

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

**Utilization of Work Readiness as Sole Performance Indicator for Youth Aged 18-24  
Participating in Work Experience (Only) After September 30, 2009.**

The New York State Department of Labor (NYSDOL), as the administrative entity of the Workforce Investment Act (WIA) in the State of New York, requests to use the work readiness indicator as the only performance indicator for out-of school youth, ages 18 – 24, served with Recovery Act funds, who only participate in work experience for the time period October 1, 2009 through March 31, 2010.

We anticipate that most of the youth aged 18-24 who will participate in the Summer Youth Program will be out-of-school youth who have severed ties with the traditional secondary educational process. This will make them available for continued work experience beyond the established Recovery Act Summer Youth Program end date of September 30, 2009. Under the Fair Labor Standards Act, their age will also make them available for a wider array of work experiences.

The current state of the economy dictates that continuation of wages may be a critical subsistence component for these participants and/or their dependents. Under current WIA regulations, such activity would ordinarily carry additional performance criteria which might lead to premature participant exits or deter these youth from continuing their participation in WIA funded activities. Providing these young adults with the opportunity to continue to build their work readiness skills will also provide local areas with additional time to keep this often hard-to-retain youth population engaged in workforce development activities. Interested youth will be invited to consider transitioning to the WIA adult program or to pursue further education and training activities provided under the WIA program, funded by the Recovery Act or regular WIA formula dollars. In particular, extending the time frame will provide the youth with more time to explore career and training options, and for local program operators to market the various services that can be accessed. Youth engaged in work experiences later in the summer or in the fall will now have ample opportunity to think about transitioning to training and educational opportunities that will become available in the spring semester.

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

The indicators of performance authorized under section 136, which include:

**Sec. 136(b)(2)(A)(ii)(I)** attainment of basic skills and, as appropriate, occupational skills;

**Sec. 136(b)(2)(A)(ii)(II)** attainment of secondary school diplomas and their recognized equivalents; and

**Sec. 136(b)(2)(A)(ii)(III)** placement and retention in postsecondary education or advanced training, or placement and retention in military service, employment, or qualified apprenticeships.

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

The main goal that will be achieved through the granting of this waiver will be to provide older youth with more time to increase their work readiness and to participate in additional workforce development activities that may help them to transition to post-secondary education or occupational training activities. More importantly, the ongoing work experience activity will keep these disconnected youth engaged so that they can make an informed choice about the further education and training options that can be made available to them under the Workforce Investment Act.

As a result of this waiver request being granted, the State anticipates that local areas will be able to transition a good portion of their older youth participants into workforce development activities beyond 3/31/10.

**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**

Out-of-school youth ages 18 to 24 served with Recovery Act funds beyond the summer months, through March 31, 2010, who participate in work experience only.

**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 review 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 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 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.