



NOV 10 2009

The Honorable Adrian M. Fenty
Mayor of the District of Columbia
John A. Wilson Building
Suite 316
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Dear Mayor Fenty:

As part of District of Columbia's modification to the State Plan for Title I of the Workforce Investment Act (WIA) and the Wagner-Peyser Act, the District submitted waiver plans to request that the District's waivers of statutory and regulatory requirements under WIA be approved for the remainder of Program Year (PY) 2009 (copy enclosed). These requests are written in the format identified in WIA section 189(i)(4)(B) and 20 CFR 661.420(c) and appear to meet the standard for approval at 20 CFR 661.420(e). The following is the disposition of the District's submission. 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.

In a letter dated June 15, 2009, ETA granted the District of Columbia approval of the following waivers through June 30, 2010:

- Waiver to permit the District to replace the performance measures at WIA Section 136(b) with the common measures; and
- Waiver of the provision at 20 CFR 663.530 that prescribes a time limit on the period of initial eligibility for training providers.

The approvals for these waivers remain in effect. The letter dated June 15, 2009 granted temporary extensions of the remainder of the District's waiver requests. The previous approval of the extensions is hereby terminated and replaced by decisions set forth in this letter. Unless otherwise indicated, all waiver approvals that follow apply to both WIA formula funds and funds made available under the American Recovery and Reinvestment Act of 2009.

Requested Waivers

Requested Waiver: Waiver of WIA Section 133(b)(4) to increase the allowable transfer amount between Adult and Dislocated Worker funding streams allocated to a local area.

The District is requesting a waiver to permit an increase in the amount a state is allowed to transfer between the Adult and Dislocated Worker funding streams. The District is granted this waiver through June 30, 2010. Under the waiver, transfer authority is limited to 50 percent. This limitation provides states flexibility while ensuring consistency with Congressional intent regarding the level of funding appropriated for the WIA Adult and Dislocated Worker programs. As stated in ETA Training and Employment Guidance Letter (TEGL) No. 14-08, Section 19, issued on March 18, 2009, this waiver does not apply to funds made available through the American Recovery and Reinvestment Act of 2009. However, the District is permitted to transfer up to 30 percent of ARRA funds between programs under WIA and under the Department of Labor Appropriations Act of 2009. This authority is discussed in TEGL No. 14-08, change 1.

Requested Waiver: Waiver of WIA Section 134(a) to permit local areas to use a portion of local funds for incumbent worker training.

The State is requesting a waiver to permit local area formula funding to be used for statewide activities, specifically incumbent worker training. The State is granted this waiver through June 30, 2010. Under this waiver, the State will be permitted to use up to 10 percent of local Dislocated Worker funds and up to 10 percent of local Adult funds for incumbent worker training only as part of a lay-off aversion strategy. Use of Adult funds must be restricted to serving low-income adults under this waiver. ETA believes limiting incumbent worker training to the specified level and requiring it to be a part of layoff aversion is the best use of funds in the current economic climate where serving unemployed workers is a paramount responsibility of the workforce system. All training delivered under this waiver is restricted to skill attainment activities. Local areas must continue to conduct the required local employment and training activities at WIA section 134(d), and the State is required to report performance outcomes for any individual served under this waiver in the Workforce Investment Act Standardized Record Data system (WIASRD).

Requested Waiver: Waiver of performance measures for youth who participate in work experience only.

The District has requested a waiver of the common performance measures for out-of-school youth ages 18 to 24, who participate in work experience that occurs outside of the summer months.

When submitting a plan to request this waiver, the State must provide a justification for the waiver and address continued service plans for participants served under the waiver, such as transition to the WIA Adult program (i.e., co-enrollment in WIA Adult services) or further education and training activities under WIA or Recovery Act-funded youth services. See TEGL No. 14-08, Section 19.

The District's written request meets the ETA requirements outlined above. The requested waiver is approved and allows the District to use the work readiness indicator as the only indicator of performance for such youth. The waiver only applies to youth served through WIA Youth program funds made available through Recovery Act. The waiver is only applicable from October 1, 2009, through March 31, 2010, the first six months following the summer of 2009.

In recognition that many older and out-of-school youth need supportive services to enable them to participate in work experience, this waiver can be applied to out-of-school youth ages 18 to 24 that receive supportive services in addition to participating in work experience. The waiver would not apply to such youth participating in other WIA youth program elements.

Requested Waiver: Waiver of certain provisions under WIA section 129 and 20 CFR 664 to provide program design flexibility in serving youth who participate in work experience only.

The District has requested a waiver of certain provisions under WIA section 129 and 20 CFR 664, requiring the design framework of youth local programs to include 10 elements for improving the educational and skill competencies of its participants. Through this waiver, the District will be able to provide program design flexibility in serving out-of-school youth ages 18 to 24, who only participate in work experience that occurs outside of the summer months.

When submitting a plan to request this waiver, the District must provide a justification for the waiver and address continued service plans for participants served under the waiver, such as transition to the WIA Adult program (i.e., co-enrollment in WIA Adult services) or further education and training activities under WIA or Recovery Act-funded youth services. See TEGL No. 14-08, Section 19. The District's written request meets the ETA requirements outlined above.

The District's waiver request is approved. Specifically, the District 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 Recovery Act 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.

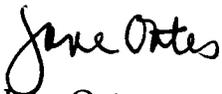
This waiver only applies to youth participants served through WIA Youth program funds made available through the Recovery Act. The waiver is only applicable from October 1, 2009, through March 31, 2010, the first six months following the summer of 2009.

In recognition that many older and out-of-school youth need supportive services to enable them to participate in work experience, this waiver can be applied to out-of-school youth ages 18 to 24 that receive supportive services in addition to participating in work experience. The waiver would not apply to such youth participating in other WIA youth program elements.

The approved waivers are incorporated by reference into the District'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 District's WIA Grant Agreement and the approved State Plan. In addition, as required by TEGL No. 14-00, Change 3, the District should address the impact these waivers have had on the District'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, please contact Lenita Jacobs-Simmons, the Regional Administrator for Region II, at 215-861-5201 or Jacobs-Simmons.Lenita@dol.gov.

Sincerely,



Jane Oates
Assistant Secretary

Enclosure

cc: Michael Toops, Federal Project Officer for District of Columbia, ETA Philadelphia Regional Office

(1)

**District of Columbia Waiver Request
For Incumbent Workers under the Recovery Act of**

Statutory/Regulatory Provisions	Allowing the District of Columbia to use, on a voluntary basis, up to 15% of Adult and Dislocated formula allocation funds to support incumbent worker training programs.
Citations	Workforce Investment Act (WIA) 133 (b)(4)
Entity	Department of Employment Services
Contact	Joseph P. Walsh, Director Department of Employment Services 64 New York Avenue, NE Washington, D.C. 20002 (202) 671-1900 joseph.walsh@dc.gov
Mayor	Adrian M. Fenty

The District of Columbia Department of Employment Services (DOES), which is the designated by the Mayor of the District of Columbia as the administrative entity for the Workforce Investment Act (WIA) and the District of Columbia Workforce Investment Council (DCWIC), submits this request for a waiver of WIA sections and 133 (b)(4). The waiver will allow the District to use, on a voluntary basis, up to 15 percent of the Adult and Dislocated local area formula allocation funds to support local incumbent worker training programs. The granting of this waiver would ensure that the critical workforce needs of underemployed residents and residents who skills require upgrading in order to maintain employment are met, as well as strengthening the Department's workforce investment system by addressing the needs for more skilled workers and facilitating business retention in the District.

1. Statutory or regulatory requirement to be waived:

The District is seeking a waiver of restrictions on the use of our WIA formula in order to operate an incumbent worker program. The waiver would allow DOES to use up to 15% of the funds allocated under section 133 (b)(4) of the WIA, to operate an incumbent worker program as described under Section 134 (a) (3)(A)(iv)(I) and consistent with 20 CFR Sections 665.210 and 665.220.

2. Actions that the State or local areas, as appropriate have 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:

Below list the anticipated outcomes if this request is granted:

- Support projects that further job retention and career development for improved economic self-sufficiency for employed workers including those most vulnerable to job loss;
- Increases capacity of the workforce development system to support incumbent worker training;
- Provides for an increased understanding on “return of investment” particularly through outcome measures;
- Provides support to projects that increase the capability of companies to access and retain skilled workers; and
- Improves the economic and business climate in the District.

4. Description of the Individuals Impacted by the Waiver:

This waiver will benefit employers, employed workers, service providers, DCWIC and the DOES. The following are expected to be additional impacts of the proposed waiver:

- Program participants will benefit from the resulting flexibility that will allow for more expansion in program design and implementation which will help meet the need and priorities of District residents.
- More District residents will have access to training enabling them to upgrade their skills resulting in a workforce that is able to keep up with the demands of the ever-changing marketplace; and
- WIA Administrator will have added flexibility to move funds where they are needed.

5. Describe the process used to monitor the progress in implementing such a waiver, and the process by which notice and an opportunity to comment on such request has been provided to the local board:

DOES will be the entity responsible for monitoring the progress in the Incumbent Worker Training program, we have in place a monitoring and performance accountability system that measures and evaluates results for employers and employees participating in the Incumbent Worker Training Program. On a monthly and quarterly basis, DOES will analyze employer and participant enrollments, service levels, program expenditures, and performance outcomes. In addition, DOES will continue to use the DOL's DVRS system. Should this waiver request be granted, DOES will ensure regular review of the Incumbent Worker Training programs and monitor outcomes and service impact resulting from the additional fund transfer authority.

Consistent with the general waiver request, the Department is adhering to publication requirements to insure broadest participation possible, including informing appropriate partners, interested employers, community based organizations and DCWIC. In addition, the District has provided opportunities for public comment and input on the waiver request, which will be posted on the DOES websites www.does.dc.gov and www.dcnetworks.org.

**District of Columbia Waiver Request
Adult and Dislocated Worker Funds Transfer Authority**

DC

(7)

Statutory/Regulatory Provisions	Performance Measures for Workforce Investment Act Title 1
Citations	The Workforce Investment Act(WIA) and the Wagner-Peyser Act (WIA 189(i) (4), §129, §134, and §136; 20CFR WIA Final Rules§ 652.3 §661.400§ 661.410, and §666.120; and Training and Employment Guidance Letter (TEGL) 17-05 issued February 17, 2006 and Training and Employment Guidance Letter 29-05 issued May 12, 2006
Entity	District of Columbia Department of Employment Services
Contact	Joseph P. Walsh, Director Department of Employment Services 64 New York Avenue, NE Washington, D.C. 20002 (202) 671-1900 joseph.walsh@dc.gov
Mayor	Adrian M. Fenty

The District of Columbia Department of Employment Services (DOES), which is designated by the Mayor of the District of Columbia as the administrative entity for the Workforce Investment Act of 1998 (WIA), and the District of Columbia Workforce Investment Council (DCWIC) are requesting continuation of a general waiver of the legal requirement that limits the transfer of funds between the Adult and Dislocated Worker programs to no more than 20% of a program year allocation. This waiver would grant the transfer of funds up to 100% of a program year allocation between the adult and dislocated worker funding streams.

As a single service entity, the District of Columbia's (District) structure for WIA consists of DOES, which is responsible for the administrative and fiscal management systems for WIA program implementation, and the DCWIC, which performs policy functions and represents the Mayor's economic development priorities.

This waiver request follows guidelines identified in WIA Section 189(i)(4)(B) (29 USCA Section 2939(i)(4)(B)) and WIA Final Regulations at 20 CFR Section 661.420(c).

1. Statutory or Regulatory Provisions to be Waived:

WIA Section 133(b)(4)(29 USCA Section 2939(i)(4)(B)) and WIA Final Regulations at 20 CFR Section 667.140 provide that with the approval of the Governor, Local Workforce Investment Boards may transfer up to 20% of a program year allocation for adult employment and training activities, and up to 20% of a program year allocation for dislocated worker employment and training activities between the two programs.

2. State or Local Statutory Regulatory Barriers:

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

3. Goals to be Achieved by the Waiver:

The greater Washington, D.C. metropolitan area is predominantly an office economy with a minimum amount of employee dislocations. A transfer of funds from the Dislocated Worker program to the Adult program would increase the resources needed for training of unemployed and underemployed District residents. A significant percentage of the population lack the critical workplace skills and literacy levels required to compete in the current economy. A summary of goals are as follows:

- Apply funds more strategically where they are most needed
- Allow for increased responsiveness to changes in the labor market
- Increase accountability of One Stop Career Center service providers
- Increase employer/WIC collaboration to address industry needs and worker training
- Provide greater flexibility in designing and implementing WIA programs
- Maximize the flexibility needed to ensure speedy implementation of stimulus programs

4. Individuals Impacted by the Waiver:

This waiver will benefit employers, job seekers, service providers, DCWIC, and DOES. The following are expected to be additional impacts of the proposed waiver:

- Program participants will benefit from the resulting flexibility that will allow for more innovation in program design better aligned to the District's needs and priorities;
- More workforce customers will have access to core, intensive and training services;
- More flexibility to move funds where they are most needed

5. Process Used to Monitor Progress in Implementing the Waiver:

DOES has in place a monitoring and performance accountability system that measures and evaluates result for employers and jobseekers accessing the District's network of One-Stop Career centers. On a monthly and quarterly basis, DOES will analyze client enrollment and service levels, program expenditures, and performance outcomes. In addition, program monitors conduct onsite quarterly technical assistance reviews designed to assure that contract requirements are being met for all WIA programs. On an annual basis, comprehensive monitoring is conducted onsite utilizing outcome reports generated from DOES' database. Should this waiver request be granted, DOES will ensure regular review of the Adult and Dislocated Worker programs to monitor outcomes and service impact resulting from the additional fund transfer authority.

6. Process for Notice of Local Boards and Opportunity to Comment:

Consistent with the general waiver request, the District is adhering to publication requirements to insure the broadest participation possible, including informing appropriate partners and interested parties, such as labor, community based organizations and D.C. Workforce Investment Council. In addition, the District has provided opportunities for public comment and input on the waiver request, which will be posted on the DOES websites www.does.dc.gov and www.dcnetworks.org.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

ADRIAN M. FENTY
MAYOR



JOSEPH P. WALSH
DIRECTOR

October 15, 2009

Ms. Lenita Jacobs-Simmons
Regional Administrator
U.S. Department of Labor
Employment and Training Administrator
The Curtis Center
Suite 825 East
170 S. Independence Mall West
Philadelphia, Pennsylvania 19106-3315

Dear Ms. Jacobs-Simmons

The District of Columbia respectfully requests a waiver of program design and common measures for out-of-school young adults, ages 18-24, to participate in work experiences beyond the summer months. Enclosed please find the District of Columbia's request for the waiver as it relates to the American Recovery and Reinvestment Act of 2009 described in TEGL 14-08. This waiver request follows the WIA guidelines in Section 189 (i)(4)(B) and corresponding 20 CFR 661.420 (c).

Thank you for your consideration of this request. If you need additional information, please contact Susan Gilbert, Associate Director, Office of Employer Services at 202.698.3495.

Sincerely,

Joseph P. Walsh
Director of the Department of Employment Services

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

ADRIAN M. FENTY
MAYOR



JOSEPH P. WALSH
DIRECTOR

Waiver Request Performance Measures for Youth

The District of Columbia is requesting a waiver of program design and common measures requirements for out-of-school young adults (18-24) participating in the American Recovery and Reinvestment Act of 2009 (ARRA) funded youth activities.

Please accept the following as a request for this waiver:

A. Statutory Regulation to be Waived:

The District of Columbia is seeking to waive the program design and performance provisions. The provisions to be waived relate to: WIA Section 129(c)(2)(D); 129(c)(3) and Sec. 136; 20 CFR WIA Final Rules §664.400 §664.405 §664.450 §664.470 §664.620; American Recovery and Reinvestment Act of 2009 (P.L. 111-5) Title VIII, DOLETA, Employment and Training Services.

B. Justification

TEGL 14-08 states that the summer youth employment component of the ARRA was intended by Congress to provide expanded opportunities for youth, and that flexibility in program design facilitates implementation of the program. Because the District has traditionally offered large-scale summer work experiences funded entirely with local dollars, the addition of the ARRA funds allows the District to expand these experiences beyond the summer for out-of-school young adults. By granting the waiver the Districts can provide from November 2009 – March 2010 the following for 500 young adults, ages 18 – 24, that are most adversely impacted by the economy, and remain disconnected from education and the workplace:

- Expanded meaningful subsidized work experiences.
- Enhanced and expanded work readiness training.

C. Outcomes/Benefits

The waiver of the common measures for out-of-school young adults, ages 18 – 24, lets the District to use the work readiness indicator as the only performance measure. This waiver will better align performance with the District's focus on preparing young adults to reconnect to education and the workplace. This realignment will focus funding, staff, and resources on connecting more young adults to relevant work experience that leads to meaningful careers.

The waiver of program design elements lets the District offer significant work experience opportunities for young adults beyond the summer. It also lets a greater number of young adults to earn a wage while enhancing their knowledge and skills through appropriate activities that prepare them for demand occupations. This waiver gives sufficient flexibility to the District to determine appropriate program elements, type of assessment, and follow-up services for young adults as they continue on a path to meaningful careers.

In addition, the waiver will allow the Office of Youth Programs to collaborate with the District's One Stop Centers to provide a seamless transition of services offered by the Department to include further education and training activities and/or participation in the WIA Adult program. During Week 10 of the program all participants will be introduced to and trained on various systems utilized by the District's One Stop Career Centers to search, and apply for positions within the DC metropolitan area. This introduction and exposure will prepare participating young adults for a successful transition into adult programs offered by the District's department of Employment Services.

D. Individuals Impacted by the Waiver:

The waiver will impact out-of-school young adults, ages 18 – 24, who live in the District and participate in ARRA funded out-of-school programming offered through the District's Department of Employment and Services.

E. Description of the Process to Monitor Progress:

The District will follow procedural requirements for transparency of funds and conduct ongoing fiscal and administrative monitoring. The Office of Youth Programs (OYP) will be the entity responsible for monitoring the implementation and impact of

the waiver, through a combination of reporting by case managers, program observations, work-site visits, and dialogs with employers and any contracted service providers. Performance will be measured through a work readiness process to include pre, interim, and post assessments for each participant to determine levels of learning and adjust strategies as determined necessary. The District will review applicable policies and procedures and modify them accordingly to reflect the waivers.

F. Opportunity for Workforce Investment Board (Council) to Comment on Waiver Request:

The District of Columbia has a single-area designation, thus one Workforce Investment Board (Council). The District's Workforce Investment Council (WIC) will receive written notification of the posting of this waiver for public comment. If this waiver is granted, OYP will issue a Technical Advisory (TA) that will be disseminated to Chairperson of the WIC, and Chief Elected Officials.

G. Public Comment on the Waiver Request:

Notice of the waiver request will be posted for a seven-day comment period on the District of Columbia Department of Employment Service's website at [www. http://does.dc.gov/does/site/default.asp?doesNav=|32060](http://does.dc.gov/does/site/default.asp?doesNav=|32060) from October 25, 2009 through November 1, 2009.

The District of Columbia is very proud of its commitment to support local flexibility whenever possible. We believe that the approval of this waiver will empower the District to be even more responsive to the employment needs of the District's older youth, ages 18-24, as provided through the Recovery Act.