



June 23, 2020

The Honorable Mike DeWine
Governor of Ohio
Office of the Governor
State of Ohio
30th Floor
77 South High Street
Columbus, OH 43215

Dear Governor DeWine:

Thank you for your waiver requests 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. The waiver requests were received March 26, 2020, as part of your recent WIOA State Plan submission. This letter provides the Employment and Training Administration's (ETA) official response to your request and memorializes that Ohio will meet the outcomes and implement the measures identified in its plan to ensure accountability agreed to by Ohio 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 the obligation of eligible training providers (ETPs) to report performance data on all students in a training program at WIOA Sections 116(d)(4)(A) and 122 and 20 CFR 677.230(a)(4) and (5) and 20 CFR 680.

ETA Response: The State's request to waive the obligation of ETPs to report performance data on all students in a training program is approved through June 30, 2021. ETA reviewed the State's waiver request and plan and has determined that the requirements requested to be waived impede the ability of Ohio to implement its plan to improve the workforce development system. The State must provide information regarding how the Governor will take into account the outcomes of all students in an ETP program of study, with respect to their employment and earnings, as required for the demonstration of continued eligibility in 20 CFR 680.460(f)(1)(iii) and WIOA Section 122. The State will continue to collect and report data for all WIOA-funded participants in accordance with all statutory and regulatory requirements, including WIOA Sections 116 and 122, and as specified at 20 CFR 677.230 and 680.460. While ETA recognizes the importance of informing consumer choice through the provision of quality data on training outcomes, we also recognize that the systems to collect the required performance data from providers take time to develop and implement in a way that maximizes training provider participation, which is a critical component of the workforce development system. Starting July 1, 2021, the State's obligation to report performance data on all students in a training program will be reinstated.

Requested Waiver: Waiver of 20 CFR 681.550 to allow WIOA individual training accounts (ITAs) for in-school youth (ISY).

ETA Response: ETA approves, through June 30, 2022, the State's request to waive the requirement limiting ITAs to only out-of-school youth (OSY), ages 16–24. In addition to these OSY, the State may use ITAs for ISY, ages 16–21. ETA reviewed the State's waiver request and plan and has determined that the requirements requested to be waived impede the ability of Ohio to implement its plan to improve the workforce development system. Approval of this waiver should not impede the State's efforts to prioritize OSY, including outreach to the OSY population.

Requested Waiver: Waiver of WIOA Section 129(a)(4) and 20 CFR 681.410 which require that local workforce development areas expend at least 75 percent of local area youth funds to provide services to OSY and calculation of the local area expenditure for each local area.

ETA Response: ETA conditionally approves for Program Years (PYs) 2019 and 2020, which includes the entire time period for which states are authorized to spend PY 19 and 20 funds, the State's request to waive the requirement that the State expend 75 percent of youth funds on OSY. The State may use both WIOA and TANF funds to count towards the 75 percent expenditure requirement. Prior to implementation of this waiver, the State must update its waiver request to include projected quantifiable outcomes (i.e., for the core indicators under WIOA or shorter-term state-defined indicators) for WIOA youth served under the waiver as well as information regarding the outcomes achieved by youth during the State's prior implementation. The State may only count expenditures for youth co-enrolled in TANF and in WIOA Title I Youth. The State is also approved to calculate the 75 percent expenditure rate at the State level instead of individually for each local area.

Requested Waiver: Waiver of Training and Employment Guidance Letter No. 21-16 to allow local areas to conduct career services for all youth as a WIOA youth-funded outreach activity.

ETA Response: The Secretary's waiver authority only extends to certain requirements of WIOA Title I, Subtitles A, B, and E, and Sections 8–10 of the Wagner–Peyser Act, and not sub-regulatory guidance. ETA is available to provide technical assistance on how the State can utilize Governor's Reserve and Wagner-Peyser funds to conduct many of the activities outlined in its request.

The State must report its waiver outcomes and implementation of the approved waivers in the WIOA Annual Report. ETA will use this information to assess continued waiver approval and to identify promising practices that may be adopted more widely. ETA is available to provide technical assistance to you in support of your goals. The Department proposed additional flexibility in its budgets for Fiscal Years 2018 through 2021 to give governors more decision-making authority to meet the workforce needs of their states.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "John Pallasch". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Pallasch".

John Pallasch

cc: Cynthia C. Dungey, Director, Ohio Department of Job and Family Services
Christine Quinn, Chicago Regional Administrator, ETA
Carl Stahlheber, Federal Project Officer, ETA