



MAY 10 2002

Ms. Sujuan Boutte  
Assistant Secretary  
Office of Workforce Development  
State Department of Labor  
1001 North 23<sup>rd</sup> Street  
P.O. Box 94094  
Baton Rouge, Louisiana 70804-9094

Dear Ms. Boutte:

This is in response to the Workforce Investment Act (WIA) waiver request from the State of Louisiana related to providing WIA funded services to non-disadvantaged youth. This request was submitted for consideration under the Secretary's general statutory and regulatory waiver authority at WIA section 189(i)(4). This authority permits the Secretary to waive certain WIA and Wagner-Peyser statutory and regulatory provisions that impede the implementation of a state's five-year strategic plan. The following is the disposition of the state's waiver submission.

***Requested Waiver Provisions: Youth Service Requirements; the 5-percent limitation on services to non-disadvantaged youth (WIA section 129(c)(5) and 20 CFR 664.220)***

The state is requesting a waiver (copy attached) of the limit on providing WIA funded services to non-disadvantaged youth at the local level. The statute and regulations limit such services to not more than 5 percent of participants who do not meet the minimum income eligibility criteria (WIA section 129(c)(5) and 20 CFR Part 664.220). Under the waiver, the state proposes to waive the eligibility requirement for a discrete youth program contract, JOB CHALLENGE Program, operated by the Louisiana National Guard.

In assessing Louisiana's request, we have determined that we cannot approve the request because it is a request to waive a provision relating to participant eligibility, which is outside the scope of the Secretary's general waiver authority. In accordance with WIA section 189(i)(4)(A)(i) and 20 CFR 661.410(a)(8), provisions relating to the eligibility of participants are specifically excluded from the Secretary's general waiver authority, and may not be waived.



A Proud Member of America's Workforce Network

Although we are unable to grant the state's request, we understand the state's desire to provide youth opportunities under the Louisiana National Guard JOB CHALLENGE Program. Accordingly, we propose several alternatives for you to consider which may assist you in achieving your goal without the need for this waiver. These alternatives include:

- The possible use of statewide reserve funds. WIA gives the state considerable flexibility to use funds set aside for demonstrations, establishing and implementing programs in enterprise communities and empowerment zones and implementing non-traditional employment programs or carrying out other activities that the state determines to be necessary through the statewide workforce system as described at WIA section 129(a)(3)(A).
- Encouraging the National Guard JOB CHALLENGE Program to work with local workforce investment boards to more effectively recruit and enroll eligible low-income youth. Local One-Stop systems use Memoranda of Understanding to create partnership opportunities with other federal, state and local programs. An example that the program might follow is the Job Corps relationship with local One-Stop Centers.
- Encouraging the National Guard JOB CHALLENGE Program to apply for local funds during the competitive selection process. Local areas are generally required to competitively select youth service providers as described in section 123 of the WIA.
- Finally, the fiscal year (FY) 2002 budget earmarks funds for the JOB CHALLENGE program. According to Conference Report No. 107-342, the Department will provide FY 2002 funding for the Louisiana JOB CHALLENGE program for a trade/skill training program for at-risk teenagers in the amount of \$200,000 and another \$500,000 for the JOB CHALLENGE Program for the military, educational training enhancement fund in Carville, Louisiana. Funding will be provided for these programs upon receipt of acceptable proposals.

We hope that this information helps the state to address the concern that prompted the waiver request and provides increased opportunities in the design of the JOB CHALLENGE Program in serving Louisiana youth. We are prepared to entertain other state and local-level waiver requests that the state may wish to submit, consistent with the provisions of the Act and regulations.

Sincerely,



Emily Stover DeRecco

Enclosure



# LOUISIANA WORKS

DEPARTMENT OF LABOR

M.J. "Mike" Foster, Jr.  
Governor

Garey Forster  
Secretary

OFFICE OF THE SECRETARY

February 5, 2002

Joseph Juarez  
Regional Administrator  
Dallas Regional Office  
525 Griffin St., Rm. 317  
Dallas, Texas 75202

Dear Mr. Juarez: *Jal*

In accordance with the mandates of Federal Regulation 661.200 (b) 7 to improve the services to youth provided by the State of Louisiana, we are requesting per Federal Regulation 664.220 a waiver of the 5% limitation allowed for non-disadvantaged youth being enrolled in WIA funded programs. This waiver request, specific to the Louisiana National Guard JOB CHALLENGE Program, would allow Louisiana to continue to build on what has proven to be one of the nation's most impressive Youth Training initiatives.

This residential program provides life skills, job skills and fitness training to youth. In addition to GED pursuit, participants receive health care, meals and drivers education. The cost per participant is \$4,000 and is paid based on performance, with payment of 90% upon completion of training. The remaining 10% is paid upon placement in a training related occupation, continuation of training, or enlistment in the military service. The contractor is not paid for participants who do not complete. The programs offer continued mentoring and follow-up support after completion and placement.

The initial program was designed to allow youth ages 16 to 19 to receive job skills training, after satisfactory completion of the National Guard program for at risk youth, Youth Challenge. It provides training in five job fields. The areas of training consist of welding, heavy equipment operation, food service, carpentry and nursing assistant. Private partners cooperating in this initial venture were The Associated Builders and Contractors, the Associated General Contractors of America, Piccadilly Cafeterias, Our Lady of the Lake College, local Chambers of Commerce and other business and industry partners.

Since that initial contract, the program has grown and added additional partners who provide funding, materials, instructors, equipment and job training opportunities, including paid work opportunities, during training. The funding for participants now comes from not only the state general funds and the La. Department of Labor, but also from Local Workforce Investment Areas and the Department of Social Services. Private sector involvement has increased with the addition of training in the fields of Office Operations, Petroleum Technology, Heavy Equipment Mechanics, Nursery Industry Web Based Marketing, A+ Personal Computer Technology,

Mr. Juarez  
Page 2  
February 5, 2002

Masonry, and Greens Keeping. A list of private sector contributors and their contributions is attached.

The programs operated for Louisiana's Youth by the Louisiana National Guard are being recognized nationwide as best practices. The JOB CHALLENGE Program is unique and would benefit greatly by being allowed to serve youth, who face barriers and are otherwise eligible, but would not be allowed to benefit due to family income status. Please give this request the consideration it is due.

For more information on this program you may contact Cecil Sandlin, Federal Training Program Chief at (225) 342-7631 or Col. Herbert P. Fritts, Commander at (225) 319-4670.

Cordially,



Garey Forster  
Secretary

GJF:RR:jkc

attachment

**Attachment**

Each of these private sector partners assists in issuing certification of satisfactory completion of training requirements to those participants who complete the components offered through the Job Challenge Program, and actively seek to employ many of the graduates.

<b>Piccadilly Restaurants Inc.</b>	<b>Training site/paid apprenticeships and equipment</b>
<b>Louisiana Machinery</b>	<b>Heavy Equipment (Dozer/Backhoe/Grader etc. and tools to repair along with replacement parts.)</b>
<b>Stone Oil</b>	<b>1000 gallons of fuel for heavy equipment annually</b>
<b>Dow Chemical</b>	<b>\$10,000 for the purchase of diesel fuel</b>
<b>Bollinger Marine</b>	<b>Welding equipment</b>
<b>Turner Industries</b>	<b>Welding equipment</b>
<b>Southern Scrap</b>	<b>Plate metal for welding</b>
<b>EBI</b>	<b>Welding rods</b>
<b>LSU Golf Course</b>	<b>Instructor, training site and equipment</b>
<b>University Golf Course</b>	<b>Instructor, training site and equipment</b>
<b>Merchant's Masonry Inc.</b>	<b>Instructor, equipment and materials</b>