

**THE STATE OF WYOMING
DEPARTMENT OF WORKFORCE SERVICES**

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*CC for JR for Jk & Ranna
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Dave Freudenthal
GOVERNOR

January 22, 2003

Joseph C. Juarez
Regional Administrator
U.S. DOL-ETA, Region IV
Employment and Training
525 Griffin Street, Room 317
Dallas, Texas 75202

SEL-03-004

Dear Mr. Juarez:

Enclosed is the State of Wyoming's requests for waiver under the Workforce Investment Act (WIA), Sections 101(25) – defines "Low-Income Individual" and the Final Rules, Section 662.270 – "How are the costs of providing services through the One-Stop delivery system and the operating costs of the system to be funded?" We have addressed WIA Section 189(i)(4) and Section 20 CFR 661.420(c), General Waivers of Statutory or Regulatory Requirements. The Training and Employment Guidance Letter was also referenced in the development and submission of these waiver requests.

If you have questions regarding these waiver requests, please contact David Griffin at (307) 777-8716.

Sincerely,

Susan E. Lehman
Director

SEL:DG:tp

Encl.

- cc: James E. Elias
- David Griffin
- David Tuebner
- Chris Corlis

**REQUEST FOR WAIVER
WORKFORCE INVESTMENT ACT
WYOMING**

The Wyoming Department of Workforce Services, the state administrative entity for the Workforce Investment Act (WIA), is requesting a waiver of Section 101 (25)(B)(i) and (ii), which states: (i) the poverty line, for an equivalent period; or (ii) 70 percent of the lower living standard income level, for an equivalent period. The WIA program currently uses 70 percent of the lower living standard income level and/or the poverty level to determine youth income eligibility. Should this waiver be granted, the income eligibility levels for all WIA income based programs would be consistent with the Wyoming Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWOA) Temporary Assistance for Needy Families (TANF) program. The Wyoming TANF state plan defines income eligibility for assistance at 185 percent of the poverty level.

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

1. **Identify the statutory or regulatory requirements that are requested to be waived and the goals that the State or local area in the State, as appropriate, intends to achieve as a result of the waiver.**

The Workforce Investment Act Section 101 (25)(B)(i)&(ii) defines the threshold for income when determining a youth income eligible.

Section 101 (25) defines "Low-Income Individual" as: an individual who-

- (A) receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program;
- (B) received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, payments described in subparagraph (A), and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 U.S.C. 402)) that, in relation to family size does not exceed the higher of-
 - (i) the poverty line, for an equivalent period; or
 - (ii) 70 percent of the lower living standard income level, for an equivalent period;
- (C) is a member of a household that received (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2001 et seq.);
- (D) qualifies as a homeless individual, as defined in subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302);
- (E) is a foster child on behalf of whom State or local government payments are made; or

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- (F) in cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements of a program described in subparagraph (A) or of subparagraph (B), but who is a member of a family whose income does not meet such requirements.

Wyoming's goal of this request is not to waive the income requirements in whole, but to define low-income in the same terminology and at the same level as in the Wyoming State Temporary Assistance for Needy Families (TANF) state plan guidelines. As Wyoming's WIA program continues to build stronger partnerships with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWOA) program administered by the Wyoming Department of Family Services, modifying the WIA low-income definition would define low-income at the same income levels.

The WIA defines low-incomes as an individual or family, who's prior six months income does not exceed: the poverty line; or 70 percent of the lower living standard income level, for the equivalent period. The Wyoming TANF state plan established the income level of 185 percent of poverty when determining eligibility for public assistance. Further, The Wyoming Workforce Development Council has adopted the 185 percent of poverty level as the self-sufficient wage for the purpose of determining an employed adult in need of intensive services to obtain or retain employment leading to "self-sufficiency" per Section 663.230. Approval of this waiver would create a more streamline service delivery system that is more easily administered to serve low-income individuals.

2. **Describe the actions the State of local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers.**

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

3. **Describe the goals of the waiver and the expected programmatic outcomes if the request is granted.**

The goals of this waiver request are:

- To create a more streamlined service delivery system that is more easily administered to serve low-income individuals.
- One-Stop systems will be able to better leverage funding sources to serve the population in need of services.
- Partnerships among the WIA Title I-B and TANF services will be enhanced.
- The number of eligible youth who are not currently income eligible for WIA services under the current income eligibility would be increased.

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4. Describe the programmatic outcomes if the waiver request is granted.

The primary Programmatic outcome of having this waiver granted will be that youth who's income exceeds the WIA income eligibility levels will be eligible to receive WIA services. Since WIA's implementation, local youth partnerships and the DWS (Wyoming's WIA Youth Services Provider) have identified youth in communities that have barriers and are eligible for the WIA program in every way, with the exception of their own or their family's income. Further, by having this waiver request granted, the DWS and the Department of Family Services will be provided more opportunities to partner and leverage funds as they provide coordinated services to eligible youth.

5. Describe the individuals impacted by the waiver.

Individuals effected by this waiver include, first and foremost youth, who's own income or their family income exceed the current low-income levels, the Department of Workforce Services and the Wyoming Department of Family Services staff who determine eligibility, assess youth enrollee needs and develop employability plans to meet identified needs.

6. Describe the process to monitor the progress in implementing the waiver.

Process used to monitor progress effects of this waiver will be the Program/Policy Division will track the increased number of youth, as well as income levels, to determine the effectiveness of the waiver. This tracking will occur through the use of the Wyoming Job Network (WIN), by adding an indicator to the eligibility determination criteria youth who exceed the WIA Section 101(25)(B)(i)&(ii) income levels but are below the Wyoming TANF state plan income level (185 percent of poverty) will be easily reportable.

7. Provide notice to any Local Board affected by the waiver and opportunity to comment.

The Department of Workforce Services actively sought the input of the Wyoming Workforce Development Council. This occurred at two Wyoming Workforce Development Council meeting in 2002. This waiver was presented to this council at their June 12, 2002 meeting for input and again at the council's September 17, 2002 for final input, review and approval. The council unanimously approved this waiver request.

A public meeting was held on August 13, 2002 to discuss this waiver request. Notification of the public meeting was sent to interested stakeholders, the Wyoming Workforce Development Council and State Youth Council members on August 5, 2002. Further a notice of public meeting was advertised in the Casper, Wyoming and Cheyenne, Wyoming newspapers. The public meeting, held on August 13, 2002, began at 1:00 P.M. via the statewide videoconference network. There are ten videoconference locations in Wyoming and are available to the general public.

NOTE: This waiver request did not receive any comments from the public.

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WYOMING**

The Wyoming Department of Workforce Services, the state administrative entity for the Workforce Investment Act (WIA), is requesting a waiver of "fair share" requirement until such partners are funded at levels that will allow them to begin paying "fair share" of the costs of Wyoming's One-Stop delivery system. This waiver will allow Wyoming to continue to build its One-Stop delivery system within approved guidelines. Should this waiver be granted partnership building and One-Stop delivery system building will be enhanced greatly.

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

1. **Identify the statutory or regulatory requirements that are requested to be waived and the goals that the State or local area in the State, as appropriate, intends to achieve as a result of the waiver.**

Section 662.270 states, "How are the costs of providing services through the One-Stop delivery system and the operating costs of the system to be funded?"

Wyoming's intent is to build stronger partnerships as envisioned in the WIA and Wyoming's Strategic Plan if this waiver is approved. Wyoming has attempted to negotiate costs with all partners in the One-Stop system. However, the mandatory partners are not willing to or required by their associated legislation to share costs in the One-Stop delivery system. To overcome this problem, Wyoming has funded the One-Stop delivery system primarily through U.S. Department of Labor (DOL) funded programs. It is very difficult to negotiate costs with partners when all of the DOL programs do not contribute their fair share costs in the One-Stop delivery system. In Wyoming, Trade Act Assistance and North American Free Trade Act, Transitional Assistance Act programs do not pay their fair share costs in the system, nor does the Veterans' Employment and Training program because there are inadequate funds to pay for program administrative costs.

2. **Describe the actions the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers.**

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

3. **Describe the goals of the waiver and the expected programmatic outcomes if the request is granted.**

The goal of this waiver request is to utilize DOL funds to support the continued development of Wyoming's One-Stop system without consideration of the "fair share" costs elements. Further, by having this waiver request approved, Wyoming will be positioned to more fully develop its One-Stop system by attracting partners that do not have adequate funding to financially supporting the Wyoming One-Stop system.

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 WIA 189(i)(4)(B) and
 CFR Part 652 Section 662.270

4. Describe the programmatic outcomes if the waiver request is granted.

The primary outcome of having this waiver request granted would be the Wyoming One-Stop delivery system will develop at an accelerated rate and stronger partnerships will be formed. Both mandatory and community partners will join the One-Stop delivery system, providing a broader base for One-Stop systems across the State.

5. Describe the individuals impacted by the waiver.

Individuals effected by this waiver include, but not limited to, first and foremost customers who are provided services through Wyoming's One-Stop system, the Wyoming Workforce Development Council, the Department of Workforce Services, Wyoming Community Colleges, Wyoming Business Council, Wyoming Department of Family Services and local partners who are important to the further development of Wyoming's One-Stop system.

6. Describe the process used to monitor the progress in implementing the waiver.

Process used to monitor progress effects of this waiver will be the Program/Policy Division will maintain updated lists of One-Stop partners and their involvement in Wyoming's One-Stop system. Each local area will report on their progress developing each local One-Stop system through the development of an integration plan and quarterly reports forwarded to the Program/Policy Division.

7. Provide notice to any Local Board affected by this waiver and opportunity to comment.

The Department of Workforce Services actively sought the input of the Wyoming Workforce Development Council. This occurred at two Wyoming Workforce Development Council meeting in 2002. This waiver was presented to this council at their June 12, 2002 meeting for input and again at the council's September 17, 2002 for final input, review and approval. The council unanimously approved this waiver request.

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