

U.S. Department of Labor

Assistant Secretary for
Employment and Training
Washington, D.C. 20210



June 20, 2020

The Honorable Muriel Bowser
Mayor of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Mayor Bowser:

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. The waiver request was received March 27, 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. 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–Peysner Act in WIOA Section 189(i).

Requested Waiver: Waiver of the five percent exception on participation of youth who are not low-income in youth programs under WIOA Title I at WIOA Section 129(a)(3)(A)(ii).

ETA Response: This request falls outside of the Secretary's waiver authority and, therefore, cannot be approved. WIOA 189(i)(3)(A)(i) prohibits the Secretary from waiving requirements related to participant eligibility. However, please note that a youth who lives in a high-poverty area automatically meets the low-income eligibility requirement under WIOA Section 129(a)(2), as does a youth who qualifies to receive free or reduced lunch under the Richard B. Russell National School Lunch Act as per 20 CFR 681.250(d). Therefore, the five percent exception does not apply to either of these subgroups of youth.

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".

John Pallasch

cc: Unique N. Morris-Hughes, Director, D.C. Department of Employment Services
Leo Miller, ETA Boston/Philadelphia Regional Administrator, ETA
Tobby Willis, Federal Project Officer, ETA