

U.S. Department of Labor

Employment and Training Administration
200 Constitution Avenue, N.W.
Washington, D.C. 20210



March 18, 2022

The Honorable Christopher T. Sununu
Governor of New Hampshire
107 North Main Street
Concord, NH 03301

Dear Governor Sununu:

Thank you for your waiver request submission to the U.S. Department of Labor (Department) regarding certain statutory and regulatory provisions of the Workforce Innovation and Opportunity Act (WIOA) and the accompanying plan to improve the statewide workforce development system (enclosed). The waiver request was received on December 21, 2021. This letter provides the Employment and Training Administration's (ETA) official response to your request and memorializes that the State of New Hampshire will meet the outcomes and implement the measures identified in its plan to ensure accountability agreed to by New Hampshire and ETA. This action is taken under the Secretary's authority to waive certain requirements of WIOA Title I, Subtitles A, B, and E, and Sections 8–10 of the Wagner-Peyser Act in WIOA Section 189(i).

Requested Waiver: Waiver of WIOA Section 189(g)(2)(A) and 20 CFR 683.110 (b)(1) to permit the State to extend Program Year (PY 2019) funds for an additional year.

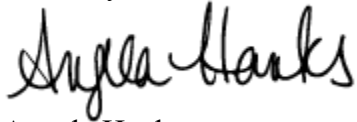
ETA Response: ETA approves this waiver for PY 2019 Governor's Reserve and Dislocated Worker funds on the condition that the State provide ETA a detailed spending plan within 30 days of receipt of this letter. Under this waiver, the State may expend these funds through June 30, 2023. ETA reviewed the State's waiver request and plan and has determined that the requirements New Hampshire requested to be waived impede the ability of New Hampshire to implement its plan to improve the workforce development system.

ETA acknowledges the unprecedented circumstances of the COVID-19 pandemic, New Hampshire's unique cost structures, and their impact on service delivery in New Hampshire. The State is required to expend all other formula funds within the three-year period prescribed in statute and regulation. ETA strongly encourages New Hampshire to review policies and practices that may impede the State's ability to expend WIOA funds in a timely manner.

The State must report its waiver outcomes and implementation of the approved waiver in the WIOA Annual Report. ETA is available to provide technical assistance to you in support of your goals.

If you have questions, feel free to contact my office at (202) 693-2772.

Sincerely,

A handwritten signature in black ink that reads "Angela Hanks". The signature is written in a cursive, flowing style.

Angela Hanks
Acting Assistant Secretary

Enclosure

cc: Joseph Doiron, Director, New Hampshire Office of Workforce Opportunity
Jennifer Friedman, Acting Boston Regional Administrator, Employment and Training
Administration
Kenan Hall, Federal Project Officer, Employment and Training Administration



New Hampshire Department of
**BUSINESS AND
ECONOMIC AFFAIRS**



December 21, 2021

Marty Walsh, Secretary of Labor
U S Department of Labor
200 Constitution Avenue NW
Washington, DC 20210

Dear Secretary of Labor Walsh,

The New Hampshire Department of Business and Economic Affairs, Office of Workforce Opportunity, the state administrative entity for the Workforce Innovation Opportunity Act, seeks a waiver through June 30, 2023 from the requirement to expend all WIOA Dislocated Worker and Governor's Discretionary funds for the Program Year 2019/Fiscal Year 2020 which are not expended in the required three-year period.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joseph Doiron'.

Joseph Doiron
Director of Workforce Development
Office of Workforce Opportunity
Department of Business and Economic Affairs

cc: Jennifer Friedman Acting Regional Administrator, ETA
Amanda Poirier, Federal Project Officer, ETA
Keena Hall, Federal Project Officer, ETA

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Concord, New Hampshire 03301

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State of New Hampshire
NH Department of Business and Economic Affairs
Office of Workforce Opportunity (OWO)
Workforce Innovation and Opportunity Act
Waiver Request

Waiver of Requirement that States Expend All Funds in a Three-year Period

The ability to request waivers of statutory or regulatory requirements in order to improve the workforce system, is authorized by the Workforce Innovation and Opportunity Act (WIOA) section 189(i)(3) and by 20 CFR parts 679.600 - 679.640.

The statutory and/or regulatory requirements to be waived:

The New Hampshire Department of Business and Economic Affairs, Office of Workforce Opportunity, the state administrative entity for the Workforce Innovation Opportunity Act, seeks a waiver through June 30, 2023 from the requirement to expend all WIOA Dislocated Worker and Governor's Discretionary funds for the Program Year 2019/Fiscal Year 2020 which are not expended in the required three-year period.

Specifically, the State of New Hampshire is requesting from the Employment and Training Administration (ETA) a waiver of 20 CFR 683.110 (b) (1), which read as follows:

(b) Grant funds expended by States. Funds allotted to States under WIOA secs. 127(b) and 132(b) for any program year are available for expenditure by the State receiving the funds only during that program year and the 2 succeeding program years as identified in section 683.100.

The law also states the following in WIOA section 189(g)(2)(A):

(g) PROGRAM YEAR.-

(2) AVAILABILITY. —

(A) IN GENERAL. — Funds obligated for any program year for a program or activity funded under subtitle B may be expended by each State receiving such funds during that program year and the 2 succeeding program years.

This waiver will allow New Hampshire access to WIOA PY19 funding for an entire year through June 30, 2023. With the unprecedented circumstances of the COVID-19 pandemic, the state has seen NH Works Offices close only to re-open part-time, significant reductions in customer traffic, and decreased spending on WIOA programs. As the New Hampshire economy has opened back up, the State has seen a decrease in those seeking career and training services. However, the state does anticipate an influx of customers who will require WIOA services and programs in the coming months. To address the financial demand of this influx, OWO believes that the state should have PY 2019 WIOA funding available for an additional program year. This will allow the state to continue to offer training programs, on-the-job training (OJT) programs, and virtual seminars for WIOA customers and prevent any denials to these programs based on the lack of available funding. In addition, the ability to retain PY19 discretionary funds will allow the state to develop and implement new initiatives to deal with the aftereffects of the COVID-19 pandemic on the New Hampshire workforce system.

Actions undertaken to remove state or local statutory or regulatory barriers

There are no state or local statutory or regulatory barriers to implementing the requested waiver. New Hampshire regulations and policy statements are in compliance with current federal law.

Projected programmatic outcomes resulting from waiver implementation:

Improved flexibility of state and local funding to best meet the needs of our citizens and businesses during and after the COVID-19 pandemic.

State strategic goal(s) and Department of Labor priorities supported by the waiver:

Approval of this waiver would support the Department of Labor's strategic priorities to improve the effectiveness and efficiency of workforce development programs. ETA made it an objective in the FY 2018-2022 Strategic Plan to support flexibility for governors and Local Workforce Development Boards, to enable them to effectively tailor their workforce strategies to meet state and local needs. This support is needed more than ever as we adapt to serving citizens and businesses through the COVID-19 pandemic and beyond.

Individuals, groups, or populations benefitting from the waiver:

The Waiver will positively impact all eligible participants as identified at WIOA section 129 and 134 and 20 CFR 680.120, 20 CFR 680.130, and 20 CFR 681.200. These participants include adults, dislocated workers, in-school and out-of-school youth.

The waiver would secondarily benefit people who are not WIOA eligible recipients but who have an economic relationship with recipients. These include businesses and employers, residents, and other individuals and entities affected by the COVID-19 pandemic.

Monitoring waiver implementation, including collection of waiver outcome data

If the waiver is granted, OWO will take the responsibility of tracking and monitoring this grant, to make sure that it is spent in its entirety by June 30, 2023, so there is no remaining balance on the federal claim. Monthly spending reports are sent by sub recipients to the OWO fiscal administrator.

Notification to Key Stakeholders and Public Comment on This Waiver Request:

We are a single state Workforce Board, and this Waiver Request was approved by the State Workforce Innovation Board. We will publish on the www.nhworks.org website for 10 days a copy of this waiver for purposes of ensuring meaningful public comment. All feedback and correspondence will be kept on file at the Office of Workforce Opportunity for review upon request.



State Workforce Innovation Board Approval

Waiver of Requirement that States Expend All Funds in a Three-year Period

The New Hampshire Department of Business and Economic Affairs, Office of Workforce Opportunity, the state administrative entity for the Workforce Innovation Opportunity Act, seeks a waiver through June 30, 2023, from the requirement to expend all WIOA Dislocated Worker and Governor's Discretionary funds for the Program Year 2019/Fiscal Year 2020 which have not been expended in the required three-year period.

Specifically, OWO is seeking a waiver of 20 CFR 683.110 (b) (1), which read as follows:

(b) Grant funds expended by States. Funds allotted to States under WIOA secs. 127(b) and 132(b) for any program year are available for expenditure by the State receiving the funds only during that program year and the 2 succeeding program years as identified in section 683.100.

The law also states the following in WIOA section 189(g)(2)(A):

(g) PROGRAM YEAR.-

(2) AVAILABILITY. —

(A) IN GENERAL. — Funds obligated for any program year for a program or activity funded under subtitle B may be expended by each State receiving such funds during that program year and the 2 succeeding program years.

Recognizing that during the fourth quarter of PY 19 and throughout PY 20, a pandemic affected our State. The state has seen NH Works Offices close only to re-open part-time, significant reductions in customer traffic, and decreased spending on WIOA programs. As the New Hampshire economy has opened back up, the state has seen a decrease in those seeking career and training services. However, the state does anticipate an influx of customers who will require WIOA services and programs in the coming months/years. To address the financial demand of this influx, OWO believes that the state should have PY 2019 WIOA funding available for an additional program year. This will allow the state to continue to offer training programs, on-the-job training (OJT) programs, and virtual seminars for WIOA customers and prevent any denials to these programs based on the lack of available funding. In addition, the ability to retain PY19 discretionary funds will allow the state to develop and implement new initiatives to deal with the aftereffects of the COVID-19 pandemic on the New Hampshire workforce system.

Granting this waiver will allow the State to continue to work on providing WIOA services to the citizens of New Hampshire as well as develop innovative programs to deal with the changing workforce development system.

With the approval of the State Workforce Innovation Board, OWO will draft and submit a formal request for a waiver to address this issue.



State
Workforce
Innovation
Board



New Hampshire Department of
**BUSINESS AND
ECONOMIC AFFAIRS**

Date Approved: 12/21/2021

Authorized by: Michael Kane, Chair State Workforce Innovation Board

Signature:

A handwritten signature in black ink, appearing to read "Michael Kane".

Michael Kane, Chair State Workforce Innovation Board