

## U.S. Department of Labor

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



June 30, 2022

The Honorable Lou Leon Guerrero  
Governor of Guam  
Ricardo J. Bordallo Governor's Complex  
513 West Marine Corps Drive  
Hagatna, GU 96910

Dear Governor Guerrero:

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 April 4, 2022, as part of your recent WIOA State Plan modification. This letter provides the Employment and Training Administration's (ETA) official response to your request and memorializes that Guam will meet the outcomes and implement the measures identified in its plan to ensure accountability agreed to by State 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 associated with the requirement at WIOA Section 129(a)(4)(A) and 20 CFR 681.410 that the State expend 75 percent of Governor's reserve and local youth funds on out-of-school youth (OSY).

ETA Response: ETA approves for Program Year (PY) 2022 and PY 2023, which includes the entire time period for which states are authorized to spend those funds, Guam's request to waive the requirement that the State expend 75 percent of Governor's reserve youth funds on OSY. ETA reviewed Guam's waiver request and plan and has determined that the requirements requested to be waived impede the ability of Guam to implement its plan to improve the workforce development system. Guam may lower the expenditure requirement of Governor's reserve funds to 50 percent for OSY.

In addition, ETA approves for PY 2022 and PY 2023, which includes the entire time period for which states are authorized to spend those funds, Guam's request to waive the requirement that local areas expend 75 percent of local youth formula funds on OSY. Guam may lower the local youth funds expenditure requirement to 50 percent for OSY. As a result of this waiver, ETA expects that the number of in-school youth (ISY) served will increase, and performance accountability outcomes for overall WIOA Youth (including both ISY and OSY) will remain steady or increase for the majority of the WIOA Youth performance indicators.

Guam must report its waiver outcomes and implementation of the approved waiver 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. If you have questions, feel free to contact my office at (202) 693-2772.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brent Parton', with a stylized flourish at the end.

Brent Parton  
Acting Assistant Secretary

Enclosure

cc: David M. Dell'Isola, Director, Guam Department of Labor  
Nicholas E. Lalpui, San Francisco Regional Administrator, ETA  
Patricia O'Sullivan, Federal Project Officer, ETA

## Guam Waiver request excerpted from PY 2022 WIOA State Plan

Guam is requesting for a new waiver for funding allotted for Program Years 2022 and 2023. Although Guam was granted an approval for the first WIOA Waiver Request in 2020, we were unable to implement the Out-of-School Youth (OSY) Waiver which was to lower the expenditure requirements from 75% to 50% of the total funds received due to the exigency of the COVID-19 pandemic. This global pandemic affected Guam's economy tremendously and the island was placed in shutdown inclusive of the government of Guam in March, 2020, and has begun and started its recovery back to a healthy economy again.

The Guam Department of Labor (GDOL) has been partnering with workforce development American Job Center (AJC) partners and partner programs throughout the period of the COVID-19 pandemic to offer youth on-the-job training, work experience, internships, and other job opportunities. Youths ages 14 to 24 who want to get their high school diploma while training on the job can apply for a Guam Department of Labor program. The program, part of the Workforce Innovation and Opportunity Act (WIOA), offers paid and unpaid work experiences including :

- Employment in the summer and throughout the year.
- Pre-apprenticeship programs.
- Internships and job shadowing.
- On-the-job training.
- Alternative secondary school and dropout recovery services.
- Occupational skill training leading to post-secondary credentials in high-demand industries.

Applicants must be a U.S. citizen or registered alien; qualify as low income if in school or a high school graduate; meet Selective Service Registration requirements; and experience one or more of defined barriers to employment or education.

The Guam Department of Labor is looking for youth and young adults for the Workforce Innovation and Opportunity Act (WIOA) Program. This program is supported by the WIOA Grant funds from the U.S. Department of Labor.

In collaboration with the education and core entities that administer Title II programs and activities funded through Technical Education Act of 2006 and the Carl D. Perkins Career, the Guam Community College (GCC) helps prepare graduating students with the Guam Department of Education (GDOE) and also prepare the students with skills development and integrated workforce preparation with the WIOA programs at the American Job Center (AJC). The AJC provides a vast network of programs and services to facilitate the human resource and employment needs of both jobseekers and employers in Guam. Renewed methods and strategies have been discussed for the integration of services and workforce development training for all concerned.

Guam is therefore requesting for a new Waiver as follows:

**Statutory/Regulatory Provision**

**Reduce Out-of-School Youth (OSY) Expense Requirements**

WIOA Section 129(a)(4)(A) and 20 CFR

Reference(s)

681.410

Recipient

Guam

Guam is requesting for this waiver to lower the Out-of-School Youth (OSY) expenditure requirements for WIOA youth activities state allotment from 75% to 50% of the total funds received.

The waiver will allow us to provide services and support to our eligible youth to assist them with workforce training and work experience with our youth programs as well as to re introduce summer youth programs and this includes training to decide which CTE program or career development program or similar programs to pursue with our education partners, the Guam Community College and the University of Guam as well as Eligible Training Providers.

This is to meet the workforce needs of young workers and employers to increase economic growth in Guam and the region, one of the goals within our State Plan.

Statutory and Regulatory Sections to be Waived: WIOA Section 129(a)(4)(A) and 20 CFR 681.410.

**Projected Programmatic Outcomes from Implementation of Waiver:**

We would like to align youth services with Guam's new Strategic Goals with the current 2020-2023 Combined State Plan to increase the earning capacity of Guam's workforce system customers by maximizing access to employment. Now that the COVID-19 restrictions for the last two (2) years have been completely lifted, the Guam Department of Labor (GDOL) is prepared to help the workforce make informed decisions and re-engage with building up Guam's economy to be prosperous more than ever and to include the youth programs in our efforts to bring Guam's economy to be vibrant and healthy. This requires engaging everyone from parents, to workers to educators and employers to meet workforce needs.

This waiver will allow us to increase the earning capacity of Guam's workforce system customers by maximizing access to and use of skills and credentialing. For Youth, Career Pathways guidance is imperative so the workforce is educated and afforded to develop new skills through training and education for skills enhancement and gainful employment.

We also want to increase the earning capacity of Guam's workforce system customers by maximizing access to and use of life management skills. To develop workers to be more qualified in marketable skills obtained through training and apprenticeship programs offered at the American Job Center and in collaboration with credentialing.

We want to increase the earning capacity of Guam's workforce system customers by eliminating barriers to employment. Assessments are to be conducted to gain insight to remove barriers to employment with job seekers who need to upgrade employment skills. Individuals with barriers

to employment include youth with disabilities, ex-offenders, low income individuals and long-term unemployed or underemployed residents.

We want to support job seekers and those with barriers to employment. Guam is ready to assist and prepare Guam's youth to be educated and engaged in work experience. We want to reach out to more participants in our year round youth program. The period for this summer program will be 6 weeks for 1 cohort and we intend to serve at least 200 youth. The program will be administered by the department in partnership with the Guam Department of Education, the Guam Community College (GCC) and the University of Guam (UoG). Priority will be given to economically disadvantaged in-school youth who are at risk, homeless, juvenile youth offenders/ex-offenders, youth with a disability, and pregnant or parenting youth.

At the American Job Center (AJC) we want to encourage online learning with information technology and upskill and reskill individuals with barriers to employment so that they become more efficient to meet employer expectations and perform new and improved skills for the employer and have a higher earning capacity with new and improved marketable skills.

### **THE ISLAND OF GUAM WIOA WAIVER REQUEST**

1. A discussion of how the waiver complements Department of Labor priorities (i.e. expansion of apprenticeship, improved employer engagement, etc.).

Guam has used youth funding to serve In-School-Youth (ISY) in the past through summer programs that helped students with work based learning experiences that provided them with their first ever exposure to jobs in their young lives. We would like to revive the summer youth programs to have this opportunity not only benefit the students but also employers as they will be able to maximize the opportunity and train the individuals so that they will be prepared to enter their respective industries. This request would help Guam serve and prepare more In-School-Youth (ISY) for jobs in workforce development. There are no statutory or regulatory barriers to implementing this waiver in Guam.

2. Individuals, groups, or populations benefiting, or otherwise impacted by the waiver from the waiver.

Through the waiver, more In-School-Youth (ISY) will *have* the opportunity to experience work based learning opportunities as well as be exposed to work place environments and employer engagement. This will provide the students with first hand experiences into the fields of their choice and to see whether or not they should pursue such career, enter into a career pathway program, enter into higher education or technical trades preparation or switch choices and pursue other fields.

Most if not all Guam youth in the Guam Department of Education (GDOE) public school system participate in the FREE Lunch program. Some students come from households of low income or who have parents that are not college educated or did not work in a job as wage earners. These students want to be able to achieve a better life for themselves and also for their families, to improve their quality of life seeing how the COVID-19 pandemic changed how life

is now and for the future. This opportunity will help to motivate students to stay in school and complete/seek higher education. They now realize that education matters and need marketable skills to earn better income and having a good educational background with degrees and credentials will help in meeting job qualifications.

3. How the state plans to monitor waiver implementation, including collection of measurable waiver outcome information.

Progress of the youth participants will be monitored accordingly by the Guam Department of Labor American Job Center (AJC) staff who serve as case managers and compared against Guam's youth performance targets. Performance measures will be monitored and data will be provided to U.S. DOL ETA on the progress made with these youth participants within the Annual State Performance report. The period covered for this waiver will be for PY2022 and PY2023.

4. Assurance of state posting of the request for public comment (including the dates that the state made the draft request available for public comment) and notification to the affected local workforce development board.

As soon as the Guam Workforce Development Board (GWDB) reconvenes, the Adoption for the new OSY Waiver for PY2022 and PY2023 will be placed on the agenda for discussion. The request for public comment period for the 2022 Modification for the 2020-2023 WIOA Combined State Plan was posted in the Guam Daily Post on February 28, 2022 for widest circulation and on our GDOL website. The notification included the Guam Workforce Development Board (GWDB), and other workforce stakeholders. However, no comments were received by the department.