

## 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: May 5, 2020**

**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.

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Additionally, this waiver requests approval to exclude individuals from the calculation of state and local performance measures found in WIOA §§ 116(b) and (c). Specifically, the exclusion request is for participants who receive only disaster relief employment and no other allowable career and training services through the grant or through co-enrollment in another WIOA core or partner program. This request is consistent with the performance allowance in TEGL 12-19. The state understands that it must include these participants in various reports and the state's annual Participant Individual Record Layout (PIRL) submissions, using the "Special Project ID field. In addition, Illinois will segregate the *Disaster Recovery* projects from other Statewide Rapid Response grants. The services to the participants will be limited to the time that this needed to respond and recover from the disaster. (add the time frame – governor declared emergency and recovery period)

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

- Expedient 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 and employment and training activities, including such costs as transportation, childcare, 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

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underemployed as a result of the emergency or disaster.

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

The state established the Illinois Emergency Management Agency (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 National Dislocated Worker Grants (NDWG), 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.

The State of Illinois' waiver request 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) was approved in 2019; however, the approval did not address the State's request regarding the performance requirements for individuals that are only provided with disaster recovery employment.

### **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.*

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This waiver will allow the State of Illinois' to efficiently and effectively respond to disasters by aligning the program requirements of a disaster recovery project regardless if they are funded with WIOA Statewide Rapid Response funds or the National Dislocated Worker Grant Program.

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 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

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- 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.

### **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; 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**

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*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 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

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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) Continuous Improvement 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 Continuous Improvement 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.

### **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.*

Following the WIOA Regulations at 20 CFR 676.135, Illinois submitted 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. Accordingly, Illinois will post this waiver request 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 can comment during the public period, this includes participation in information webinars. Additionally, LWIB members/staff, WIOA partners, as well as other interested stakeholders take part in policy development.