

**NOV 10 2009**

The Honorable Bobby Jindal  
Governor of Louisiana  
State Capitol  
Baton Rouge, Louisiana 70804-9004

Dear Governor Jindal:

As part of Louisiana's modification to the State Plan for Title I of the Workforce Investment Act (WIA) and the Wagner-Peyser Act, the State submitted waiver plans to request that the State'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 State'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 30, 2009, ETA granted Louisiana approval of the following waivers through June 30, 2010:

- Waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts for older and out-of-school youth;
- Waiver to permit the State 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 30, 2009 granted temporary extensions of the remainder of Louisiana'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 (ARRA).

### **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 State 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 State 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 ARRA. However, the State 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 20 percent of local Dislocated Worker funds for incumbent worker training only as part of a layoff aversion strategy. 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 WIA Section 134(a)(1)(A) to permit a portion of the funds reserved for rapid response activities to be used for incumbent worker training.

The State is requesting a waiver to permit use of rapid response funds for incumbent worker training. The State is granted this waiver through June 30, 2010. Under this waiver, the State is permitted to use up to 20 percent of rapid response funds for incumbent worker training only as part of a layoff aversion strategy. ETA believes limiting incumbent worker training to 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. The State is required to report performance outcomes for any incumbent workers served under this waiver in the WIASRD. As stated in ETA TEGL No. 14-08, Section 19, this waiver does not apply to funds made available through the ARRA.

Requested Waiver: Waiver of 20 CFR 666 and 667.300(a) to reduce the collection of participant data for incumbent workers.

The State is requesting a waiver of the requirements to reduce the data collection burden for employers participating in WIA-funded incumbent worker training programs. The waiver permits the State to discontinue the collection of the following WIASRD elements: single parent (117), unemployment compensation eligible status at participation (118), low income (119), TANF (120), other public assistance (121), homeless individual and/or runaway (125), and offender (126). The State is granted this waiver through June 30, 2010.

Requested Waiver: Waiver of the required 50 percent employer contribution for customized training at WIA Section 101(8)(C).

The State is requesting a waiver of the required 50 percent employer contribution for customized training to permit the use of a sliding scale for the employer contribution based on the size of the business. The State is granted this waiver through June 30, 2010. Under the waiver, the following sliding scale is permitted: 1) no less than 10 percent match for employers with 50 or fewer employees, and 2) no less than 25 percent match for employers with 51-250 employees. For employers with more than 250 employees, the current statutory requirements (50 percent contribution) continue to apply. When determining the funding source for customized training, the State must use the appropriate program funds for the appropriate WIA-eligible population. The State may provide customized training to low-income adults with WIA Adult funds, and may provide customized training to dislocated workers with WIA Dislocated Worker funds. Customized training provided with statewide funds must serve WIA eligible individuals.

Requested Waiver: Waiver of WIA Section 101(31)(B) to increase the employer reimbursement for on-the-job training.

The State is requesting a waiver to permit an increase in employer reimbursement for on-the-job training through a sliding scale based on the size of the business. The State is granted this waiver through June 30, 2010. Under the waiver, the following reimbursement amounts will be permitted: 1) up to 90 percent for employers with 50 or fewer employees, and 2) up to 75 percent for employers with 51-250 employees. For employers with more than 250 employees, the current statutory requirements (50 percent reimbursement) will continue to apply. When determining the funding source for on-the-job training, the State must use the appropriate program funds for the appropriate WIA-eligible population. The State may provide on-the-job training to low-income adults with WIA Adult funds, and may provide on-the-job training to dislocated workers with WIA Dislocated Worker funds. On-the-job training provided with statewide funds must serve WIA eligible individuals.

Requested Waiver: Waiver of WIA Section 181(e) to permit the use of WIA funds of up to \$5,000 to capitalize a small business in concert with entrepreneurial or small business training.

The State is requesting an extension of the waiver of WIA Section 181(e) to permit the use of WIA funds of up to \$5,000 to capitalize a small business in concert with entrepreneurial or small business training. ETA does not approve this waiver. Entrepreneurship is important to job creation, however business capitalization is best supported by organizations and agencies whose mission and statutory authority directly relate to business development. The approval for this waiver expires on the date of this letter. No new obligations are permitted effective the date of this letter; obligations made while this waiver was in effect may be fulfilled.

Requested Waiver: Waiver of WIA Section 123 that requires that providers of Youth program elements be selected on a competitive basis.

The State is requesting a waiver of the requirement for competitive procurement of service providers for two of the ten youth program elements: supportive services and follow-up services. The State is granted this waiver through June 30, 2010. Under this waiver, the State is permitted to allow its One-Stop Career Centers or partner agencies to directly provide youth program elements. In utilizing this waiver, the State and local areas must still meet Office of Management and Budget requirements (codified in 29 CFR 95.40-95.48 and 97.36) and all state and local procurement laws and policies.

Requested Waiver: Waiver of WIA Section 129(c)(2) that requires local areas to make available ten youth program elements.

The State is requesting a waiver to allow local areas to choose which of the ten youth program elements to make available to youth participants. This waiver was originally approved to assist the State in responding to a natural disaster that displaced a significant number of participants. The State's recovery efforts are well underway, and this time-limited flexibility is no longer appropriate. Therefore, ETA is not approving this waiver. The approval for this waiver expires on the date of this letter.

Local areas can fulfill the statutory requirement to make the ten elements available either by procuring a contract to provide such services with WIA funds, or by ensuring that program partners provide the service.

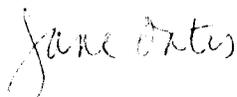
Withdrawn Waiver: Waiver of the reallocation provisions at WIA Sections 128(c)(2) and 133(c)(2), and 20 CFR 667.160.

The State previously was granted a waiver of the reallocation provisions at WIA Sections 128(c)(2) and 133(c)(2), and 20 CFR 667.160. The State has withdrawn its request to extend this waiver. The waiver approval period has lapsed, and expires as of the date of this letter.

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 TEGL No. 14-00, Change 3, the State should address the impact of these waivers 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 Joseph Juarez, the Regional Administrator for Region IV, at 972-850-4600 or [Juarez.Joseph@dol.gov](mailto:Juarez.Joseph@dol.gov).

Sincerely,



Jane Oates  
Assistant Secretary

Enclosure

cc: Marilyn Brandenburg, Federal Project Officer for Louisiana, ETA Dallas Regional Office  
Joseph Juarez, Regional Administrator, ETA Dallas Regional Office



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Bobby Jindal, Governor  
Tim Barfield, Executive Director

## Office of Workforce Development

### LOUISIANA WAIVER PLAN TO UNITED STATE DEPARTMENT OF LABOR (USDOL)

The Louisiana Workforce Commission (LWC) is requesting the following waivers for PY09 that would be applicable for regular formula funds and, where applicable, Recovery Act funds. The rational, justification, and implementation for each waiver request is included within this waiver plan. Louisiana Workforce Investment Council has approved these waivers and they were also included in the state plan public hearing. LWC firmly believes that the approval of these waivers will enhance the state's ability to move in USDOL's national strategic direction.

According to TEGL 14-08 USDOL: **"Three waivers are exempted from the requirement to submit a full waiver plan by June 30 since they have become fundamental aspects of the operation of the workforce system:**

1. ***Waiver to permit implementation of, and reporting only for, the common measures in place of the current WIA measures.*** The common measures have become the basis of the workforce system's performance accountability.

Louisiana Workforce Commission requests a waiver of the current performance measures referenced in WIA Section 136(b) in order to implement the common performance measures.

2. ***Waiver of the prohibition on the use of Individual Training Accounts for youth.*** This waiver provides increased flexibility in the provision of training services to youth, and may be particularly useful to states in light of the Recovery Act provision that raises the eligible youth age range to 24.

Louisiana Workforce Commission requests a waiver of the prohibition of the use of Individual Training Accounts (ITAs) for older and out of school youth. (WIA 123, WIA 134(d)(4), 20CFR 661.305(a)(3), 20 CFR 664.510)

3. ***Waiver of the time limit on the period of initial eligibility for training providers.*** This waiver has addressed barriers for meeting eligible training provider requirements, thereby increasing the number of community colleges and other entities that are available to deliver training to WIA Adult and Dislocated Worker participants. "

LWC requests a waiver regarding the requirement that training providers meets subsequent eligibility based on performance data and allow the state to use initially eligibility determination at(WIA 122(c)(5), 20 CFR Section 663.530)

The Louisiana Workforce Commission is requesting these three waivers for PY09 along with the following waivers plans



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## Office of Workforce Development

### STATE OF LOUISIANA WAIVER REQUEST 1

#### Statutory and Regulatory Sections to be Waived

The Louisiana Workforce Commission (LWC), Louisiana's administrative entity for Workforce Investment Act (WIA) programs, is requesting a waiver to allow local boards to transfer up to 50% of a program year allocation for adult employment and training activities and up to 50% of a program year allocation for dislocated worker employment and training activities between the two programs. The statutory provisions that LWC seeks to have waived can be found in the Workforce Investment Act of 1998, Section 134 (b) (4) for Adult and Dislocated activities. To be consistent with Congressional intent as to the level of funding appropriated for the WIA Adult and Dislocated Worker programs, this waiver will not apply to Recovery Act funds according to TEGL 14-08.

#### Justification

The increase in transfer authority will continue to provide local workforce boards with greater flexibility in responding to changes in their local labor markets, as well as help ensure that the WIA funds allocated to each local area are being utilized in a way that best serves the needs of the local customers. Louisiana is composed of various economic situations that requires different strategies to meet the needs of our dual-customer. The waiver will provide an increased flexibility for the local workforce board's to respond to the massive worker lay-offs, such as Louisiana recently experienced from both Timber and Manufacturing Industries in the northern part of the state. On the other hand, in South Louisiana, Houma area has one of the lowest unemployment rates in the nation but lacks the skill workforce to meet the needs of business. This waiver provides the necessary flexibility to have appropriate funding to meet the needs of both the employers and jobseekers in the state.

One of the cornerstone foundations of the Workforce Investment Act is the integrating and streamlining of services and costs to workforce development, which is consistent with Governor Bobby Jindal's goal to integrate programs in order to better serve the citizens of Louisiana.

#### State or Local Statutory or Regulatory Barriers

There are no known state or local statutory or regulatory barriers to implementing this waiver. The only known barriers are federal in nature as described above. Upon notification on the approval of this waiver, LWC will incorporate it into policy and distribute the new policy to the WIBs.

#### Goals and Expected Programmatic Outcomes of this Waiver

This waiver would help align Louisiana workforce development strategies to meet the needs of our customers and provide flexibility in the structuring of workforce development system.

Implementation of the waiver will:

- Provide funding flexibility for LWIAs better respond to workforce needs
- Increase local control of program delivery
- Improve the ability to respond to employers' needs in having workers trained in the employer's specific skill set.
- Help LWIAs better design programs to meet the needs of the job seekers and employers.



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### Individuals Affected by this Waiver

The waiver is expected to benefit LWIAs, Business and Career Solution Centers (B&CSC), employers, and WIA customers.

- LWIAs will have the flexibility to design programs through the B&CSC to meet the needs of their customers.
- Employers will have employees who possess the specific skills needed on the job.
- WIA participants will be provided appropriate services that will help them meet the needs of the workforce and employers.
- Increased utilization of the funds means increased number of participants in the program.

### Process Used to Monitor Progress in Implementing the Waiver

The Louisiana Workforce Commission will provide oversight and monitoring in order to determine the effectiveness of the waiver, as well as identify any issues or obstacles to providing services under this waiver.

### Process for Notice to the Public and Local Boards and the Opportunity to Comment

Prior to the submission of this waiver request, LWC has informed all WIBs of its intent via an email memorandum, with said waiver request attached, and seeking any comments. At the same time, LWC has provided an opportunity for any comments from the public, as displayed on the state's website, [www.laworks.net](http://www.laworks.net)



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### STATE OF LOUISIANA WAIVER REQUEST 2

#### Statutory and Regulatory Sections to be Waived

The Louisiana Workforce Commission (LWC), is requesting an extension of the waiver that limits the authority to provide the activities identified in WIA section 134 for the state to permit local areas to request the use of a portion of local area formula funds for dislocated workers in order to provide incumbent worker training identified at WIA Section 134(a) (3) (A) (iv). The maximum amount of funds to be used for this purpose would be twenty percent.

#### Background and Justification for this Waiver

Louisiana is requesting an extension of a waiver to allow additional flexibility in the use of WIA formula funds to meet special workforce demands in the local areas. This allows local areas to request that a portion of their formula allocations be used as if they were State discretionary funds, and target special projects that are tied to local economic demands. This waiver allows LWIAs to use funds allocated to them under Sections 127, 128, 132, 133 of WIA in the same manner and fashion as Statewide Activity funds are used under Sections 129 and 134 of WIA and CRF 667.130, in order to meet the changing and emergent need of Louisiana employers, incumbent workers, job seekers, and youth. The maximum amount of funds to be used for this purpose will be twenty percent. Allowable activities under this waiver would include, but are not limited to: establishing and implementing innovative incumbent worker training programs and programs targeted to empowerment zones and enterprise communities.

#### State or Local Statutory or Regulatory Barriers

There are no known state or local statutory or regulatory barriers to implementing this waiver. The only known barriers are federal in nature as described above. Upon notification on the approval of this waiver, LWC will incorporate it into policy and distribute the new policy to the WIBs.

#### Goals and Expected Programmatic Outcomes of this Waiver

- Enhance the relationship with employers in high-demand and high-growth industries.
- Strengthen regional sector initiatives through skill upgrades for incumbent workers.
- Increase customer service to the business community.
- Expand incumbent worker training activities which will increase talent development.

#### Individuals Affected by this Waiver

The waiver will have a positive impact with employers, and their employees in the state. The training of employees will make them valuable to their current and future employer(s). This waiver could help prevent lay-offs or closure because of lack of skills or technological upgrades. It will assist LWIBs by providing the flexibility to meet the needs of business.

#### Process Used to Monitor Progress in Implementing the Waiver

The Louisiana Workforce Commission will provide oversight and monitoring in order to determine the effectiveness of the waiver, as well as identify any issues or obstacles to providing services under this waiver.

#### Process for Notice to the Public and Local Boards and the Opportunity to Comment

Prior to the submission of this waiver request, LWC has informed all WIBs of its intent via an email memorandum, with said waiver request attached, seeking any comments. At the same time, LWC has provided an opportunity for any comments from the public, as displayed on the state's website, [www.laworks.net](http://www.laworks.net)



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### STATE OF LOUISIANA WAIVER REQUEST 3

#### Statutory and Regulatory Sections to be Waived

The Louisiana Workforce Commission is requesting an extension of the waiver that limits the authority to provide the activities at WIA section 134(a) (1) (B) regarding the usage of statewide reserve funds. It is requested that a portion of the funds reserved for rapid response activities in WIA section 133(a) (2) be used to provide incumbent worker training. The maximum amount of funds to be used for this purpose will be twenty percent.

#### Background and Justification for this Waiver

Louisiana is requesting the extension of the waiver to align with both the national and the Governor's strategy to provide services to the employer and incumbent workers. With the downturn of the economy and Louisiana seeing an increase in the number of WARN notices, this waiver would give the state the opportunity to upgrade employees' skills, thereby reducing any skill gaps. It is projected that such action may help prevent closing of companies and potential layoffs of workers in Louisiana. LWC is developing a Layoff Aversion Plan that would incorporate Rapid Response funds (twenty percent) as one of the tools by providing Incumbent Worker Training with the intention of preventing potential layoffs of workers (Attach is a draft of the Layoff Aversion Plan ).

#### State or Local Statutory or Regulatory Barriers

There are no known state or local statutory or regulatory barriers to implementing this waiver. The only known barriers are federal in nature as described above. Upon notification on the approval of this waiver, LWC will incorporate it into policy and distribute the new policy to the WIBs.

#### Goals and Expected Programmatic Outcomes of this Waiver

LWC wants to expand its services to its employers by providing incumbent worker training designed to assist employers in Louisiana by upgrading the skills needed to help prevent layoffs. It will also help the workers in Louisiana by addressing skill gaps and give them the opportunity to continue their employment or future employment elsewhere.

#### Individuals Affected by this Waiver

The employers and workers in the State of Louisiana will be affected by this waiver because services will have been provided to meet the needs of employers. Also, skill gaps of workers will have been addressed. Training providers will have the opportunity to target the training needed for incumbent workers.

#### Process Used to Monitor Progress in Implementing the Waiver

The Louisiana Workforce Commission will provide oversight and monitoring in order to determine the effectiveness of the waiver, as well as identify any issues or obstacles to providing services under this waiver.

#### Process for Notice to the Public and Local Boards and the Opportunity to Comment

Prior to the submission of this waiver request, LWC has informed all WIBs of its intent via an email memorandum, with said waiver request attached, seeking any comments. At the same time, LWC has provided an opportunity for any comments from the public, as displayed on the state's website, [www.laworks.net](http://www.laworks.net)



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## Office of Workforce Development

### *Draft* Layoff Aversion Plan

**Our vision is to be an indispensable source to business solutions.**

Our goal is to implement customized business retention solutions that will meet businesses critical needs by early identification and intervention of distress factors to avoid layoffs, and in the event a layoff is unavoidable connect dislocated workers to careers in high demand sectors.

### SECTION I. STRATEGIES & ACTIVITIES

- Strategy 1:** Enhance and implement an early warning system for tracking declining industries/businesses.
- Strategy 2:** Develop new business retention products and services.
- Strategy 3:** Align resources to support a broad range of comprehensive retention solutions.
- Strategy 4:** Expand the infrastructure and procedures to enhance the quality of services, reporting and tracking outcomes, and to ensure consistency within regions in responding to massive layoffs.
- Strategy 5:** Enroll incumbent workers into competency-based training as an aversion strategy.

### SECTION II. PERFORMANCE MEASURES

Measure the effectiveness of Early Warning Networks and Customized Business Retention Solutions.

**Conduct monitoring and evaluation to continually review and update policies and processes**

to measure the effectiveness of early warning networks and customized business retention solutions.

- Activity 1:** Track and monitor performance outcomes.
- Activity 2:** Identify impediments and solutions.
- Activity 3:** Revise and update plan.
  - Number of company layoffs compared to those that participate in retention solutions;
  - Number of customized business retention plans created;
  - Number of jobs retained as a result of Rapid Response retention services;

### SECTION III. OUTCOMES

Provide quality retention solutions by enhancing business products and services that will assist in stabilizing or increasing job opportunities, and building partnerships to leverage a variety of resources.

### SECTION IV. COST PROJECTIONS

Total Budget: \$3,885,843. (25% of PY08 and FY09 dislocated worker funding)



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### SECTION I. *Draft*

#### Strategy 1: Enhance and implement an Early Warning System for tracking declining industries/businesses.

The Rapid Response team has historically been reactive in deploying services to businesses in response to a WARN notification. In order to assist businesses in retaining their competitive edge, enhanced services will allow a more proactive response by developing an early warning network system. Early warning would allow advance notice of businesses at-risk of layoffs. Advance notification would afford the time needed to provide quality solutions to specific problems.

Early warning networks would include business teams of regional partners collaborating to integrate workforce information and economic data into user-friendly and accessible tools and products for use by workforce professionals to provide career guidance and solutions to businesses.

Eight regional response teams will be created and will serve as the early warning network for the region. Rapid response coordinators will spearhead response teams. Partners within the network will implement the following activities.

**Activity 1: *Monitor workforce trends with labor market information to predict declining industries and sectors.***

Regional response team will access and analyze user friendly and current data from Research and Statistics to assist in the prediction of economic change. Labor market information will be analyzed to forecast regional economy and identify declining industries and companies.

**Activity 2: *Conduct Regional Economic Analysis***

Collect, analyze, and synthesize data related to demand sectors in order to identify the needed talent and skills gaps to supply the workforce.

#### Strategy 2: Develop new business retention products and services

**Activity 3: *Expand and enhance the Business Visitation Program.***

Business visits serve as an outreach and education strategy to business and industry by discussing benefits of collaboration with the workforce system, receiving information to early notice of potential layoff, or risk factors.

Certified business service team members will conduct business visits in teams of two. During the visit an interview will be conducted and a survey of information will be collected.

**Activity 4: *Provide staff with professional development and certification training to increase competency levels***

Assemble a training curriculum and provide a series of workforce development certification courses. Regional Response Team members would be certified specialists trained to recognize workforce needs during an employer assessment but also to respond to other business issues impacting the company's competitive position.<sup>1</sup>

<sup>1</sup> Competency Curriculum

## Office of Workforce Development

**Activity 5:** *Deploy certified specialists from the regional response teams to local businesses to conduct comprehensive survey assessments of the company's competitiveness, organizational needs and workforce issues.*

- a. Rapid Response
- b. Business Service Representatives
- c. Economic Development staff
- d. Community-based workforce agencies

**Activity 6:** *Standardize the information collection process.*

A survey tool will be adopted to gather predictive data.

**Activity 7:** *Procure business retention software to store survey data into a business service database.*

The information received will be entered into a structured business information system designed for collection, management, analysis and reporting of the business data impacting the community's economy. Additionally, information stored will form the basis for an overall assessment of the State's business environment and help to shape future policies. Data collected will assist in assessing the business climate, determine customers' satisfaction, identify outstanding needs and identify situations in businesses that may impact the local economy. This system will serve as a business assessment tool, which will provide an analysis of the information collected and can be utilized by multi-agencies.

- a. Synchronist (LA Economic Development currently holds the license for this product)<sup>2</sup>
- b. Executive Pulse<sup>3</sup>

**Activity 8:** *Analyze data and perform risk- assessment*

The first step of the analysis is to perform a risk-assessment. Clusters used for analysis will be made up of companies grouped by industry and location. The goal of the cluster analysis is to find recurring comments that identify opportunities or suggest potential problems.

**Activity 9:** *Develop customized business solution plans to avert layoffs.*

Regional response teams will be required to respond to at-risk businesses with development assistance within a specified period of time following the business interview. Data collected will be utilized to build strategies addressing a company's job retention and workforce expansion needs and to create a sustainable customized business solutions plan.

**Activity 10:** *Develop methods to support aversion strategies using workforce products and services.*

- Work-sharing
- Incumbent Worker Training
- Operations and Cost Reviews
- Good Management, Labor Management Cooperation
- Financial Restructuring
- Modernization and Upgrades
- Conversion to New Products
- Succession Planning
- Employee Buyouts
- General Buyouts
- Rapid Response Early Intervention
- Lean Processes

<sup>2</sup> Synchronist Report

<sup>3</sup> Executive Pulse



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- Activity 11:** *Create small rapid response discretionary grants which businesses can apply for to support employee retention strategies.*
- Activity 12:** *Create a multi-agency brochure that contains business products and services which is disseminated to businesses.<sup>4</sup>*
- Activity 13:** *Draft Catalog resources which contain funding opportunities for distressed and emerging businesses and assist businesses in accessing resources.*

### Strategy 3: Align resources to support a broad range of comprehensive retention solutions

- Activity 14:** *Create a coordinated response among multiple agencies to assess business needs and develop strategies that support local industries.*

The partnership of workforce systems creates a perfect method to find and deliver solutions for local businesses. The goal of this partnership is to develop consistent high-quality capacity to retain and support jobs and existing businesses throughout the state.

Enter into formal memorandums to define agencies' roles and responsibilities to ensure efforts are complimentary and not duplicative:

- Workforce professionals,
- The Department of Economic Development,
- Louisiana Community and Technical College Systems,
- Community-based organizations, and
- Business and industry.

- Activity 15:** *Review existing services, of local Business and Career Centers and Louisiana Human Resource Development Institute to ensure teams complement services and not duplicate.*

- Activity 16:** *Increase staffing capacity.<sup>5</sup>*

- Activity 17:** *Draft Explore and implement innovative uses of Rapid Response funds to support innovative aversion strategies*

- a. Form local labor management committees.  
Assist in creating and overseeing strategies for layoff aversions
- b. Set-aside
  - Rapid Response funds will be used to assist local areas in responding to events that do not qualify for a NEG;
  - Gap-fillers between layoff and receipt of NEG award. (NEG funds can be used to replenish set-aside fund when received).
- c. Employer Workforce Training Fund  
With a waiver from USDOL, RR funds can be used to provide Incumbent Worker Training
- d. Supplemental Dislocated Worker Fund

<sup>4</sup> Sample Brochure

<sup>5</sup> Org Chart



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## Office of Workforce Development

Supplemental funds can be made available to local areas that expend 70% of their DW funds and experiences additional layoffs.

Assigning staff to implement activities

### **Strategy 4: Enhance the infrastructure and procedures to improve the quality of services, outcomes and consistency within regions in responding to massive layoffs.**

**Activity 18:** *Deploy a Rapid Responder to the affected region.*

**Activity 19:** *Improve the quality of assessment testing in Worker Transition Centers by incorporating WorkKeys testing during Rapid Response services.*

**Activity 20:** *Enhance the process of reporting and tracking dislocated workers.*

**Activity 21:** *Upgrade the current WARN database.*

**Activity 22:** *Incorporate the 8 Quality Guiding Principles within the service delivery plan.*

- **Timeliness**
- **Layoff Aversion**
- **Measures of Success**
- **Partnerships**
- **Active Promotion**
- **Seamless Service Delivery**
- **Leveraging Resources**
- **Convenience**

**Activity 23:** *Draft Broaden awareness of Rapid Response services by implementing a media campaign which can help prevent significant layoffs.*

### **Strategy 5: Enroll incumbent workers into competency-based training as an aversion strategy.**

**Activity 24:** *Conduct comprehensive needs assessments of workers to create career pathways and address employer needs.*

**Activity 25:** *Utilize competency models, curriculums and training methodologies for critical industries in which workers can receive industry recognized credentials and certifications.*

**Activity 26:** *Increase training programs for incumbent workers in rural communities through NEG and TAA resources.*

**Activity 27:** *Maximize training flexibility for incumbent workers.*



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## Office of Workforce Development

### STATE OF LOUISIANA WAIVER REQUEST 4

#### Statutory and Regulatory Sections to be Waived

Louisiana is requesting an extension of the waiver in the reporting requirements at 20CFR 667.300(a) to provide relief in the collection of certain participant data elements for incumbent workers trained with local area WIA formula funds.

#### Background and Justification for this Waiver

Louisiana is requesting a waiver of the reporting requirements at 20CFR 667.300(a) to provide relief in the collection of certain participant data elements for incumbent workers trained with local area WIA formula funds. Under this waiver, the state will not be required to collect from these participants the following items: single parent, unemployment compensation eligible status at participation, low income, other public assistance, homeless individual, and/or runaway and offender.

#### State or Local Statutory or Regulatory Barriers

There are no known state or local statutory or regulatory barriers to implementing this waiver. The only known barriers are federal in nature as described above. Upon notification on the approval of this waiver, LWC will incorporate it into policy and distribute the new policy to the WIBs

#### Goals and Expected Programmatic Outcomes of this Waiver

By providing relief in the collection of certain participant data elements for incumbent workers, LWIAs will be able to quickly serve employers and employees. There would help speed up services to the customers.

#### Individuals Affected by this Waiver

Employers, incumbent workers, and LWIAs would be affected by this waiver.

#### Process Used to Monitor Progress in Implementing the Waiver

The Louisiana Workforce Commission will provide oversight and monitoring in order to determine the effectiveness of the waiver, as well as identify any issues or obstacles to providing services under this waiver.

#### Process for Notice to the Public and Local Boards and the Opportunity to Comment

Prior to the submission of this waiver request, LWC has informed all WIBs of its intent via an email memorandum, with said waiver request attached, seeking any comments. At the same time, LWC has provided an opportunity for any comments from the public, as displayed on the state's website, [www.laworks.net](http://www.laworks.net)



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## Office of Workforce Development

### STATE OF LOUISIANA WAIVER REQUEST 5

#### Statutory and Regulatory Sections to be Waived

The Louisiana Workforce Commission is requesting an extension of the waiver regarding the reallocation provisions at WIA sections 128(c)(2) and 133(c)(2), and 20 CFR 667.160 to provide the state additional flexibility in the targeting of WIA funds.

#### Background and Justification for this Waiver

Louisiana is requesting an extension of a waiver from the provisions regarding reallocation among local areas. This waiver would provide flexibility to LWC in redistributing funds among the LWIAs and allow, through administrative efficiencies, for the opportunity to further workforce system integration. LWC ensures that financial reporting will be consistent with current USDOL requirements and that federal funds will be effectively managed for maximum service provision and program performance. Workforce areas that provide quality service will have access to additional resources to meet the needs of employers, job seekers, and incumbent workers. In addition, the waiver will allow LWC to promote cost benefits of improved administrative efficiencies, encouraging the increased leveraging of resources within the workforce area. LWC seeks to redistribute workforce funds to LWIAs that have achieved not only targeted expenditure levels but also established performance measures, such as whether the workforce area met employers' needs for a highly skilled and job-ready workforce.

The request is to cover the following areas: 1) mid-year de-obligation and reallocation of local area funds; 2) recapture of funds from local areas that have not expended at least 80 percent of their local funds in the first year; 3) use of recaptured funds for reallocated to other eligible local areas; 4) consider performance expenditures and regional/local performance measures in determining local areas' eligibility for re-allocation of WIA formula funds.

#### State or Local Statutory or Regulatory Barriers

There are no known state or local statutory or regulatory barriers to implementing this waiver. The only known barriers are federal in nature as described above. Upon notification on the approval of this waiver, LWC will incorporate it into policy and distribute the new policy to the WIBs.

#### Goals and Expected Programmatic Outcomes of this Waiver

This waiver would provide flexibility to LWC in redistributing funds among the LWIAs and allow, through administrative efficiencies, for the opportunity to further workforce system integration. LWC ensures that financial reporting will be consistent with current USDOL requirements and that federal funds will be effectively managed for maximum service provision and program performance. Workforce Investment Areas that provide quality services will have access to additional resources to meet the needs of employers, job seekers, and incumbent workers. In addition, the waiver will allow LWC to promote cost benefits of improved administrative efficiencies, encouraging the increased leveraging of resources within the workforce area. LWC seeks to redistribute workforce funds to LWIAs that have achieved not only targeted expenditure levels but also established performance targets, such as whether the workforce area met employers' needs for a highly skilled and job-ready workforce.

#### Individuals Affected by this Waiver

The LWIAs and the state would be affected by this waiver request to de-obligate and reallocate local WIA funds.



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## Office of Workforce Development

### Process Used to Monitor Progress in Implementing the Waiver

The Louisiana Workforce Commission will provide oversight and monitoring in order to determine the effectiveness of the waiver, as well as identify any issues or obstacles to providing services under this waiver.

### Process for Notice to the Public and Local Boards and the Opportunity to Comment

Prior to the submission of this waiver request, LWC has informed all WIBs of its intent via an email memorandum, with said waiver request attached, seeking any comments. At the same time, LWC has provided an opportunity for any comments from the public, as displayed on the state's website, [www.laworks.net](http://www.laworks.net)



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## Office of Workforce Development

### STATE OF LOUISIANA WAIVER REQUEST 6

#### Statutory and Regulatory Sections to be Waived

The Louisiana Workforce Commission is requesting an extension of the waiver that required 50% employer match for customized training at WIA section 101(8) (C) and use of an employer match based on a sliding scale as follows: (a) no less than 10% match for employers with 50 or fewer employees, and (b) no less than 25% match for employers with 51-250 employees. For employers with more than 100 employees, the current statutory requirements would continue to apply.

#### Background and Justification for this Waiver

Employer Based Training (Customized Training) is an important tool that the State uses to support its demand-driven workforce investment system. The proposed sliding scale for the employer match will create the necessary flexibility for employers to compare their cost benefit ratio of contributing a match amount to the benefits of a skill increase for their employees. Allowing businesses and industries to apply the sliding scale to determine the match amount will increase employer participation in WIA Employer Based Training programs at the local level. Boards will increase their participation rates for skilled job seekers who receive training and find employment in high-skill, high wage occupational areas. Employers will benefit by having a labor pool with the marketable skills they require. In addition, Louisiana will be able to integrate various funding streams to provide employers with an integrated, seamless approach to workforce development.

#### State or Local Statutory or Regulatory Barriers

There are no known state or local statutory or regulatory barriers to implementing this waiver. The only known barriers are federal in nature as described above. Upon notification on the approval of this waiver, LWC will incorporate it into policy and distribute the new policy to the WIBs

#### Goals and Expected Programmatic Outcomes of this Waiver

Allowing the LWIAs to apply the sliding scale to determine the match amount will increase employer participation in WIA Employer Based Training programs at the local level. Boards will increase their participation rates for skilled job seekers that receive training and find employment in high-skill, high wage occupational areas. Employers will increase their labor pool with the marketable skills that they desire. In addition, Louisiana will be able to integrate various funding streams to provide employers with an integrated seamless approach to workforce development.

#### Individuals Affected by this Waiver

This waiver will affect employers with less than 250 employees, and job seekers, and LWIAs.

#### Process Used to Monitor Progress in Implementing the Waiver

The Louisiana Workforce Commission will provide oversight and monitoring in order to determine the effectiveness of the waiver, as well as identify any issues or obstacles to providing services under this waiver.

#### Process for Notice to the Public and Local Boards and the Opportunity to Comment

Prior to the submission of this waiver request, LWC has informed all WIBs of its intent via an email memorandum, with said waiver request attached, seeking any comments. At the same time, LWC has provided an opportunity for any comments from the public, as displayed on the state's website, [www.laworks.net](http://www.laworks.net)



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## Office of Workforce Development

### STATE OF LOUISIANA WAIVER REQUEST 7

#### Statutory and Regulatory Sections to be Waived:

The Louisiana Workforce Commission is requesting an extension of the waiver for WIA section 101(31)(B) to permit Local Workforce Investment Areas to reimburse the employer for on the job training on a graduated scale, based on the size of the business. The following reimbursement amounts will be permitted: (a) up to 90% for employers with 50 or fewer employees, and (b) up to 75% for employers with more than 50 but fewer than 250 employees. For employers with 250 or more employees, the current statutory requirements will continue to apply.

#### Background and Justification for this Waiver:

Employer Based Training (On-the-Job) is an important tool the State uses to support its demand-driven workforce investment system.

The strategy begins with identifying the employer's workforce needs and is developed with significant employer involvement at all stages of the training process. The employer identifies the criteria for selecting appropriate trainees, assists in the development of training outlines and curricula, and commits to hire and retain the individuals upon successful training completion. The employer also invests resources to support part of training costs. To provide more coordinated services to businesses, LWIAs are developing regional OJT and Customized Training contracts and processes. This will decrease administrative costs and provide an incentive to businesses to use these services. In addition, where feasible, LWC links WIA Title I Employer Based training (OJT) with the State's Incumbent Worker Training Program.

The sliding scale for the employer match has created the necessary flexibility for employers to compare their cost benefit ratio of contributing a match amount to the benefits of a skill increase for their employees. Allowing both LWIAs and businesses to apply the sliding scale to determine the match amount will increase employer participation in WIA customized training programs at the local level. Boards have seen an increase in their participation rates for skilled job seekers that receive training and find employment in high-skill, high-wage occupational areas. Employers will increase the labor pool with the marketable skills they require. In addition, Louisiana has integrated various funding streams to provide employers with an integrated seamless approach to workforce development.

#### State or Local Statutory or Regulatory Barriers

There are no known state or local statutory or regulatory barriers to implementing this waiver. The only known barriers are federal in nature as described above. Upon notification of the approval of this waiver, LWC will incorporate it into policy and distribute the new policy to the WIBs.

#### Goals and Expected Programmatic Outcomes of this Waiver

The proposed sliding scale for the employer match has created the necessary flexibility for employers to compare their cost benefit ratio of contributing a match amount to the benefits of a skill increase for their employees. Allowing both LWIAs and businesses to apply the sliding scale to determine the match amount will continue to increase employer participation in WIA customized training programs at the local level. Boards have seen an increase in their participation rates for skilled job seekers that receive training and find employment in high-skill, high wage occupational areas. Employers have seen an increase in the labor pool with the marketable skills they require. In addition, Louisiana has been able to integrate various funding streams to provide employers with an integrated seamless approach to workforce development.

#### Individuals Affected by this Waiver

A granting of this waiver would be in alignment with Louisiana's strategic goal of serving the dual-customer. This waiver will affect the employers with less than 250 employees, job seekers, and LWIAs.



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## Office of Workforce Development

### Process Used to Monitor Progress in Implementing the Waiver:

The Louisiana Workforce Commission will provide oversight and monitoring in order to determine the effectiveness of the waiver, as well as identify any issues or obstacles to providing services under this waiver.

### Process for Notice to the Public and Local Boards and the Opportunity to Comment

Prior to the submission of this waiver request, LWC has informed all WIBs of its intent via an email memorandum, with said waiver request attached, seeking any comments. At the same time, LWC has provided an opportunity for any comments from the public, as displayed on the state's website, [www.laworks.net](http://www.laworks.net)



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## Office of Workforce Development

### STATE OF LOUISIANA WAIVER REQUEST 8

#### Statutory and Regulatory Sections to be Waived:

The Louisiana Workforce Commission is requesting an extension of a waiver of the limitation on the use of funds for capitalization of businesses at WIA section (181) (e) and requesting the use of WIA funds to capitalize a small business up to five thousands dollars. This activity must be conducted in concert with entrepreneurial or micro enterprise training for the individuals benefiting from the capitalization.

#### Background and Justification for this Waiver:

The Louisiana Workforce Commission has used this program very successfully in the past. After Hurricane Rita hit Louisiana's southwest coastline, Louisiana Workforce Investment Area # 51 implemented this waiver in their area. LWIA #51 worked to create a process with both the local Chamber of Commerce and private sector WIB members, which allowed small businesses to receive valuable entrepreneurial and/or micro enterprise training that they would not normally have acquired. Also, the infusion of capital helped the small employers, particular the fishing industry, to jumpstart their businesses that were adversely affected because of the storm. With the current down turn in the economy, this can be one of many services that local small businesses can take advantage of in order to help keep them going. The focus is not just the five thousands dollars to capitalize the business as much as provide training which will be invaluable both to them and the State of Louisiana.

#### State or Local Statutory or Regulatory Barriers

There are no known state or local statutory or regulatory barriers to implementing this waiver. The only known barriers are federal in nature as described above.

#### Goals and Expected Programmatic Outcomes of this Waiver

The expectation of this waiver is to not only help small business owners with infusion of capital, but to provide them a connection with the Economic Development Entity in the area. This waiver will also enhance the collaboration with the LWIAs and Economic Development Agency in their area.

#### Individuals Affected by this Waiver

A granting of this waiver would be in alignment with Louisiana's strategic goal in helping to develop small businesses. It would help facilitate a collaborative effort between LWC, LWIAs, Local Economic Development Agencies and small business.

#### Process Used to Monitor Progress in Implementing the Waiver:

The Louisiana Workforce Commission will provide oversight and monitoring in order to determine the effectiveness of the waiver, as well as identify any issues or obstacles to providing services under this waiver.

#### Process for Notice to the Public and Local Boards and the Opportunity to Comment

Prior to the submission of this waiver request, LWC has informed all WIBs of its intent via an email memorandum, with said waiver request attached, seeking any comments. At the same time, LWC has provided an opportunity for any comments from the public, as displayed on the state's website, [www.laworks.net](http://www.laworks.net)



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## Office of Workforce Development

### STATE OF LOUISIANA WAIVER REQUEST 9

#### Statutory and Regulatory Sections to be Waived:

The Louisiana Workforce Commission is requesting an extension waiver for the requirement that local programs provide each of the ten youth program elements at WIA section 129(c)(2) as options available to youth participants.

#### Background and Justification for this Waiver:

The state is requesting an extension of the waiver of the requirement that local programs provide each of the ten youth program elements at WIA section 129(c)(2) as options available to youth participants. All areas strive to provide an appropriate mix of services to all youth. However, rural areas tend to lack needed infrastructure. This waiver will allow specified areas to concentrate on the most appropriate service mix.

A comprehensive framework of strategies will assist and guide local boards and youth councils as well as local service providers to plan for specific youth services which meet the unique needs of the local workforce investment areas and their labor market regions. This results in coordinated service strategies and maximization of local resources to address those needs. Local boards utilize current labor market and occupational forecasting data on demand occupations, strengthen local employer linkages, and develop and maintain effective relationships with schools, post-secondary education, and other providers in the development of these service strategies.

#### State or Local Statutory or Regulatory Barriers

There are no known state or local statutory or regulatory barriers to implementing this waiver. The only known barriers are federal in nature as described above. Upon notification on the approval of this waiver, LWC will incorporate it into policy and distribute the new policy to the WIBs.

#### Goals and Expected Programmatic Outcomes of this Waiver:

This waiver will allow LWIAs to concentrate on the most appropriate service mix. The comprehensive framework of strategies will assist local boards, youth councils, and local service providers to plan for specific youth services that meet the unique needs of the local workforce investment areas and their labor market regions. This will result in coordinated service strategies and maximize the local resources in order to address those needs. Local boards will utilize current labor market and occupational forecasting data on demand occupations, strengthen local employer linkages, and develop and maintain effective relationships with schools, post-secondary education, and other providers in the development of these service strategies.

#### Individuals Affected by this Waiver

A granting of this waiver would help LWIAs, youth councils, youth service providers, employers, and youth in providing the appropriate services to meet the needs of employers and youth.

#### Process Used to Monitor Progress in Implementing the Waiver:

The Louisiana Workforce Commission will provide oversight and monitoring in order to determine the effectiveness of the waiver, as well as identify any issues or obstacles to providing services under this waiver.

#### Process for Notice to the Public and Local Boards and the Opportunity to Comment

Prior to the submission of this waiver request, LWC has informed all WIBs of its intent via an email memorandum, with said waiver request attached, seeking any comments. At the same time, LWC has provided an opportunity for any comments from the public, as displayed on the state's website, [www.laworks.net](http://www.laworks.net)



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## Office of Workforce Development

### STATE OF LOUISIANA WAIVER REQUEST 10

#### Statutory and Regulatory Sections to be Waived:

The Louisiana Workforce Commission is requesting an extension of the waiver exemption from the competitive procurement requirement for the follow-up and supportive service elements and inclusion of these elements in the design framework of youth services. (WIA 123, 20CFR 664.405(a) (4), 20 CFR 661.305(3)).

#### Background and Justification for this Waiver:

The youth program operates on the premise of long-term participation, during which time a strong relationship is likely to be formed. When the youth terminates from the program and enters into the follow-up period, if follow-up services are provided by a different organization, it produces a fragmented delivery system and is likely to render services less effective. The established relationship with staff will not exist with a new organization contracted to do follow-up and the youth is less likely to take advantage of available services that lead to more stability and longer retention. By allowing the LWIAs to continue contact with the participant during the follow-up period, there will be greater effectiveness in quickly identifying the needs of the youth and offering assistance. Likewise, by allowing LWIAs to identify and issue payment authorization for support services, the continuity of service stays in tact. Due to the relatively small youth allocations for some Louisiana LWIAs, support services are generally small and used to provide help for transportation, clothing, eyeglasses, tools, physicals, and other small purchases. This youth practice would be consistent with the way adult services are provided through the Business and Career Solutions centers, reducing cost and improving efficiency.

#### State or Local Statutory or Regulatory Barriers

There are no known state or local statutory or regulatory barriers to implementing this waiver. The only known barriers are federal in nature as described above. Upon notification on the approval of this waiver, LWC will incorporate it into policy and distribute the new policy to the WIBs.

#### Goals and Expected Programmatic Outcomes of this Waiver

The goals for the youth program under the waiver will be greater effectiveness, efficiency and continuity of services, thus saving resources that can be spent on additional services and reducing administrative costs. By including the follow-up and support service elements in the design framework, LWIAs would be able to provide greater continuity of services for youth, resulting in higher retention rates.

#### Individuals Affected by this Waiver

If the waiver is granted, the LWIAs would provide the follow-up and supported services to youth participants in the program.

#### Process Used to Monitor Progress in Implementing the Waiver:

The Louisiana Workforce Commission will provide oversight and monitoring in order to determine the effectiveness of the waiver, as well as identify any issues or obstacles to providing services under this waiver.

#### Process for Notice to the Public and Local Boards and the Opportunity to Comment

Prior to the submission of this waiver request, LWC has informed all WIBs of its intent via an email memorandum, with said waiver request attached, seeking any comments. At the same time, LWC has provided an opportunity for any comments from the public, as displayed on the state's website, [www.laworks.net](http://www.laworks.net)