



DWD Issuance 19-2008

Issued: May 4, 2009  
Effective: May 1, 2009

**Subject: Performance Measures and Other Provisions Waived for Youth Participating in the Work Experience Component through the American Recovery and Reinvestment Act of 2009**

1. Purpose: To transmit policy guidance to local Workforce Investment Boards (WIBs) on Missouri's recently approved waiver "Request to Waive Youth Common Measures under the Recovery Act", and other allowed youth flexibility provisions provided in Training and Employment Guidance Letter (TEGL) NO.14-08.
2. Background: TEGL 14-08 provided states an opportunity to request a waiver on youth common measures for an expanded summer employment component under the American Recovery and Reinvestment Act ("the Recovery Act") of 2009. The TEGL also provided guidance on other program design flexibility provisions for implementation of the summer program.
3. Substance: TEGL 14-08 allows WIBs to use the work readiness indicator as the only indicator of performance for all youth who are enrolled exclusively into the Recovery Act's summer youth work experience. This may include enrolling the youth into any set of allowable WIA youth services occurring during the summer months as long as it includes a Recovery Act work experience component. The "summer months" are defined as May 1, 2009 through September 30, 2009.

Missouri has been granted a waiver allowing WIBs to use the work readiness indicator as the only performance measure for out-of-school youth ages 18 to 24 served under the Recovery Act who participate exclusively in work experience that occurs outside of the summer months. This waiver is only applicable from October 1, 2009 through March 31, 2010, the first six months following the summer of 2009. Youth participating in a work experience component after the summer months, may also receive supportive services and still be counted under the work readiness indicator. This is the only program element during the youth's work experience they may receive without being counted in all of the youth common measures. Any other element puts the youth into the full common measures.

Youth enrolled into a work experience component, but then determined in need of services beyond their work experience will be enrolled into other services such as Recovery Act-funded youth services or co-enrolled into a

WIA Adult program or service to further the youth's education or other training activities. These youth will then be subject to the full set of WIA Youth common measures. As always, meeting the youth's needs should be the deciding factor on continuing the youth into other services.

The State requested additional flexibility for Recovery Act youth participants ages 18 to 24 served from October 1, 2009 through March 31, 2010. Two additional waivers were approved:

- Waiver of the requirement at WIA section 129(c)(2)(I) and 20 CFR 664.450(b) to provide a minimum of 12 months of follow-up services, to allow local areas to provide follow-up services with Recovery Act funds as deemed appropriate for such youth participants.
- Waiver of the requirement at WIA section 129(c)(1)(A) and 20 CFR 664.405(a)(1) to provide an objective assessment and the requirement at WIA section 129(c)(1)(B) and 20 CFR 664.405(a)(2) to develop an ISS, to allow local areas to provide an assessment or ISS as deemed appropriate for such youth participants.

Information on performance reporting will be forthcoming once the TEGL on performance has been released.

4. Action: Effective May 1, 2009, Local Workforce Investment Boards and service providers must comply with this guidance when implementing and operating the summer youth program under the Recovery Act.
5. Contact: Please contact Roger Baugher at (573)751-7897 or Sue Sieg at (573) 751-3106 if you have any questions regarding this issuance.
6. Reference: WIA 20 CFR 664.460; TEGL 14-08; March 18, 2009; TEGL 14-08, Change 1; April 15, 2009; TEGL 17-05; and TEGL 17-05, Change 1
7. Rescissions: None
8. Attachments: Attachment: *"Request to Waive Youth Common Measures under the Recovery Act"*



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Julie Gibson, Director

**DWD Issuance 19-2008: Attachment 1**  
**NEW WAIVER REQUEST NEXT-GENERATION JOBS TEAM PROGRAM**  
**American Recovery and Reinvestment Act (Recovery Act)**

**Request to Waive Youth Common Measures under the Recovery Act**

The Division of Workforce Development, as the State of Missouri's administrator for the Workforce Investment Act (WIA) and the American Recovery and Reinvestment Act ("the Recovery Act"), is requesting the U.S. Department of Labor (DOL) to waive the youth common measures for out-of-school youth ages 18 to 24 served with Recovery Act funds beyond the summer months who participate in work experience only. This waiver will allow Missouri to use the work readiness indicator as the only indicator of performance for such youth, the same measure that applies to summer youth only participants (May 1, 2009 through September 30, 2009). This waiver is being requested for the first six months following the summer of 2009 (October 1, 2009 through March 31, 2010).

As stated in Training and Employment Guidance Letter (TEGL) NO. 14-08, Section 16.A., "In order to implement the Congressional intent to offer expanded summer employment opportunities, it may be necessary to provide additional flexibility for youth served with Recovery Act funds who participate in summer employment only". Missouri is requesting this additional flexibility under TEGL NO. 14-08, Section 16.A. to be utilized for youth ages 18 to 24 served with Recovery Act funds beyond the summer months, participating in a work experience only. The following items are being requested through this waiver:

- Local Workforce Investment Boards (WIBs) have the flexibility to determine which program elements they provide with Recovery Act funds.
- WIBs should provide follow-up services when deemed appropriate for such individuals.
- WIBs have the flexibility to determine the type of assessment and Individual Service Strategy (ISS) for youth served with Recovery Act funds during the summer months only and provide the type of assessment deemed appropriate for each individual.
- WIBs have the flexibility to determine whether it is appropriate that academic learning be directly linked to summer employment for each youth served with Recovery Act funds during the summer months only.
- Finally, as stated in paragraph one, Missouri is requesting that the work readiness indicator be the only indicator of performance for youth ages 18 to 24 who participate in work experience only beyond the summer months (October 1, 2009 through March 31, 2010).

Justification for this Waiver Governor Nixon has charged the Division of Workforce Development (DWD) with the responsibility of providing Missouri Youth with opportunities to seek high quality jobs through the Recovery Act. Missouri is implementing the Next-Generation Jobs Team Program so that the Recovery Act funds provide youth with work experience in areas of their occupational interest, while also being placed with a worksite that can train the youth to be prepared for jobs in growth occupations; emerging and/or regionally specific industries; and to include "green jobs", such as utilities or alternative energy. DWD plans to provide as many of these out-of-school youth as possible with work experience outside of the summer months.

Focusing on the work readiness portion of performance allows Missouri and its local workforce investment boards to give youth a unique opportunity to explore work experiences that may not have been possible without Recovery Act funds. Without this waiver, the performance requirements would impede the true intent of this program as concerns over performance would overshadow the great opportunities and choices given to Missouri's youth during these challenging economic times.

Continued Service Plans for Participants Served Under this Waiver Youth who are assessed in need of additional work experience under the Recovery Act shall have the justification documented in their ISS. These youth will continue to be measured for the work readiness indicator only, as long as they complete by March 31, 2010.

Youth who fall into this category but then are determined in need of services beyond their additional work experience will be enrolled into other services such as Recovery Act-funded youth services or co-enrolled into a WIA Adult program or service. Examples of other services that would lead to continuing a youth's service plan would be to further the youth's education or other training activities.

Priority of meeting the youth's needs will be the deciding factor on continuing the youth into other services, not whether they'll be accountable to other common measures beyond the work readiness indicator.

DWD will provide policy and guidance through an agency issuance if this waiver is approved.

This waiver request adheres to the format provided in WIA ss189(i)(4)(B) and WIA Regulations 20 CFR 661.420(c).

### **1. Statutory or Regulatory Requirement to be Waived**

Missouri is seeking a waiver of certain provisions of the requirements of the Workforce Investment Act of 1998, Sections 136 youth measures, along with TEGl 17-05, and 17-05, Change 1, that relate to common measures for youth only. The State of Missouri requests this waiver based on TEGl 14-08, page 37 "Waiver of performance measures for youth who participate in work experience only."

### **2. State or Local Statutory or Regulatory Barriers**

There are no known state or local statutory or regulatory barriers to implementing this waiver. Upon notification on the approval of this waiver, DWD will incorporate it into policy and distribute the new policy to the WIBs.

### **3. Goals and Expected Programmatic Outcomes of this Waiver**

The goal of this waiver request is to provide a simplified and streamlined performance measure for WIBs to track their youth's success in completing work experience beyond the summer months. This also promotes an exciting time in allowing youth the creativity to try new opportunities, such as "green jobs" and other career interests while not penalizing the WIBs in meeting additional youth common measures.

#### **4. Individuals Affected by this Waiver**

A granting of this waiver would be in alignment with Missouri's strategic goal of streamlining the performance accountability system so that there is an increased focus on the system's enrollment of youth into the Recovery Act.

#### **5. Processes Used to:**

##### Monitor the Progress in Implementing the Waiver

DWD is the entity responsible for the Recovery Act summer employment program affected by this waiver, and if this waiver is granted, DWD will assume the lead role in monitoring the implementation of the waiver.

##### Provide Notice to any Local Board Affected by the Waiver

Prior to the submission of the waiver request, DWD will inform all WIBs of its intent via an email memorandum, with this waiver request attached. The Missouri Workforce Investment Board met on March 25, 2009 and overwhelmingly supported the submission of this waiver.

##### Provide any Local Board Affected by the Waiver an Opportunity to Comment on the Request

A 9-day comment period from the date of written notification was given to allow WIBs an opportunity to provide comments on the waiver request.

##### Ensure Meaningful Public Comment on the Waiver Request

A 9-day comment period began on March 27, 2009 with the publication of this waiver on the state's website <http://ded.mo.gov/wfd/> and on Missouri's SHARE Network at <http://www.sharenetworkmo.org/>. The SHARE Network is a unique network, reaching out to workforce development partners, faith-based and community organizations, businesses and government agencies. DWD also sent an electronic memorandum advising the workforce investment board leaders of the opportunity to provide comment. As stated earlier, the MoWIB approved this waiver at its full board meeting on March 25, 2009. The public comment period ended on April 3, 2009. There were no public inquiries.