



MAY 11 2012

The Honorable Jerry Brown  
Governor of California  
State Capitol Building  
Sacramento, California 95814

Dear Governor Brown:

The Employment and Training Administration (ETA) is pleased to respond to your requests for waivers of statutory and regulatory requirements under the Workforce Investment Act (WIA). 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. The original requests are written in the format identified in WIA section 189(i)(4)(B) and 20 CFR 661.420(c), and meet the standard for approval at 20 CFR 661.420(e). The following is the disposition of the State's waiver requests (copy enclosed).

Requested Waiver: Waiver of performance measures for youth participants in summer youth employment activities and co-enrolled in TANF and WIA programs.

The State has requested an extension of the waiver of the common performance measures for youth who participate in subsidized summer youth employment activities that utilize Temporary Assistance to Needy Families (TANF) funds and are co-enrolled in WIA-funded youth programs. The requested waiver is approved and allows the State to use the work readiness indicator as the only indicator of performance for youth co-enrolled in WIA Youth and TANF programs and participating in subsidized summer youth employment activities. The waiver is effective from May 1, 2012 through September 30, 2012. This waiver applies only to WIA Youth performance requirements; the State must comply with any reporting requirements established through TANF. This waiver does not apply to WIA youth participating in program elements beyond summer employment and supportive services.

Requested Waiver: Waiver to provide program design flexibility in serving youth participants in summer youth employment activities and co-enrolled in TANF and WIA programs.

The State has requested a waiver of certain provisions under WIA Sec. 129(c) and 20 CFR 664 to allow Local Workforce Investment Area (LWIA) staff increased flexibility in program design. Through this waiver, the State will be able to provide program design flexibility in serving youth who participate in subsidized summer youth employment activities that utilize TANF funds and are co-enrolled in WIA-funded youth programs.

The requested waiver is approved. Specifically, the State is granted a waiver of statutory and regulatory provisions as follows:

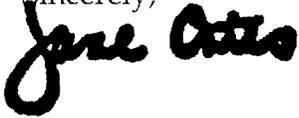
- Waiver of the requirement at WIA section 129(c)(2)(I) and 20 CFR 664.450(b) to provide a minimum of 12 months of follow-up services, to allow local areas to provide follow-up services with WIA Youth funds as deemed appropriate for such youth participants.
- Waiver of the requirement at WIA section 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.

The approved waiver is effective from May 1, 2012 through September 30, 2012, and only applies to youth co-enrolled in WIA Youth and TANF programs and participating in subsidized summer youth employment activities. Youth transitioning to year-round WIA Youth services after September 30, 2012 must have in place an objective assessment and individual service strategy as required by WIA. The State may not apply this waiver to summer youth employment activities funded solely with WIA formula funds.

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 this waiver has had 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 Carol Padovan, the Federal Project Officer for California, at (415) 625-7946 and [Padovan.Carol@dol.gov](mailto:Padovan.Carol@dol.gov).

Sincerely,

A handwritten signature in black ink that reads "Jane Oates". The signature is written in a cursive, slightly slanted style.

Jane Oates  
Assistant Secretary

Enclosure

**STATE OF CALIFORNIA  
WORKFORCE INVESTMENT ACT (WIA)  
WAIVER REQUEST**

**Waiver Relating to Performance Measures for Summer Youth Activities Funded  
by WIA and Temporary Assistance for Needy Families (TANF)**

The California Workforce Investment Board (State Board) and the Employment Development Department (EDD), as the administrative entity of the WIA, submit this request for a waiver to the use of Common Measures for Youth enrolled in summer employment activities funded in conjunction with TANF funds.

In keeping with the guidelines set forth at WIA Section 189(i)(4)(B) and 20 Code of Federal Regulations Part 661.420(c), please accept the following as a request for waiver.

The State Board respectfully requests a waiver to common measures for youth to allow the State to use the work readiness indicator as the only performance measure for youth co-enrolled in WIA and TANF summer employment activities. The Common Measures waiver was granted to the State on December 11, 2007 and extended through December 31, 2011. This waiver request would permit the work readiness indicator to be used during the period May 1, 2012 through September 30, 2012.

**A. Statutory or Regulatory Requirements to be Waived**

Common Measures for Youth specified in Employment and Training Agency Training and Employment Guidance Letter 17-05 and approved for use by California on December 11, 2007.

**B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is  
Granted**

Focusing on the work readiness indicator allows the State Board and its local areas to give youth a unique opportunity to explore work experiences that may not have been possible without the pooling of WIA and TANF funds. Without this waiver, the performance requirements would impede the true intent of this summer employment program as concerns over performance would overshadow the great opportunities and choices given to California's youth during these challenging economic times.

Local areas are currently receiving their Program Year (PY) 2012 Youth allocations and significant TANF funding, if leveraged, can also be used to provide subsidized summer employment opportunities to youth. TANF agencies are encouraged to pool their resources with local areas to provide programs for low-income and at-risk youth. By applying this flexibility to programs funded in conjunction with TANF funds, local areas will have the option to combine all available funding resources, and therefore work

cooperatively with TANF agencies to craft and provide the best summer youth employment programs possible.

Allowing the local areas this flexibility will in turn allow them to use more of their resources to focus on the critical goal of offering at-risk youth with subsidized summer employment activities, without creating new administrative burdens.

This waiver becomes even more critical as the youth employment rate has continued to remain extremely low during the current economic downturn. The need still exists for continued outreach and opportunity. If this waiver is granted, the local areas and TANF agencies will be able to expeditiously serve low income participants as well as those with barriers to employment, such as out-of-school youth and those most at risk of dropping out; youth in and aging out of foster care; youth offenders and those at risk of court involvement; homeless and runaway youth; children of incarcerated parents; migrant youth; Indian and Native American youth; and youth with disabilities. The local areas will offer supportive services, occupational skills training, and other relevant services youth this summer.

### **C. State or Local Statutory or Regulatory Barriers**

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

### **D. Description of Individuals Impacted by the Waiver**

Youth participants ages 16-24 are impacted by this waiver request. In addition, the local areas, local TANF agencies and their business partners that employ the eligible youth will be impacted. Only youth participants co-enrolled in both the WIA youth program and TANF will be affected by this waiver.

At this time this requested waiver will only affect the Los Angeles County Workforce Investment Area. If other local areas desire to utilize the waiver, they will be required to submit separate requests to EDD.

It is anticipated that where these TANF and local area partnerships are formed and already operating, both the WIA youth funds and TANF funds will be used to pay wages for youth this summer. Some of these youth will be eligible for both funding sources and may be co-enrolled in both programs. Each youth will meet the eligible criteria for their appropriate funding source (age, eligibility, etc.). Additionally, both WIA and TANF funding will be used to pay youth wages plus contractor costs to run and supervise the youth as appropriate.

The local areas are best positioned to make determinations and assessments of the youth participating in the summer employment opportunities. For those older youth that are not expected to return to school, individual service plans and strategies will be

documented and the participants will be enrolled in WIA Adult programs or provided further education and training under WIA youth funded activities.

**E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver**

Due to the expediency required to implement this program, the public comment period was reduced to 10 calendar days to ensure the necessary flexibility is provided to local areas in a timely manner to effect these summer youth programs and the youth served by them. No public comments were received.

If this waiver is approved, youth who are in need of additional services under WIA shall have the justification documented in their individual service plans and will be enrolled into other experiences such as WIA youth services or co-enrolled into a WIA Adult program or service.

The State Board and the EDD, as the administrative entity of the WIA in California, will monitor all summer youth employment programs. The State's current monitoring policy/procedures will be modified to include a review of the appropriate youth participant plans.

**Addendum**  
**Request for Waivers to 2012 Summer Youth Program**

- 1) An estimate of the *number* of youth that will be co-enrolled in the WIA youth program and in TANF summer youth employment activities during PY 2010;
  - **For summer 2012, it is anticipated that 733 youth will be served from roughly \$1.1 million set aside for summer employment activities.**
  
- 2) An estimate of the *percent* of PY 2010 WIA youth program enrollees that will be co-enrolled TANF summer youth employment participants only, and not participate in the WIA youth program beyond summer;
  - **Based on data from last year's WIA Waiver summer program, for summer 2012, it is anticipated that less than .5 percent of youth will continue on with the WIA Program beyond summer.**
  
- 3) Description of how the state plans to use WIA Youth funds to support co-enrolled summer youth participants;
  - **No State Funds are being used. Los Angeles County is using our WIA Youth Fund in the amount of \$1.1 million to operate the WIA Waiver Program**
  
- 4) A description of continued service plans for co-enrolled participants served under the waiver, such as transition to the WIA Adult program or further education and training under WIA funded youth services.
  - **For those estimated 34 youth who we anticipate will continue beyond the Summer Waiver program, they will most likely be provided with additional services under the regular WIA formula Youth program or have the option of co-enrolling in the Adult Program to obtain the additional training and employment services to achieve the necessary outcomes.**

**STATE OF CALIFORNIA  
WORKFORCE INVESTMENT ACT (WIA)  
WAIVER REQUEST**

**Waiver Relating to Program Design Flexibility for Summer Youth Activities**

The California Workforce Investment Board (State Board) and the Employment Development Department (EDD), as the administrative entity of the WIA, submit this request for a waiver to apply the program design flexibility for summer youth outlined in Training and Employment Notice 35-11 for youth enrolled in summer employment activities funded with WIA youth formula allocations in conjunction with Temporary Assistance to Needy Family (TANF) monies.

In keeping with the guidelines set forth at WIA Section 189(i)(4)(B) and 20 Code of Federal Regulations Part 661.420(c), please accept the following as a request for waiver.

**A. Statutory or Regulatory Requirements to be Waived**

The State Board respectfully requests a waiver of the required program elements in WIA Section 129(c)(2). The waiver would apply to youth co-enrolled in summer youth employment activities funded by WIA youth formula allocations in conjunction with TANF monies.

**B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted**

The goal of this waiver request is to provide the local areas with the flexibility to determine the type and level of assessment to be included in an Individual Service Strategy (ISS) for youth participating in a summer youth employment activity during the summer months only and if the 12 month follow-up will be appropriate for these youth participants.

If this waiver is granted, the local areas and TANF agencies will be able to expeditiously serve low income participants as well as those with barriers to employment, such as out-of-school youth and those most at risk of dropping out; youth in and aging out of foster care; youth offenders and those at risk of court involvement; homeless and runaway youth; children of incarcerated parents; migrant youth; Indian and Native American youth; and youth with disabilities. The local areas will offer supportive services, occupational skills training, and other relevant services for youth this summer.

Overall, the youth employment rate has continued to remain extremely low during the current economic downturn. A recent projection stated that youth summer employment is at its lowest in over four decades. The American Reinvestment and Recovery Act (ARRA) funding for summer youth programs during the summer of 2009 reached large numbers of youth. However, the need still exists for continued outreach and

opportunity. Regular WIA youth formula funding exists and TANF funding is also available. The granting of this waiver will assist TANF entities and local areas to pool their resources to provide opportunities for low-income and at-risk youth.

Allowing for flexibility in assessments, ISSs, and follow-up services allows the State Board and the local areas to give youth a unique opportunity to explore work experiences that may not have been possible without the pooling of WIA and TANF ECF. Without this waiver, the assessment and follow-up requirements would impede the true intent of this summer employment program as concerns over monitoring and separation of funding streams would overshadow the great opportunities and choices given to California's youth during these challenging economic times.

### **C. State or Local Statutory or Regulatory Barriers**

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

### **D. Description of Individuals Impacted by the Waiver**

Youth participants ages 16 to 24 are impacted by this waiver request. In addition, the local areas, local TANF agencies and their business partners that employ the eligible youth will be impacted. Only youth co-enrolled in WIA youth programs and TANF will be affected by this waiver.

At this time the requested waiver will only affect the Los Angeles County Workforce Investment Area. If other local areas desire to use the waiver for their summer programs, they will be required to make separate requests to EDD.

It is anticipated that where these TANF and local area partnerships are formed and operating, both the WIA youth funds and TANF funds will be used to pay wages for youth this summer. Some of these youth will be eligible for both funding sources and may be co-enrolled in both programs. Each youth will meet the eligible criteria for their appropriate funding source (age, eligibility, etc.). Additionally, both WIA and TANF funding will be used to pay youth wages plus contractor costs to run and supervise the youth as appropriate.

The local areas are best positioned to make determinations and assessments of the youth participating in the summer employment opportunities. For those older youth that are not expected to return to school, individual service plans and strategies will be documented and the participants will be enrolled in WIA Adult programs or provided further education and training under WIA youth funded activities.

### **E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver**

Due to the expediency required to implement this program, the public comment period is reduced to 10 days to ensure the necessary flexibility is provided to local areas in a timely manner to effect these summer youth programs and the youth served by them. No public comments were received.

If this waiver is approved, youth who are in need of additional services under WIA shall have the justification documented in their individual service plans and will be enrolled into other experiences such as WIA youth services or co-enrolled into a WIA Adult program or service.

The State Board and the EDD, as the administrative entity of the WIA in California, will monitor all summer youth employment programs. The State's current monitoring policy/procedures will be modified to include a review of the appropriate youth participant plans.