



NOV 12 2009

The Honorable David A. Paterson
Governor of New York
State Capitol
Albany, New York 12224

Dear Governor Paterson:

As part of New York'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.

The letter dated June 18, 2009 to New York granted 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; and
- Waiver to permit the State to replace the performance measures at WIA Section 136(b) with the common measures.

The approvals for these waivers remain in effect. The letter dated June 18, 2009 granted temporary extensions of the remainder of New York'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 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 one of the ten youth program elements: 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

this youth program element. 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 regulation 20 CFR 663.820 of the requirement that Dislocated Workers be enrolled in training by the end of the 13th week after layoff to receive needs-related payments.

Provisions related to eligibility of providers and participants are excluded from the WIA waiver authority, and cannot be waived. Therefore, we are denying this waiver.

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 and other statewide activities.

The State is requesting a waiver to permit use of rapid response funds for incumbent worker training and other statewide activities. The State is partially granted this waiver through June 30, 2010; incumbent worker training activities are approved and other activities are denied. 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 lay-off aversion strategy. All training delivered under this waiver is restricted to skill attainment activities. The State is required to report performance outcomes for incumbent workers served under this waiver in the Workforce Investment Act Standardized Record Data system (WIASRD). ETA Training and Employment Guidance Letter No. 14-08, Section 19, issued on March 18, 2009, explained that in order to apply this waiver to funds made available through ARRA, states needed to submit a detailed justification. Because record numbers of unemployed individuals continue to seek the services of the workforce system, ETA believes that the use of Recovery Act funds for incumbent worker training would be inappropriate, and these funds should be devoted to serving those participants without jobs. Therefore, this waiver does not apply to funds made available through ARRA.

ETA denies the State's request to use rapid response funds for other statewide activities. ETA believes that rapid response funds should only be used to enhance services provided to dislocated workers including placement in employment, training, or provision of supportive services. The State's request fell outside these parameters.

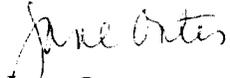
Requested Waiver: Waiver of WIA Section 134(a) to permit local areas to use a portion of local funds for incumbent worker training.

The State previously was granted a waiver of WIA Section 134(a) to permit local areas to use a portion of local Adult, Dislocated Worker, and Youth funds for other statewide activities. 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 these waivers have 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 Holly O'Brien, the Acting Regional Administrator for Region I, at (617) 788-0170 or Obrien.Holly@dol.gov.

Sincerely,



Jane Oates
Assistant Secretary

Enclosure

cc: Lee Reynolds, Federal Project Officer for New York, ETA Boston Regional Office

**State of New York
Workforce Investment Act
Waiver Request**

Inclusion of Youth Follow-Up Services as a Youth Program Framework Service

The New York State Department of Labor (NYSDOL), as the administrative entity of the Workforce Investment Act (WIA) in the State of New York, submits this request for a general waiver to allow follow-up services to be provided as part of the youth program design framework services, without need for a separate competitive procurement process.

Section 123 of WIA stipulates that eligible providers of youth services be selected by awarding a grant or contract on a competitive basis. Part 664.405 of the WIA Regulations further clarifies that this competitive procurement requirement does not apply to the design framework component, such as services for intake, objective assessment and the development of individual service strategy, when these services are provided by the grant recipient/fiscal agent. Grant recipient/fiscal agents that are already providing framework services to youth (as allowed under 664.405) are in a better position to also provide follow-up services these same youth. The requirement of an additional competitive bidding process for follow-up services is duplicative and burdensome. This waiver would create a more streamlined and cohesive approach to case management by allowing these providers of youth framework services to provide personal attention to each youth on a consistent basis throughout their service strategy.

This waiver request is a continuation of a previously approved waiver and will apply for the period of this plan (Program Year 2007 and 2008).

A. Statutory or Regulatory Requirements to be Waived

WIA Section 123, and 20 C.F.R. Part 664.405 which require that eligible providers of youth services be selected by awarding a grant or contract on a competitive basis for all youth activities and services.

B. Goals and Expected Programmatic Outcomes if Waiver is Granted

A waiver will maximize resources by allowing grant recipient/fiscal agent staff who are already providing framework services to provide follow-up services to youth, instead of requiring a separate competitive bidding process. Granting the waiver will allow for greater continuity of service and monitoring of progress of the youth as they move through the various services identified within their individual service strategy. Granting the waiver will allow for a smoother flow of data that documents the delivery of youth services, as well as the outcomes that result from youth participation, since the organization that is providing framework services will be in a better position to understand where each youth is in relationship to his or her individual service strategy, when a youth has exited a WIA service or the WIA program, and when the period for follow-up begins.

We also believe that defining follow-up as a framework service will support the implementation of common performance measures, since the framework service provider will be in the best position to know when a WIA youth is also participating in another partner program, and

therefore make a better administrative judgment as to when program completion will trigger the time period to determine a performance outcome under the new common measures.

C. State or Local Statutory or Regulatory Barriers

There is no state or local statutory or regulatory barrier to implementing the proposed waiver.

D. Description of Individuals Impacted by the Waiver

The waiver will directly impact WIA eligible youth.

E (i). Description of the process(es) used to monitor the progress in implementing the waiver

New York State monitors its thirty-three local areas through the Financial Oversight and Technical Assistance (FOTA) Unit and Program Specialists (program monitoring). Financial oversight reviews are conducted in accordance with the FOTA Review Guide and consist of reviews in areas, such as financial management, cost allocation, procurement, property, One Stop system cost allocation, and program year closeouts. Monthly analyses of reported expenditures are conducted to ensure that local areas are not over or under expending and to determine if spending is commensurate with services provided. Program Specialists use newly revised guides covering Adults, Dislocated Workers, Youth, Summer Youth, Governance and Sub-recipients, as well as monthly desk reviews of services and expenditures.

The State monitoring process results in feedback to the local area, with regard to program performance. Through the use of Local WIA Quarterly Reports and information that includes rosters of individuals in each of the measures, Field staff engage local areas in dialogue related to data quality and performance improvement strategies.

New York State will modify its current monitoring policy and procedures to include the waiver to allow follow-up services to be provided as a youth program framework service as described in this request. Monitoring and feedback will continue as described above.

E. (ii). Description of the process(es) used to provide notice to any Local Board affected by the waiver;

Should the continuation of this waiver be granted, the Department will issue a Technical Advisory (TA) that will be disseminated to Chairpersons of Local Workforce Investment Boards, Chief Elected Officials, WIA Grant Recipients, WIA Fiscal Agents and WIA Local Area Contact Persons. The TA will also be posted on the Workforce New York web site at: http://www.labor.state.ny.us/workforcenypartners/wfnyp_index.shtm.

E. (iii). Description of the process(es) used to provide any Local Board affected by the waiver an opportunity to comment on the request;

New York State's Plan which includes this Waiver Request Attachment was published in the *New York State Register* and posted on the Workforce New York web site at: http://www.labor.state.ny.us/workforcenypartners/wfnyp_index.shtm. A 30 day comment period

was allowed. All comments were taken into account when developing the final draft of this request.

E. (iv). Description of the process(es) used to ensure meaningful public comment, including comment by business and organized labor, on the waiver.

See above response under E. (iii)

**State of New York
Workforce Investment Act
Waiver Request**

Permit the use of up to 25% of the Governor's reserve for statewide rapid response activities to support allowable statewide workforce investment activities

The New York State Department of Labor, as the administrative entity of the Workforce Investment Act (WIA) in the State of New York, submits this request for a waiver of the language limiting the authority to provide the activities at WIA Section 134(a)(1)(B) to statewide reserve funds. This waiver would permit the use of up to 25% of the funds reserved for rapid response activities at WIA Section 133(a)(2) to provide the allowable statewide activities authorized at WIA Section 134(a)(3), with the exception of administration.

This waiver will allow the State to provide additional funding toward the development of statewide level activities, including incumbent worker programs to improve job retention and avoid additional layoffs.

The reduction of available funding in the rapid response reserve will not prevent the State from fulfilling its responsibilities related to rapid response activities.

Since PY 2001, as a matter of State policy, the State of New York has used a portion of its 25% reserve for statewide rapid response activities to make supplemental Dislocated Worker funds available to local areas for rapid response activities. If the proposed waiver is approved, there will be no change in this policy.

This waiver request is a continuation of a previously approved waiver and will apply for the period of this plan (Program Year 2007 and 2008).

A. Statutory or Regulatory Requirements to be Waived

Language limiting the authority to provide the activities at WIA Section 134(a)(1)(B) to statewide reserve funds.

B. Goals and Expected programmatic Outcomes if Waiver is Granted

This waiver will allow for the continuation of the State-local partnership that provides Statewide Activities funds to meet real-time business training needs. The most immediate outcome of this requested transfer will be to increase the number of incumbent workers who would not otherwise be able to be trained. This waiver will allow the State to more effectively direct funding where it is most needed to provide incumbent worker programs.

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

This waiver would support state level activities including but not limited to programs that provide training to incumbent workers.

E (i). Description of the process(es) used to monitor the progress in implementing the waiver

New York State monitors incumbent worker training programs funded through state level activities funds through the Financial Oversight and Technical Assistance (FOTA) Unit. Financial oversight reviews are conducted to ensure reported expenditures and spending are consistent with terms and conditions governing the agreements as well as compliance with applicable WIA law, and rules and regulations. These monitoring activities will be extended to cover any additional activities, including incumbent worker training programs whose funding was made possible by this waiver.

E. (ii). Description of the process(es) used to provide notice to any Local Board affected by the waiver;

Should the continuation of this waiver be granted, the Department will issue a Technical Advisory (TA) that will be disseminated to Chairpersons of Local Workforce Investment Boards, Chief Elected Officials, WIA Grant Recipients, WIA Fiscal Agents and WIA Local Area Contact Persons. The TA will also be posted on the Workforce New York web site at: http://www.labor.state.ny.us/workforcenypartners/wfnyp_index.shtm.

E. (iii). Description of the process(es) used to provide any Local Board affected by the waiver an opportunity to comment on the request;

New York State's Plan which includes this Waiver Request Attachment was published in the *New York State Register* and posted on the Workforce New York web site at: http://www.labor.state.ny.us/workforcenypartners/wfnyp_index.shtm. A 30 day comment period was allowed. All comments were taken into account when developing the final draft of this request.

E. (iv). Description of the process(es) used to ensure meaningful public comment, including comment by business and organized labor, on the waiver.

See above response under E. (iii)

State of New York Workforce Investment Act Waiver Request

To permit New York State to use a portion of American Recovery and Reinvestment Act (Recovery Act) rapid response funds to conduct incumbent worker training as part of a layoff aversion strategy

The New York State Department of Labor, as the administrative entity of the Workforce Investment Act (WIA) in the State of New York, submits this request for a waiver to allow the use of a portion of Recovery Act rapid response funds to support statewide workforce investment activities, specifically layoff aversion through incumbent worker training.

Approval of this waiver would allow the State to provide additional funding toward incumbent worker training programs to improve job retention and avoid additional layoffs. The reduction of available Recovery Act rapid response funding will not prevent the State from fulfilling its responsibilities related to Rapid Response activities.

This waiver will apply to Program Year 2009 and for the life of the Recovery Act funds.

A. Statutory or Regulatory Requirements to be Waived

Section 19 of Training and Employment Guidance Letter 14-08 prohibits certain waivers that appear contrary to the Congressional intent for the funding provided by the Recovery Act, including waivers to permit the state to use a portion of rapid response funds to conduct statewide activities including incumbent worker training. Section 19 does go on to state, however that states may submit a waiver plan to ETA that requests that this waiver apply to Recovery Act funds for the purpose of utilizing incumbent worker training as part of lay-off aversion strategies.

B. Goals and Expected Programmatic Outcomes if Waiver is Granted

New York State has an extensive history of providing WIA statewide activities funding for incumbent worker training programs. Over the last seven years, through five different grant solicitations, New York State has awarded over 1800 contracts totaling \$82.4 million to train over 96,000 incumbent workers. The feedback on these grants from the businesses, the trainees and the local areas has been overwhelmingly positive. Outcomes have included business survival, employee retention, employee promotion, wage increases, increased competitiveness in the global economy, the acquisition of transferable occupational skills, increased productivity, decreased waste, and the like. These outcomes would be expected under any and all new programs made possible by this waiver. One real-world example of incumbent worker training as part of a layoff aversion strategy has been seen hundreds of times under prior grants. Manufacturers who are told by their customers that they must become ISO certified or they will be replaced by firms with that certification. Faced with significant training costs and short time frames, incumbent worker training grants make it possible for them to achieve certification, maintain their customer base and avoid layoffs and closure. Maintaining the presence and health of these firms and the spending power that their employees' salaries represent have also positively impacted their local economies and prevented downsizing among other firms.

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

This waiver would support state level programs that provide training to incumbent workers.

E (i). Description of the process(es) used to monitor the progress in implementing the waiver

New York State monitors incumbent worker training programs funded by state level activities funds through the Financial Oversight and Technical Assistance (FOTA) Unit. Financial oversight reviews are conducted to ensure reported expenditures and spending are consistent with terms and conditions governing the agreements as well as compliance with applicable WIA law, and rules and regulations. This process would also be followed with Recovery Act funds.

These monitoring activities will be extended to cover incumbent worker training programs whose funding was made possible by this waiver.

E. (ii). Description of the process(es) used to provide notice to any Local Board affected by the waiver;

This waiver will not directly affect any Local Boards. However, should the waiver be granted, the Department will issue a Technical Advisory (TA) that will be disseminated to Chairpersons of Local Workforce Investment Boards, Chief Elected Officials, WIA Grant Recipients, WIA Fiscal Agents and WIA Local Area Contact Persons. The TA will also be posted on the Workforce New York Partners home page on the Department's web-site at:

<http://www.labor.state.ny.us/workforcenypartners/tas.shtm>.

E. (iii). Description of the process(es) used to provide any Local Board affected by the waiver an opportunity to comment on the request;

Local Workforce Investment Board (WIB) Chairs, WIB Executive Directors and One-Stop Operators received a copy of the draft waiver request via email. Notice of the waiver request was also published on the Workforce New York Partners home page under the "What's New" section at: http://www.labor.state.ny.us/workforcenypartners/wfnyp_index.shtm. A 10-day comment period was allowed. All comments were taken into account when developing the final draft of this request.

E. (iv). Description of the process(es) used to ensure meaningful public comment, including comment by business and organized labor, on the waiver.

Notice of the waiver request was posted on the Workforce New York Partners home page on the Department's web-site under the "What's New" section at: http://www.labor.state.ny.us/workforcenypartners/wfnyp_index.shtm. A 10-day comment period

was allowed. All comments were taken into account when developing the final draft of this request.

**State of New York
Workforce Investment Act
Waiver Request**

Permit local areas to request the use of up to 10 percent of the local area's formula allocation funds to support local incumbent worker training programs

The New York State Department of Labor, as the administrative entity of the Workforce Investment Act (WIA) in the State of New York, submits this request for a waiver of the language that limits the authority to provide the activities identified in WIA Section 134 to the State. The waiver will allow local areas to request the use of up to 10 percent of the local area's formula allocation funds for adult, dislocated workers, and youth to provide statewide employment and training activities identified at WIA Section 134(a)(3), excluding administration.

Local Areas will submit a request to the State for approval prior to implementing this action. The waiver will enhance the ability of the State and local areas to carry out WIA Title IB adult, youth, and dislocated worker activities. Funds will continue to be tracked by funding stream, and will not be combined, losing individual funding stream identity.

This waiver request is a continuation of a previously approved waiver and will apply for the period of this plan (Program Year 2007 and 2008).

A. Statutory or Regulatory Requirements to be Waived

Language that limits the authority to provide the activities identified in WIA Section 134 to the State.

B. Goals and Expected programmatic Outcomes if Waiver is Granted

There are several benefits to be derived by the approval of this waiver request.

- It will help promote the development of local projects to improve job retention and avoid additional layoffs.
- It will provide greater flexibility to Local Boards in designing and implementing WIA programs.
- It will improve the ability of Local Boards to respond to changes within their Local Areas.
- It will contribute to alignment of New York State's local level workforce development strategy with the Governor's vision for an improved workforce system.
- More customers will have access to essential services.
- It will increase services to higher skilled and higher wage businesses, which may or may not otherwise be served by the local workforce system.

Finally, it would enhance alignment of New York State's workforce development strategies with USDOL's national strategic priorities, including enhanced integration of workforce investment systems to better be able to respond to the needs of customers; and provide greater flexibility in structuring workforce investment systems.

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

The most immediate outcome of the requested transfer will be to increase the numbers of incumbent workers who would not otherwise be trained.

E (i). Description of the process(es) used to monitor the progress in implementing the waiver

New York State monitors its thirty-three local areas through the Financial Oversight and Technical Assistance (FOTA) Unit and Program Specialists (program monitoring). Financial oversight reviews are conducted in accordance with the FOTA Review Guide and consist of reviews in areas, such as financial management, cost allocation, procurement, property, One Stop system cost allocation, and program year closeouts. Monthly analyses of reported expenditures are conducted to ensure that local areas are not over or under expending and to determine if spending is commensurate with services provided. Program Specialists use newly revised guides covering Adults, Dislocated Workers, Youth, Summer Youth, Governance and Sub-recipients, as well as monthly desk reviews of services and expenditures.

The State monitoring process results in feedback to the local area, with regard to program performance. Through the use of Local WIA Quarterly Reports and information that includes rosters of individuals in each of the measures, field staff engages local areas in dialogue related to data quality and performance improvement strategies.

New York State will modify its current monitoring policy and procedures to include the use by local areas of 10% of their formula allocation to fund incumbent worker training programs. Monitoring and feedback will continue as described above.

E. (ii). Description of the process(es) used to provide notice to any Local Board affected by the waiver;

Should the continuation of this waiver be granted, the Department will issue a Technical Advisory (TA) that will be disseminated to Chairpersons of Local Workforce Investment Boards, Chief Elected Officials, WIA Grant Recipients, WIA Fiscal Agents and WIA Local Area Contact Persons. The TA will also be posted on the Workforce New York web site at: http://www.labor.state.ny.us/workforcenypartners/wfnyp_index.shtm.

E. (iii). Description of the process(es) used to provide any Local Board affected by the waiver an opportunity to comment on the request;

New York State's Plan which includes this Waiver Request Attachment was published in the *New York State Register* and posted on the Workforce New York web site at: http://www.labor.state.ny.us/workforcenypartners/wfnyp_index.shtm. A 30 day comment period

was allowed. All comments were taken into account when developing the final draft of this request.

E. (iv). Description of the process(es) used to ensure meaningful public comment, including comment by business and organized labor, on the waiver.

See above response under E. (iii)

**State of New York
Workforce Investment Act
Waiver Request**

Requirements for Dislocated Workers Relating to Eligibility for Needs Related Payments

The New York State Department of Labor (NYSDOL), as the administrative entity of the Workforce Investment Act (WIA) in the State of New York, submits this request for a general waiver from the requirements included under WIA Section 134(e)(3)(B)(i) and (ii).

General policy guidelines in Training and Employment Guidance Letter (TEGL) 14-08, *Guidance for Implementation of the Workforce Investment Act and Wagner-Peyser Act Funding in the American Recovery and Reinvestment Act of 2009 and State Planning Requirements for Program year 2009*, specifically include timely spending of Recovery Act funds and increasing workforce system capacity and service levels. A waiver of the above referenced Section 134 criteria will facilitate entry to training services for dislocated workers and will enhance the number of dislocated workers who enter training services.

A. Statutory or Regulatory Requirements to be Waived

WIA Section 134 (e)(3)(B) states that a dislocated worker may be eligible to receive needs-related payments under this paragraph only if such worker was enrolled in the training services: (i) by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility for employment and training activities for dislocated workers under this subtitle; or (ii) if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months.

B. Goals and Expected Programmatic Outcomes if Waiver is Granted

The main goal that will be achieved through the granting of this waiver is to increase numbers of dislocated workers who enter training services and/or continue training services to completion.

Once a dislocated worker has ceased to qualify for unemployment compensation, family subsistence becomes an even greater priority than in previous weeks or months. An anticipated loss of this source of financial support may deter dislocated workers from entering training that could potentially qualify them for higher wages or in-demand occupations. Dislocated workers in training may be forced to drop out of the training once their unemployment benefits run out.

Dislocated workers who initially pursue job seeking activities are discovering that the recession has contracted career opportunities to the extent that re-training has become a more viable option. Removal of the timing constraints related to the availability of needs-related payments for dislocated workers will not penalize dislocated workers for delayed entry into allowable training services, will facilitate participant choice, and is consistent with the Recovery Act's emphasis on using funds for training activities, supportive services and needs-related payments.

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

The waiver will impact dislocated workers enrolled in WIA training services.

E(i). Description of the process(es) used to monitor the progress in implementing the waiver

In response to the emphasis in the Recovery Act on increasing the number of individuals trained, and to ensure these individuals receive the necessary supportive services and needs-related payments that may be required for them to successfully complete training, NYSDOL is expanding its monthly expenditure report format to have local areas report their training, needs-related payments, and supportive services expenditures. In addition, local areas are being asked to prepare an abbreviated local plan revision that focuses on program changes that are being implemented as a result of the Recovery Act. The planning guidance will require local areas to update their supportive service and needs-related policies and payment structures in light of the programmatic expectations highlighted in TEGL 14-08.

Currently, local areas are provided with quarterly updates on the numbers of individuals being trained since it is tracked for the State's incentive and sanction policy. The numbers of individuals being trained will continue to be tracked and reported so that we will be able to measure the increase in individuals being trained by funding stream (including dislocated workers).

E (ii). Description of the process(es) used to provide notice to any Local Board affected by the waiver;

Should the waiver be granted, the Department will issue a Technical Advisory (TA) that will be disseminated to Chairpersons of Local Workforce Investment Boards, Chief Elected Officials, WIA Grant Recipients, WIA Fiscal Agents and WIA Local Area Contact Persons. The TA will also be posted on the Workforce New York Partners home page on the Department's web-site at: <http://www.labor.state.ny.us/workforcenypartners/tas.shtm>.

E (iii). Description of the process(es) used to provide any Local Board affected by the waiver an opportunity to comment on the request;

Local Workforce Investment Board (WIB) Chairs, WIB Executive Directors and One- Stop Operators received a copy of the draft waiver request via email. Notice of the waiver request was also published on the Workforce New York Partners home page under the "What's New" section at: http://www.labor.state.ny.us/workforcenypartners/wfnyp_index.shtm. A 10-day comment period was allowed. All comments were taken into account when developing the final draft of this request.

E (iv). Description of the process(es) used to ensure meaningful public comment, including comment by business and organized labor, on the waiver.

Notice of the waiver request was posted on the Workforce New York Partners home page on the Department's web-site under the "What's New" section at:

http://www.labor.state.ny.us/workforcenypartners/wfnyp_index.shtm. A 10-day comment period was allowed. All comments were taken into account when developing the final draft of this request.