angeles has also added the "Earn & Learn" model to their program which requires a mandatory 12 hours of classroom personal development training and 100 hours of worksite time. This training is intended to improve youth basic soft skills. Youth are then exposed to career pathways in high growth sectors.

Granting this waiver will ensure the continuation of the Los Angeles Summer Youth program. Also, granting this waiver for an extended period of time to cover three separate program years - May 2014 through May 2016 - will guarantee that the program can begin its service delivery without any lapse in service and eliminate the need to seek this waiver each year. If granted, the local area can begin expeditiously to serve low income participants as well as those with 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.

### **C. State or Local Statutory or Regulatory Barriers**

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

### **D. Description of Individuals Impacted by the Waiver**

Youth participants ages 16-21 are impacted by this waiver request. In addition, the local area, local TANF agencies and their business partners that employ the eligible youth will be impacted. Only youth participants co-enrolled in both the WIA youth program and TANF will be affected by this waiver. Currently, the requested waiver will only affect the Los Angeles County Workforce Investment Area. If other local areas desire to utilize the waiver, they will be required to submit separate requests to EDD.

It is anticipated that where these TANF and local area partnerships are formed and already operating, both the WIA youth funds and TANF funds will be used to pay wages for youth this summer. Some of these youth will be eligible for both funding sources and may be co-enrolled in both programs. Each youth will meet the eligible criteria for

their appropriate funding source (age, eligibility, etc.). Additionally, both WIA and TANF funding will be used to pay youth wages plus contractor costs to run and supervise the youth as appropriate.

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

Due to the expediency required to implement this program and effect these summer youth programs and the youth served by them, the waiver was publicized for public comment for 15 calendar days. No public comments were received.

If this waiver is approved, youth who are in need of additional services under WIA shall have the justification documented in their individual service plans and will be enrolled into other experiences such as WIA youth services or co-enrolled into a WIA Adult program or service.

The State Board and the EDD, as the administrative entity of the WIA in California, will monitor all summer youth employment programs. The State's current monitoring guidelines include a review of the appropriate youth participant plans.