



OCT 29 1997

The Honorable Charlie Crist
Office of the Governor
The Capitol, PL-05
Tallahassee, Florida 32399

Dear Governor Crist:

It is with pleasure that I respond to the State of Florida's request for waivers of statutory and regulatory requirements under the Workforce Investment Act (WIA). This action is taken under the Secretary's authority to waive certain requirements of WIA Title I, subtitles B and E, and Sections 8-10 of the Wagner-Peyser Act. In the Strategic State Plan for Title I of the Workforce Investment Act and the Wagner-Peyser Act for the two-year period, July 1, 2007, through June 30, 2009, the State submitted nine waiver requests. The requests are written in the format identified in WIA Section 189(i)(4)(B) and 20 CFR 661.420(c), and appear to meet the standard for approval at 20 CFR 661.420(e). The following is the disposition of the State's waiver submission (copy enclosed).

Requested Waiver 1: Extension of the waiver of the reallocation provisions of WIA Sections 128(c)(2) and 133(c)(2), and 20 CFR 667.160.

The State seeks to maintain its flexibility to recapture funds to permit a mid-year de-obligation and reallocation of local area funds. We are granting an extension of the waiver through June 30, 2009.

Requested Waiver 2: Extension of the waiver of the funds transfer limitation at WIA Section 133(b)(4).

The request for funds transferability is consistent with one of the improvements that the Administration is seeking in the reauthorization of the Workforce Investment Act – the consolidation of the WIA Adult, WIA Dislocated Worker, and Wagner-Peyser Act (Employment Service) funding streams. The State is granted a waiver of the funds transfer limitation at WIA Section 133(b)(4), through June 30, 2009. The waiver allows the State to approve local area requests to transfer up to 100 percent of local area allocations between the WIA Adult and Dislocated Worker programs.

Requested Waiver 3: Waiver of the Wagner-Peyser merit staffing requirements.

The State indicates that a waiver of merit staffing requirements would assist Florida in meeting its goal of a seamless One-Stop Career Center system that provides maximum flexibility and total integration of services. Since the inception of the One-Stop Career Center system, the Employment and Training Administration (ETA) has encouraged state workforce agencies and state workforce investment boards to work collaboratively with local officials and local workforce investment boards to develop an integrated delivery system that focuses on services rather than programs and integrates the state-run Wagner-Peyser program with the locally-run WIA program. We support Florida's efforts and progress to date in developing a seamless system functionally organized around service delivery rather than an array of separate programs and processes.

However, we are unable to provide a waiver as requested. The requirement that Wagner-Peyser Act services be provided by state merit staff employees derives from Sections 3 and 5(b)(1) of the Wagner-Peyser Act and the Secretary's interpretation of the applications of those sections. These sections are not covered by the waiver authority; therefore, a waiver cannot be approved. We will continue to work with our state partners on system transformation that eliminates duplicative costs for infrastructure and administration. This will enable the system to devote resources to more efficiently and effectively serving its customers.

Requested Waiver 4: Extension of the waiver to minimize the collection of participant data for employed worker training.

The State seeks a waiver extension to reduce the data collection burden for employers served under WIA-funded employed worker training programs. We are approving an extension of the waiver of the reporting requirements at 20 CFR 667.300(a) to permit the State to discontinue the collection of the following Workforce Investment Act Standardized Record Data (WIASRD) elements: single parent (117), unemployment compensation eligible status at participation (118), low income (119), TANF (120), other public assistance (121), homeless individual and/or runaway (125), and offender. The waiver extension is granted through June 30, 2009.

Requested Waiver 5: Extension of the waiver to permit the use of up to 20 percent of local formula funds for adults and dislocated workers for incumbent worker training.

We are approving an extension of the waiver of the language at WIA Section 134(b) that limits the authority to provide the activities identified in WIA Section 134 to the State. This waiver permits local areas to request the use of up to 20 percent of local area WIA Adult and Dislocated Worker formula funds to provide incumbent worker training. These funds must be tracked by funding stream. Further, the State is required to report

performance outcomes for any incumbent workers served under this waiver in the Workforce Investment Act Standardized Record Data (WIASRD).

Requested Waiver 6: Expansion of waiver to permit the use of rapid response funds for statewide employment and training activities.

The State has an approved waiver to permit the use of up to 20 percent of rapid response funds for statewide activities. The State is seeking to increase this amount to 100 percent. We are approving a waiver of the language limiting the authority to provide the activities at WIA Section 134(a)(1)(B) to statewide reserve funds. The waiver permits the use of up to 100 percent of the funds reserved for rapid response activities at WIA Section 133(a)(2) to provide the allowable statewide activities authorized at WIA Section 134(a)(3), with the exception of administration, through June 30, 2009. These funds must be tracked by funding stream. Further, the State is required to report performance outcomes for any incumbent workers served under this waiver in the Workforce Investment Act Standardized Record Data (WIASRD).

Requested Waiver 7: Extension of the waiver to permit the use of Individual Training Accounts (ITAs) for older and out-of-school youth program participants.

We are granting an extension of the waiver of the prohibition on the use of ITAs for older and out-of-school youth at 20 CFR 664.510, through June 30, 2009. The State should ensure that funds used for ITAs are tracked and reflected in the individual service strategies for these youth.

Requested Waiver 8: Extension of the waiver to allow entrepreneurial training to be provided through state-level grants and local formula dollars with performance tracked and aggregated at the state level, but not included in local performance calculations.

We are granting an extension of the waiver of 20 CFR 666.300, to be applied solely to individuals who receive entrepreneurial training with WIA formula funds. The waiver extension is granted through June 30, 2009.

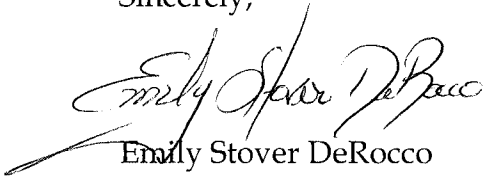
Requested Waiver 9: Extension of the waiver to allow One-Stop Career Center staff to perform intake and eligibility determination for additional programs.

Florida seeks an extension of the waiver of 20 CFR 662.240(b)(10) to interpret this section as inclusive of the three supportive workforce programs cited by the State: Temporary Assistance for Needy Families (TANF), Food Stamp Employment and Training (FSET), and Medicaid programs. Under the waiver, intake and eligibility determination for these programs are considered to be WIA core services and can be paid for with WIA funds. The extension is approved through June 30, 2009.

The granted waivers are incorporated by reference into the State's WIA Grant Agreement, as provided for under paragraph 3 of the executed Agreement, and constitute a modification of the State's approved Strategic Plan. A copy of this letter should be filed with the State's WIA Grant Agreement and the approved Strategic Plan.

We look forward to continuing our partnership with you and achieving better workforce investment outcomes. We are prepared to entertain other waiver requests that you may wish to submit, consistent with the provisions of the WIA statute and regulations.

Sincerely,

A handwritten signature in cursive script, reading "Emily Stover DeRocco". The signature is written in black ink and is positioned above the printed name.

Emily Stover DeRocco

Enclosure