



September 16, 2020

The Honorable Gina M. Raimondo
Governor of Rhode Island
State House
Providence, RI 02903

Dear Governor Raimondo:

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 June 30, 2020. This letter provides the Employment and Training Administration's (ETA) official response to your requests and memorializes that Rhode Island will meet the outcomes and implement the measures identified in its plan to ensure accountability agreed to by Rhode Island 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–Peysner Act in WIOA Section 189(i).

Requested Waiver: Waiver of the requirements outlined in WIOA Section 107, to allow a state workforce development board to carry out the roles and responsibilities of a local board.

ETA Response: ETA approves, through June 30, 2022, the State's request for a waiver to allow the state board to carry out the roles of the Greater Rhode Island Workforce Development Board. ETA reviewed the State's waiver request and plan and has determined that the requirements requested to be waived impede the ability of Rhode Island to implement its plan to improve the workforce development system. Given the support for this waiver request by the local elected officials in the local area and the challenges the State and local area have in mounting a fully compliant local-led board at this time, ETA agrees that the state board is in a better position to ensure effective service delivery in the Greater Rhode Island local area. Under this waiver, the Governor may designate the state board to carry out the roles and responsibilities of the local board in the State. In implementing this waiver, the State must meet the following requirements:

- Establish a written agreement delineating the roles of and firewalls among the state board, board staff, fiscal agent, and service providers;
- Demonstrate administrative procedures and policies consistent with Uniform Guidance; and
- Conduct regular and complete monitoring of local areas.

Requested Waiver: Waiver of the required reporting of performance-related data on all students participating in training programs listed on the State's ETP list as outlined in WIOA Sections 116 and 122.

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, if not waived, would impede the ability of Rhode Island 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 associated with the requirement at WIOA Section 129(a)(4)(A) and 20 CFR 681.410 that the State and local areas expend 75 percent of the Governor's reserve youth funds and local formula youth funds on out-of-school youth (OSY).

ETA Response: ETA does not approve this waiver. The State's request and subsequent follow-up information did not include adequate information regarding projected outcomes for youth under the waiver. ETA will provide technical assistance to Rhode Island regarding acceptable projected outcomes and will reconsider this decision upon receipt of the required information from the State.

Requested Waiver: Waiver of WIOA Section 129(c)(4) and 20 CFR 681.590(a), which require local boards to spend a minimum of 20 percent of local area funds for the Title I Youth program to provide in-school youth and OSY with work experience activities described under WIOA Section 129(c)(2)(C).

ETA Response: ETA does not approve this waiver. ETA reviews states' compliance with this requirement through quarterly financial reports, and states have two years to meet the statutory requirement for work experience expenditures. As noted in Frequently Asked Questions, published at <https://www.dol.gov/agencies/eta/coronavirus>, ETA will take into account the months that the pandemic impacted the ability of local areas to place youth in work experiences. ETA will also provide technical assistance on delivering and accounting for work experience.

Requested Waiver: Waiver of the requirement that local youth programs provide each of the 14 youth programs elements required under WIOA Section 129(c)(2).

ETA Response: This waiver is not necessary. Local areas within Rhode Island already have the flexibility to provide the services needed by participants. As discussed in the WIOA regulation at 20 CFR 681.460, local programs must make each of the 14 program elements available to youth participants, but they do not need to provide all program elements to all youth participants. Further, as discussed in 20 CFR 681.420, local programs develop an individual service strategy based on the needs of each youth participant. Local areas in Rhode Island can already provide

the specific services that best address the immediate needs of youth in Rhode Island and do not need a waiver to do so. Also, ETA programs have the flexibility to choose the best method of delivering program services and can provide services virtually if necessary. Security of customer data and its transition, as well as ease of customer access, must be considered.

Requested Waiver: Waiver from 20 CFR 677.150(c)(1)(i) as it pertains to program exit requirements for Title I Youth participants.

ETA Response: ETA does not approve the State's request. The State should continue to provide participants with the services they need and must continue to exit participants in accordance with the WIOA regulations and ETA's performance guidance on the definition of exit. That definition requires that there be no plan to provide a participant with future services. In light of this, grantees have a few options for serving and exiting participants, despite challenges caused by the COVID-19 pandemic.

These options include the following:

- Continue to provide services that participants need in a safe manner by providing services remotely and adhering to precautions recommended by health experts or required by state officials;
- Take advantage of opportunities to engage and interact with youth (and all customers) virtually and through other means outside of the physical American Job Center. Many of the 14 program elements, including paid and unpaid work experiences, occupational skills training, entrepreneurial skills training, financial literacy, and mentoring, lend themselves to virtual service delivery. ETA encourages grantees to incorporate the use of virtual and online tools to enhance service delivery in response to challenges caused by the COVID-19 pandemic.
- Schedule future planned services for participants whose services have been disrupted due to the pandemic. For example, if a local program cancels a training for the remainder of the program year but plans to resume training in the fall, the fall training for these participants can be considered "future planned services," and the program would not have to exit the participant; and
- Allow participants to exit who no longer need services and do not have ongoing or planned services.

Requested Waiver: Waiver to allow flexibility in the use of funds reserved by the Governor to provide statewide rapid response activities under WIOA Section 134(a)(2)(A) to also provide statewide employment and training activities under WIOA Section 134(a)(2)(B) and WIOA Section 134(a)(3), including disaster-relief employment to affected areas.

ETA Response: ETA approves, through June 30, 2022, the State's request to use statewide funds for disaster-relief employment, as described in WIOA 170(d) and 20 CFR 687.100(b). ETA reviewed the State's waiver request and plan and has determined that the requirements requested to be waived impede the ability of Rhode Island to implement its plan to improve the workforce development system. Therefore, ETA approves this waiver under the following conditions:

- The Governor, or any federal agency, declares an emergency in the local area (or areas) where the State wishes to use statewide funds for the purpose of public service employment;
- WIOA-funded public service employment opportunities are short-term in nature;
- WIOA-funded public service employment opportunities increase the likelihood of participants entering unsubsidized employment; and
- The State collects and tracks use of funds under this waiver and complies with all WIOA-required performance and fiscal reporting.

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, please contact my office at (202) 693-2772.

Sincerely,



John Pallasch
Assistant Secretary for Employment and Training

Enclosure

cc: Sarah Blusiewicz, Assistant Director for Workforce Development Services, Rhode Island Department of Labor and Training
Leo Miller, Boston/Philadelphia Regional Administrator, Employment and Training Administration
Amanda Poirier, Federal Project Officer, Employment and Training Administration



Gina M. Raimondo

Governor – State of Rhode Island

Workforce Innovation and Opportunity Act

Rhode Island Proposed Waivers –2020



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Statutory and/or Regulatory Requirement to be Waived – State Board to Act as Local Board (renewal)

When requesting a Waiver, the request must include information that:

(1) Identifies the statutory or regulatory requirements for which a waiver is requested and the goals that the State or local area, as appropriate, intends to achieve as a result of the waiver and how those goals relate to the Unified or Combined State Plan;

The State of Rhode Island seeks a waiver of the requirements outlined at Sec. 107 of the Workforce Innovation and Opportunity Act, relating to the roles and responsibilities of a local board.

At present, Rhode Island has two Local Workforce Development Areas under the Workforce Innovation and Opportunity Act (WIOA): The Providence/Cranston Local Workforce Development Area (LWDA) (made up of two cities) and the Greater Rhode Island LWDA (made up of thirty-seven (37) cities and towns). WIOA requires Chief Local Elected Officials to administer WIOA Title 1 funds and appoint Local Workforce Development Board members. In Rhode Island, as far back as the Jobs Training Partnership Act, the Governor has performed the functions of the Chief Local Elected Official for the Greater Rhode Island (GRI) LWDA. This means the Governor has appointed both the State Workforce Development Board (SWDB) and the GRI LWDB.

Under WIOA, the Governor has continued to serve as the Chief Elected Official for the GRI LWDB. During a compliance monitoring review conducted in February 2018, by United States Department of Labor (USDOL) regional staff identified that the Governor acting in this capacity is inconsistent with WIOA requirements because the Governor is not a Local elected official and, thus, cannot appoint the local board. Regional staff advised finding a local elected official(s) to assume the role of Chief Local Elected Official for the area or submit a waiver requesting that the SWDB act as, and carry out roles and responsibilities of, the GRI LWDB. It is important to note that the local area belonging to this board comprises 95% of the municipalities within the state.

The Governor engaged the RI League of cities and towns to address the issue. The DLT Director, at the direction of the Governor, met with the League twice to explain the change in law and answer questions regarding the ramifications of that change. The DLT asked local officials if they wanted to appoint the board and they ultimately decided they wanted to relinquish that responsibility to the state and therefore wanted the state to produce a waiver request. These considerations were documented in a letter addressed to the Director dated April 23, 2019. The main theme of those comments involved the need for more efficient management of the local board and more effective use of funds. The letter from the League of Cities and Towns outlining their final position is included with this request. The decision of the local officials is the primary compelling reason for the proposed governance structure. Following the decision of the mayors and town managers and at the direction of the Governor, the DLT held a series of public hearings on the waiver request. In each instance, the public hearings were advertised in local papers of record. After the public hearings, the DLT posted proposed waiver language for 30 days on the website for public comment. Only one comment Rhode Island Department of Labor and Training was received.

(2) Describes the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers;

The Rhode Island Department of Labor and Training conducted a review of potential statutory and regulatory barriers and does not anticipate any challenges in this area. In addition, this waiver would not change the allocation of resources as there will be no change to the designation of Local Workforce Development Areas. Allocations made to the Providence/Cranston local area would remain unchanged as the Providence/Cranston local board would remain active and continue to be appointed by the two mayors.

State law R.I.G.L §42-102 provides the Governor's Workforce Board authority to "establish statewide policies, definitions, objectives, goals, and guidelines for the coordination of all employment-and-training programs and related services and programs within the state." This statute applies to all such programs administered by the Department of Labor and Training, which includes WIOA Title 1B. This statute, and its related subsections, provides the state policy necessary to assume the roles of the local workforce board.

Ensuring local stakeholder interests are represented and engaged:

The DLT will form a subcommittee of the Governor's Workforce Board to reflect the geographic diversity of the state. Because the GRI local area covers so much of the state, synergy exists already between the role of the SWDB and the GRI LWDB. Existing SWDB committees already address many of the local board roles and the new committee would handle any additional roles. The existing committees already perform the roles of planning, regional labor market and workforce research, convening system stakeholders, engaging employers, aligning services to promote career pathways, disseminating information on promising practices, coordinating with education and training providers, and developing budgets for all workforce programs.

The board currently has four committees, two made up of only state board members and two with a broader composition to include a diverse set of additional stakeholders with interest and expertise in specific programmatic areas.

Executive:

The Executive Committee is responsible for the overall management, direction and oversight of the Board and its programs. The Committee's primary role is to ensure the functionality and effectiveness of the State Board. The Committee is also responsible for workforce development planning and policy, which includes oversight of the State's Biennial Plan and the WIOA State Plan. Membership is limited to officers and chairs of standing and ad-hoc committees. The Committee may establish subcommittees to perform any activities within its scope of responsibilities.

Strategic Investments and Evaluation Committee:

The Strategic Investments and Evaluation Committee is responsible for guiding workforce investments (federal, state and local), aligning and leveraging workforce funds, and Rhode Island Department of Labor and Training recommending allocations for the state's Job Development Fund. The Committee's primary role is to ensure investments are demand-driven, meet the talent needs of businesses to spur economic resilience and growth, and create employment opportunities for Rhode Island workers. The Committee regularly reviews Labor Market Information, Bureau of Labor Statistics data and program-level performance data to evaluate demand and supply, monitor progress, and inform future investments. The Committee, like the full board, includes representatives from business, labor, public institutions and community-based organizations.

Career Pathways Advisory Committee (CPAC):

CPAC is responsible for overseeing the development and growth of career pathways that connect populations throughout the state with current and future career opportunities. Central to this function is overseeing the execution of the State's PrepareRI action plan to provide all youth (K-24) with access to flexible, quality and demand-driven career pathways programming through high-quality work-based learning including, but not limited to, Career and Technical Education. CPAC's membership is diverse and includes stakeholders beyond those appointed to the State Board, including industry intermediaries, youth-serving organizations, local school districts, higher education, etc.

Education & Employment Advisory Committee (EEAC):

EEAC is responsible for overseeing programs that ensure adults and out-of-school youth in or nearing the labor force have access and opportunity to obtain postsecondary education, training and credentials and secure employment and a living wage. EEAC is particularly focused aligning Title II adult education programming, administered by the RI Department of Education, with the State's sector-based, demand driven workforce strategy. Like CPAC, EEAC is comprised of stakeholders, such as adult education service providers, industry intermediaries, employers, organized labor, the K-12 and higher education systems, etc.

The new local committee would have purview over the one-stop system for the local area, manage the technology needs to improve access and communication among programs, conduct program oversight, negotiate local performance measures, select operators and providers, and access physical and programmatic accessibility of the one-stop centers.

(3) Describes the goals of the waiver and the expected programmatic outcomes if the request is granted;

The primary goal and outcome related to this waiver request are to comply with the provisions of WIOA. Ancillary outcomes expected from this waiver include increased efficiency within the Department of Labor and Training, and more Title IB resources available for career and training services. Currently, the Department of Labor and Training staffs both the SWDB and the GRI LWDB, as both boards are appointed by the Governor. If this waiver is granted, only one board would remain, allowing the management staff dedicated to the GRI board to assume different responsibilities within the agency. The department estimates the reallocation of staff will result in at least \$464,197 going to the provision of direct career services for participants in the Adult and Dislocated Worker programs rather than to managerial staff Rhode Island Department of Labor and Training costs. There is no cost in implementing this waiver to detract from this benefit. The increase in resources dedicated to service delivery will allow significantly more participants to be served under these programs. The selection process for operators and providers would remain largely unchanged under this waiver request. Currently, the Governor appointed LWDB, with assistance from their Department of Labor and Training staff, develop and publish RFPs for operators and providers. The RFPs are issued and awarded through the State of Rhode Island's procurement process. Awards are managed through the Department of Labor and Training, since the department is the LWDB's fiscal agent. Under the waiver, the SWDB would develop and publish the required RFPs with assistance from their Department of Labor and Training staff. The RFPs would still use the state's procurement process and the Department of Labor of Training would still manage the awards as the fiscal agent for the SWDB.

(4) Describes how the waiver will align with the Department’s policy priorities, such as:

- (A) supporting employer engagement;**
- (B) connecting education and training strategies;**
- (C) supporting work-based learning;**
- (D) improving job and career results, and**
- (E) other guidance issued by the Department.**

This waiver directly responds to the issues raised in the USDOL compliance monitoring review conducted in February 2018, which identified that the Governor appointing membership to the LWDA is inconsistent with WIOA requirements because the Governor is not a Local elected official and, thus, cannot appoint the local board.

(5) Describes the individuals affected by the waiver, including how the waiver will impact services for disadvantaged populations or individuals with multiple barriers to employment;

We believe that all employer and job-seeker customers will benefit from this waiver and the transition toward a more unified statewide workforce system. WIOA partner programs will benefit from more straightforward planning and program development. AJC staff and other partners will benefit from increased resources for direct programming and training as well as increased opportunities for system improvements and investments in technical assistance.

(6) Describes the processes used to:

- (A) Monitor the progress in implementing the waiver;**
- (B) Provide notice to any local board affected by the waiver;**
- (C) Provide any local board affected by the waiver an opportunity to comment on the request;**
- (D) Ensure meaningful public comment, including comment by business and organized labor, on the waiver.**
- (E) Collect and report information about waiver outcomes in the State’s WIOA Annual Report.**

The State Workforce Development Board will continuously monitor the implementation and impact of this waiver. A quarterly update on implementation will be prepared and posted to the State Workforce Development Board website and submitted to the Regional Administrator. The Department of Labor and Training as the grant recipient of Title I funds also prepares monitoring reports for the SWDB regarding the USDOL Consolidated Compliance Review, and the department’s own monitoring and audit reports regarding both the state and local boards. The unit responsible for these updates includes dedicated monitors who do not have a role in the implementation or operations processes. This function will continue if the waiver is granted. In addition to formal monitoring functions, the department also engages in a monthly State STAT performance review. This review covers progress on key implementation issues involving workforce development programs and Unemployment Insurance. The implementation of the waiver and the related data necessary to evaluate outcomes would be collected by the department’s performance data team and presented at these monthly meetings. Each local board role and project relating to the waiver would be converted into deliverable and the progress of each deliverable would be evaluated each month. The Deputy Chief of Staff for the Governor attends these meetings on her behalf.

The initial waiver request was announced to the public and posted to the State Workforce Development Board's website for four weeks for public comment and review. Furthermore, Rhode Island Department of Labor and Training hosted three (3) public hearings across the LWDA to encourage public comment and notified stakeholders and advocates of these scheduled events, as well as the process for submitting written comments.

Notice of this renewal request has been shared with the Chairs and Executive Directors of both Local Boards. Should the waiver be renewed, notice will be disseminated to both local areas as well as other impacted partners as necessary.

This waiver request has been posted to the State Workforce Development Board's website for comment and review by the general public. No public comment was received. Furthermore, a copy of this waiver request was provided to all local workforce development boards for their input. Local Board leadership was supportive.

(7) The Secretary may require that States provide the most recent data available about the outcomes of the existing waiver in cases where the State seeks renewal of a previously approved waiver.

Rhode Island is prepared to provide this information if requested.

Statutory and/or Regulatory Requirement to be Waived - Eligible Training Provider List Requirements (renewal)
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When requesting a Waiver, the request must include information that:

(1) Identifies the statutory or regulatory requirements for which a waiver is requested and the goals that the State or local area, as appropriate, intends to achieve as a result of the waiver and how those goals relate to the Unified or Combined State Plan;

The State of Rhode Island is seeking a waiver from the requirements outlined in the WIOA at Sections 116 and 122, and at 20 CFR 677.230 and 20 CFR 680.400 thru 680.530, which require the collection and reporting of performance related data on all students participating in training programs listed on the state's ETPL.

This waiver request is a renewal of the waiver previously approved on February 13, 2019 waiving the required collection and reporting of performance related data on all students participating in training programs listed on the state's ETPL provided the state continues to take into account the outcomes of all students in an ETP program of study, as well as other conditions.

The WIOA ETP requirement that providers must collect and report performance related data on all students participating in training programs listed on the state's ETPL (outlined in the WIOA at Sections 116 and 122, and at 20 CFR 677.230 and 20 CFR 680.400 thru 680.530) continues to present a number of challenges:

- Proprietary schools, particularly those with the resources, equipment, and technology necessary to train for high wage, high demand occupations- lack a formal system to report student data and lack the ability to automatically match student data with other data sources to calculate outcomes – resulting in a large reporting burden on these types of training providers.
- In the absence of an automated data system - much of the required performance information would have to be self-reported through surveys, phone interviews, etc., which is very labor intensive and reduces the accuracy of the information.
- Proprietary schools would have to collect sensitive information, such as social security numbers, etc., on all students in order for the state to match wages and earnings information, which may leave the students open to identity theft, privacy considerations, etc.
- The requirement that providers collect data on all students has threatened an exodus of high functioning training providers from the ETPL, including those with resources and technology necessary to train for high wage, high demand occupations.
- This loss of training providers would limit consumer choice and the opportunity for WIOA participants to access high quality training for several high wage, high demand occupations.
- This loss of training providers would reduce the 'market' of eligible training providers to compete for ITA resources
- This loss of training providers would limit the ability of local workforce development boards to respond to the diverse talent needs of employers in their area.

(2) Describes the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers;

There are currently no state or local statutory or regulatory barriers to implementing the requested waiver.

(3) Describes the goals of the waiver and the expected programmatic outcomes if the request is granted;

Goals and outcomes related to this waiver request continue to Include:

- Increased consumer choice and opportunity for more diverse training programs, particularly those focused on high wage, high demand occupations.
- Increased competition among eligible training providers, resulting in lower costs
- Increased utilization of the ETPL by individuals interested in high wage, high demand occupations.
- Better overall performance outcomes for individuals utilizing ITAs by returning several high functioning training providers to the ETPL
- Enhanced ability of local workforce development boards to respond to the diverse needs of employers in their area

(4) Describes how the waiver will align with the Department's policy priorities, such as:

- (A) supporting employer engagement;**
- (B) connecting education and training strategies;**
- (C) supporting work-based learning;**
- (D) improving job and career results, and**
- (E) other guidance issued by the Department.**

This waiver aligns with not only the US Department of Labor's priorities for consumer choice as clients will have broader and more diverse access to training opportunities that match regional demand. The waiver is also consistent with the focus on meeting local industry and employer needs as more ETPL providers, representing a greater diversity of occupation training and industries, remain or are added to the ETPL.

(5) Describes the individuals affected by the waiver, including how the waiver will impact services for disadvantaged populations or individuals with multiple barriers to employment;

Individuals who access training services via ITAs will benefit from greater diversity of training providers, increased competition, and additional pathways into high wage high demand opportunities. Training providers will benefit from a reduced data collection and reporting burden. AJC staff and other partners will benefit from a greater range of solutions and training opportunities with which they can connect customers.

(6) Describes the processes used to:

- (A) Monitor the progress in implementing the waiver;**
- (B) Provide notice to any local board affected by the waiver;**
- (C) Provide any local board affected by the waiver an opportunity to comment on the request;**
- (D) Ensure meaningful public comment, including comment by business and organized labor, on the waiver.**
- (E) Collect and report information about waiver outcomes in the State's WIOA Annual Report.**

In its response letter dated February 13, 2019, the USDOL granted this waiver, on the condition that Rhode Island provide information regarding how the state will continue to 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. In response, the state revised its Eligible Training Provider Initial and Continued Eligibility policy to continue to require relevant performance data from eligible training providers for all students as well as WIOA participants in ETPL eligible training programs annually and/or upon request. This information is self-reported by the training provider to the State in the aggregate using a digital reporting portal. As part of its ETPL Monitoring process, the Department of Labor and Training will randomly audit the information reported by select providers to ensure it is accurate and that the methodology to collect, compile, and report this information is reasonable, secure, and effective.

This requirement has been in place since May 2019. While no current ETP program has been subject to the requirement; per the revised ETPL policy, the state will require aggregate employment and earnings information all students in ETP programs of study and will this information into account when considering continued eligibility.

Notice of this renewal request has been shared with the Chairs and Executive Directors of both Local Boards. Should the waiver be renewed, notice will be disseminated to both local areas as well as other impacted partners as necessary.

This waiver request has been posted to the State Workforce Development Board's website for comment and review by the general public. No public comment was received. Furthermore, a copy of this waiver request was provided to all local workforce development boards for their input. Local Board leadership was supportive.

(7) The Secretary may require that States provide the most recent data available about the outcomes of the existing waiver in cases where the State seeks renewal of a previously approved waiver.

Rhode Island is prepared to provide this information if requested.

Statutory and/or Regulatory Requirement to be Waived – 75% Out of School Youth Expenditure

When requesting a Waiver, the request must include information that:

(1) Identifies the statutory or regulatory requirements for which a waiver is requested and the goals that the State or local area, as appropriate, intends to achieve as a result of the waiver and how those goals relate to the Unified or Combined State Plan;

Rhode Island is seeking a waiver from Section 129(a)(4)(A) and 20 CFR 681.410, which require not less than 75 percent of funds allotted to states under Section 127(b)(1)(C), reserved under Section 128(a), and available for statewide activities under subsection (b), and not less than 75 percent of funds available to local areas under subsection (c), be used to provide youth workforce investment activities for Out of School Youth (OSY).

Specifically, Rhode Island is requesting a waiver of the requirement to expend 75% of funding on the OSY population. Rhode Island is requesting that this percentage be lowered to 50%. Such a waiver would allow the state to more flexibly serve and meet the needs of youth clients in the uncertainty of COVID-19, and would enhance the state's ability to serve youth who would benefit from the intended purposes of this funding. Increasing the percentage of In School Youth (ISY) eligible to be served under WIOA and would align with the state's ambitious and already proven-successful "PrepareRI" strategy aimed at ensuring all Rhode Island students are college and career ready by graduation.

PrepareRI seeks to close the gap between what students learn in school and what they need for high-demand jobs, and to ensure that historically underserved student populations have greater access to quality career preparation opportunities in priority sector industries. PrepareRI achieves this end by increasing focus on and expanding access to work-based learning for students across the state, providing youth with opportunities, skills, and experience vital to college and career readiness. This strategy aligns closely with the Rhode Island's Perkins V State Plan, which emphasizes work-based learning at school.

In order to best leverage this efficient and effective approach to college and career readiness and to provide the opportunities it presents to the greatest number of youth, including youth most impacted by COVID-19, the state has identified a critical need to expand service to ISY. At present, both ISY and OSY across the state could greatly benefit from access to these services. In particular, youth, including ISY in the state's urban core where the highest concentration of poverty is found, remain underserved in work-based learning and inadequately prepared to access college or a career in a high-demand job job – this gap is only exacerbated by the disruption of schooling from COVID-19. By granting this waiver, USDOL would enable Rhode Island to leverage existing programming to serve even more youth and greatly enhance the state's ability to provide top quality college and career readiness services.

Balancing the use of WIOA funds equally between ISY and OSY, while maintaining focus on underserved populations and students at risk of drop-out, will help Rhode Island better meet the needs of our youth population and help expand and scale school-to-career programming and drop-out prevention strategies.

(2) Describes the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers;

There are currently no state or local statutory or regulatory barriers to implementing the requested waiver.

(3) Describes the goals of the waiver and the expected programmatic outcomes if the request is granted;

Goals and outcomes related to this waiver request include:

- Better alignment of WIOA Youth programming with the state's strategic plan;
- Enhanced flexibility to allocate federal resources in line with state needs;
- Improved fiscal accountability relative to providers of services;
- Increased access to critically important services and programming for more Rhode Island youth, particularly those with high indicators of risk;
- Possible reduction in state drop-out rate (and resultant reduction in potential OSY).

(4) Describes how the waiver will align with the Department's policy priorities, such as:

- (A) supporting employer engagement;**
- (B) connecting education and training strategies;**
- (C) supporting work-based learning;**
- (D) improving job and career results, and**
- (E) other guidance issued by the Department.**

This waiver aligns with not only the US Department of Labor's priorities, but also with those of the State of Rhode Island. Rhode Island's unified state plan mirrors the strategies in the PrepareRI action plan and focuses on the importance of ensuring college and career readiness at all levels, particularly through expanded opportunities for work-based learning. Rhode Island has successfully prioritized better connecting secondary education to workforce development and providing alternative pathways for all students whether they are college or career bound after graduation.

Allowing additional funds toward ISY will support the shared USDOL and Rhode Island goal of expanding quality work-based training opportunities while aligning and integrating programs of study that lead to industry-recognized credentials and improved employment and earnings.

Flexible resources can also help further the engagement of educational institutions in the state's efforts to create a comprehensive job-driven education and training system. Aligning the in-school work of traditional high schools, with the work of Perkins Career and Technical education, the WIOA service network, and community colleges, will create a continuum of services that can prepare ISY and OSY for high demand occupations, and reflects the level of need for services across each population.

(5) Describes the individuals affected by the waiver, including how the waiver will impact services for disadvantaged populations or individuals with multiple barriers to employment;

Rhode Island's youth population, particularly those with barriers to employment and/or at-risk of dropping out will benefit from a more balanced and strategically designed service network that is equally focused on serving current OSY while reducing new OSY.

(6) Describes the processes used to:

- (A) Monitor the progress in implementing the waiver;**
- (B) Provide notice to any local board affected by the waiver;**
- (C) Provide any local board affected by the waiver an opportunity to comment on the request;**
- (D) Ensure meaningful public comment, including comment by business and organized labor, on the waiver.**
- (E) Collect and report information about waiver outcomes in the State's WIOA Annual Report.**

Annual WIOA programmatic reviews will include an evaluation of how this and all waivers are impacting local programs and performance

Notice of this proposed waiver has been shared with the Chairs and Executive Directors of both Local Boards. Should the waiver be granted, notice will be disseminated to both local areas as well as other impacted partners as necessary.

This waiver request has been posted to the State Workforce Development Board's website for comment and review by the general public. Two comments were received. While no changes have been made to the waiver language based on these comments; the Board will take the feedback under close advisement should the waiver be granted. Furthermore, a copy of this waiver request was provided to all local workforce development boards. Local Board leadership was supportive.

(7) The Secretary may require that States provide the most recent data available about the outcomes of the existing waiver in cases where the State seeks renewal of a previously approved waiver.

Rhode Island is prepared to provide this information if requested.

COVID-19 DISASTER RELATED WAIVER REQUESTS

Statutory and/or Regulatory Requirement to be Waived – 20% Youth Work Experience Requirement

When requesting a Waiver, the request must include information that:

(1) Identifies the statutory or regulatory requirements for which a waiver is requested and the goals that the State or local area, as appropriate, intends to achieve as a result of the waiver and how those goals relate to the Unified or Combined State Plan;

The State of Rhode Island is seeking a waiver from the requirement described at WIOA Sec. 129 (c)(4) and refined in TEGL 21-16 that not less than 20% of the funds allocated to the local area under the Title I Youth program shall be used to provide youth with paid and unpaid work experiences in order to provide the most needed services to youth participants in COVID-19-impacted local areas.

(2) Describes the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers;

There are currently no state or local statutory or regulatory barriers to implementing the requested waiver.

(3) Describes the goals of the waiver and the expected programmatic outcomes if the request is granted;

The goal of the waiver is to provide sufficient flexibility to local youth programs to best address the immediate service needs of youth in Rhode Island in light of the COVID-19 outbreak beginning in March 2020. At this time, Rhode Island seeks to allow disaster-impacted workforce areas to focus on the youth services or program elements that disaster-affected youth needed the most. When and wherever possible, the state focus will remain in promoting work experiences and work-based learning in high-demand sectors, including those most relevant to the Covid-19 response and recovery; however in the near-term the state seeks to provide youth programs as much flexibility as possible, particularly as it relates to funding, to address the immediate needs of youth clients.

(4) Describes how the waiver will align with the Department’s policy priorities, such as:

- (A) supporting employer engagement;**
- (B) connecting education and training strategies;**
- (C) supporting work-based learning;**
- (D) improving job and career results, and**
- (E) other guidance issued by the Department.**

This waiver aligns well with the Department of Labor priorities of connecting youth to education and training strategies that best match their career goals and life needs. By eliminating the 20% work experience requirement, the state can provide a more complete package of assistance and service to help a greater share of youth, particularly youth with barriers. Whenever possible, the state will continue to strive to promote work experiences and work-based learning; but our immediate concern is that available funding match observable need in the community.

(5) Describes the individuals affected by the waiver, including how the waiver will impact services for disadvantaged populations or individuals with multiple barriers to employment;

Youth in need of support services, counseling, or other assistance with benefit from the increased flexibility. Staff with local youth programs will also benefit due to the flexibility provided to most serve the needs of the youth population at this time rather than meet expenditure requirements.

(6) Describes the processes used to:

- (A) Monitor the progress in implementing the waiver;**
- (B) Provide notice to any local board affected by the waiver;**
- (C) Provide any local board affected by the waiver an opportunity to comment on the request;**
- (D) Ensure meaningful public comment, including comment by business and organized labor, on the waiver.**
- (E) Collect and report information about waiver outcomes in the State's WIOA Annual Report.**

Annual WIOA programmatic reviews will include an evaluation of how this and all waivers are impacting local programs and performance

Notice of this proposed waiver has been shared with the Chairs and Executive Directors of both Local Boards. Should the waiver be granted, notice will be disseminated to both local areas as well as other impacted partners as necessary.

This waiver request has been posted to the State Workforce Development Board's website for comment and review by the general public. One comment was received. While no changes have been made to the waiver language based on public comment; the Board will take the feedback under close advisement should the waiver be granted. Furthermore, a copy of this waiver request was provided to all local workforce development boards. Local Board leadership was supportive.

(7) The Secretary may require that States provide the most recent data available about the outcomes of the existing waiver in cases where the State seeks renewal of a previously approved waiver.

Rhode Island is prepared to provide this information if requested.

Statutory and/or Regulatory Requirement to be Waived – Required 14 Youth Program Elements
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When requesting a Waiver, the request must include information that:

(1) Identifies the statutory or regulatory requirements for which a waiver is requested and the goals that the State or local area, as appropriate, intends to achieve as a result of the waiver and how those goals relate to the Unified or Combined State Plan;

Rhode Island is seeking a waiver from the requirement that local youth programs provide each of the fourteen (14) youth program elements required under WIOA Section 129 (c)(2) in order to provide the most needed services to youth participants in COVID-19-impacted local areas.

(2) Describes the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers;

There are currently no state or local statutory or regulatory barriers to implementing the requested waiver.

(3) Describes the goals of the waiver and the expected programmatic outcomes if the request is granted;

The goal of the waiver is to provide sufficient flexibility to local youth programs to best address the immediate service needs of youth in Rhode Island in light of the COVID-19 outbreak beginning in March 2020. At this time, Rhode Island seeks to allow disaster-impacted workforce areas to focus on the youth services or program elements that disaster-affected youth need the most. When and wherever possible, the state focus will remain in promoting work experiences and work-based learning in high-demand sectors, including those most relevant to the Covid-19 response and recovery; however in the near-term the state seeks to provide youth programs as much flexibility as possible, particularly as it relates to funding, to address the immediate needs of youth clients. Other youth elements will be infused and offered as appropriate. We expect that youth will achieve work experience, enter employment and retain employment.

(4) Describes how the waiver will align with the Department’s policy priorities, such as:

- (A) supporting employer engagement;**
- (B) connecting education and training strategies;**
- (C) supporting work-based learning;**
- (D) improving job and career results, and**
- (E) other guidance issued by the Department.**

This waiver aligns with both the US Department of Labor’s priorities and those of the State of Rhode Island. Both focus on supporting work-based learning opportunities while improving job and career results for youth. Providing program flexibility in the midst of disaster is also consistent with the priority for a customer-driven and client-centered system and will help ensure youth clients receive the right services at the right time based on their immediate needs.

(5) Describes the individuals affected by the waiver, including how the waiver will impact services for disadvantaged populations or individuals with multiple barriers to employment;

WIOA Youth clients will be the primary beneficiary of their waiver. The staff with local youth programs will also benefit due to the emphasis being placed on those specific youth program elements that most serve the needs of the youth population at this time rather than all 14 elements.

(6) Describes the processes used to:

- (A) Monitor the progress in implementing the waiver;**
- (B) Provide notice to any local board affected by the waiver;**
- (C) Provide any local board affected by the waiver an opportunity to comment on the request;**
- (D) Ensure meaningful public comment, including comment by business and organized labor, on the waiver.**
- (E) Collect and report information about waiver outcomes in the State's WIOA Annual Report.**

Annual WIOA programmatic reviews will include an evaluation of how this and all waivers are impacting local programs and performance

Notice of this proposed waiver has been shared with the Chairs and Executive Directors of both Local Boards. Should the waiver be granted, notice will be disseminated to both local areas as well as other impacted partners as necessary.

This waiver request has been posted to the State Workforce Development Board's website for comment and review by the general public. No public comment was received. Furthermore, a copy of this waiver request was provided to all local workforce development boards for their input. Local Board leadership was supportive.

(7) The Secretary may require that States provide the most recent data available about the outcomes of the existing waiver in cases where the State seeks renewal of a previously approved waiver.

Rhode Island is prepared to provide this information if requested

Statutory and/or Regulatory Requirement to be Waived – 90-day Performance Exit

When requesting a Waiver, the request must include information that:

(1) Identifies the statutory or regulatory requirements for which a waiver is requested and the goals that the State or local area, as appropriate, intends to achieve as a result of the waiver and how those goals relate to the Unified or Combined State Plan;

Rhode Island is seeking a waiver from the following Section(s): 20 CFR 677.150 (c)(1)(i) as it pertains to Exit for Title I Youth. Per TEGL 21-16 and 20 CFR 677.150 exit for Youth participants cannot be determined until at least 90 days have elapsed since the participant last received services; services do not include self-service, information-only services or activities, or follow-up services. This also requires that there are no plans to provide the participant with future services.

Given the current COVID-19 crisis, its pronounced impact on low-income families and youth clients, and the importance of social/physical-distancing in mitigating the spread of the virus, as well as the continued transient living situation of many low-income families prior to the crisis; frequent contact with clients may become increasingly challenging. In many cases disconnected youth may be struggling with the most basic issues of well-being including food, shelter, safety, physical and mental health and clothing and as such are unable to successfully complete WIOA programming while they fulfill these basic needs. The 90-day exit window may unintentionally and prematurely exit participants from programming when they may have needed our support the most.

(2) Describes the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers;

There are currently no state or local statutory or regulatory barriers to implementing the requested waiver.

(3) Describes the goals of the waiver and the expected programmatic outcomes if the request is granted;

Waiving the 90 day exit for youth will help to ensure Rhode Island can continue to provide services to youth participants who are most in need during and after the Covid-19 disaster. Rhode Island believes that in waiving the 90 day exit policy for youth it will provide workforce development boards and their providers greater flexibility in recruiting and retaining some of the most hardest-hit individuals impacted by the Covid-19 outbreak.

(4) Describes how the waiver will align with the Department’s policy priorities, such as:

- (A) supporting employer engagement;**
- (B) connecting education and training strategies;**
- (C) supporting work-based learning;**
- (D) improving job and career results, and**
- (E) other guidance issued by the Department.**

Providing a longer service window and avoiding unintentionally or premature participant exits will enhance Rhode Island’s ability to offer education, training, job placement, and work-based learning opportunities to needy clients and allow the necessary flexibility to provide services when they are needed.

(5) Describes the individuals affected by the waiver, including how the waiver will impact services for disadvantaged populations or individuals with multiple barriers to employment;

In School and Out of School Youth who are eligible for WIOA title I services will be impacted including those with barriers to employment as identified in the law.

(6) Describes the processes used to:

- (A) Monitor the progress in implementing the waiver;**
- (B) Provide notice to any local board affected by the waiver;**
- (C) Provide any local board affected by the waiver an opportunity to comment on the request;**
- (D) Ensure meaningful public comment, including comment by business and organized labor, on the waiver.**
- (E) Collect and report information about waiver outcomes in the State’s WIOA Annual Report.**

Annual WIOA programmatic reviews will include an evaluation of how this and all waivers are impacting local programs and performance

Notice of this proposed waiver has been shared with the Chairs and Executive Directors of both Local Boards. Should the waiver be granted, notice will be disseminated to both local areas as well as other impacted partners as necessary.

This waiver request has been posted to the State Workforce Development Board’s website for comment and review by the general public. No public comment was received. Furthermore, a copy of this waiver request was provided to all local workforce development boards for their input. Local Board leadership was supportive.

(7) The Secretary may require that States provide the most recent data available about the outcomes of the existing waiver in cases where the State seeks renewal of a previously approved waiver.

Rhode Island is prepared to provide this information if requested.

Statutory and/or Regulatory Requirement to be Waived: Waiver to Utilize Rapid Response and Governor's Set-Aside funds for Disaster-Relief Employment

When requesting a Waiver, the request must include information that:

- (1) Identifies the statutory or regulatory requirements for which a waiver is requested and the goals that the State or local area, as appropriate, intends to achieve as a result of the waiver and how those goals relate to the Unified or Combined State Plan;**

The State of Rhode Island is seeking a waiver of WIOA Section 134(a)(2)(A), (2)(B), and (3) to add flexibility in the use of the funds reserved by the Governor. Specifically, Rhode Island is requesting a waiver of to allow flexibility in the use of the funds reserved by the Governor to provide statewide rapid response activities (i.e. WIOA section 134(a)(2)(A)), and for use to provide statewide employment and training activities (i.e. WIOA section 134(a)(2)(B) and (3)) in order to provide comprehensive Disaster Recovery assistance to affected areas as described in WIOA 170(d) and 20 CFR 687.100(b) in response to the Covid-19 pandemic and related disaster declaration. The state may continue to apply for applicable grants as they may be made available.

Additionally, the state asks for those individuals that only receive disaster relief employment and are not subsequently enrolled in any employment and training activities to be excluded from statewide performance measures as is consistent with how performance is managed under the National Dislocated Worker Grants (NDWGs). Under this waiver allowance, permitted WIOA statewide fund use includes, but is not limited to:

- Expedient allocation of funds to a local workforce innovation board, or local board, so they may respond quickly to a disaster, emergency, or other qualifying event as described at 20 CFR 687.100(b). Only those events, and cascading events caused by a qualifying event (in this instance the Covid-19 pandemic) that have been declared as an emergency or disaster by the Federal Emergency Management Agency (FEMA), by the chief official of a Federal Agency with jurisdiction over the Federal response to a disaster with potential significant loss of employment, or the Governor of Rhode Island will qualify for the use of WIOA statewide funds.
- To alleviate the effects that a qualifying event causes within affected local area(s), and/or planning regions, WIOA statewide funds will allow comprehensive disaster relief employment and employment and training activities, and the provision of needed humanitarian resources and services, including other services or resources deemed necessary as described at 20 CFR 687.180(b)(I).

Although public service employment is generally prohibited for WIOA participants, temporary disaster relief employment is an allowable exception. Disaster relief employment opportunities will enhance and augment the state's ability to assist those individuals and businesses impacted by the Covid-19 as well as help the state's economy make the adjustments, adaptations and reconfigurations necessary to continue operations under social distancing requirements and related conditions brought about by the Covid-19 pandemic. Disaster relief employment opportunities will also provide income maintenance to participants and needed services to the community with a focus on moving the participants into permanent, unsubsidized jobs. For the purposes of this waiver; temporary disaster relief employment may include, but not be limited to work in fields of human betterment and community improvement, child care, health care, education, crime prevention, public transportation, streets and parks, solid waste removal, housing and neighborhood improvement, and rural development.

- An individual's disaster relief employment will be limited to 12 months or 2080 hours for work related to recovery from a single emergency or disaster. The State Workforce Board may extend an individual's disaster relief employment for up to an additional 12 months or 2080 hours if requested and sufficiently justified by the local board.
- Supportive services may be provided to enable individuals to participate in disaster relief employment, including such costs as transportation, child care, and personal safety equipment and clothing consistent with local policies.
- Individuals shall be eligible to be offered disaster relief employment and employment and training services if such individual is a dislocated worker; is a long-term unemployed individual as defined by the State; is temporarily or permanently laid off as a consequence of the emergency or disaster; or in the case of an individual who is self-employed, becomes unemployed or significantly underemployed as a result of the emergency or disaster as well as appropriate adults and youth ages 18 and over.

(2) Describes the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers;

There are currently no state or local statutory or regulatory barriers to implementing the requested waiver.

(3) Describes the goals of the waiver and the expected programmatic outcomes if the request is granted;

The most immediate goal of this waiver is to provide continued employment and livelihood for Rhode Islanders impacted by the Covid-19 Pandemic while aiding the statewide response and recovery effort. The goals in Rhode Island's WIOA State Plan include "Implement(ing) a demand-driven, sector-based strategy to meet employer demand..." as well as "Advanc(ing) a career pathway strategy to provide employment, education, training and support services for individuals... to prepare them for a job at various points in their life" To that end, in response to the Covid-19 crisis, the state seeks to use WIOA statewide funds in a manner that rapidly responds to the evolving workforce demands of employers and the state overall, while providing employment and training opportunities to individuals impacted by the disaster. The use of WIOA statewide funds under this waiver would offer greater flexibility so that the state and local partners can expand our collective ability to coordinate resources, services and activities for individual, workers and employers affected by the pandemic. The state will use WIOA statewide funds to ensure that critical, time-sensitive work can be performed, that the necessary adjustments and transitions required to effectively respond to Covid-19 can be made, and the potential participant pool to complete this work is widened. The waiver flexibility permits local areas the latitude to marshal available labor, conduct appropriate training, enable resources to be requisitioned quickly, and provide immediate and comprehensive disaster recovery assistance.

The state estimates that the waiver will improve outcomes in the following ways:

- Increase statewide and local area workforce development response times to a qualifying event;
- Enhance the ability to the state, employers, and industry to make the necessary adjustments, transitions, and adaptations necessary to continue to function and thrive in a post-Covid-19 environment;
- Increase public safety and help support humanitarian activities;
- Availability of disaster relief employment will provide grant participants with access to employment and training activities;
- Increasing of eligible grant participant's employment and training activities will lead towards a higher probability of securing unsubsidized employment at a future date; and

- Alleviation of some of the time-sensitive variables arising from a qualifying event affecting an employer and lessening the severity of possible layoffs or business closings.

(4) Describes how the waiver will align with the Department’s policy priorities, such as:

- (A) supporting employer engagement;**
- (B) connecting education and training strategies;**
- (C) supporting work-based learning;**
- (D) improving job and career results, and**
- (E) other guidance issued by the Department.**

Expanding the ability for the state to provide disaster related employment opportunities through statewide funding will allow participants to develop skills that will better prepare them to obtain permanent employment in the future, which is consistent with the shared goals of the US Department of Labor and the state of Rhode Island to improve job and career results for participants. The waiver is also consistent with the USDOL’s goals for employer engagement, by allowing the state to quickly assist employers and industries in addressing and overcoming the challenges brought about by the Covid-19 crisis.

(5) Describes the individuals affected by the waiver, including how the waiver will impact services for disadvantaged populations or individuals with multiple barriers to employment;

The waiver will positively impact:

- All eligible participants as identified at WIOA section 170 and 20 CFR 687.170 which include dislocated workers, long-term unemployed individuals as defined by the State, temporarily or permanently laid off workers as a consequence of the emergency or disaster, or in the case of an individual who is self-employed, becomes unemployed or significantly underemployed as a result of the emergency or disaster as well as appropriate adults and youth ages 18 and over; and
- Non-WIOA eligible recipients including, but not limited to: affected businesses and employers, residents and other individuals that benefit from the disaster response and recovery activities, and resources provided.

(6) Describes the processes used to:

- (A) Monitor the progress in implementing the waiver;**
- (B) Provide notice to any local board affected by the waiver;**
- (C) Provide any local board affected by the waiver an opportunity to comment on the request;**
- (D) Ensure meaningful public comment, including comment by business and organized labor, on the waiver.**
- (E) Collect and report information about waiver outcomes in the State's WIOA Annual Report.**

Annual WIOA programmatic reviews will include an evaluation of how this and all waivers are impacting local programs and performance. Applicable federal, state and local laws, regulations, policies and procedures will be used to ensure fiscal accountability.

Notice of this proposed waiver has been shared with the Chairs and Executive Directors of both Local Boards. Should the waiver be granted, notice will be disseminated to both local areas as well as other impacted partners as necessary.

This waiver request has been posted to the State Workforce Development Board's website for comment and review by the general public. No public comment was received. Furthermore, a copy of this waiver request was provided to all local workforce development boards for their input. Local Board leadership was supportive.

(7) The Secretary may require that States provide the most recent data available about the outcomes of the existing waiver in cases where the State seeks renewal of a previously approved waiver.

Rhode Island is prepared to provide this information if requested.