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NEW YORK STATE WORKFORCE DEVELOPMENT SYSTEM TECHNICAL ADVISORY

Workforce Development System Technical Advisory #09-7

TO: Workforce Development Community

DATE: May 18, 2009

SUBJECT Workforce Investment Act (WIA) Title IB Adult and Dislocated Worker Transfer Requests and Administration to Program Funds Transfer Requests

Purpose

To notify the Local Workforce Investment Areas (LWIAs) of the transfer authority for Adult and Dislocated Worker funds, Administration funds and originating Program funds, and to provide the New York State Department of Labor's policies and procedures for requesting such transfers.

Effective July 1, 2009, this Technical Advisory (TA) supersedes the previous Transfer Request TA: Technical Advisory #08-6 dated October 8, 2008.

Background

The Workforce Investment Act Final Rules, Section 667.140, grant Local Workforce Investment Boards (LWIBs) the authority to transfer up to twenty percent (20%) of a program year allocation between Adult and Dislocated Worker Employment and Training Programs upon approval of the Governor. This transfer authority is applicable to PY 2008 American Recovery and Reinvestment Act (Recovery Act) and PY 2009 WIA formula funds only and does not apply to the Youth Program funds.

The FY 2009 Omnibus Appropriations Act, signed by President Obama sustains the 2008 Omnibus bill level of transfer authority between adult and dislocated worker funds at thirty percent (30%) and is effective July 1, 2009, for PY 2009 only, to provide the LWIAs with greater flexibility to manage and meet local workforce needs.

TEGL 14-08 change 1 increases the allowable transfer limit between Recovery Act Adult and Dislocated Worker programs from 20% to 30%.

The Workforce Investment Act Final Rules, Section 667.210(a)(2), grant local areas the authority to expend no more than ten percent (10%) of the amount allocated, to a local area under Sections 128(b) and 133 (b) of the Act, on Administrative functions.

Action

LWIAs opting to transfer funds in accordance with this TA should complete the appropriate transfer request form(s) on the Workforce New York website (“WIA Title IB Adult and Dislocated Worker Transfer Request” and “WIA Administration to Program Funds Transfer Request”). Directions for completing and e-mailing the forms to NYSDOL can be found at the bottom of each form. A copy of each form is attached for your reference (see the links to Attachments A and B below).

Guidelines: Guidelines for transferring funds are as follows:

1. All PY 2008 Recovery Act and PY 2009 WIA formula funds transfer requests must be received by the New York State Department of Labor (NYSDOL) no later than June 30, 2010. Forms for requesting a transfer of funds and directions for submittal are available on the NYSDOL website, www.workforcenewyork.org. This information can be found under Forms and Publications.
2. Funds retain their year-of appropriation identity and must be tracked, accounted for and reported as follows:
 - Transfers between Adult and Dislocated Worker funds will be reported on the Monthly Accrued Expenditure Report separately in a section identified expressly for expenditures associated with the transfer.
 - Administration funds transferred to the originating program funds will be reported as part of the originating program.

When transferring funds from Administration back to the originating program funds:

- No more than the original ten percent (10%) designated as Administration can be returned to program funds.
- For example, if \$100,000 were awarded as Adult funds and this allocation was split on the NOA between adult (\$90,000) and Administration (\$10,000), the maximum transfer that could be made between Administration and Adult funds would be \$10,000.

In addition, the LWIA must provide documentation that the transfer request has the concurrence and approval of the LWIB. Proof of concurrence must be made by either an e-mail from the LWIB Director or a fax transmittal of a document signed by the LWIB Director detailing the Board's agreement and a statement that no eligible participant will be denied services, including training services, due to lack of funds.

Upon receipt of the transfer request document, NYSDOL Field and FOTA staff will review the LWIA's actual participant services and accrued expenditure levels. Local areas should be aware that under-spending and a lack of or limited number of participants for a particular funding stream does not automatically provide justification for transfer of funds to another program. The local area should be making every available effort to expend the program funds appropriately in accordance with the area's economic and business environment and exploring innovative ideas for outreach/marketing services. Once the transfer request review process is complete, a determination notice will be sent to the LWIA.

Inquiries

Please direct all questions regarding this Technical Advisory to your State Representative and/or FOTA staff as appropriate.

Attachments

- A. [WIA Title IB Adult and Dislocated Worker Transfer Request](#)
- B. [WIA Administration to Program Funds Transfer Request](#)