

## Public Comment

The Tennessee Department of Labor and Workforce Development is seeking public comment regarding a request for a waiver from the US Department of Labor to provide the thirteen local workforce investment areas the option of providing youth services (ten elements or other required components) for a period beginning June 1, 2006 to June 30, 2007. A copy of the waiver request is included in this document. Any comments should be addressed to Ms. Susie Bourque, Assistant Director at (615) 741-4092 or e-mail to: [susie.bourque@state.tn.us](mailto:susie.bourque@state.tn.us) .



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### **WAIVER REQUEST WORKFORCE INVESTMENT ACT**

The Tennessee Department of Labor and Workforce Development (TDLWD), as the administrative entity for the Workforce Investment Act (WIA) in the State of Tennessee, is requesting a waiver of the regulatory prohibition to competitively procure contractors through the Request for Proposals process.

In compliance with WIA Section 189(i)(4)(B) and WIA Regulations 661.420(c), please accept the following as a request for a waiver.

The Tennessee Department of Labor and Workforce Development is requesting a waiver to permit the thirteen Local Workforce Investment Area's in our state the option of fulfilling the required ten program elements for youth services through the local administrative entity. The reason for this request is to allow for the continued expert development of all the required elements to remain available through the Career Center System while working to develop both partnerships and relationship with youth service organizations identified through the federal strategic vision for youth. The Request for Proposal (RFP) process will still be utilized to identify contract services (the ten program elements) that are not currently available through the local workforce investment area. By waiving this regulation, Tennessee will be better positioned to continue progress around the federal

strategic vision, keep the contracts that are performing well and re-structure the process where our state has had limited success.

The waiver will enhance services to participants in all our local workforce investment areas. Without the waiver, participant services are continually interrupted while a new provider is taught the magnitude of the program, performance and data collection. The requirement of the RFP process has created several voids as new providers often take several months to become familiar with all the statutory requirements. As re-authorization has stalled, the desire to remain effective has become more imperative. This request is being made by the state, on behalf of several local area directors as recommended through their local youth councils, who have struggled to provide continuity of services to their youth participants due to contractor turnover, geographical limitations and the complexity of the WIA regulations.

This waiver request is being written in the format identified in WIA Section 189 (i) Waivers and Special Rules.

A. Statutory Regulations to be Waived and the Goals to be Achieved:

Provision: Youth-Competitive Selection of Service Providers  
Statute: Section 117 (d)(2)(B), 123  
Regulation: 664.410

B. State or Local Statutory or Regulatory Barrier:

The Law and Regulations: Sections 117(d)(2)(B), 117(h)(4)(B)(i), and 123 reference that eligible providers of youth activities be selected by awarding grants or contracts on a competitive basis. These activities include the “ten program elements” listed under WIA section 129(c). Since early 2000, every local workforce investment area has issued requests for proposals for all ten elements of the youth program, including some components of the design framework. Response to these proposals has been minimal pending metropolitan, urban or rural status. Local areas have been quick to extend contracts on well-performing sub-contractors; however, we noted after receiving a federal waiver to permit older, out-of-school youth to access Individual Training Accounts (ITA's) that we are able to operate more effective and efficiently when we are able to work more directly with participants as opposed to using a youth sub-contractor. The RFP process offers limited flexibility in advancing the Faith and Community based agenda, the federal strategic vision and numerous in-school local education agency contractors in providing services across school district and county lines.

C. Description of Waiver Goal and Programmatic Outcomes:

The goal of the waiver is to allow a continuation of services to current and new participants. The lack of interruption of services will enhance performance outcomes to the youth of our area, cut down on administration, use more dollars

for training, increase enrollments and make the local boards and youth councils more accountable if they choose this option.

D. Description of the Individuals Impacted by the Waiver

Eligible WIA Youth are the only target group that will be impacted by the waiver. Since March of 2003, Tennessee received a federal waiver to allow older youth to access an ITA using youth funds. This has had a positive impact on performance, enrollments and efficiency. This waiver will allow our state to continue to build on this progress.

E. Description of the Process to Monitor Progress and the Process for Comment.

The state Performance and Accountability team will monitor progress of this waiver to ensure the stated outcomes listed in C. This notice will be posted on the state's website in seeking the required public comment.

This waiver will be in effect from June 1, 2006 through June 30, 2007.