

U.S. Department of Labor

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



June 4, 2024

The Honorable Spencer Cox
Governor of Utah
P.O. Box 142220
Salt Lake City, UT 84114-2220

Dear Governor Cox:

Thank you for your waiver request submission to the U.S. Department of Labor 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 (enclosed). The waiver request was received March 11, 2024, as part of your recent WIOA State Plan submission. This letter provides the Employment and Training Administration's (ETA) official response to your request and memorializes that Utah will meet the outcomes and implement the measures identified in its plan to ensure accountability agreed to by Utah and ETA. This action is taken under the Secretary of Labor'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 20 CFR 681.550 to allow WIOA individual training accounts (ITAs) for in-school youth (ISY).

ETA Response: ETA approves, for Program Year (PY) 2024 and 2025, the State's request to waive the requirement limiting ITAs to only out-of-school youth (OSY), ages 16–24. In addition to these OSY, the State may use ITAs for ISY, ages 16–21. ETA reviewed Utah's waiver request and plan and has determined that the requirements requested to be waived impede the ability of the State to implement its plan to improve the workforce development system. Approval of this waiver should not impede the State's efforts to prioritize OSY, including outreach to the OSY population.

The State must report its waiver outcomes and implementation of the approved waiver in the WIOA Annual Report. ETA will use this information to assess continued waiver approval and to identify promising practices that may be adopted more widely. ETA is available to provide technical assistance to you in support of your goals. If you have questions, feel free to contact my office at (202) 693-2772.

Sincerely,

A handwritten signature in blue ink that reads "José Javier Rodríguez".

José Javier Rodríguez

Enclosure

cc: Jaceson Maughan, Commissioner, Utah Labor Commission
Nicholas Lalpui, ETA Regional Administrator - Dallas Region
Erica Henry, ETA Federal Project Officer

Utah 2024 State Plan Waiver

Request for Waiver Renewal: Providing ITAs to In-School WIOA Youth Participants

Utah requests a waiver on the requirement of providing Individual Training Accounts (ITAs) to only Out of School youth ages 18-24 enrolled in the WIA/WIOA Youth program.

As per current WIOA Regulations: 681.550: "In order to enhance individual participant choice in their education and training plans and provide flexibility to service providers, the Department allows WIOA ITAs for out of school youth, ages 18-24 using WIOA youth funds when appropriate." While this allows flexibility for serving out-of-school youth through post-secondary training, it does not give Utah the flexibility to continue to serve those youth customers enrolled as in-school who are preparing to graduate and extend their educational goals into post-secondary opportunities.

As of December 28, 2023, Utah has 77 in-school youth customers and 646 out-of-school youth customers enrolled in the WIOA program; 24 in-school youth are still enrolled in secondary education. Once those customers graduate, they will need continued support through post-secondary educational activities in order to obtain the certificates needed to find employment.

If the Department of Workforce Services is going to offer an adequate supply of workers to in-demand industry and occupations, it cannot include only those who are determined to be out of school as part of that supply. Utah needs a waiver to support those with post-secondary educational goals past high school. In-school youth deserve the same opportunities for support as those being served as out-of-school youth, and it would be a disservice to those in-school customers to not support them past their high school diploma or its equivalent. Although it has been recommended to close the enrollment of those in-school youth who graduate and then re-enroll them as an out of school youth for the purpose of assisting them with an ITA after age 18, this poses a risk that the customer may no longer be eligible under the new barrier requirements. It also prevents the Department of Workforce Services from serving youth customers who graduate early (at 16 or 17 years of age) under an ITA, even if they are enrolled as an out-of-school youth once they earn their diploma.

Having to procure for Occupational Skills Training services for in-school youth would also create an unnecessary and undue burden on those providers who have already submitted the required information to be on Utah's Eligible Training Provider List. Because state schools and effective providers of post-secondary training have already been identified through the Eligible Training Provider List, having an additional process for procured providers for those in-school youth customers would create a duplication of effort for those providers that would not occur if those in-school youth wishing to access post-secondary training have access to the Eligible Training Provider List through an ITA. It has been difficult to encourage training providers to participate on the Eligible Training Provider List and the State has gone to great lengths to provide technical support and encouragement. This duplication and additional burden for providers could limit provider participation on the Eligible Training Provider List and in turn limit options for customer choice.

Because Utah already has an Eligible Training Provider List (ETPL) in place and an electronic way to pay providers for educational services offered, both in-school and out-of-school youth will be served adequately under this waiver.