

Relief of Youth Work Experience Expenditure Requirement

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 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 from the following Section(s) so that Local Boards can be relieved of the requirement to expend 20 percent of WIOA Title 1 Youth formula funds for the provision of work experience activities for Program Year (PY) 2019:

WIOA 129 (c)(4) which requires Local Boards to spend a minimum of 20 percent of local area funds for the Title I Youth program to provide in-school youth and out-of-school youth with work experience activities described under 129 (c)(2)(C).

20 CFR § 681.590 (a) states "Local youth programs must expend not less than 20 percent of the funds allocated to them to provide ISY and OSY with paid and unpaid work experiences that fall under the categories listed in § 681.460(a)(3) and further defined in § 681.600."

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Background

Across the Nation Governors are issuing Executive Orders (EO) to combat the COVID-19 crisis. Illinois is no exception and has taken an aggressive approach to curbing the progression of the virus across the state to lessen health impacts and deaths across the state.

On March 20, 2020 Governor Pritzker issued Executive Order 2020-10 (Stay at Home Order) that among other things ordered Illinoisans to stay at home or at their place of residence except as allowed in the EO. Additionally, the EO directed non-essential business to cease operations encouraging them to continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). The EO originally was slated to expire on April 7, 2020 but has since been extended to April 30, 2020. There is strong indication that the order may be extended again given the degree of the crisis.

Due to the COVID-19 health emergency, many employers have faced tough decisions to lay-off staff or discontinue internships, job shadowing, and/or on-the-job training opportunities. Additionally, the academic component required to be part of the work experience may be interrupted if provide by the worksite employer or provided in an alternative manner that may not be easily accessible due to educational institutions resorting to remote learning during this time.

Approval of this waiver would hold Local Boards harmless from this expenditure requirement for PY 2019 given the interruption of work experience activities for participants during the pandemic.

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.

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

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.

Illinois' request is being made to provide flexibility in providing services to in-school and out-of-school youth during this uncertain time. The benefits of approval of this waiver include holding Local Boards harmless from facing sanctions that may be imposed due to the disruption of planned work experience expenditures.

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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.

Approval of the waiver request will allow the State to not penalize Local Boards that fail to meet the 20% expenditure requirement for in-school youth and out-of-school youth for PY 2019 due to the disruption of services caused by the COVID-19 pandemic.

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.*

The Department of Labor's Employment and Training Administration released the *ETA Coronavirus (COVID-19) FAQs* to help state and local workforce leaders, and other stakeholders and partners to assist the public workforce system during this crisis.

One of the questions posed in the FAQ relates to if states or local areas should suspend all youth and adult work experience during this crisis or determine the best course of action depending on the youth/adult and employer situations?

The Department's response was "States and local areas should follow CDC and state and local government guidance in making determinations related to whether youth and adults should still be participating on work experiences, and should consider the environment in which the work is being conducted, and the chance for virus transmission. ETA understands that many activities including work experience may be suspended or impacted."

The State believes providing relief of the 20% expenditure requirement will assist local areas in a time when many employers are required to close or stop non-vital functions such as work experiences.

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 would benefit Local Boards and youth providers. It will allow relief for Local Boards and subsequently youth providers in meeting the 20% work experience expenditure requirement.

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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:

1. State staff 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 IWIB Continuous Improvement Committee.
2. Annual WIOA on-site programmatic reviews will include an evaluation of the impact the waivers have on programmatic goals and outcomes.
3. 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.

This strategy ensures that the goals described above, as well as those outlined in the State's Unified Plan and the IWIB Strategic Plan, are consistent with established objectives of the WIOA and federal and state regulations.

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.