



AUG 01 2018

The Honorable Andrew Cuomo
Governor of New York
New York State Capitol Building
Albany, New York 12224

Dear Governor Cuomo:

Thank you for your waiver request of certain statutory and regulatory provisions of the Workforce Innovation and Opportunity Act (WIOA) and the accompanying plan to improve the statewide workforce development system, submitted on June 26, 2018 (copy enclosed). This letter provides the U.S. Department of Labor (the Department), Employment and Training Administration's (ETA) official response to the State's request, and memorializes that New York will meet the outcomes and implement the measures identified to ensure accountability agreed to by New York 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).

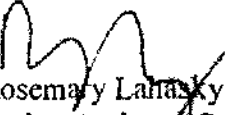
Requested Waivers: Waiver of the requirement at WIOA Sec. 129(a)(4)(A) and 20 CFR 681.410 that states expend 75 percent of all Governor's reserve funds on out-of-school youth (OSY).

The State's request to waive the requirement that states expend 75 percent of all Governor's reserve funds on OSY is approved. New York's approved waiver allows for no minimum expenditure requirement at the State level. ETA reviewed the State's waiver request and plan and has determined that the requirements requested to be waived impede the ability of New York to implement its plan to improve the workforce development system. Therefore, ETA approves the requested waiver for Program Years (PYs) 2018 and 2019 (July 1, 2018 through June 30, 2020).

ETA is also available for further discussion and to provide technical assistance to the State to support achieving its goals. The Department of Labor has proposed additional flexibility in its Fiscal Year 2019 Budget in order to give governors more decision-making authority to meet the workforce needs of their states.

Should you have questions or wish to explore additional flexibility, feel free to contact my office at (202) 693-2772.

Sincerely,


Rosemary Lahasky
Acting Assistant Secretary

Enclosure

cc:

Roberta Reardon, Commissioner, New York State Department of Labor

Timothy Martin, Acting ETA Boston Regional Administrator, Employment and Training Administration

Richard Chavez, Federal Project Officer, Employment and Training Administration

Roberta Reardon
Commissioner

New York State Department of Labor
Harriman State Office Campus
Building 12, Room 500, Albany, NY 12240
www.labor.ny.gov

May 21, 2018

Mr. Timothy Martin
Acting Regional Administrator
U.S. Department of Labor
Employment and Training Administration
25 New Sudbury St
John F. Kennedy Federal Building, Room E-350
Boston, MA 02203

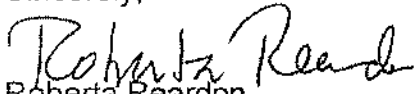
Dear Mr. Martin:

New York State (NYS) respectfully submits the attached modification request to the NYS Workforce Innovation and Opportunity Act (WIOA) Combined Plan. The request is being submitted in accordance with WIOA and guidance provided at https://www.doleta.gov/wioa/WIOA_Waivers.cfm#Approved-Wioa-Waivers.

The waiver will assist NYS in continuing to provide high quality services to all Youth by allowing the State to maximize the use of State-level funds on targeted In-School Youth (ISY) programs without compromising the WIOA goal of 75% Youth expenditures on Out-of-School Youth (OSY). This will be done by leveraging the OSY funds expended by the Local Workforce Development Boards in the State against ISY programs developed by the State and funded with State-level discretionary dollars. This will preserve the 75% OSY expenditure requirement, while improving outcomes for ISY in NYS.

The review and timely consideration of this waiver request are appreciated. Please contact NYS with any questions.

Sincerely,



Roberta Reardon
Commissioner

Attachment

Waiver to permit the State to calculate the required 75% expenditure rate of Youth Funds on Out-of-School Youth (OSY) as a State rather than on an Local Workforce Development Area (LWDA) and State Level discretionary funding basis.

Statutory and/or regulatory requirements to be waived

Language that requires the 75% OSY requirement be imposed on State activities and Local Workforce Development Area activities identified in WIOA Section 129(a)(4)(A).

Actions undertaken to remove state or local barriers

There are no State or local statutory or regulatory barriers to implementing the proposed waiver.

Goals and expected programmatic outcomes of waiver

The waiver will allow the New York State Department of Labor (NYSDOL) the ability to focus State-level youth funds on the provision of services to In-School Youth (ISY) by pooling State and Local Youth funds together for the purposes of meeting the required 75% expenditure rate.

The Local Workforce Development Boards (LWDB) in the State have committed to meeting the 75% rate and all are meeting and/or exceeding it. Approval of this waiver will allow that commitment and spending to be leveraged against the State's desire to provide additional ISY programs via targeted Requests for Proposals (RFP) for those services. When pooled in this manner, the OSY funding expended at the LWDA level will cover the 75% requirement, allowing the State to issue ISY RFPs without having to also issue OSY RFPs for three times the amount.

Alignment with USDOL policy priorities

This waiver will allow the State to maintain the 75% OSY expenditure requirement as a State while improving outcomes for ISY through the issue of State RFPs to serve this population.

Individuals impacted by the waiver

The waiver will directly impact ISY, who would otherwise not be able to be served due to the 75% OSY funding requirement. It will NOT impact OSY, who will continue to be served at the same funding levels in the 33 LWDA's in the State.

Process for monitoring progress and the collection and reporting of outcomes related to the waiver

NYSDOL will monitor progress and ensure accountability for Federal funds in connection with this waiver by collecting and reviewing monthly expenditure, performance and other reports, through regular contact with the Employment and Training Regional Office liaisons, and through its monitoring and performance accountability system.

Notice to affected local boards

Should the waiver be granted, NYSDOL would issue an electronic notice that will be disseminated to the Workforce Development community in the State (including LWDB Directors and Chairs).

Public Comment

Notice of the waiver request was posted with the Combined State Plan on the NYSDOL website at: <https://labor.ny.gov/workforce/swib/swibplan.shtm>. A 10-day comment period was allowed. No comments were received.