

State of Delaware
Waiver Request

As part of its 5 year State Plan being submitted for Program Years 12 – 16, the State of Delaware requests continuance of the following waiver which is currently in effect.

Transfer of Workforce Investment Act (WIA) Title I Funds between
the Adult and Dislocated Worker Funding Streams

Statutory/Regulatory Provisions	Transfer of Funds Under the Workforce investment Act Title I
Citations	The Workforce Investment Act (WIA) Section 133(b)(4)(A) and (B), and 20 CFR WIA Final Rules 667.140(a).
Entity	State of Delaware

Statutory and Regulatory Sections to be Waived:

WIA Section 133(b)(4)(A) and (B), and WIA Final Regulations at 20 CFR Section 667.140 (a) provide that, with the approval of the Governor, Local Workforce Investment Boards may transfer up to 20% of a program year’s allocation for adult employment and training activities and up to 20% of a program year’s allocation for dislocated worker employment and training activities between the two programs. The State of Delaware is requesting a general waiver of the legal requirement that limits the transfer of funds between the adult and dislocated worker programs to no more than 20% of a program year’s allocation. The waiver would grant the transfer of funds up to 50% of a program year’s allocation between the adult and dislocated worker funding streams. The granting of this waiver will ensure the flexibility necessary to respond to the critical workforce needs of Delaware residents as we strive to better prepare them for the challenges inherent in responding to the current economic downturn and successfully competing in the local, statewide, regional, and global economies.

State and Local Statutory or Regulatory Barriers:

There are no State or local statutory or regulatory barriers to impede the implementation of the proposed waiver. State of Delaware policies are in compliance with current Federal guidelines. Upon notification of approval this waiver request, state policies will be amended to comply with the terms of the waiver.

Goals to be Achieved by the Waiver:

- Provide for increased responsiveness to changes in the labor market.
- Provide greater flexibility in designing and implementing WIA programs.
- Provide greater flexibility in applying funds more strategically where they are most needed.
- Improve the ability to design programs and provide targeted assistance in response to customer needs.

Appendix R

- Improve the ability to respond to employer needs for workers trained in employer-specific skills.
- Improve performance outcomes.

Individuals Impacted by the Waiver:

Approval of this waiver will positively impact the Delaware Workforce Investment Board (DWIB), job seekers, employers, and services providers.

- The DWIB will have the flexibility to design programs based on local needs and priorities.
- The DWIB will have the flexibility to move funds to where they are most needed and most affective.
- WIA program participants will have greater access to appropriate core, intensive, and training services.
- Employers will be better served through participants that acquire skills specific to employer's needs.

Process Used to Monitor the Progress in Implementing the Waiver:

Delaware is a single service area and as such does not have to provide notice to a local Board. The Delaware Department of Labor, Division of Employment and Training (DOL/DET) and the Delaware Workforce Investment Board (DWIB) serve as the co-administrative entity for Workforce Investment Act and State Blue Collar Jobs Act programs for the State. Further, the DOL/DET serves as the administrative entity for Wagner-Peyser, Veterans, and Trade Act Assistance programs. The waiver provides the DOL/DET and the DWIB with the flexibility to implement a seamless delivery of services and to customize the planning and delivery of services for applicable programs. The DOL/DET and the DWIB will monitor the implementation and impact of the waiver through a combination of performance reporting, evaluations, and discussions with stakeholders regarding our progress towards expected outcomes. The DOL/DET and the DWIB will review applicable policies and procedures and modify them accordingly.

Process for Notice to Local Boards and Opportunity to Comment:

The waiver request was originally discussed during a meeting of the Executive Committee of the Delaware Workforce Investment Board held on January 27, 2009 at which time they expressed their endorsement. The waiver was again discussed and the Board given opportunity to comment on July 24, 2012 at which time it reaffirmed its original endorsement.