

STATE OF UTAH
WIA Waiver Request
Allow up to 100% transfer between Adult and Dislocated Worker funding streams
Workforce Investment Act, Program Year 2006

The Utah Department of Workforce Services (DWS) provides the following waiver request to waive the statutory exclusion and regulatory prohibition of the transfer of no more than 20% of the programs year's allocation between the Adult and Dislocated Worker funding streams. The waiver would grant the State Workforce Investment Board (SWIB) the ability to transfer up to 100% of each program year (PY) allocation between the Adult and Dislocated funding streams, beginning in PY 2006.

The State has found this additional transfer allowance to be beneficial in local planning and in meeting service needs. This proposed waiver, allowing up to 100% transfer, would further enhance Utah's ability to address workforce needs within the state.

The direction of the current national workforce development principles and direction promotes crosscutting of separate programs and silos wherever possible in order to enhance effectiveness of service delivery, both in customers' receipt of services and in program costs. Utah's SWIB strongly endorses these principles. Approval of this waiver request would contribute to alignment of Utah's workforce development strategy with the Governor's vision for a more integrated and effective workforce system. In addition, waiver approval would enhance alignment of Utah's workforce development strategies with USDOL's national strategic priorities, including enhance integration of workforce investment systems to better be able to respond to the needs of customers; and provide greater flexibility in structuring workforce investment systems.

1. Statutory Regulations to be waived: WIA Final Regulations 20 CFR Sections 133 (b) (4) and 20 CFR 667.140 (a) provide that with the approval of the Governor, States may transfer up to 20% of a program year's allocation for adult employment and training activities, between the two programs. Federal appropriations bills enacted for fiscal years 2003 and 2004 included a provision that allowed transfer up to 30% of funding between both the adult and dislocated worker programs.
2. State or local statutory regulator barriers:
 - Upon notification of approval of this waiver request, State rules, policies and procedures will be developed and issued to comply with the terms of the waiver.
 - Necessary mechanisms will be put in place that ensure effective use of the new transfer authority, including outlining specific actions that the SWIB must take in requesting the approval to modify the current transfer percentage rate.
3. Goals to be achieved by the Waiver:
 - Improve the ability of the SWIB to respond to workforce and economic dynamics within the State.
 - Ensuring Utah's Workforce Investment System can support a 21st Century Workforce.
by:

- Increasing flexibility for program delivery
- Increasing our partnership with economic development to meet the requirements of a demand driven workforce system
- Ensuring better partnerships with educators and economic development, for high growth, high demand vital industries
- Increase accountability at the State and service provider levels
- Improve performance outcomes, and
- Improve the ability of the SWIB to design programs and provide targeted assistance in response to customer needs

4. Programmatic Outcomes achieved by the Waiver:

- Flexibility in service delivery
- The system will be more responsive to the changing economic conditions of the State
- Increased number of customers served

5. Individuals impacted by the waiver: The waiver is expected to benefit the SWIB, DWS, Partner programs, employers, service providers, and WIA customers overall.

- SWIB and DWS will have the flexibility to design programs based on local needs and priorities
- Partner programs will be able to better align their services with those of the local WIA programs
- Employers will be better served through participants that acquire skills specific to each employer's needs
- WIA program participants will receive services appropriate to the participant group(s)
- Increased utilization of funds will result in more participants being served in the aggregate

6. Process used to monitor progress in implementing the waiver

DWS is the State administrative entity for the Workforce Investment Act. The waiver enables Utah the flexibility to design seamless delivery of services and to customize the planning and service delivery for applicable programs.

The Utah DWS will monitor the implementation and impact of the waiver through a combination of reporting from the local level, state oversight, and evaluation. Regular evaluation of financial data and performance measures throughout the state will occur to determine the impact of the waiver approval. To ensure fiscal integrity, there will be both adequate oversight and complete, consistent reporting. The State will also gather information through discussion on the progress of the implementation of the waivers, addressing concerns and obstacles encountered, if any.

The State will review applicable policies and procedures developed for this waiver, as well as other policies and procedures, and modify them as necessary.

7. Process for notice of local boards and opportunity to comment

Consistent with the general waiver request, the State is adhering to publication requirements to insure the broadest participation possible, including appropriate partners and interested parties such as labor, community based organizations, and the SWIB.

(i) Provide notice to any Local Board affected by the waiver:

Although Utah is a WIA single state workforce investment area, each of the state's five administrative regions have local regional councils on workforce services (as created under state law in 1996) that have provided waiver development input and approval to this Waiver plan.

(ii) Provide any Local Board affected by the waiver an opportunity to comment on the request:

Refer to Item above explaining Utah's Single State Service Delivery.

(iii) Ensure meaningful public comment, including comment by business and organized labor, on the waiver:

Refer to item above.

Utah appreciates the flexibility afforded to states through the waiver process and anticipates the SWIB waiver plan provides adequate accountability and improved performance for DOL approval.