



SEP 14 2011

The Honorable Rick Perry
Governor of Texas
Post Office Box 12428
Austin, Texas 78711

Dear Governor Perry:

We are responding to your requests for waivers of statutory and regulatory requirements under the Workforce Investment Act (WIA). These requests are written in the format identified in WIA Section 189(i)(4)(B) and 20 CFR 661.420(c). The following is the disposition of the State's submission (copy enclosed). 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.

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

The State is requesting a waiver of the reallocation provisions at WIA Sections 128(c)(2) and 133(c)(2), and 20 CFR 667.160(b) to allow it to recapture funds based upon mid-year expenditure benchmarks rather than unobligated balances. The Employment and Training Administration (ETA) denies this waiver. ETA believes that maintaining the statutory provisions of the law ensures that local areas have sufficient time to obligate and expend funds in a manner that best supports the needs of the customers in that area.

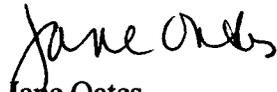
Waiver of WIA Section 134(a) and WIA Section 129 to permit local areas to use a portion of local funds for other statewide activities.

The State is requesting a waiver to permit local areas to conduct allowable statewide activities as defined under WIA Section 134(a)(3) with local WIA formula funding. The State's current approval for this waiver permits it 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 layoff aversion strategy. The State is seeking to expand this waiver to permit local areas to conduct other statewide activities for the purpose of innovative training and service delivery approaches. ETA denies the waiver request to fund other statewide activities identified in the request, and provides clarification below on existing flexibility to conduct several of the requested activities. ETA believes maximizing the use of formula funding at the local level for WIA services is the best use of those funds in the current economic climate where serving unemployed workers is a paramount responsibility of the workforce system. The State may continue to use this waiver for incumbent worker training as part of a layoff aversion strategy, as discussed in a letter to the State dated May 9, 2011.

A few of the activities identified in the request may already be conducted with local area formula funds. Specifically, the State requested to use local area funds to establish a One-Stop delivery system, which is allowable and discussed at WIA Section 134(d)(1)(A)(i). The State is seeking to provide programs to increase training and employment in non-traditional employment, and WIA Section 134(d)(4)(D)(i) authorizes the use of local funds for occupational skills training for non-traditional employment. The State also requested the use of local funds to conduct layoff aversion activities for which rapid response funds may be used (20 CFR 665.320). In addition, the State is seeking to use a portion of local funds to carry out youth activities. Local WIA Youth formula funds may be used to provide a comprehensive set of youth activities discussed at WIA Section 129(c).

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 Nick Lalpui, the Acting Regional Administrator for Region IV, at (972) 850-4600 or Lalpui.Nickolas@dol.gov.

Sincerely,



Jane Oates
Assistant Secretary

Enclosure

Texas Workforce Commission

A Member of Texas Workforce Solutions

Tom Pauken, Chairman

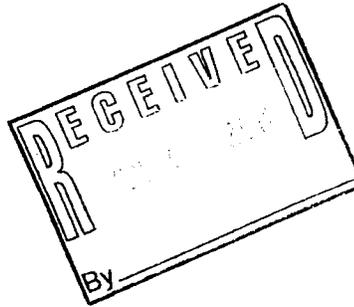
Ronald G. Congleton
Commissioner Representing
Labor

Andres Alcantar
Commissioner Representing
the Public

Larry E. Temple
Executive Director

June 28, 2011

Mr. Joseph C. Juarez
Regional Administrator, Region IV
U.S. Department of Labor
Employment and Training Administration
A. Maceo Smith Federal Building
525 Griffin Street, Room 317
Dallas, Texas 75202



Dear Mr. Juarez:

On behalf of the Texas Workforce Commission (TWC), the state operational entity for the Title I Workforce Investment Act (WIA), I respectfully request approval of the enclosed waiver requests for the State of Texas. The requested waivers were developed in accordance with WIA §189(i)(4) and 20 CFR §§661.400–661.420.

TWC is requesting the following:

1. A waiver of the requirements of WIA §128(c), WIA §133(c), and 20 CFR §667.160 relating to reallocation of available funds. The waiver will allow TWC to base reallocations on mid-year expenditure benchmarks rather than unobligated balances.

Currently, TWC's General Administration rules (40 Texas Administrative Code, Chapter 800) allow TWC to reallocate funds in a manner that best serves Texans who are most in need of services. The rules require the following:

- Local Workforce Development Boards (Boards) not meeting specified targets are not eligible to receive reallocated funds; and
- Funds must be reallocated to Boards that can:
 - effectively design and deliver services for low-income and hard-to-serve individuals; and
 - expend the funds in a manner consistent with U.S. Department of Labor Employment and Training Agency (DOLETA) expectations.

2. A waiver of the requirements of WIA §134(a)(3), WIA §129 (Use of Funds for Youth Activities), WIA §134 (Use of Funds for Employment and Training Activities), and 20 CFR §663.145 to expand the current waiver to allow Boards to designate up to 20 percent of adult, dislocated worker, and youth formula funds as local innovation funds. The additional flexibility would allow Boards to support innovative programs—such as incumbent worker training and transitional employment—designed to give low-income Texans the necessary skills to acquire employment with a self-sufficient wage and to expand their earning potential.

Joseph C. Juarez
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June 28, 2011

TWC seeks to provide Boards with the flexibility to voluntarily provide the following allowable statewide activities:

- a. Innovative incumbent worker training programs (WIA §134(a)(3)(A)(iv)(I));
- b. Programs to increase the number of individuals trained for and placed in nontraditional employment (WIA §134(a)(3)(A)(vi)(II));
- c. Carrying out activities for youth (WIA §129(b)(3));
- d. Development of exemplary program activities (WIA §134(a)(3)(A)(ii));
- e. Conducting research and demonstration for a variety of populations, including youth, adult, and dislocated workers (WIA §134(a)(3)(A)(iii));
- f. Aversion of layoff activities (20 CFR §665.320(d)(1));
- g. Assisting in the establishment and operation of the one-stop delivery systems (WIA §134(a)(2)(B)(v)); and
- h. Other such adult, dislocated worker, and youth activities as determined by the Board via request to the state for approval (WIA §134(a)(3)(A)(vii)).

As required by DOLETA, enclosed is a description of the process for providing notice and opportunity to comment on the waiver requests to Boards and other interested parties.

We appreciate the opportunity to submit these waiver requests and look forward to receiving the Secretary's approval. We believe the waivers will provide increased flexibility to the state and the Boards and will allow TWC to place funds in local workforce development areas most in need.

If you have questions or require additional information, please contact Reagan Miller, Deputy Division Director, Workforce Policy and Service Delivery Branch, at (512) 936-3563.

Sincerely,

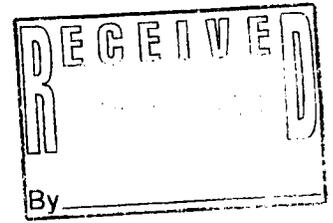
Handwritten signature of Larry E. Temple in cursive, with the words "Larry E. Temple Acting Exec Dir" written in a smaller font below the signature.

Larry E. Temple
Executive Director

Enclosure

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**STATE OF TEXAS
DEOBLIGATION WAIVER REQUEST
WORKFORCE INVESTMENT ACT**



6 **BACKGROUND**

7 As outlined in Texas's Strategic State Plan for Title I of the Workforce Investment Act
8 (WIA) of 1998 and the Wagner-Peyser Act, Texas places great emphasis on serving those
9 most in need. The Texas Workforce Commission (TWC) and Local Workforce
10 Development Boards (Boards) work together to be good stewards of public funds and
11 ensure they are expended as intended.

12
13 TWC accomplishes this through various strategies, including the active oversight of
14 service delivery and expenditures and the flexibility to adjust priorities and funding to
15 best support the needs of local workforce development areas (workforce areas). Because
16 TWC consistently encourages Boards to expend their funds in a manner that best serves
17 the individuals in their workforce areas, Texas has historically sized its program to
18 expediently administer available funds and promptly deliver services to those most in
19 need.

20
21 While federal and state resources have diminished over the years, the need for workforce
22 services has continued to grow. With the announcement of reduced funding for Program
23 Year 2011 (PY'11) and the likelihood that more reductions will occur in the coming
24 years as Congress works to balance the federal budget and lower the deficit, states will
25 bear responsibility for minimizing the impact of these cuts. Success will require states to
26 continue working toward full integration and the greatest flexibility to ensure that funds
27 are targeted to the most at-risk individuals.

28
29 **PROVISIONS TO BE WAIVED**

30 WIA §128(c) and §133(c), and 20 CFR §667.160

31
32 **WAIVER REQUEST**

33 Section 189(i)(4) of WIA provides the Secretary of Labor with broad latitude to waive
34 statutory or regulatory requirements that meet certain requirements. The Secretary's
35 waiver authority includes any of the statutory and regulatory requirements of subtitle B
36 and E of title I of WIA, with certain exceptions, as well as any of the statutory or
37 regulatory requirements of sections 8 through 10 of the Wagner-Peyser Act (29 U.S.C.
38 49g through 49i), with certain exceptions.

39
40 TWC recognizes that the Secretary does not have authority to waive requirements related
41 to allocations. As set out in 20 C.F.R. 661.410(a)(7), the Secretary may not waive
42 requirements related to "allocation of funds to local areas." However, TWC is not
43 requesting a waiver of "allocation of funds to local areas;" instead, TWC's request relates
44 to reallocation, a separate term and process, found in WIA §128(c) and §133(c).

45
46 The difference between "allocation" and "reallocation" has been acknowledged
47 previously by the U.S. Department of Labor (DOL). In approving TWC's reallocation

1 waiver in the past, DOL has made a critical distinction between these terms and
2 processes. In so doing, DOL has clearly concluded that reallocation among local areas is
3 not the same as allocation and thus, did not run afoul of the prohibition against waivers
4 related to “allocation of funds to local areas.”
5

6 To be clear, TWC will in no way change or alter any provision related to allocation to the
7 local areas. Recognizing the Secretary’s authority to waive provisions related to the
8 reallocation of funds, TWC seeks a waiver of the requirements associated with Sections
9 128(c) and 133(c) and 20 CFR§667.160 with respect to the funds available for
10 reallocation based upon mid-year expenditure benchmarks rather than unobligated
11 balances. TWC’s track record on this issue demonstrates clear success in increasing
12 accountability for performance outcomes of Texas and our Local Boards. Furthermore, it
13 is through this and other examples of increased flexibility that Texas has successfully
14 implemented innovative and comprehensive workforce investment systems.
15

16 **WAIVER JUSTIFICATION**

17 As supported by congressional intent, WIA provides the greatest return on investment
18 when integrated with other workforce programs and targeted to individuals receiving
19 public assistance and other low-income individuals, as well as displaced workers and
20 disconnected youth. Texas has a long history of fostering an integrated system and
21 ensuring that resources are used responsibly, and providing the greatest chance for a
22 positive result through cooperative, supportive relationships with Boards and a flexible
23 workforce system that allows the state and Boards to direct funding where it is most
24 needed.
25

26 From PY’06 through PY’08, Texas operated under a waiver of the WIA fund recapture
27 requirements, allowing the state to employ its integrated deobligation processes used with
28 other programs such as Temporary Assistance for Needy Families (TANF) Choices
29 employment program. Boards have consistently performed well, ensuring that services
30 are available throughout their workforce area, but at times the expenditures and
31 performance indicate that the formula for the allocation may be lagging behind current
32 local economic conditions. The Commission has historically encouraged Boards to resize
33 their program and, where appropriate, make voluntary deobligations.
34

35 TWC’s overarching goal is to improve workforce services throughout the state.
36 Deobligation of funds is a means to ensure that all available funding is used to quickly
37 support Texas’s most vulnerable citizens. To assist Boards in spending their allocations
38 and to ensure that deobligation is a last resort, TWC provides technical assistance to help
39 identify and implement strategies to ensure workforce customers are provided services to
40 help them achieve their goals.
41

42 When deobligations are necessary, Texas uses a comprehensive system that considers
43 obligations and expenditures as well as current Board activity and customer needs. This
44 system ensures that WIA funds needed for long-term expenditures, such as those
45 encumbered for participant training, remain at the Board level.
46

1 When Texas operated under the earlier waiver, TWC redistributed WIA funds to those
2 workforce areas with a demonstrated need. Texas recaptured and redistributed
3 approximately \$1.26 million of the nearly \$600 million allocated to Boards.

- 4 • In PY'06, TWC deobligated \$800,000 in WIA youth and dislocated worker funds
5 from two workforce areas and redistributed the funds to eight workforce areas in need
6 of funds beyond their original allocations.
- 7 • In PY'07, two workforce areas with few dislocated workers had a total of \$314,764 in
8 WIA dislocated worker funds deobligated; the funds were then redistributed to four
9 workforce areas with more dislocated workers to serve.
- 10 • In PY'08, TWC deobligated \$147,627 in WIA youth funds from two workforce areas
11 with no demonstrated need for the funds and redistributed the funds to three
12 workforce areas with a demonstrated need.

13
14 With funding at a premium, the number of individuals in need of services continuously
15 growing, and the populations within counties fluctuating, Texas is seeking the
16 reinstatement of this waiver in order to best serve its citizens by ensuring that funding
17 goes to those workforce areas most immediately in need of workforce services.

18 19 **WAIVER APPLICATION**

20 TWC views responsible management of funding as an ongoing, multifaceted process that
21 includes the original allocation of funds, consistent monitoring of the use of those funds,
22 regular and open communication with Boards, and the flexibility to adjust funding as
23 local needs and circumstances warrant. To support Texas's need to be flexible in
24 meeting local needs, TWC rules at 40 Texas Administrative Code (TAC) §§800.74–
25 800.77 describe the process used for all deobligations and redistributions to workforce
26 areas. The deobligation process is used with Choices, Supplemental Nutrition Assistance
27 Program Employment and Training, Project Reintegration of Offenders, and child care
28 funding.

29
30 To ensure the appropriate and complete expenditure of all funds, TWC conducts a
31 monthly performance and expenditure information review with Boards, which includes:

- 32 • expenditure review;
- 33 • communication surrounding areas of concern;
- 34 • submission of service delivery plans for both under-expenditure and over-expenditure
35 of allocations, if appropriate; and
- 36 • continued monitoring of spending using the service delivery plan to evaluate
37 progress, including reviews of training obligations.

38
39 Prior to the acceptance of deobligated funds, TWC meets with the Board's executive
40 director to review expenditures and the Board's spending plan to determine if
41 deobligation is appropriate. To determine the action that will best serve the workforce
42 area, consideration is given to:

- 43 • expansion of service proportionate to the available resources;
- 44 • projected service levels and related performance;
- 45 • reporting outstanding obligations; and
- 46 • any other factors a Board would like considered.

1
2 Funding is deobligated only after TWC, in conjunction with the Board, has determined
3 that the workforce area's needs have been met and the funds are no longer needed.

4
5 To ensure that deobligated funds are redistributed to the workforce areas with the greatest
6 demonstrated need, Boards must submit a funding request outlining:

- 7 • planned use of the requested funds;
- 8 • number of participants to be served/trained with the requested funds;
- 9 • overview of the local situation; and
- 10 • impact to the local community if funds are not received.

11
12 In addition to the information in the funding request, TWC considers the following when
13 determining redistribution to a workforce area:

- 14 1. Amount available for redistribution;
- 15 2. Amount requested by Board;
- 16 3. A demonstrated need for and ability to use additional funds to serve low-income
17 individuals, public assistance recipients, dislocated workers, and unemployment
18 insurance (UI) claimants;
- 19 4. A demonstrated capacity to effectively expend funds to address the need for services
20 in the workforce area;
- 21 5. The Board's established plan for working with at least one of the governor's industry
22 clusters, as specified in the Board's plan; and
- 23 6. The Board's performance during the current and prior performance year.

24 25 *Financial Reporting*

26 TWC ensures that financial reporting will be consistent with current U.S. Department of
27 Labor requirements and that federal funds will be effectively managed for maximum
28 service provision and program performance.

29 30 **WAIVER GOALS**

31 TWC seeks to achieve the following goals with the requested waiver:

- 32 • Ensure that WIA funds are expended to provide assistance to WIA-eligible
33 participants including low-income individuals, recipients of public assistance,
34 dislocated workers, and UI claimants; and
- 35 • Maximize the impact of the limited available funds by targeting workforce areas that
36 have the greatest need.

37
38 If approved, the deobligation of WIA funds will follow TWC's existing procedures for
39 the deobligation of other funds set forth in 40 TAC §§800.74–800.76, which allow TWC
40 to manage available funding to the greatest benefit of its customers.

41 42 **INDIVIDUALS AFFECTED BY WAIVER**

43 The waiver is expected to benefit the following:

- 44 • WIA-eligible individuals, including low-income individuals, recipients of public
45 assistance, dislocated workers, and older youth, by providing additional job skills and
46 employment opportunities.

- 1 • Employers, by directing funds to workforce areas with the greatest need and offering
2 those Boards the opportunity to engage more participants in services to address
3 employer needs.
4

5 **PROCESS TO MONITOR PROGRESS OF WAIVER IMPLEMENTATION**

6 TWC has adopted rules that describe the general deobligation and redistribution
7 provisions that apply to funds allocated to workforce areas. The rules promote effective
8 service delivery, financial planning, and management to ensure full use of funding, and to
9 redistribute funds to populations in need.
10

11 TWC has a standardized expenditure and service delivery oversight process in place for
12 all workforce funds. The process, established in 2005, includes: 1) a monthly budget
13 analysis; 2) a performance analysis; and 3) identification of Boards in need of technical
14 assistance to improve performance, service delivery, or use of funding.
15

16 TWC's deobligation rules provide parameters for making deobligation recommendations,
17 such as consistent monitoring and evaluation of a workforce area's need, the
18 demonstrated inability of a workforce area to effectively expend funds, and a Board's
19 performance during the current program year. Recommendations for deobligation are
20 made in TWC's posted public meetings. Transcripts of all public meetings are
21 maintained on the TWC Website, allowing any person or entity to monitor TWC actions
22 regarding implementation of this waiver.
23

24 **OPPORTUNITY FOR PUBLIC COMMENT**

25 At the June 6, 2011, Executive Director's Council meeting, staff advised the Executive
26 Directors that the Commission would be considering waivers on June 7, 2011, for
27 approval to post for a public comment period. The waiver request was presented at
28 TWC's June 7, 2011, public meeting and posted to the TWC Website for review and
29 comment. The waiver request also was discussed during the June 10, 2011, conference
30 call with Boards. No comments were received. The waiver was considered for approval
31 at TWC's June 28, 2011 public meeting.

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**STATE OF TEXAS
LOCAL INNOVATION FUNDS WAIVER REQUEST
WORKFORCE INVESTMENT ACT**

BACKGROUND

The Workforce Investment Act (WIA) provides a solid foundation on which to build workforce services while allowing federal and state policymakers the flexibility to create programs that fit local needs. As evidenced by the U.S. Department of Labor Employment and Training Administration's (DOLETA) use of innovative grants, this flexibility can provide services to the most vulnerable, thereby helping them to attain self-sufficiency and supporting a stronger economy. Through the Enhanced Transitional Jobs Demonstration project, Career Pathways Innovation Fund Grants program, and the Green Jobs Innovation Fund, DOLETA's grants are fostering programs that will provide relevant, up-to-date skills to fill employers' needs and assist low-income individuals in moving toward a better future.

As outlined in Texas's Strategic State Plan for Title I of the Workforce Investment Act of 1998 and the Wagner Peyser Act, Texas places great emphasis on serving those most in need. By providing dynamic and innovative workforce services to its employers, workers, and job seekers, while best applying its limited funding, Texas ensures the health of its economy and the prosperity of all Texans.

PROVISIONS TO BE WAIVED

WIA §134(a)(3), WIA §129 (Use of Funds for Youth Activities), and WIA §134 (Use of Funds for Employment and Training Activities); and 20 CFR §663.145

WAIVER REQUEST

The Texas Workforce Commission's (TWC) current local activity funds waiver allows the use of up to 10 percent of local WIA adult and 10 percent of local WIA dislocated worker funds for incumbent worker training as a part of a layoff aversion strategy.

Texas is requesting expansion of the current waiver to allow Local Workforce Development Boards (Boards) to designate up to 20 percent of adult, dislocated worker, and youth formula funds as local innovation funds. These funds would allow Boards to support innovative programs, such as incumbent worker training and transitional employment, designed to give low-income Texans the necessary skills to acquire employment with a self-sufficient wage and to expand their earning potential.

TWC seeks to expand the waiver to permit Boards to conduct other allowable statewide activities, as defined by WIA §134(a)(3), using WIA adult, dislocated worker, and youth formula funds. Specifically, TWC requests that Boards be permitted to voluntarily provide the following allowable statewide activities:

1. Innovative incumbent worker training programs (WIA §134(a)(3)(A)(iv)(I));
2. Programs to increase the number of individuals trained for and placed in nontraditional employment (WIA §134(a)(3)(A)(vi)(II));

- 1 3. Carrying out activities for youth (WIA §129(b)(3));
- 2 4. Development of exemplary program activities (WIA §134(a)(3)(A)(ii));
- 3 5. Conducting research and demonstration for a variety of populations, including youth,
- 4 adult, and dislocated workers (WIA §134(a)(3)(A)(iii));
- 5 6. Aversion of layoff activities (20 CFR §665.320(d)(1));
- 6 7. Assisting in the establishment and operation of the one-stop delivery systems (WIA
- 7 §134(a)(2)(B)(v)); and
- 8 8. Other such adult, dislocated worker, and youth activities as determined by the local
- 9 areas via request to the state for approval (WIA §134(a)(3)(A)(vii)).

10 **WAIVER JUSTIFICATION**

11 As government resources diminish, all entities—federal, state, and local—must combine
12 efforts to ensure that Boards have the necessary latitude to provide workforce services
13 that best aid their communities. It is imperative that states and Boards position
14 themselves to obtain maximum results from these dwindling resources.

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16
17 To meet the changing and emergent needs of Texas employers, incumbent workers, job
18 seekers, and youth, TWC and Texas’s 28 Boards are seeking opportunities to develop
19 workforce solutions that both address employers’ needs for skilled workers and
20 assist these individuals in developing skills. Historically, TWC has allocated a portion of
21 Texas’s Governor’s Reserve statewide funds to Boards. This has provided Boards with
22 much needed flexibility to develop innovative strategies that meet their communities’
23 needs. However, given the reduction in the Governor’s Reserve, these funds likely will
24 no longer be available. Thus, only through the expansion of the current waiver will
25 Boards gain this vital flexibility.

26
27 Texas Back to Work (TBTW) is a prime example of the state’s commitment to providing
28 its citizens with the skills and jobs necessary to attain and preserve self-sufficiency.
29 TBTW, which received the 2010 Unemployment Insurance Innovation Award –
30 Reemployment from DOL and the National Association of State Workforce Agencies,
31 has helped nearly 14,000 unemployed Texans find jobs and moved them toward self-
32 sufficiency, thus potentially lessening their need for public assistance. Expansion of the
33 current waiver will allow Boards to continue implementing innovative programs such as
34 TBTW.

35 **WAIVER APPLICATION**

36 The ability to designate WIA formula funds as local innovation funds not only will
37 increase Boards’ flexibility to meet employers’ existing skill demands but will provide
38 Boards the flexibility to meet emergent needs. Greater flexibility also supports the
39 national and state priorities of establishing and maintaining a skilled workforce from
40 which employers can draw workers who are qualified for the jobs of the 21st century.

41
42
43 In its most recent state plan, Texas identified a skills gap among many of its residents that
44 created a challenge for employers seeking qualified workers to compete in the evolving
45 global marketplace. Technology skills are critically needed, especially for those

1 individuals whose native language is not English. The flexibility to establish innovative
2 programs would help close this gap.

3
4 Programs funded by local innovation funds that put more people in training also support
5 President Obama's vision of improving states' flexibility in administering our nation's
6 job training programs and doubling the number of workers receiving training. This
7 vision focuses on ensuring that every individual can access the skills and training needed
8 to succeed in the workplace. In addition, DOLETA, in its Planning Guidance and
9 Instructions for WIA State Plans, emphasizes the need for a market-driven workforce
10 system. By expanding the current waiver to raise the cap on Boards' ability to designate
11 up to 20 percent of each WIA formula fund as local innovation funds, DOLETA will
12 provide Boards with additional resources needed to meet the needs of local employers,
13 incumbent workers, job seekers, and youth, and to design and implement market-driven
14 solutions to help Texas and the nation remain globally competitive.

15 16 *Financial Reporting*

17 TWC will ensure that financial reporting is consistent with current DOLETA
18 requirements and that federal funds are effectively managed for maximum service
19 provision and program performance.

20 21 **WAIVER GOALS**

22 TWC seeks to achieve the following goals with the requested waiver:

- 23 • Ensure the expenditure of WIA funds to provide assistance for WIA-eligible
24 participants, including low-income individuals, public assistance recipients,
25 dislocated workers, youth, and unemployment insurance (UI) claimants; and
- 26 • Maximize the impact of limited funds by providing services that afford the greatest
27 impact.

28 29 **INDIVIDUALS AFFECTED BY WAIVER**

30 The waiver is expected to benefit the following:

- 31 • WIA-eligible individuals, including low-income individuals, public assistance
32 recipients, dislocated workers, youth, and UI claimants, by providing additional job
33 skills and employment opportunities.
- 34 • Employers; by allowing the greatest flexibility possible, funds within a local
35 workforce development area can be used to provide the most extensive benefits in
36 addressing employer needs and ensuring that jobs are available.

37 38 **PROCESS TO MONITOR PROGRESS OF WAIVER IMPLEMENTATION**

39 TWC's monitoring and performance accountability system measures results for
40 employers and other customers of the Texas workforce system. Moreover, TWC
41 continuously analyzes performance reports and compares actual performance with
42 contract targets. TWC will continue to make adjustments to monitoring performance
43 requirements to ensure that performance goals and objectives are met for WIA services,
44 including services created by the use of the waiver. Further, TWC will monitor progress
45 under the waiver through review of monthly expenditure and performance reports

1 submitted by the Boards and through its monitoring and performance accountability
2 system.

3

4 **OPPORTUNITY FOR PUBLIC COMMENT**

5 At the June 6, 2011, Executive Director's Council meeting, staff advised the Executive
6 Directors that the Commission would be considering waivers on June 7, 2011, for
7 approval to post for a public comment period. The waiver request was presented at
8 TWC's June 7, 2011, public meeting and posted to the TWC Website for review and
9 comment. The waiver request also was discussed during the June 10, 2011, conference
10 call with Boards. No comments were received. The waiver was considered for approval
11 at TWC's June 28, 2011 public meeting.

12