ATTACHMENT C

STATE OF NEVADA
WAIVER REQUEST

TRANSFER OF WORKFORCE INVESTMENT ACT (WIA) TITLE 1B FUNDS BETWEEN THE ADULT AND DISLOCATED WORKER FUNDING STREAMS

The Governor's Workforce Investment Board, and the State of Nevada Department of Employment, Training and Rehabilitation, Nevada's administrative entity for WIA Title IB programs, requests a waiver of the legislative provisions calling for the transfer of no more than 30% of the program year's allocation between the Adult and Dislocated Worker funding streams. The waiver would grant individual LWIBs, with the Governor's approval, the ability to transfer up to 100% of each program year allocation between the Adult and Dislocated Worker funding streams, beginning in Program Year 2005.

Waiver Duration: July 1, 2005 through June 30, 2007 or upon re-authorization of the Workforce Investment Act, whichever occurs later.

This waiver request follows guidelines identified in WIA Section 189(i)(4)(B) and WIA Final Rules at 20 CFR Section 661.420(c).

Statutory and Regulatory Sections to be Waived:

Statute: P.L. 105-220, WIA Section 133(b)(4) and Regulations: 20 CFR, WIA Final Rules Section 667.140(a); and Training and Employment Guidance Letter 23-02 provide that with the approval of the Governor, Local Workforce Investment Boards (LWIBs) may transfer up to 30% of a program year's allocation for adult employment and training activities, and up to 30% of a program year's allocation for dislocated worker employment and training activities between the two programs.

In Nevada, the two Local Workforce Investment Areas (LWIAs) are comprised of diverse economic and cultural communities that present unique challenges to the provision of WIA services. In addition, a disproportion of Nevadan's reside in the Las Vegas MSA (i.e. Clark County) which accounts for 70% of the state's population, versus those who reside in the balance of the sixteen (16) Nevada counties, necessitate the need for maximum flexibility in the transfer of funds.

The Governor's Workforce Investment Board has consistently advocated for local alliances through the establishment of the statewide Nevada JobConnect system that strengthen the level and mix of services to job seekers, as well as streamlining service delivery. However, local decisions have been constrained by Federal funding rules that limit funding and, thus, services to adults or dislocated workers seeking assistance to obtain or retain employment through the Nevada JobConnect system. Maximum flexibility in the transfer of funds would help ensure that services to both adults and dislocated workers would be maintained at levels sufficient to meet the distinct needs of each group. This flexibility would also help support local service plans that must integrate the cultural, educational, and employment-related needs unique to each local workforce community, both urban and rural.

State or Local Statutory Regulatory Barriers:

There are no state or local statutory or regulatory barriers to implementing the waiver. The Governor's Workforce Investment Board state policies are in compliance with current Federal guidelines. Upon notification of approval of this waiver request, policies will be issued to comply with the terms of the waiver. The state policies will outline specific actions each LWIB must take in requesting the Governor's approval to modify or revise the LWIB's transfer rate (%) between the Adult and Dislocated Worker funding streams. Specific actions will include, but are not limited to, a formal request to be submitted by the LWIA to the State for review and action, and formal modification of the LWIB's Local Plan upon approval of an increased transfer rate, if applicable.

Goals to be Achieved by the Waiver:

- Enhance the ability of the local boards to respond to workforce and economic dynamics within their local areas.
- Increase local flexibility in the design and delivery of adult and dislocated worker services through the Nevada JobConnect system.
- Improve performance outcomes as a result of increased ability to provide needed services.
- Improve the ability of local boards to provide targeted assistance in response to the demands of the workforce, businesses and local communities.
- Increase business and individuals customer satisfaction with the JobConnect system.

Programmatic Outcomes to be Achieved by the Waiver:

The responsibility of LWIBs is to plan, oversee, and evaluate the delivery of WIA employment and training programs in their respective areas through the One-Stop service delivery system, in Nevada, the Nevada JobConnect system. Because of Nevada's size, its population distribution, its cultural diversity, and the remoteness of many of its communities, customer needs vary greatly from one local workforce investment area to the other, and, within the respective areas. The flexibility to transfer funds between the adult and dislocated worker programs allows LWIBs to respond more effectively to their individual communities.

With the waiver, LWIBs would be able to design programs that address the specific service priorities among their business and individual customers, and that lead to customer employment and eventual self-sufficiency. The waiver would also help position Nevada's workforce as a better skilled and more competitive workforce in the diversification of Nevada's economy.

Individuals Impacted by the Waiver:

The waiver is expected to benefit LWIBs, Nevada JobConnect partner programs, employers, service providers and WIA customers overall.

- LWIBs will have the flexibility to design and implement programs based on local needs and priorities.
- Nevada JobConnect partner programs will be able to better align their service offerings with those of the local WIA Programs.

- Employers will be better served through job-seekers that acquire skills specific to each employer's needs.
- WIA program participants will receive appropriate services based on client needs.
- Funding will be utilized effectively and efficiently, resulting in an increase in the number of individuals to be served in the aggregate.

Process Used to Monitor Progress in Implementing the Waiver:

The Nevada Department of Employment, Training and Rehabilitation, Workforce Investment Support Services Unit is charged with monitoring compliance with WIA requirements. Nevada's statewide performance tracking system, Nevada JobConnect Operating System, has the capability of continually assessing the effectiveness of the WIA programs. Waivers will not be granted to local workforce areas until appropriate policies and guidelines have been reviewed and approved by the Governor's Workforce Investment Board. These policies and guidelines will ensure that appropriate funding levels remain allocated to the needs of both adults and dislocated workers in the State of Nevada.

Process for Notice to Local Boards and the Opportunity to Comment:

Notice to LWIBs will occur via electronic submittal of this waiver request to both Boards for comment, prior to formal submittal of the request to the USDOL-ETA. Both local Boards have given preliminary endorsement for this waiver request both verbally and in writing.