

TEXAS WORKFORCE COMMISSION LETTER

ID/No:	WD 13-09, Change 1
Date:	October 23, 2009
Keyword:	Recovery Act; TWIST; WIA
Effective:	Immediately

To: Local Workforce Development Board Executive Directors
Commission Executive Offices
Integrated Service Area Managers
Laurence M. Jones for

From: Laurence M. Jones, Director, Workforce Development Division

Subject: **American Recovery and Reinvestment Act of 2009: Waivers for Youth Served Outside the Summer Months**

PURPOSE:

To provide Local Workforce Development Boards (Boards) with information and guidance on serving out-of-school youth ages 18–24 who participate only in work experience outside the summer months.

BACKGROUND:

The U.S. Department of Labor Employment and Training Administration approved the Texas Workforce Commission's request for American Recovery and Reinvestment Act (ARRA) of 2009 waivers on May 14, 2009.

One waiver excludes from performance measures ARRA-funded out-of-school youth ages 18–24 who participate only in work experience outside the summer months.

This approved waiver allows the state to use the work readiness indicator as the only indicator of performance for this group of participants. Because these youth can require support services to enable them to participate in work experience, this waiver also applies to out-of-school youth who receive support services in addition to participating in work experience.

The second waiver provides program design flexibility in serving this group of participants. This approved waiver removes the following requirements:

- Workforce Investment Act (WIA) §129(c)(2)(I) and 20 C.F.R. §664.450(b), which require a minimum of 12 months of follow-up services;
- WIA §129(c)(1)(A) and 20 C.F.R. §664.405(a)(1), which require an objective assessment; and

- WIA §129(c)(1)(B) and 20 C.F.R. 664.405(a)(2), which require the development an Individual Service Strategy (ISS).

PROCEDURES:

Boards must ensure that Texas Workforce Center staff is aware of and adheres to the new requirements and procedures set forth in:

NLF

- the *Workforce Investment Act: American Recovery and Reinvestment Act of 2009 Implementation Guide*; and
- this WD Letter.

TWIST Service Tracking

Boards must be aware of the following:

NLF

- Because of a current edit in The Workforce Information System of Texas (TWIST), a new service code 74 cannot be entered after September 30, 2009, if a youth continues a work experience activity into the extended summer employment program.
- On October 22, 2009, the current edit will be removed and a new service code 74 can be entered retroactively to October 1, 2009.

For youth who began a work experience during the summer months and who are continuing that work experience into the extended summer employment program, Boards must ensure that:

NLF

- TWIST service end reason *19–Program Continuing* is used to close the current activity; and
- a new service code 74 is entered with a start date of October 1, 2009.

Note: On October 22, 2009, TWIST service end reason 19 will be available for service code 74 funded with ARRA fund codes and can be applied retroactively to October 1, 2009.

For out-of-school youth who begin a new work experience during the youth extended summer employment program, Boards must ensure that:

NLF

- start dates are entered on or after October 1, 2009; and
- end dates do not extend beyond March 31, 2010.

Workforce Investment Act: American Recovery and Reinvestment Act of 2009 Implementation Guide, available at www.twc.state.tx.us/svcs/funds/arra.html, has been updated to reflect these changes. Part G of the guide provides a list of specific sections that have been updated.

Note: The version of the guide issued with this WD Letter shows all changes in track changes. The online version of the guide is a clean version with no track changes.

INQUIRIES:

Direct inquiries regarding this WD Letter to wfpolicy.clarifications@twc.state.tx.us.

RESCISSIONS:

None

REFERENCE:

- Workforce Investment Act: Final Rule, 20 C.F.R., §661.420
- American Recovery and Reinvestment Act of 2009 (Public Law 111-5)
- U.S. Department of Labor Employment and Training Administration, Training and Employment Guidance Letter 14-08, issued March 18, 2009, and entitled “Guidance for Implementation of the Workforce Investment Act and Wagner-Peyser Act Funding in the American Recovery and Reinvestment Act of 2009 and State Planning Requirements for Program Year 2009”
- U.S. Department of Labor Employment and Training Administration, Training and Employment Guidance Letter 14-08, Change 1, issued April 15, 2009, and entitled “Guidance for Implementation of the Workforce Investment Act and Wagner-Peyser Act Funding in the American Recovery and Reinvestment Act of 2009 and State Planning Requirements for Program Year 2009, Change 1”
- WD Letter 13-09, issued May 14, 2009, and entitled “Workforce Investment Act: American Recovery and Reinvestment Act of 2009 Implementation Guide”

FLEXIBILITY RATINGS:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must” or “shall.”

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”