

U.S. Department of Labor

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



May 18, 2026

The Honorable Kelly Ayotte
Governor of New Hampshire
State House
107 North Main Street
Concord, NH 03301

Dear Governor Ayotte:

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 March 2, 2026, as part of your recent WIOA State Plan modification submission. This letter provides the Employment and Training Administration's (ETA) official response to your request and memorializes that New Hampshire will meet the outcomes and implement the measures identified in its plan to ensure accountability agreed to by New Hampshire and ETA. This action is taken under the Secretary of Labor'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: The State is requesting a waiver of the state workforce development board (SWDB) membership requirements at WIOA Section 101(b)(1) and (c) and the corresponding regulations at 20 CFR 679.110(b)-(c).

ETA Response: The State is requesting a waiver to substitute the WIOA state board membership requirements with alternate requirements. The State affirms that this waiver will streamline board size, increase coordination between employers and state government, and improve board accountability. ETA reviewed the State's waiver request and plan and has determined that the requirements requested to be waived impede the ability of the State to implement its plan to improve the workforce development system. Therefore, ETA approves this waiver through June 30, 2028.

The State is reminded that WIOA Title I waivers may not be used for any discriminatory purposes. All activities and waiver plan provisions must comply with Section 188 of WIOA, the implementing regulations at 29 CFR Part 38, and all applicable federal nondiscrimination laws.

The State must report its waiver outcomes and implementation of the approved waivers in the WIOA Annual Report. ETA will use this information to assess continued waiver approval and to identify promising practices that may be adopted more widely. ETA is available to provide technical assistance to you in support of your goals. If you have questions, feel free to contact my office at (202) 693-2772.

Sincerely,

A handwritten signature in blue ink that reads "Henry Mack". The signature is written in a cursive style with a large, stylized "H" and "M".

Henry Mack, Ed.D.
Assistant Secretary

Enclosures

cc:

Lucy Lange, Commissioner, Department of Business and Economic Affairs
Danielle Worthen- Ramos, Acting Regional Administrator, ETA
Amanda Poirier, Federal Project Officer, ETA

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;

A waiver from the state workforce innovation board requirements outlined at Sections 101(b) and 101(c) of the WIOA of 2014 and 20 CFR 679.110, which prescribe the required composition and appointment criteria for the State Workforce Innovation Board (SWIB).

The requested waiver would allow New Hampshire to modify the composition and/or appointment structure of the State Workforce Innovation Board to better align with the state's workforce development goals, governance structure, and labor market needs. The State is requesting two changes to the required composition criteria of the SWIB - a reduction in Labor Union representation and the appointment of the Deputy Commissioner of the NH Department of Education to represent both the Vocational Rehabilitation and Adult Education WIOA Core Programs.

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 this waiver. Current State of New Hampshire laws, regulations, and policies follow federal law, regulations, and guidance.

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

Labor Union Presence and Workforce Representation in New Hampshire

Background

New Hampshire's workforce reflects the characteristics of a predominantly small-business economy with comparatively modest union density. According to the U.S. Bureau of Labor Statistics (BLS), approximately 9–10 percent of wage and salary workers in New Hampshire are union members, representing roughly 60,000–70,000 workers statewide. An additional small number of workers are covered by collective bargaining agreements without being union members. Overall, union membership represents a limited but important segment of the state's workforce.

Union representation in New Hampshire is not evenly distributed across industries. Instead, it is concentrated in specific sectors, particularly: The public sector (state, municipal, and education employees), and Certain construction and skilled trades.

Private-sector unionization outside these areas remains comparatively low, reflecting both national trends and New Hampshire's economic structure, which is dominated by small employers, service industries, and non-unionized workplaces.

Clarification Regarding the Number of Union Entities

Public nonprofit and business directories identify more than 150 labor-related organizations operating in New Hampshire. However, this figure represents a broad classification that includes not only labor unions, but also union-affiliated entities such as benefit funds, training trusts, retiree organizations, advocacy groups, and professional associations.

Importantly, many of these organizations do not represent active bargaining units or workers and would not meet WIOA's intent for labor organization representation on a State Workforce Innovation Board. The number of labor unions that actively represent workers in New Hampshire is significantly smaller and largely concentrated in the sectors noted above.

This distinction is critical for workforce governance purposes and underscores that raw counts of "union-related entities" do not accurately reflect the scope or distribution of unionized employment within the state.

Justification for Adjusting State Workforce Innovation Board Representation

WIOA's statutory requirements for State Workforce Innovation Board (SWIB) composition are designed to ensure broad stakeholder input, including labor representation. New Hampshire supports this principle; however, the prescriptive nature of the statutory representation requirements does not fully account for state-specific labor market conditions, including union density, sectoral concentration, and organizational structure.

Granting flexibility to adjust labor representation on the SWIB would allow New Hampshire to:

1. **Align board composition with the actual structure of the state's workforce**, ensuring labor perspectives are meaningfully represented without disproportionately weighting categories that reflect a relatively small share of total employment.
2. **Enhance the operational effectiveness of the SWIB** by balancing labor representation with employers, education and training providers, economic development partners, and state agencies in a manner consistent with New Hampshire's economic realities.

3. **Preserve worker voice while improving strategic alignment**, including representation of non-union workers and emerging workforce segments that are central to the state's labor force.

Vocational Rehabilitation and Adult Education Representatives

Background

The Workforce Innovation and Opportunity Act (WIOA) emphasizes alignment, coordination, and efficiency across workforce development, education, and vocational rehabilitation systems to improve outcomes for job seekers and employers, particularly individuals with barriers to employment. In New Hampshire, Adult Education and Family Literacy (Title II) and Vocational Rehabilitation (Title IV) are both administered within the Department of Education, enabling strong operational and strategic integration consistent with WIOA's intent and the State Board composition requirements at 20 CFR §679.110(f)(3).

New Hampshire has implemented an integrated governance model focused on coordinated planning, shared performance accountability, and streamlined service delivery. Adult Education and Vocational Rehabilitation collaborate on co-enrollment, career pathways, transitions to postsecondary education and employment, and employer engagement, supporting individuals with disabilities, English language learners, and adults with low basic skills through aligned services. While 20 CFR §679.110(f)(3) requires representation of both Adult Education and Vocational Rehabilitation on the State Workforce Innovation Board (SWIB), current requirements necessitate separate representatives despite shared administrative leadership and coordinated operations. To further align governance with practice and WIOA's intent, the State seeks to modify SWIB representation while maintaining full program representation and accountability.

Justification for Waiver Request

Pursuant to Section 189(i)(3) of WIOA and 20 CFR §679.610, New Hampshire requests a waiver of the separate representation requirements in 20 CFR §679.110(f)(3) to allow the Deputy Commissioner of the New Hampshire Department of Education to serve as the single representative for both Adult Education (Title II) and Vocational Rehabilitation (Title IV) on the State Workforce Innovation Board.

This waiver supports the purpose of WIOA and meets USDOL waiver approval criteria by enhancing system alignment, improving administrative efficiency, and strengthening service delivery, while continuing to satisfy the intent of 20 CFR §679.110(f)(3) to ensure meaningful representation of both core programs. Specifically, the waiver will:

- **Improve alignment and integration** by providing unified policy leadership and coordinated strategic planning across Adult Education and Vocational Rehabilitation;
- **Increase administrative efficiency** by reducing duplicative Board representation and streamlining SWIB operations while preserving program input through committees and interagency coordination;
- **Strengthen outcomes for individuals with barriers to employment** by supporting integrated strategies that improve access to education, training, and employment services; and
- **Maintain program integrity and stakeholder engagement** by ensuring continued active participation of both programs in SWIB committees, statewide planning, performance negotiations, and continuous improvement activities.

Describes how the waiver will align with the Department's policy priorities, such as: *supporting employer engagement; connecting education and training strategies; supporting work-based learning; improving job and career results, and other guidance issued by the Department.*

Alignment with U.S. Department of Labor Policy Priorities

The requested waivers for (1) modified Labor Union representation and (2) consolidated Adult Education and Vocational Rehabilitation representation on the State Workforce Innovation Board (SWIB) align with key U.S. Department of Labor policy themes and Training and Employment Guidance Letters (TEGLs), particularly TEGL No. 05-25, which encourages states to use WIOA flexibilities to modernize, integrate, and improve workforce system effectiveness.

1. Encouraging System Innovation and Flexibility

TEGL No. 05-25 explicitly encourages states to pursue waivers and other WIOA flexibilities to modernize workforce system governance and promote innovation. This includes streamlining governance structures and Board operations to better match state workforce needs and administrative realities. New Hampshire's requests to adjust Board composition advance this priority by removing duplicative representation while preserving active participation and accountability of core programs.

2. Building Integrated, Coordinated Workforce Systems

A central policy theme in recent DOL guidance is integrated systems and coordinated service delivery. TEGL guidance underscores the importance of integrated planning across

programs and alignment with employer and worker needs. The waiver consolidating Adult Education and Vocational Rehabilitation representation supports cohesive policy leadership, streamlines strategic planning, and reflects the State's existing integrated governance structure, consistent with this federal priority.

3. Promoting Accountability and Results-Driven Board Structure

TEGL No. 05-25 and related WIOA implementation guidance emphasize accountability, measurable outcomes, and structures that support results. Flexible Board composition that aligns with how core programs operate in practice can strengthen strategic decision-making—ensuring SWIB leadership is both representative and effective in driving performance outcomes.

4. Supporting Workforce Access and Equity

Though not tied to a single TEGL number, DOL policy broadly prioritizes equitable access to workforce services for individuals with barriers to employment (e.g., individuals with disabilities, low basic skills). By streamlining representation and reinforcing coordinated service delivery across WIOA core programs, these waivers support equity and inclusion goals central to WIOA and reflected in directive guidance.

5. Aligning with Ongoing DOL–ED Coordination and Integration Initiatives

Recent federal actions highlight a move toward greater integration of workforce and education programs, such as the new DOL–ED workforce partnership and unified state plan portal, which emphasize streamlined, collaborative administration of core programs including Adult Education. While not a TEGL, this policy context underscores a broader federal trend toward coordination that these waivers support

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

This waiver will ultimately impact all stakeholders who interact with the state's workforce development system, including, but not limited to, individuals, providers, organizations, and employers. Implementation of this waiver will result in more efficient and effective services for all stakeholder groups.

The staff at the Office of Workforce Opportunity serve as staff support to the State Workforce Innovation Board with carrying out its required functions. The staff at OWO will monitor implementation of this waiver on an ongoing basis, analyzing the ability of the State to achieve its strategic goals and the state workforce innovation board to perform its required functions. Further, the impact of this waiver on the state's programmatic performance outcomes will be addressed in the State's WIOA Annual Report Narratives.

Describes the processes used to: Monitor the progress in implementing the waiver;

The State of New Hampshire will monitor implementation of the requested waiver through its existing WIOA governance and oversight structures. The New Hampshire Department of Business and Economic Affairs (BEA), as the State Administrative Entity for WIOA, will oversee changes to the State Workforce Innovation Board (SWIB) composition and will review Board membership annually to ensure that the approved reduction in Labor Union representation and the designation of the Deputy Commissioner of the New Hampshire Department of Education to represent both the Vocational Rehabilitation and Adult Education core programs are implemented consistent with the terms of the waiver. The State will assess the effectiveness of the waiver through ongoing review of SWIB operations, member participation, and coordination among WIOA core programs, and will document implementation and outcomes through existing WIOA reporting and monitoring processes. Any issues related to compliance or effectiveness will be addressed through corrective action, as appropriate.

Provide notice to any local board affected by the waiver;

In accordance with WIOA Section 102(c)(3) and the WIOA Final Regulations at 20 CFR 676.135, the Department of Business and Economic Affairs is submitting this waiver through the modification process of its current WIOA Combined State Plan, which is subject to the requirements outlined in the WIOA Final Regulations at 20 CFR 676.130(d) regarding public review and comment.

Provide any local board affected by the waiver an opportunity to comment on the request;

The State of NH is a single area state and therefore does not have any local boards.

Ensure meaningful public comment, including comment by business and organized labor, on the waiver.

In accordance with WIOA Section 102(c)(3) and the WIOA Final Regulations at 20 CFR 676.135, the Department of Business and Economic Affairs is submitting this waiver request as a modification to its current WIOA Combined State Plan, which is subject to the requirements outlined in the WIOA Final Regulations at 20 CFR 676.130(d) regarding public review and comment. As such, this waiver request was posted on our website for review and comment by required parties and the general public for 30 days.

Collect and report information about waiver outcomes in the State's WIOA Annual Report.

The staff of OWO will monitor implementation of this waiver on an ongoing basis, analyzing the ability of the State to achieve its strategic goals and the state workforce innovation board to perform its required functions. Further, the impact of this waiver on the state's

programmatic performance outcomes will be addressed in the State's WIOA Annual Report Narrative.