

U.S. Department of Labor

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



December 1, 2021

The Honorable Laura Kelly
Governor of Kansas
300 SW 10th Ave.
Suite 241S
Topeka, KS 66612-1590

Dear Governor Kelly:

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 September 13, 2021. This letter provides the Employment and Training Administration's (ETA) official response to your request and memorializes that Kansas will meet the outcomes and implement the measures identified in its plan to ensure accountability agreed to by Kansas 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).

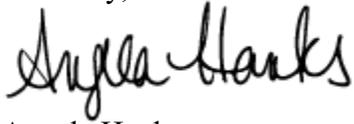
Requested Waiver: Waiver of WIOA Section 129(c)(4) and 20 CFR 681.590(b), to allow local workforce development areas to count both WIOA local youth formula funds and Temporary Assistance for Needy Families (TANF) funds toward the minimum 20 percent expenditure requirement for paid or unpaid work experience.

ETA Response: ETA approves for Program Year (PY) 2021, which includes the entire time period for which states are authorized to spend PY 2021 funds, the State's request to allow local areas in the State to count both WIOA youth and TANF expenditures toward the 20 percent expenditure requirement for paid or unpaid work experience for youth co-enrolled in those programs. ETA reviewed the State's waiver request and plan and has determined that the requirements requested to be waived impede the ability of Kansas to implement its plan to improve the workforce development system. In addition to WIOA local youth program funds spent on paid and unpaid work experiences, including wages and staff costs for development and management of work experiences, local areas in Kansas may include TANF work experience expenditures in the calculation of the 20 percent work experience expenditure requirement.

The State 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 that reads "Angela Hanks". The signature is written in a cursive, flowing style.

Angela Hanks
Acting Assistant Secretary

Enclosure

cc: Michael Beene, Employment Services Director, Kansas Department of Commerce
Rose Zibert, Chicago Acting Regional Administrator, Employment and
Training Administration
Tommy Ouyang, Federal Project Officer, Employment and Training Administration

From: Trent Howerton [KDC]

Sent: Monday, September 13, 2021 10:52 AM

To: WIOA.Plan@dol.gov

Cc: Ouyang, Tommy - ETA <ouyang.tommy@dol.gov>; Zibert, Rosaura - ETA <zibert.rosaura@dol.gov>

Subject: Kansas - Waiver Request

Kansas is requesting the Secretary of Labor's waiver authority outlined in Section 189(i)(3)(A) of the Workforce Innovation and Opportunity Act (WIOA) from 20 CFR 681.590 (b) that requires tracking WIOA youth program funds spent on paid and unpaid work experiences as calculated based on the total local area WIOA youth funds. Kansas is requesting a waiver to include TANF work experience wages towards the 20% requirement in addition to the WIOA youth program funds spent on paid and unpaid work experiences.

Kansas is requesting this calculation revision as one local area in Kansas is developing a pilot project with our TANF partner (Kansas Department for Children and Families) where TANF funds would be used to fund work experience wages for co-enrolled WIOA youth. This is a similar model to the State of Ohio's Comprehensive Case Management and Employment Program (CCMEP).

This waiver request was developed with input from local workforce boards in the State and the final version has been posted for comment by the general public. No comments have been received. In accordance with the WIOA regulations at 20 CFR 676.135, Kansas will be submitting a modification to its Unified State Plan should this waiver be granted, which will also require additional posting for public comment.

We trust this is a request the Region V staff can support.

If you or your staff have questions, comments, or require additional information, please contact Trent Howerton at trent.howerton@ks.gov or 785-230-8094.

Thank you,

Trent Howerton
Policy Manager
Kansas Department of Commerce
785-230-8094

From: Trent Howerton [KDC] <Trent.Howerton@ks.gov>
Sent: Friday, October 8, 2021 11:41 AM
To: Wioa, Plan - ETA <wioa.plan@DOL.gov>
Cc: Ouyang, Tommy - ETA <ouyang.tommy@dol.gov>; Zibert, Rosaura - ETA <zibert.rosaura@dol.gov>
Subject: FW: Update: Kansas - Waiver Request

As an update to our original waiver request, please see the attached waiver request that includes additional information.

If you or your staff have questions, comments, or require additional information, please contact Trent Howerton at trent.howerton@ks.gov or 785-230-8094.

Trent Howerton
Policy Manager
Kansas Department of Commerce
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Thank you,

Trent Howerton
Policy Manager
Kansas Department of Commerce
785-230-8094

Workforce Innovation and Opportunity Act Waiver Request

Under the Secretary of Labor’s waiver authority outlined in Section 189(i)(3)(A) of the Workforce Innovation and Opportunity Act(WIOA) and 20 CFR and 679.600, the Secretary may waive certain provisions of WIOA Title I Subtitle A, B, and E and provisions found in Sections 8-10 of the Wagner-Peyser Act. WIOA Section 189(i)(3)(B) and 20 CFR 679.620 identify elements that must be included in a waiver request. A State may request a waiver in its overall Unified or Combined State Plan submission or modification. Or, if submitting separate from the State Plan submission, States may use this template to request a waiver. States may also request a waiver using their own format or form, as long as elements required by WIOA are addressed in the request. After reviewing a state’s initial request, the Employment and Training Administration (ETA) may request additional information if necessary to complete its review.

To submit a waiver request, e-mail this completed form (or state-developed form) along with a cover letter to WIOA.Plan@dol.gov and the appropriate ETA regional office. ETA will also accept hard copy submissions.

Date: September 17, 2021

State: Kansas

Agency: Department of Commerce

The statutory and/or regulatory requirements the state would like to waive

The State of Kansas is seeking a waiver from 20 CFR 681.590 (b) that requires tracking WIOA youth program funds spent on paid and unpaid work experiences as calculated based on the total local area WIOA youth funds and report such expenditures as part of the local WIOA youth financial reporting.

Kansas is requesting a waiver to include TANF work experience wages towards the 20% requirement in addition to WIOA youth program funds spent on paid and unpaid work experiences, including wages and staff costs for development and management of work experiences.

The Kansas Department for Children and Families is the TANF partner in the State of Kansas. One local area in Kansas is developing a pilot project modeled after a similar project in the State of Ohio – Ohio’s Comprehensive Case Management and Employment Program (CCMEP). The CCMEP is an innovative program that helps low-income young adults build career paths, find employment and break the cycle of

poverty and offers a wide range of services to each individual. As part of this program, our TANF partner would pay for the work experience wages of WIOA youth.

If TANF funds are used for a co-enrolled youth's work experience wages, we would like to add those funds to the numerator and denominator of the existing 20% work experience calculation.

WIOA paid youth wages for work experience
+ WIOA staff costs for development and maintenance of work experiences
+ TANF paid youth wages for co-enrolled work experience
= Total Work Experience Calculation

If approved, this waiver would strengthen the partnership between the local area WIOA Youth program and the State TANF partner. By allowing the State of Kansas to include TANF work experience wages, the local area will not be limited to just WIOA Youth program funds when developing work experience opportunities. This will allow for more youth to be served in the WIOA Youth program, more work experiences to be developed and ultimately better outcomes for co-enrolled WIOA and TANF youth.

Without this waiver, the local area will be reluctant to develop work experiences funded with TANF dollars because it will negatively affect their 20% work experience requirement. Approval of this waiver will ultimately benefit both programs.

Actions the state has undertaken to remove state or local barriers

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

A description of the state's strategic goals

The KANSASWORKS State Board has recently adopted a revised strategic plan with three specific goals:

1. Advance a "One **KANSASWORKS**" experience.
2. Coordinate communication and outreach efforts between state and local partners.
3. Establish coordinated workforce planning, investments, and operations, aligned to build relevant knowledge, skills and abilities to meet industry needs in order to attract and retain people in our state.

Local areas in Kansas are developing a pilot program with the state's TANF partner that would allow TANF funds to be used for paid work wages for WIOA youth. This pilot program directly aligns with State Strategic Plan Goal #2 of better coordination between state and local partners.

A discussion of how the waiver complements Department of Labor priorities

Under the U.S. Department of Labor FY 2018-2022 Strategic plan, Strategic Goal 1, ETA Strategic Objective 1.1, ETA plans to expand opportunities for work-based learning and credential attainment.

ETA will focus on programs that support work-based learning, skills development, and work readiness and promotes training strategies that lead to credential attainment and closing the skills gap.

To develop a strong youth pipeline, work-based learning programs where youth receive wages are shown to have positive employment outcomes, labor force participation, and wage and earning increases.

This proposed waiver directly connects with the Department of Labor priority to expand opportunities for work-based learning.

Approval of this waiver will greatly increase access to work experience opportunities, because the local area will be able to use both WIOA Youth funds and TANF funds for paid work experiences. With both programs offering paid work experience for youth, more youth in Kansas will gain experience that will improve employment outcomes and wages during the early stages of their careers.

Quantifiable projected programmatic outcomes resulting from implementation of the waiver

Kansas expects to increase the percentage of WIOA youth funds used for work experience as a direct result of this waiver. There would be an increase in the State-wide percentage and an increase in each local area. Kansas anticipates that as the pilot program with TANF expands into each local area throughout the State, there will be a significant increase of to the work experience percentage that far exceeds the 20% minimum.

During program year 2020 (PY 2020) the local area had 32 WIOA youth participate in a work experience. One goal of the pilot program would be for the local area to have a 50% (additional 16 participants) increase in WIOA youth who receive a work experience during PY 2021.

Individuals, groups, or populations benefitting, or otherwise impacted by the waiver from the waiver

Individuals enrolled in the WIOA youth program will directly benefit from this waiver. As the State TANF partner increases referrals for the pilot project, there will be more youth with disabilities and other barriers that will ultimately be served in the WIOA youth program.

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

Local areas are currently required to report WIOA youth work experience dollars as part of their monthly expenditure reports. Local areas will continue to report these expenditures AND each local area will be required to report on any dollars from TANF funds used for work experiences as a separate category. Combining the WIOA youth work experience dollars with the TANF work experience dollars will create an overall youth experience percentage.

All local areas will be notified once the waiver is approved and be given formal reporting instructions.

Annual WIOA on-site programmatic reviews will include an evaluation of how local waivers are being utilized to ensure programmatic goals and outcomes are being met.

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 affected local workforce development boards

This waiver request was developed with input from local workforce boards in the State.

A copy of this waiver request was posted on the State Board website for a 10-day period from August 24, 2021 through September 3, 2021, and no public comments were received.

In accordance with the WIOA regulations at 20 CFR 676.135, Kansas will be submitting a modification to its Unified State Plan should this waiver be granted, which will also require additional posting for public comment.