

U.S. Department of Labor

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



December 2, 2025

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Dear Governor Hochul:

Thank you for your waiver request submission to the U.S. Department of Labor 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). This waiver request was received on August 8, 2025. This letter provides the Employment and Training Administration's (ETA) official response to your request and memorializes that the State will meet the outcomes and implement the measures identified in its plan to ensure accountability agreed to by the State 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: Waiver of the requirement at WIOA Section 121(d)(2)(B) that the one-stop operator be located in the local area.

ETA Response: The State's request to waive the requirement that the one-stop operator must be "located in the local area" is approved on the condition that the selected one-stop operator can fulfill the roles and responsibilities enumerated at 20 CFR 678.620, as well as any additional responsibilities as determined by the one-stop operator's contract. The State must also comply with the requirements of Section 121(d) and 20 CFR 678.600-635 when selecting the one-stop operator. The State's request is approved through June 30, 2028.

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 blue ink, appearing to read "Lori Frazier Bearden".

Lori Frazier Bearden
Acting Assistant Secretary

Enclosure

cc: Dana Politis, Deputy Commissioner, New York State Department of Labor
Danielle Worthen-Ramos, ETA Acting Regional Administrator, Boston Regional Office
Kate Banimenia, ETA Federal Project Officer, Boston Regional Office

New York State Department of Labor Waiver of the requirement that the one-stop operator be “located in the local area.”

Statutory and/or regulatory requirements to be waived

Language that requires the one-stop operator be “located in the local area” identified in the Workforce Innovation and Opportunity Act (WIOA) Section 121(d)(2)(B).

Actions undertaken to remove state or local barriers

There are no State or local statutory or regulatory barriers to implementing the proposed waiver.

Goals and expected programmatic outcomes of waiver

This waiver allows Local Workforce Development Boards (LWDBs) to utilize one-stop operators outside of their local area(s). This will increase flexibility, particularly in rural areas, where there may be fewer entities to competitively procure and select from.

Alignment with USDOL policy priorities

This waiver will allow the selected one-stop operator to fulfill the roles and responsibilities specified at 20 CFR §678.620, as well as any additional responsibilities determined by the local one-stop operator contract. The New York State Department of Labor (NYSDOL) will also comply with the requirements at WIOA Section 121(d) and 20 CFR §678.600-635 for the selection of the one-stop operator.

Individuals impacted by the waiver

This waiver will impact LWDBs and allow them greater flexibility in competitively procuring and selecting a one-stop operator.

Process for monitoring progress and the collection and reporting of outcomes related to the waiver

NYSDOL staff will monitor the results of the one-stop operator selection process and periodically examine the effectiveness and impact of the waiver.

Currently, there are ten (10) local areas where LWDB staff is acting in the one-stop operator role because they were not able to successfully procure an outside entity for the position. Should this waiver be granted, NYSDOL projects several of these local areas would be able to utilize an entity outside of the local area to be the one-stop operator, decreasing both the need for LWDB staff to take on the additional role/responsibilities and the need for intricate firewall/conflict of interest policies.

Notice to affected local boards

Should the waiver be granted, NYSDOL will issue an electronic notice that will be disseminated to the workforce development community in the State (including LWDB Directors and Chairs). Additionally, NYSDOL would update Workforce Development System Technical Advisory (WDS TA) #17-01: One-Stop Operator Competitive Selection, to reflect this change.

Public Comment

This waiver request was posted for public comment on the NYSDOL website for a 10-day comment period and no comments were received.