

**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 TEG 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](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](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.