



OCT 29 2019

The Honorable JB Pritzker  
Governor of Illinois  
207 Statehouse  
Springfield, IL 62706

Dear Governor Pritzker:

Thank you for Illinois' waiver request dated July 31, 2019, regarding certain statutory and regulatory provisions of the Workforce Innovation and Opportunity Act (WIOA) and the accompanying plan to improve the statewide workforce development system (copy enclosed). This letter provides the Employment and Training Administration's (ETA) official response to the State's request and memorializes that Illinois will meet the outcomes and implement the measures identified in its plan to ensure accountability agreed to by Illinois and ETA. This action is taken under the Secretary's authority to waive certain requirements of WIOA Title I, Subtitles A, B, and E, and Sections 8–10 of the Wagner-Peyser Act in WIOA Section 189(i).

Requested Waiver: Waiver of the provision in 20 CFR § 618.890 that requires the delivery of Trade Adjustment Assistance (TAA) services by staff considered part of the State merit system.

ETA Response: The U.S. Department of Labor's (Department) waiver authority extends only to WIOA Title I, Subtitles A, B, and E, and Sections 8–10 of the Wagner-Peyser Act. As the requested waiver applies to the TAA program, ETA is unable to approve this waiver. Please note, the Department is currently proposing an update of the TAA regulations. During this exercise, the Department will review questions of policy and application to determine whether the mandated use of state employees to administer the delivery of TAA employment and case management services is appropriate.

Requested Waiver: Waiver to allow flexibility in the use of funds reserved by the Governor to provide statewide rapid response activities under WIOA Section 134(a)(2)(A) to also provide statewide employment and training activities under WIOA Section 134(a)(2)(B) and (a)(3), including disaster-relief employment to affected areas.

ETA Response: ETA approves, through June 30, 2020, the State's request to use statewide funds for disaster-relief employment, as described in WIOA Section 170(d) and 20 CFR § 687.100(b). ETA reviewed the State's waiver request and plan and has determined that the requirements requested to be waived impede the ability of Illinois to implement its plan to improve the workforce development system. Therefore, ETA approves this waiver through June 30, 2020, under the following conditions:

- The Governor, or any federal agency, declares an emergency in the local area (or areas) where the State wishes to use statewide funds for the purpose of public service employment;

- WIOA-funded public service employment opportunities are short-term in nature;
- WIOA-funded public service employment opportunities increase the likelihood of participants entering unsubsidized employment; and
- The State collects and tracks use of funds under this waiver and complies with all WIOA-required performance and fiscal reporting.

ETA is available for further discussion and to provide technical assistance to the State to support its goals. The Department proposed additional flexibility in its Fiscal Year 2018, 2019, and 2020 budgets to give governors more decision-making authority to meet the workforce needs of their states and anticipates proposing these additional flexibilities in future fiscal years. If you have questions, feel free to contact my office at (202) 693-2772.

Sincerely,



John Pallasch  
Assistant Secretary for Employment and Training

Enclosure

cc: Erin Guthrie, Director, Illinois Department of Commerce and Economic Opportunity  
Julio Rodriguez, Deputy Director, Office of Employment and Training  
Christine Quinn, Chicago Regional Administrator, Employment and Training Administration  
Arlene Charbonneau, Federal Project Officer, Employment and Training Administration



**Illinois**  
**Department of Commerce**  
& Economic Opportunity

**OFFICE OF EMPLOYMENT & TRAINING**

JB Pritzker, Governor

July 31, 2019

Christine Quinn  
Regional Administrator, Employment and Training Administration  
United States Department of Labor  
230 South Dearborn Street, 6<sup>th</sup> Floor  
Chicago, IL 60604

Dear Ms. Quinn:

Under the Secretary of Labor's waiver authority outlined in Section 189(i)(3)(A) of the Workforce Innovation and Opportunity Act (WIOA) and 20 CFR 679.600, the Secretary may waive certain provisions of the WIOA Title I Subtitle A, B, and E. The Illinois Department of Commerce and Economic Opportunity Office of Employment and Training is requesting that the Secretary grant a waiver of WIOA Section 134(a)(2)(A), (2)(B), and (3) to add flexibility in the use of the funds reserved by the Governor in order to provide comprehensive disaster recovery assistance requests a performance waiver for participants receiving only disaster relief employment and the associated supportive services.

This waiver will allow expeditious allocation of funds to a local workforce innovation board, so they may respond quickly to a disaster or emergency by allowing WIOA statewide funds to be used for comprehensive disaster relief employment and employment and training activities, and the provision of needed humanitarian resources and services, including other services or resources deemed necessary as described at 20 CFR 687.180(b)(1).

Additionally, the State of Illinois is seeking a waiver of the provision in 20 CFR § 618.890--the merit staffing rule that requires the delivery of Trade Adjustment Assistance services by staff considered part of the State "merit system." While there is no direct federal statutory mandate in the Trade Act of 1974 (Pub. L. No. 93-618), as amended (codified at 19 U.S.C. § 2271 et seq.) or the Trade Adjustment Assistance Reauthorization Act of 2015 (Pub. L. No. 114-27, Title IV), the Secretary of the U.S. Department of Labor (U.S. DOL) issued the regulation at 20 CFR § 618.890, which contains the merit staffing requirement.

Even if U.S. DOL grants the State's waiver request, Illinois will maintain its same procedures, including State level merit staff providing final approval for all Trade Adjustment Assistance employment plans, which have been identified as a notable practice by the U.S. DOL Trade Adjustment Assistance program experts. The only difference would be that, through a waiver, program delivery services would be supported by the Trade Adjustment Assistance program funding at the local level, which would be consistent with Illinois' Unified State Plan and its approach of integrating delivery of all workforce programs.

The state made both waiver requests available for public review and comment on the WIOA State Unified Plan page on the Illinois workNet website. The public comment period was for a little over one week and ended at the close of business July 2, 2019.

Illinois received and reviewed comments from three organizations. Attached are copies of the comments received. Illinois did not substantively alter the waiver requests after reviewing the comments.

The attached WIOA waiver plan provides further details on the request in keeping with DOL guidelines in TEGL 8-18. If the waiver is granted, Illinois' WIOA Combined State Plan will be revised to incorporate this change.

We thank you for considering this request. If you have any questions, please contact Lisa Jones at (217) 558-2443 or [lisa.d.jones@illinois.gov](mailto:lisa.d.jones@illinois.gov).

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Sincerely,

A handwritten signature in black ink, appearing to read 'Julio Rodriguez', with a stylized flourish at the end.

Julio Rodriguez  
Deputy Director

Attachment

CC: Erin Guthrie, Director Department of Commerce and Economic Opportunity

## TAA Merit Staffing Waiver

**Date:** July 10, 2019

**State:** Illinois

**Agency:** Illinois Department of Commerce and Economic Opportunity

**Subject:** Trade Adjustment Assistance Waiver Request

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The State of Illinois is seeking a waiver of the provision in 20 CFR § 618.890--the merit staffing rule that requires the delivery of Trade Adjustment Assistance services by staff considered part of the State "merit system." While there is no direct federal statutory mandate in the Trade Act of 1974 (Pub. L. No. 93-618), as amended (codified at 19 U.S.C. § 2271 *et seq.*) or the Trade Adjustment Assistance Reauthorization Act of 2015 (Pub. L. No. 114-27, Title IV), the Secretary of the U.S. Department of Labor (U.S. DOL) issued the regulation at 20 CFR § 618.890, which contains the merit staffing requirement.

Even if U.S. DOL grants the State's waiver request, Illinois will maintain its same procedures, including State level merit staff providing final approval for all Trade Adjustment Assistance employment plans, which have been identified as a notable practice by the U.S. DOL Trade Adjustment Assistance program experts. The only difference would be that, through a waiver, program delivery services would be supported by the Trade Adjustment Assistance program funding at the local level, which would be consistent with Illinois' Unified State Plan and its approach of integrating delivery of all workforce programs.

As set forth in detail, below,<sup>1</sup> the State of Illinois is seeking a waiver for the following reasons:

- (1) a waiver would allow for the proper utilization of Trade Adjustment Assistance Program funding for case management and local workforce infrastructure costs;
- (2) the State's local workforce partners would benefit because the Trade Adjustment Assistance program would be able to pay a fair share and fully contribute to the one-stop cost sharing agreements;
- (3) 6.5% more in Workforce Innovation and Opportunity Act (WIOA) Dislocated Worker funds would be available to include in the Local Workforce Area formula allocation; and
- (4) the waiver could also allow the State's local and regional business service teams to use the additional Rapid Response funds to support innovative programs that have been suggested by the U.S. DOL staff at the Rapid Response and Trade Adjustment Assistance program roundtables.

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<sup>1</sup> Although there are no provisions in the Trade Adjustment Assistance program statutes or regulations regarding waiver requests, the State of Illinois is using as guidance for this request the guidelines stated in WIOA Section 189(i)(3)(B) and the supporting regulations at 20 CFR § 679.620.

## TAA Merit Staffing Waiver

### **1. The statutory and/or regulatory requirements the State would like to waive**

The State of Illinois is seeking a waiver from the following Section:

Illinois requests waiver approval from the regulatory requirement found in *Title 20 → Chapter V → Part 618 → Subpart H → § 618.890 (20 CFR § 618.890) - Merit staffing* to allow the State to allocate Trade Adjustment Assistance case management funds to Illinois' Local Workforce Innovation Boards (LWIB). This waiver would permit the use of Trade Adjustment Assistance (TAA) funds to allow the LWIBs to hire staff to provide these services without being on the payroll or part of the State of Illinois "merit system."

Specifically, Illinois is requesting a waiver 20 CFR § 618.890 Merit staffing, which states:

*(a) Merit-based State personnel. The State must, subject to the transition period in paragraph (b) of this section, engage only State government personnel to perform Trade Adjustment Assistance (TAA)-funded functions undertaken to carry out the worker adjustment assistance provisions of the Trade Act of 1974, as amended, and must apply to such personnel the standards for a merit system of personnel administration applicable to personnel covered under 5 CFR part 900, subpart F.*

### **Background**

WIOA provides a vision for the publicly-funded workforce system in which local level partner programs and entities are jointly responsible for workforce and economic development, educational, and other human resource programs. These partners collaborate to create a seamless, customer-focused, one-stop delivery system that integrates service delivery across all programs and enhances access to the programs' services.

Since the passage of WIOA, Illinois has made great strides in realizing this vision by moving to an integrated service delivery approach in the workforce system. To support these efforts, the Illinois Workforce Innovation Board established a policy that defines service integration as follows: "a combination of strategies to align and simplify access to One-Stop Center services and supports for employers, job seekers, and system customers with the goal of providing the best experience possible. Service integration may occur across entities delivering specific services or programs, across time as Customer needs change, or both."

While Illinois' service delivery approach for TAA has been a national model, the current merit staffing requirement is counter to the vision for WIOA and the goal to create an integrated, seamless approach to service delivery.

## TAA Merit Staffing Waiver

### **2. Actions the State has undertaken to remove state or local statutory or regulatory barriers**

There are currently no State or local statutory or regulatory barriers to implementing the requested waiver. State of Illinois regulations and policies align with current federal law.

### **3. State strategic goals sought through a waiver**

The vision for TAA should be aligned with the vision of WIOA. As Illinois moves forward in developing its 2020 Unified Plan, Illinois will ensure the delivery of TAA services are integrated into the principles outlined within Illinois' Unified Plan, which strives to promote employer-driven talent solutions that integrate education, workforce and economic development resources across systems to provide businesses, individuals and communities with the opportunity to prosper and contribute to growing the State's economy. These principles include:

- *Demand Driven Orientation* - Through a sector strategy framework, the State should support the systemic assessment of business needs for talent across local, regional and state levels, and ensure that strong partnerships with business-driven decision-making across the talent pipeline.
- *Strong Partnerships with Business at All Levels* - Strong partnerships with businesses should assist employers in defining in-demand skills and articulate those needs to education and training providers. Strong partnerships at the regional and local level should be recognized and inform the development of high-quality partnerships across the state.
- *Career Pathways to Jobs of Today and Tomorrow* - Partnerships with businesses should drive the development of career pathways that meet employers' skills needs today, while offering individuals clear opportunities to build and upgrade their skills and advance their careers over time. Those pathways should be integrated within Illinois' P-20 system (a system which improves the alignment of preschool to grade 20, education post-college), including adult education, to help students and young adults identify career pathway options and offer flexibility to build upon their skills to meet the evolving needs of the global economy.
- *Cross-agency Collaboration and Alignment* - Developing career pathways and stackable credentials will demand collaboration and alignment across agencies that contribute to Illinois' overall talent pipeline. There should be a focus on improving the strategic connections across all components and levels of the education and workforce systems to ensure no "dead ends" exist.
- *Integrated Service Delivery* - Enhanced collaboration and alignment across State agencies at a strategic level should lead to better service delivery integration. Multiple State agencies and partners are positioned to support the success of individuals and businesses. Technology and integrated data systems can help illustrate those interrelationships and position the system to collaborate across agencies to deliver the right services at the right time.

## TAA Merit Staffing Waiver

- *Access and Opportunity for All Populations* - Coordinated and comprehensive services can help targeted populations prepare for and advance along a career pathway. Connecting individuals with relevant supports, such as transportation, child care and transition services can enable the system to be responsive to the needs of individuals' workforce readiness.
- *Clear Metrics for Progress and Success* - The Unified State Plan should include metrics for assessing progress and success. As the talent pipeline serves two customers - businesses and individuals - those metrics should reflect the strategic priorities of the State that relate to building a globally competitive workforce. Illinois will develop metrics or examine existing framework metrics that define successful career pathway programs (i.e., Alliance for Quality Career Pathways (AQCP)).
- *Focus on Continuous Improvement and Innovation* - The system should establish mechanisms for continual assessment of system performance and opportunities for improvement, as well as for encouraging innovation and disseminating best practices. This includes the continued enhancement of non-traditional methods for delivering education and training. Additionally, the growing role of entrepreneurship and its contributions to employment and economic growth will be an outcome of continuous improvement and innovation.

#### **4. Projected programmatic outcomes resulting from implementation of the waiver**

**A. This waiver will provide for the proper utilization of Trade Adjustment Assistance Program funding for case management and local workforce infrastructure costs.** It is a challenge for Illinois to spend the required 5% of the TAA funds on case management activities because the TAA program only pays for State employees and not the local staff that provide case management services to laid-off workers. It is projected that Illinois will return more than \$13 million in Federal Fiscal Year 2017 TAA program funds; however, this figure would be reduced to \$9-10 million with the approval of this waiver.

At the same time the State is returning TAA program funds, it is forced to use Statewide Rapid Response funds to pay for the case management of co-enrolled TAA and Dislocated Worker customers because of the *State Merit Staff* requirement (20 CFR § 618.890). The provision of case management services for co-enrolled TAA and Rapid Response customers is coordinated by State of Illinois employees that are located in a central office. These State merit staff are the TAA program managers that review all aspects of each customer file and make the ultimate merit staff determinations for every TAA customer. The "front-line" staff that work directly with the TAA customers are located within the local workforce areas and are not state employees; therefore, the *State Merit Staff* requirement prohibits the use of TAA funds for these case management activities and creates duplication of efforts between Local Area and State Merit Staff.

Rather than hire a State employee for each of Illinois' 22 local workforce areas, the State is leveraging the existing local workforce staff and paying for these case management activities out of the Statewide Rapid Response funds. The State of Illinois has



## TAA Merit Staffing Waiver

determined that it is fiscally irresponsible to hire 22 or more State employees to administer a program that is not fully integrated into the provision of the WIOA Title IB programs as well as the other WIOA core and required programs. It should be noted that the Merit Staff regulation effectively prohibits the TAA program from paying its fair share of the case management activity that occurs at the local level as well as the associated one-stop infrastructure costs that are effectively paid by Rapid Response funds. The local workforce partners would benefit from the waiver Illinois is requesting because the TAA program would be able to fully contribute to the one-stop cost sharing agreements.

*The tangible benefit of this waiver is that the State of Illinois would have \$3 million or 6.5% more in WIOA Dislocated Worker funds available to include in the Local Workforce Area formula allocation that would equate with the ability to serve more than 550 WIOA participants (Illinois served a total of 8,612 dislocated workers in PY2017 – 6.5% of this figure is 560). The alternative use of the \$3 million could also support Statewide Rapid Response activities. The State of Illinois Workforce Innovation Board will use the annual performance and participant reports as well as the Illinois Workforce Development Annual Report to track the success of the additional Rapid Response funds and effectiveness of this waiver. The net benefit to Illinois is that an additional \$6 million would be available to address the state and local workforce priorities (\$3 million in TAA funds that would not be returned to U.S. DOL and \$3 million in Statewide Rapid Response funds to be used on other Illinois workforce priorities).*

**B. This waiver could also allow the State's local and regional business service teams to use the additional Rapid Response funds to support innovative programs that have been suggested by the U.S. DOL staff at the Rapid Response and Trade Adjustment Assistance program roundtables. An example is that the additional Rapid Response funding could pay for the proportionate share of industry sector development activities, including the support of business collaboratives and talent pipeline initiatives. This would allow non-state merit staff to participate in these initiatives through the use of Rapid Response funds.**

*The tangible benefit of this waiver is that the state could fully utilize U.S. DOL grant funds for the intended purpose of strengthening the competitiveness of Illinois' companies by supporting industry sector strategies. The key metrics could include the number of industry sector collaboratives established and expanded. This activity would be focused on industries and occupations that have been impacted by foreign competition as well as nontraditional industries, including agriculture production and manufacturing that has been impacted by trade policies, tariffs and flooding disasters. According to the Illinois Farm Bureau:*

*[I]llinois exports more of its agricultural products than other Midwest states. China is Illinois' largest export partner, accounting for 25 percent of all Illinois agriculture exports. . . . Because Illinois produces three out of the top four commodities exported to China, Illinois will be especially impacted by the tariffs. These products are soybeans, sorghum and pork. In fact, 30 percent of all Illinois*

## TAA Merit Staffing Waiver

*soybean exports go to China, and 93 percent of all Illinois sorghum exports go to China.*

“Let’s Talk About: Trade with China,” Illinois Farm Bureau, *available at* <https://www.ilfb.org/resources/trade-resources/lets-talk-about-trade/trade-with-china/>.

**C. This waiver includes Illinois’ commitment to maintain the TAA program integrity by using program management tools that have been identified as a notable practice by the U.S. DOL TAA program experts.** The State of Illinois merit staff approval process has been noted as a best practice in U.S. DOL monitoring reviews. If this waiver is approved, these extensive controls and approval procedures would remain in place, satisfying the quality control considerations that was the impetus for establishing 20 CFR § 618.890. The approval of this waiver will maintain program quality and allow the \$3 million in Statewide Rapid Response funds that are currently used for co-enrolled TAA customers to be used for other workforce priorities.

*The tangible benefit of this waiver is that the best practices and controls that are currently in place in Illinois will remain after the waiver is approved. The monitoring of the TAA program at the State and Federal levels will provide evidence of the waiver’s effectiveness. The State of Illinois will continue to implement procedures that have been described by the U.S. DOL monitors as “exemplary.” The following Notable Practice was included in the State of Illinois’ latest comprehensive monitoring review by U.S. DOL:*

***Notable Practice: TAA Grant Manager Tracking of Obligations and Expenditures***  
*The TAA Grant Manager tracks obligations and expenditure through a workflow process that monitors every financial transaction in the case management system. The comprehensive methodology being used to monitor activities that impact obligations and expenditures adds a deeper level of State program monitoring than the Federal monitors have ever witnessed. This work is being done in addition to the participant tracking already taking place by the individual case managers. The case management tracking system offers a unique opportunity for the State Grant Manager to predict expected transactions, identify missed transactions and to intervene with corrections as appropriate. This approach to fiscal and programmatic monitoring, through the case management system, enhances Illinois’ ability to track participants, activities, and finances in a comprehensive way.*

### **5. Alignment with Department of Labor’s policy priorities**

This waiver aligns with not only U.S. DOL’s priorities for service integration but also with those of the State of Illinois concerning workforce development and ensuring all citizens have the necessary training to prepare them for careers. The training focus in Illinois around industry sectors and demand occupations ensures employers have the skilled workers they need. Within the Illinois Unified Plan are examples of practices demonstrating the importance of service integration, vocational training and work-based learning. These practices should carry over to the TAA Program.

## TAA Merit Staffing Waiver

### **6. Plans for monitoring waiver implementation, including collection of waiver outcome information**

The State of Illinois will use the following approach for monitoring progress in implementation of the waiver:

1. State merit staff who administer the TAA program will provide ongoing technical assistance, oversight, and provide final approval of all Local Workforce Area TAA employment plans.
2. Annual TAA on-site programmatic reviews of Local Workforce Areas will include an evaluation of the impact the waivers have on programmatic goals and outcomes.
3. Information gathered from the waiver will inform new or changes to existing policies as well as provide best practices.

This strategy ensures that the principles described above from Illinois' Unified Plan are consistent with established objectives of the WIOA and TAA federal and state regulations.

### **7. State posting of the request for public comment and notification to affected local workforce development boards**

Illinois' waiver request was posted on the Illinois workNet website for review and comment by the required parties and the public, including the Local Workforce Boards via Board members and/or Board staff as well as WIOA partners and other interested stakeholders. Illinois received and reviewed comments from three organizations, two in favor of the waiver, and one opposed. Attached are copies of the comments received. Illinois did not substantively alter this waiver request after reviewing the comments.

## Section 134(a) Statewide Funds for Qualifying Events

### Workforce Innovation and Opportunity Act Waiver Request Tool

Under the Secretary of Labor's waiver authority outlined in Section 189(i)(3)(A) of the Workforce Innovation and Opportunity Act (WIOA) and 20 CFR and 679.600, the Secretary may waive certain provisions of WIOA Title I Subtitle A, B, and E and provisions found in Sections 8-10 of the Wagner-Peyser Act. WIOA Section 189(i)(3)(B) and 20 CFR 679.620 identify elements that must be included in a waiver request. A State may request a waiver in its overall Unified or Combined State Plan submission or modification. Or, if submitting separate from the State Plan submission, States may use this document as a tool to assist in developing and requesting a waiver. States may use their own format or form for a request, as long as elements required by WIOA and the regulations noted above are addressed. After reviewing a State's initial request, the Employment and Training Administration (ETA) may ask the State for additional information if necessary to complete its review.

To submit a waiver request, e-mail this completed form or State-developed document along with a cover letter to [WIOA.Plan@dol.gov](mailto:WIOA.Plan@dol.gov) and the appropriate ETA regional office. ETA will also accept hard copy submissions.

**Date:** July 10, 2019

**State:** Illinois

**Agency:** Illinois Department of Commerce and Economic Opportunity

Provide narrative for the following elements:

**The statutory and/or regulatory requirements the state would like to waive**

*The state must clearly cite the statute and/or regulation(s) in its request and ensure that the citations refer to the specific elements the state wishes to waive.*

The State of Illinois is seeking a waiver allowance of WIOA Section 134(a)(2)(A), (2)(B), and (3) to add flexibility in the use of the funds reserved by the Governor.

Specifically, the State of Illinois is requesting from Employment and Training Administration (ETA) a waiver of to allow flexibility in the use of the funds reserved by the Governor for use to provide statewide rapid response activities (i.e. WIOA section 134(a)(2)(A)), and for use to provide statewide employment and training activities (i.e. WIOA section 134(a)(2)(B) and (3)) in order to provide comprehensive Disaster Recovery assistance to affected areas as described in WIOA 170(d) and 20 CFR 687.100(b). The state may continue to apply for applicable grants as they may be made available.

## Section 134(a) Statewide Funds for Qualifying Events

Additionally, the state asks for those individuals that only receive disaster relief employment and aren't subsequently enrolled in employment and training activities to be excluded from statewide performance measures as is consistent with how performance is managed under the National Dislocated Worker Grants (NDWGs).

Under this waiver allowance, permitted WIOA statewide fund use includes, but is not limited to:

- Expeditious allocation of funds to a local workforce innovation board, or local board, so they may respond quickly to a disaster, emergency, or other qualifying event as described at 20 CFR 687.100(b). Only those events, and cascading events caused by a qualifying event, that have been declared as an emergency or disaster by the Federal Emergency Management Agency (FEMA), by the chief official of a Federal Agency with jurisdiction over the Federal response to a disaster with potential significant loss of employment, or the Governor of Illinois qualify for the use of WIOA statewide funds.
- To alleviate the effects that a qualifying event causes within affected local area(s), and/or planning regions, WIOA statewide funds will allow comprehensive disaster relief employment and employment and training activities, and the provision of needed humanitarian resources and services, including other services or resources deemed necessary as described at 20 CFR 687.180(b)(1).
- An individual's disaster relief employment is limited to 12 months or 2080 hours for work related to recovery from a single emergency or disaster. OET may extend an individual's disaster relief employment for up to an additional 12 months or 2080 hours if requested and sufficiently justified by the local board.
- Supportive services may be provided to enable individuals to participate in disaster relief employment, including such costs as transportation, child care, and personal safety equipment and clothing consistent with local policies.
- Individuals shall be eligible to be offered disaster relief employment and employment and training services if such individual is a dislocated worker; is a long-term unemployed individual as defined by the State; is temporarily or permanently laid off as a consequence of the emergency or disaster; or in the case of an individual who is self-employed, becomes unemployed or significantly underemployed as a result of the emergency or disaster as well as appropriate adults and youth ages 18 and over.

### **Actions the state has undertaken to remove state or local statutory or regulatory barriers**

*The state must provide a discussion of the steps it has taken to remove any potential obstacles in the waiver request as appropriate. Quite often, state or local policies do not present a*

## Section 134(a) Statewide Funds for Qualifying Events

*conflict for the request, and a simple statement indicating that there are no state or local barriers is sufficient.*

The state established the IEMA to act as the lead agency in the event of an emergency and/or disaster when a county is declared a disaster area by the Governor. Within all Illinois local workforce innovation areas, or local areas, there are responsible entities marshalled by local government, or its agents, should a qualifying event occur. The state works in concert with these entities to provide resources and expertise.

Illinois's WIOA Unified State Plan articulates many of the WIOA-related statewide activities it does, or can do, when facing a qualifying event. For example, the Office of Employment and Training is responsible for applying and administering applicable NDWGs, consistent with WIOA Sec. 170 and its corresponding regulatory requirements. These grants are helpful once allocated, but in the time between the event and allocation, aid is urgently needed and there is much work to be done. If months pass before the NDWG allocation occurs, damage can be exacerbated and work is not completed. The state is mindful of this time gap and strives to apply as soon as the state is eligible for NDWG funding assistance, as appropriate. The efficient use of time right after a qualifying event occurs is a critical variable in how well recovery is measured. This is a serious barrier the state wants to reduce.

### **State strategic goal(s)**

*The state must precisely articulate the goals it seeks to achieve by requesting a waiver. The state must also discuss how these goals relate to its Unified or Combined State Plan.*

The objective of improved outcomes, varied as they may be, is best served when available funding is put to quick and effective use for all parties involved. Illinois' WIOA Unified State Plan articulates that the Governor's WIOA statewide funds will generally be used to promote a vision of jobs that pay, schools that teach, and government that works. To that end, in the case of a qualifying event, the state intends to use WIOA statewide funds so that relevant workforce development responses are provided in a timely manner. WIOA statewide funds may be provided to local areas deemed in need of financial resources as a result of being affected by a qualifying event.

The use of WIOA statewide funds associated with this waiver supports the state's goal of local WIOA-based programs and activities that better serve targeted groups of workforce development system customers. The use of WIOA statewide funds offers greater flexibility so that the state and local governing entities can expand their ability to coordinate resources, services and activities for individual, workers and employers affected by the qualifying emergency and/or disaster event. The state will use WIOA statewide funds to ensure that critical, time-sensitive work can be performed, and the potential participant pool is widened. The waiver flexibility permits local areas the latitude to marshal available labor, conduct appropriate training, enable required

## Section 134(a) Statewide Funds for Qualifying Events

resources to be requisitioned quickly, and provide immediate and comprehensive disaster recovery assistance, including efforts to minimize further disaster impacts.

### **Projected programmatic outcomes resulting from implementation of the waiver**

*The state must provide an estimate of how the waiver will improve outcomes or provide other tangible benefits for jobseekers or employers. States have the discretion to determine how to measure a waiver's success and the specific data sources it intends to use to evaluate its impact.*

The state estimates that the waiver will improve outcomes and provide other tangible benefits in the following ways:

- Increase statewide and local area workforce development response times to a qualifying event;
- Increase public safety and help support humanitarian activities;
- Availability of disaster relief employment will provide grant participants with access to employment and training activities;
- Increasing of eligible grant participant's employment and training activities will lead towards a higher probability of securing unsubsidized employment; and
- Alleviation of some of the time-sensitive variables arising from a qualifying event affecting an employer and lessening the severity of possible layoffs or business closings.

### **Alignment with Department of Labor's policy priorities**

*Describe how the waiver will align with the Department's policy priorities, such as:*

- *Supporting employer engagement;*
- *Connecting education and training strategies;*
- *Supporting work-based learning;*
- *Improving job and career results; and*
- *Other priorities as articulated in guidance.*

This waiver aligns with not only the Department of Labor's priorities, but also with those of the State of Illinois. Within the Illinois Unified Plan are examples of initiatives demonstrating the importance of ensuring career and work readiness at all levels. This will allow the state to temporarily expand service capacity at the local level through time-limited funding assistance in response to significant disasters.

Expanding the ability for the state to provide disaster related employment opportunities through statewide funding allows participants to develop skills that will better prepare them to obtain permanent employment.

## Section 134(a) Statewide Funds for Qualifying Events

### **Individuals, groups, or populations affected by the waiver**

*States must describe the potential impact of a waiver on various system stakeholders, including how the waiver will impact services for disadvantaged populations, persons with barriers to employment, or businesses.*

The waiver will positively impact:

- All eligible participants as identified at WIOA section 170 and 20 CFR 687.170 which include dislocated workers, long-term unemployed individuals as defined by the State, temporarily or permanently laid off workers as a consequence of the emergency or disaster, or in the case of an individual who is self-employed, becomes unemployed or significantly underemployed as a result of the emergency or disaster as well as appropriate adults and youth ages 18 and over; and
- Non-WIOA eligible recipients include: affected businesses and employers, residents and other individuals that benefit from the qualifying event clean-up, restoration and humanitarian activities, and resources provided.

### **State plans for monitoring waiver implementation, including collection of waiver outcome information**

*States must describe how they intend to oversee effective waiver implementation and any unique protocols that may be used in their waiver requests.*

The state will use the following approach for monitoring progress in implementation:

OET workforce development leadership will determine if the qualifying event requires the use of WIOA statewide funds and will approve parameters for the project, be the operational lead, and be tasked with WIOA fund administration and project management or activities. Applicable federal, state and local laws, regulations, policies and procedures will be used to ensure fiscal accountability. Unless otherwise authorized in this waiver, the financial and administrative rules contained in Workforce Innovation and Opportunity Act; Final Rule (i.e. 20 CFR 683) will apply.

At a minimum, the funding recipient will supply the OET with the following information for review:

- Completed Request for Funds form with local board signatory authorizing request;
- Official declaration documenting the emergency and/or disaster event;
- Narrative will include, at a minimum, summary of the event, preliminary assessment of the clean-up, humanitarian needs of the affected areas, and will



## **Section 134(a) Statewide Funds for Qualifying Events**

demonstrate whether there is a sufficient population of eligible individuals to conduct the planned work;

- Budget and budget justification; and
- Completed worksite summary.

The OET will receive monthly project status reports and will host teleconferences with project stakeholders as necessary to monitor project status. At a minimum, funding recipients will provide the OET with the following information for review:

- Revised narrative and associated attachments when a modification is required;
- Monthly Financial Status Reports;
- Monthly project status report of project activities; and
- Data entry for all participant service in Illinois Workforce Development System (IWDS).

Only local boards will be the recipient of WIOA statewide funding for qualifying events. If a qualifying event occurs in a local area, the state requires the respective local board to collaborate with local governments and other recognized entities to determine whether workforce development-oriented services and activities are warranted. Local boards may work with their respective local area fiscal agents to complete and submit the funding request to OET. Local boards will work with one-stop operator(s) to communicate the funding parameters to workforce development system partners and other service providers. Participant activity is to be recorded in the state system of record, the IWDS. All funds obligated will be accounted for in the financial management system, the GRS. Case management and related source documentation associated with the emergency and/or disaster must include the qualifying event as a point of reference.

State staff who administer programming will provide ongoing technical assistance and oversight as it relates to the appropriateness and the effectiveness of this waiver. This information will be submitted regularly to the Illinois Workforce Innovation Board (IWIB) Evaluation and Accountability Committee.

Annual WIOA on-site programmatic reviews will include an evaluation of the impact the waivers have on programmatic goals and outcomes.

Additionally, the IWIB Evaluation and Accountability Committee will have the responsibility of ensuring the specific goals and outcomes achieved by the waiver are realized. Furthermore, the information gathered from the waiver will inform new or changes to policy as well as provide best practices.

## Section 134(a) Statewide Funds for Qualifying Events

### **Assurance of state posting of the request for public comment and notification to affected local workforce development boards**

*WIOA does not prescribe a specific amount of time for states to post a potential waiver for comment, but it does require the state to demonstrate a reasonable opportunity for public review and comment by all stakeholders, including businesses and organized labor. Submit any comments or concerns collected in this manner and the outcome of the state's review of the public comments received. The state must also provide affected local boards with notice and opportunity to comment on the proposed waiver.*

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In accordance with the WIOA Regulations at 20 CFR 676.135, Illinois is submitting a modification to its Unified State Plan, which is subject to the requirements outlined in the WIOA Regulations at 20 CFR 676.130(d) for public review and comment. As such, Illinois's waiver request was posted on our website for comment and review by required parties and the public.

Local Boards via Board members and/or Board staff as well as WIOA partners and other interested stakeholders participate in policy development. Additionally, LWIBs receive the opportunity to participate in the public comment period that includes informational webinars.