

DIRECTIVE

WORKFORCE SERVICES

Number: WSD09-4

Date: September 28, 2009

69:123:cs:12947

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: IMPLEMENTATION OF WORK READINESS INDICATOR FOR ARRA
SUMMER YOUTH

EXECUTIVE SUMMARY:

Purpose:

The purpose of this directive is to convey the policy and procedural information pertaining to a waiver granted to the State of California under the Workforce Investment Act of 1998 (WIA). This waiver allows the State to use the work readiness indicator as the sole indicator of performance for out-of-school youth ages 18 to 24 who are served with American Recovery and Reinvestment Act (ARRA) funds and participate in work experience only from October 1, 2009, through March 31, 2010.

Scope:

This directive applies to the 49 Local Workforce Investment Areas (LWIAs) and all lower-tier subrecipients of ARRA funding under the WIA program.

Effective Date:

This directive is effective upon release.

REFERENCES:

- WIA Sections 136 and 189(i)
- ARRA of 2009
- Title 20 Code of Federal Regulations Parts 661.400 – 661.420
- Department of Labor (DOL) Training and Employment Guidance Letter (TEGL) 24-08, WIA and Wagner-Peyser Act Performance Accountability Reporting for ARRA (May 21, 2009)
- DOL TEGL 14-08, Guidance for Implementation of WIA and Wagner-Peyser Act Funding in ARRA and State Planning Requirements for Program Year (PY) 2009 (March 18, 2009)

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- DOL TEGL 17-05, Common Measures Policy for the Employment and Training Administration's (ETA) Performance Accountability System and Related Performance Issues (February 17, 2006)
- Workforce Services Information Notice WSIN08-64, Proposed Waiver of Common Measures for ARRA Funded Youth Programs (June 9, 2009)
- WSIN08-56, ARRA Youth Formula Fund Grant Codes (April 30, 2009)

STATE-IMPOSED REQUIREMENTS:

This directive contains only State-imposed requirements.

FILING INSTRUCTIONS:

This directive finalizes Workforce Services Draft Directive WSDD-25, issued for comment on August 5, 2009. The Workforce Services Division received two comments during the draft comment period; the comments received resulted in substantive changes to this directive that are viewed as highlighted text. The highlighted text will remain on the Internet for 30 days from the issuance date. A summary of the comments and their corresponding resolutions are provided as Attachment 2. Retain this directive until further notice.

BACKGROUND:

The ARRA, signed by President Obama on February 17, 2009, is intended to preserve and create jobs, promote the nation's economic recovery, and assist those most impacted by the recession. It presents an opportunity for the workforce investment system to operate expanded summer youth employment programs, and provide as many youth as possible with work experience.

Under ARRA, the period of WIA summer youth employment is from May 1 through September 30. In order to facilitate the implementation of expanded summer employment, the DOL granted states and local areas program design flexibility, including flexibility of performance indicators. As stated in the ARRA, and detailed in TEGL 14-08, the sole performance indicator used for youth that participate in summer work experience only is the work readiness portion of the original Youth Skill Attainment Rate, referenced in WIA Section 136(b)(2)(A)(ii).

In support of the intent of Congress to serve youth, ages 18 to 24 through work experience in a time of difficult employment, TEGL 14-08 informs states that they may request a waiver to remove summer youth participants, co-enrolled in the year-round ARRA program, from the common measures performance outcomes. Consistent with this guidance, on June 17, 2009, the State sought a waiver in order to: (1) waive the youth common measures for out-of-school youth, ages 18 to 24 served with ARRA funds who participate in work experience only beyond September 30, 2009, and (2) use the work readiness indicator as the only indicator of performance for this group during the period of October 1, 2009 through March 31, 2010. On June 29, 2009, the DOL granted California approval of its waiver request.

POLICY AND PROCEDURES:

California has been granted its waiver request from the use of common measures for summer youth participants that are co-enrolled in the year-round ARRA program. Specifically, this waiver impacts out-of-school youth, ages 18 to 24, served with ARRA funds between October 1, 2009 and March 31, 2010, who either: (1) participate in work experience only; or (2) participate in work experience only and receive supportive services. This waiver applies to both summer youth participants who are ages 18 to 24, out-of-school, and continue in work experience beyond September 30, 2009, and out-of-school youth, ages 18 to 24, who enroll in ARRA funded work experience only between October 1, 2009, and March 31, 2010. The summer youth participants who are determined to be in need of additional work experience beyond September 30, 2009, shall have the justification documented in their individual service plans. This waiver is applicable from October 1, 2009, through March 31, 2010, and does not apply to youth participating in other WIA youth program elements.

This waiver allows the State to use the work readiness portion of the original Youth Skill Attainment Rate, referenced in WIA Section 136(b)(2)(A)(ii), as the sole indicator of performance for youth subject to the waiver. The Work Readiness Skills Goal, as defined in TEGL 17-05, Attachment B, includes a measureable increase in work readiness skills, including world-of-work awareness, labor market knowledge, occupational information, values clarification and personal understanding, career planning and decision making, and job search techniques. It also encompasses survival/daily living skills, positive work habits, attitudes and behaviors, showing initiative and reliability, and assuming the responsibilities involved in maintaining a job. When setting work readiness goals, LWIAs should follow the definition for a work readiness skill goal as specified above. The key part of the definition is the need for LWIAs to determine whether a youth has achieved a measureable increase in work readiness skills. Local areas should establish a methodology for determining work readiness skills upon beginning and completing the work experience in order to determine whether a measurable increase has occurred. Although LWIAs are not required to use a specific assessment instrument to determine pre- and post-work readiness skills, LWIAs can choose from a variety of assessment tools including worksite supervisor evaluations, work readiness skill checklists administered by program staff, portfolio assessments, and any other relevant forms of assessing work readiness skills.

For purposes of participant reporting, youth participants subject to this waiver (i.e., summer youth participants who are ages 18 to 24, out-of-school, and continue in work experience beyond September 30, 2009, and out-of-school youth, ages 18 to 24, who enroll in ARRA funded work experience only between October 1, 2009, and March 31, 2010) should be reported as participants under Grant Code 107 in the Job Training Automation system. These participants should not be co-enrolled in Grant Code 103. This separate grant code will be used to distinguish participants for whom the sole indicator of performance is the Work Readiness Skills Goal. Using this grant code for these participants will ensure proper reporting of the participant data elements and performance results.

ACTION:

Implementation of this waiver could affect locally established policies and procedures. If programmatic changes occur, local areas may need to include them in their PY 2009-10 Local Plan Modifications.

Please bring this directive to the attention of all relevant parties.

INQUIRIES:

If you have any questions, please contact your [Regional Advisor](#) at (916) 654-7799.

/S/ BOB HERMSMEIER
Chief
Workforce Services Division

Attachments

U.S. Department of Labor

Assistant Secretary for
Employment and Training
Washington, D.C. 20210



JUN 29 2009

The Honorable Arnold Schwarzenegger
Governor of California
State Capitol
Sacramento, California 95814

Dear Governor Schwarzenegger:

The Employment and Training Administration (ETA) is pleased to be able to respond positively to your request for waivers of statutory and regulatory requirements under the Workforce Investment Act (WIA). 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 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 (copy enclosed).

Requested Waiver: Waiver of performance measures for youth who participate in work experience only.

The State has requested a waiver of the common performance measures for out-of-school youth ages 18 to 24, who participate in work experience that occurs outside of the summer months.

When submitting a plan to request this waiver, the State must provide a justification for the waiver and address continued service plans for participants served under the waiver, such as transition to the WIA Adult program (i.e., co-enrollment in WIA Adult services) or further education and training activities under WIA or Recovery Act-funded youth services. See TEGL No. 14-08, Section 19, issued by ETA on March 18, 2009.

The State's written request meets the ETA requirements outlined above. The requested waiver is approved and allows the State to use the work readiness indicator as the only indicator of performance for such youth. The waiver only applies to youth served through WIA Youth program funds made available through Recovery Act. The waiver is only applicable from October 1, 2009, through March 31, 2010, the first six months following the summer of 2009.


In recognition that many older and out-of-school youth need supportive services to enable them to participate in work experience, this waiver can be applied to out-of-school youth ages 18 to 24, that receive supportive services in addition to participating in work experience. The waiver would not apply to such youth participating in other WIA youth program elements.

As part of its summer youth performance measures request, the State also requested an extension of the waiver to replace the performance measures at WIA Section 136(b) with the common measures. The State also requested the common measures waiver earlier, as part of its request to extend the WIA/Wagner-Peyser Act State Plan and all the State's waivers. ETA's response, under separate cover, approving the extension of the State's waivers includes an approval to use the common measures.

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, we encourage the State to address the impact this waiver has 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, please do not hesitate to call me at (202) 693-2700, or contact your State's Federal Project Officer in the Regional Office.

Sincerely,


Jane Oates
Assistant Secretary

Enclosure

cc: Ralph Zackheim, Federal Project Officer for California, ETA San Francisco Regional Office



Labor & Workforce Development Agency

June 17, 2009

**Governor
Arnold
Schwarzenegger**

**Acting Secretary
Douglas Hoffner**

Mr. Richard Trigg
Region VI - Regional Administrator
U.S. Department of Labor/ETA
90 7th Street, Suite 17-300
San Francisco, CA 94103-1516

Agricultural
Labor
Relations
Board

Ms. Janet Sten, Federal Coordinator
U.S. Department of Labor – ETA
200 Constitution Ave., NW, RM. S-4231
Washington, D.C. 20210

California
Business
Investment
Services

Re: American Recovery and Reinvestment Act (ARRA) Summer Youth Employment
Waiver Request

Mr. Trigg and Ms. Sten:

California
Unemployment
Insurance
Appeals
Board

Attached is a Waiver Request to the use of Common Measures for youth participating in work experience beyond September 30, 2009 and permit the work readiness indicator to be used during the period of October 1, 2009 through March 31, 2010. This waiver will provide for greater flexibility in the summer youth program utilizing the American Recovery and Reinvestment Act funding by allowing the local areas to serve more youth and provide additional work experience when necessary and determined to be a part of the eligible youth's individual service strategy.

California
Workforce
Investment
Board

This waiver would only be effective for the youth employment component of ARRA and would not apply to any other aspect of the Workforce Investment Act.

Department of
Industrial
Relations

Please contact Barbara Halsey at 916-324-3425 if you have any questions or concerns regarding this Waiver Request.

Economic
Strategy
Panel

Sincerely,

Doug Hoffner, Acting Secretary
Labor and Workforce Development Agency
Workforce Investment Act Signatory Official

Employment
Development
Department

Employment
Training
Panel

Attachment

cc: Ralph Zackheim, USDOL, Region VI
Amy Young, USDOL
Patrick Henning, Director Employment Development Department

**STATE OF CALIFORNIA
WORKFORCE INVESTMENT ACT (WIA)
WAIVER REQUEST**

**Waiver Relating to Performance Measures for Youth Programs Funded under the
American Recovery and Reinvestment Act (ARRA)**

The California Workforce Investment Board (State Board) and the Employment Development Department, as the administrative entity of the WIA, submit this request for a waiver to the use of Common Measures for Youth; a waiver previously granted to California on December 11, 2007.

In keeping with the guidelines set forth at WIA Section 189(i)(4)(B) and 20 Code of Federal Regulations (CFR) Part 661.420(c), please accept the following as a request for waiver.

The State Board respectfully requests a waiver to allow the State to use the work readiness indicator only for youth who participate in work experience after September 30, 2009. This would permit the work readiness indicator to be used during the period October 1, 2009 through March 31, 2010.

A. Statutory or Regulatory Requirements to be Waived

This request is for a waiver from the Common Measures for Youth specified in Employment and Training Agency Training and Employment Guidance Letter 17-05, which California has been permitted to adopt in pursuance to a previous waiver granted on December 11, 2007. The Governor is requesting an extension of the Common Measures waiver for the period of July 1, 2009 through June 30, 2010.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

There are multiple goals related to this waiver request. This waiver will provide for greater flexibility in the summer youth program utilizing the ARRA funds. It will allow for greater risk taking and creativity by making the program less complex. It will allow the program to serve more youth. The waiver will result in cost effectiveness as ARRA funds will be fully expended. It will also allow the employer base to be expanded.

Focusing on the work readiness indicator allows the State Board and its Local Workforce Investment Boards (LWIBs) to give youth a unique opportunity to explore work experiences that may not have been possible without ARRA funds. Without this waiver, the performance requirements would impede the true intent of this program as concerns over performance would overshadow the great opportunities and choices given to California's youth during these challenging economic times.

Additionally, the Governor has addressed city officials "to ensure that a large-scale summer youth program is up and running in your community." He encouraged them to "direct their city and county departments to make jobs available, as well as working with your LWIB to ensure that there are jobs available in your community's nonprofit organizations and in the private sector where appropriate. This all has to be done immediately as summer will soon be here." This waiver will assist the city and county officials to implement the Governor's vision for California's statewide workforce investment system.

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

Youth participants ages 18 to 24 are impacted by this waiver request. In addition, LWIBs who administer the summer youth program and businesses that employ the eligible youth will be impacted.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

This waiver is the result of input and/or requests from LWIBs. As with all other major policy and procedural decisions made by the State, we will rely heavily upon input from local partners. The potential impediments and benefits of being granted this waiver will be extensively discussed with local partners to gain input on those areas. The procedure used by the State is detailed in Directive WIAD05-13, WIA Waiver Request Process, published February 9, 2006. This procedure includes the requirement for making any waiver requests available for public comment for a 30-day period. However, due to the expediency required to implement this program, that period was reduced to 10 days to ensure the necessary flexibility is provided to LWIBs in a timely manner to effect these summer youth programs and the youth served by them.

If this waiver is approved, youth who are in need of additional work experience under the ARRA shall have the justification documented in their individual service plans. Youth who are determined in need of services beyond their additional work experience will be enrolled into other experiences such as ARRA youth services or co-enrolled into a WIA Adult program or service.

The CWIB and the EDD, as the administrative entity of the WIA in California, will monitor all ARRA summer youth employment programs. The State's current monitoring policy/procedures will be modified to include a review of the appropriate youth participant plans.

Summary of Comments
“Implementation of Work Readiness Indicator for ARRA Summer Youth”

There were two commenters to the draft version of this directive.

Commenter #1 inquired whether the waiver applies to new enrollments of out-of-school youth, ages 18 to 24, who register in ARRA funded work experience between October 1, 2009 and March 31, 2010.

Resolution: The final directive was revised to include language which clarifies that yes, the waiver applies to out-of-school youth, ages 18 to 24, who did not participate in the ARRA summer youth program, and enrolled into ARRA funded work experience between October 1, 2009 and March 31, 2010.

Commenter #2 had two questions in response to the draft directive.

Commenter #2 inquired whether the waiver applies to summer youth participants who were enrolled sometime between May 1, 2009 and September 30, 2009, and continue in work experience beyond September 30, 2009.

Additionally, this commenter inquired whether the summer youth participants who continue in work experience beyond September 30, 2009, would remain enrolled in Grant Code 107, or need to be co-enrolled in Grant Code 103.

Resolution: The final directive was revised to include language which clarifies: (1) the waiver does apply to summer youth participants who continue in work experience beyond September 30, 2009; and (2) the summer youth participants who continue in work experience beyond September 30, 2009, are to remain enrolled in Grant Code 107.