



Unified Strategic Workforce Development Plan

Program Specific Requirements for Title I Programs

2020-2023

IN FULFILLMENT OF THE REQUIREMENTS OF THE
WORKFORCE INNOVATION AND OPPORTUNITY ACT
PUBLIC LAW 113-128

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Program Specific Requirements for Title I Programs

Regions and Local Workforce Development Areas

Below is a list of California's 45 Local Workforce Development Areas (Local Areas) / Local Workforce Development Boards (Local Boards) and the 15 Regional Planning Units (RPU) they fall under.

Bay Peninsula RPU

- North Valley Job Training Consortium (NOVA)
- San Francisco County Workforce Development Board
- San Jose-Silicon Valley (work2future)

Capital RPU

- Golden Sierra Workforce Board
- North Central Counties Consortium
- Sacramento Employment and Training Agency
- Yolo County Workforce Innovation Board

East Bay RPU

- Alameda County Workforce Development Board
- Oakland Workforce Development Board
- Contra Costa County Workforce Development Board
- Richmond Workforce Development Board

Inland Empire RPU

- Riverside County Workforce Development Board
- San Bernardino County Workforce Development Board

Los Angeles Basin RPU

- Foothill Workforce Development Board
- Pacific Gateway Workforce Development Board
- City of Los Angeles Workforce Development Board
- Southeast Los Angeles County Workforce Development Board (SELACO)
- South Bay Workforce Investment Board
- Verdugo Workforce Development Board
- Los Angeles County Workforce Development Board

Middle Sierra RPU

- Mother Lode Workforce Development Board

North Bay RPU

- Sonoma County Workforce Investment Board

- Workforce Alliance of the North Bay
- Workforce Development Board of Solano County

North Central Coast RPU

- Monterey County Workforce Development Board
- San Benito County Workforce Development Board
- Santa Cruz Workforce Development Board

North Coast RPU

- Humboldt County Workforce Development Board

North State RPU

- Northern Rural Training and Employment Consortium Workforce Development Board (NoRTEC)

Orange RPU

- Anaheim Workforce Development Board
- Orange County Workforce Development Board
- Santa Ana Workforce Development Board

San Joaquin Valley and Associated Counties RPU

- Fresno Regional Workforce Development Board
- Kern, Inyo, & Mono Workforce Development Board
- Kings County Workforce Development Area
- Madera County Workforce Development Board
- Merced County Workforce Development Board
- San Joaquin County Workforce Development Board
- Stanislaus County Workforce Development Board
- Workforce Investment Board of Tulare County

South Central Coast RPU

- San Luis Obispo County Workforce Development Board
- Santa Barbara County Workforce Development Board

Southern Border RPU

- Imperial County Workforce Development Board
- San Diego Workforce Partnership

Ventura RPU

- Ventura County Workforce Development Board

Local Area Designation

As outlined in [Workforce Services Directive WSD20-06](#), the Governor is required to approve a request for subsequent designation from a Local Area, if the Local Area performed successfully, sustained fiscal integrity, and engaged in the regional planning process. The State provided definitions of the required criteria and established an application process for Local Areas to obtain a subsequent designation for Program Years (PY) 2021-22 and PY 2022-23.

Definitions

Performed Successfully: The Local Area has met 80 percent of their negotiated performance goals in PY 2018-19 or PY 2019-20 for the following indicators:

- Employment Rate 2nd Quarter After Exit
- Median Earnings

Sustained Fiscal Integrity: The Local Area has not been found in violation of one or more of the following during PY 2018-19 or PY 2019-20:

- Final determination of significant finding(s) from audits, evaluations, or other reviews conducted by state or local governmental agencies or the Department of Labor identifying issues of fiscal integrity or misexpended funds due to the willful disregard or failure to comply with any WIOA requirement.
- Gross negligence – Defined as a conscious and voluntary disregard of the need to use reasonable care, which is likely to cause foreseeable grave injury or harm to persons, property, or both.
- Failure to observe accepted standards of administration – Local Areas must have adhered to the applicable uniform administrative requirements set forth in Title 2 CFR Part 200.

Engaged in Regional Planning: The Local Area has participated in and contributed to regional planning, regional plan implementation, and regional performance negotiations.

Application

In order for a Local Area to request subsequent designation and a Local Board to request recertification, the local Chief Elected Official (CEO) and the Local Board Chair had to complete and sign a Local Area Subsequent Designation and Local Board Recertification Application.

The completed application was submitted to the CWDB, who worked with the EDD, to verify the information provided and recommend approval or denial of the application to the Secretary of Labor and Workforce Development. The local CEO was notified in writing regarding the approval or denial of their application.

Appeals Process

Subsequent Designation

As outlined in [Workforce Services Directive WSD20-06](#), a unit of local government (or a combination of units) that has requested and been denied subsequent designation as a Local Area under WIOA may

appeal the denial to the CWDB, in accordance with WIOA Section 106.

An entity which has been denied subsequent designation may appeal the decision and request a hearing. An appeal and request for hearing must be emailed to the CWDB within 15 calendar days from the email date of the notice of denial of initial designation. The appeal must (1) be in writing and state the grounds for the appeal, and (2) state the reasons why the appellant should be designated. The CWDB will contact the appellant to schedule a hearing date within 15 calendar days of the receipt of the appeal. The CWDB will conduct the appeal hearing process and provide a written decision to the appellant no later than 15 calendar days after the hearing.

A unit or combination of units of general government whose appeal has not resulted in designation as a Local Area may also appeal the denial to the Department of Labor.

Infrastructure Funding Agreement

As outlined in [Workforce Services Directive WSD18-12](#), if a Local Area is unable to reach agreement regarding joint infrastructure costs with any of their America's Job Centers of CaliforniaSM (AJCC) partners, they must notify the State annually by April 1 to trigger the State Funding Mechanism (SFM). Once the notification has been received, the CWDB will initiate a process to determine each AJCC partner's contributions to infrastructure costs in the Local Area for that program year under the SFM. The process will include all appropriate state-level authorities to enact the SFM.

All AJCC partner programs and/or the Local Board may appeal the SFM decision. Appeals must include justification by the program and/or Local Board and be based on believed noncompliance with WIOA Section 121(h)(3) that outlines the Governor's funding allocations. All appeals must be submitted to EDD no later than 30 days after receiving the SFM decision. The state will respond to the appeal no later than June 30 of that year.

Process for Identifying Regional Planning Units

While developing California's 2020-2023 Unified Strategic Workforce Development Plan (State Plan), the CWDB revisited the existing RPU framework to identify necessary adjustments based on economic or demographic changes in the period since the original 14 RPUs were first established. To assist in this process, the EDD Labor Market Information Division (LMID) conducted an updated analysis that incorporates the most recent commute pattern data from the US Census Bureau's American Community Survey and the most recent labor force and industry employment data from LMID. The results of this analysis were issued in a draft directive, and the workforce community was given 30 days to submit public comments on the proposed RPU boundaries.

Local Board placement within the RPUs was based primarily on the location of WIOA client populations and the way these populations fit into regional economies as defined by economic data, including commute patterns, industry composition, labor markets, geographic location, and transportation infrastructure. Boundaries of the RPUs were largely set by giving weight to the foregoing economic data and by starting with regional economic market boundaries drawn by the EDD LMID. These regional economic market boundaries were then modified to take into account the number of Local Areas in a region, the size of the area covered, and the boundaries and planning regions of existing

regional workforce consortia. The methodology of the analysis is summarized below.

Methodology

The methodology for analysis consists of four parts:

- Part One – Divide California into Economic Markets and Submarkets
- Part Two – Group Counties into Preliminary RPUs Based on Commute Pattern Analysis
- Part Three – Complete Additional Analysis to Finalize Placement of Remaining Undecided Counties
- Part Four – Cross-Reference Data-Driven Results with Local Area Jurisdictions

Part One – Divide California into Economic Markets and Submarkets

In 2014, the LMID divided California into economic markets and submarkets. The intent of selecting economic markets and submarkets as starting units of analysis is, to begin with a foundation that is data-driven and independent of the need to account for the operational and political jurisdictions of the California workforce system.

The economic markets and submarkets identified as a result of the empirical analysis performed in 2014 have been used as a basis to analyze present commute patterns and, where necessary, additional economic factors to validate or invalidate existing RPU designations on an empirical basis.

Part Two – Group Counties into Preliminary RPUs Based on Commute Pattern Analysis

Since California has undergone economic and demographic changes in the years since the 14 RPUs were originally designated, county-to-county commute patterns within each RPU were re-analyzed using the US Census Bureau’s most recent American Community Survey data.

The present analysis begins from the unit of the County, and proceeds by first identifying the County that is the commute and economic “center of gravity” of its submarket, known as the Base County. Each Base County retains (“holds”) and receives (“imports”) the largest numbers of daily commuters in comparison with the hold-import numbers of all other counties in its economic submarket. With Base Counties thus identified, remaining counties were classified through examination of their commuter export relationships with other counties in the larger economic market region.

The taxonomy of counties and the process used for their designation is as follows:

1. Base County – A county that holds and imports more commuters than any of the other counties in a selected economic submarket.
2. More Connected County – The top export destination for these counties is inside the same economic market. This is established when the number of commuters to a selected county’s top export destination measures more than 10 percent of the total number of commuters living and working in the selected County.
3. Less Connected County – These counties are less connected to either a Base or More Connected County in the same selected economic market and are independent (i.e. self-sustaining) in nature. This is established when the number of commuters to a selected county’s

top export destination measures less than 10 percent of the total number of commuters living and working in the selected County.

4. Undecided County – The top export destination for these counties is outside the selected economic market. This creates a complex scenario that requires additional analysis of commute patterns as well as economic factors such as labor market size and industry sector composition, to decide whether these counties should be moved from their current economic market and into another.

Part Three – Complete Additional Analysis to Finalize Placement of Remaining Undecided Counties

Since placement of an Undecided County could not be determined through commuter flow analysis alone, each Undecided County was subjected to additional analysis of industry composition (employment levels of major industries) and labor force size (which indicates the extent of industry and occupational diversity and/or complexity within the local economy) to determine the relative similarity of its local economy to the economies of its top commute destination counties. Additionally, with the awareness that jobs and services must be accessible to county residents, geographic proximity was taken into consideration. The purpose of analyzing these factors was to generate additional data needed to accurately place an Undecided County into a preliminary RPU.

Part Four – Cross-Reference Data-Driven Results with Local Area Jurisdictions

Results of analysis in Parts Two and Three yield an up-to-date empirical picture of California’s regional economic markets and submarkets, and counties’ placement within them. To develop an updated RPU framework, the CWDB and the EDD also took local administrative boundaries and planning relationships into account. In particular, results of the foregoing analysis were cross-referenced with Local Area boundaries to ensure that each Local Area is placed into only one RPU and is not subdivided, in accordance with WIOA Section 106.

Updates for RPUs

The findings of the LMID commute pattern were not intended to be directly prescriptive, but instead to identify those regional arrangements that are data-supported and to differentiate them from those that are not. Because WIOA intends RPU creation to facilitate a Local Board’s ability to plan and align services, the CWDB provided the workforce community with the opportunity to provide public comment. Proposals for alternative modifications required a compelling, data-based rationale in order to be considered.

Based upon the findings of the LMID analysis and data-driven arguments received in public comment, the number of RPUs changed from 14 to 15 RPUs as a result of the following two updates:

1. The former Coastal RPU is divided into its two constituent economic submarket regions, to be known as the North Central Coast and South Central Coast RPUs.
2. The San Benito Workforce Development Board relocated from its current RPU of Bay Peninsula to join the North Central Coast RPU.

These new boundaries outlined above and in [Workforce Services Directive WSD20-01](#) went into effect

July 1, 2020, and were used when the RPUs developed their PY 2021-24 WIOA Regional Plans.

Statewide Activities

California uses WIOA Governor’s Discretionary funds to develop and fund innovative and dynamic initiatives that pilot new service delivery strategies and target specific populations throughout the state. These initiatives are aligned with the mission and direction of WIOA by assisting job seekers, especially job seekers with barriers to employment, with access to employment, education, training, and support services they need to succeed in the labor market while also matching employers with the skilled workers they need to compete in the global economy.

PY 2020-21 Governor’s Discretionary Grants

Regional Implementation Grants

As outlined in [Workforce Services Information Notice WSIN20-20](#), California awarded \$4.9 million in Regional Plan Implementation (RPI) grants to California’s 15 RPUs to support the implementation of their WIOA Regional Plans. These awards will help ensure more people have access to training, good jobs and economic security, and achieve greater intergenerational income mobility. The following are outcomes the State hopes to achieve through the RPI grants:

- Demand-Driven Skills Attainment:
 - RPU has developed a team that jointly convenes industry and is led by industry champions.
 - RPU has shared industry sector focus and pools/shares resources to meet demand in the region.
 - RPU has a process to communicate industry workforce needs to supply-side partners.
 - RPU has policies supporting equity and strives to improve job quality.
- Upward Mobility and Equity for Individuals with Barriers to Employment Outcomes:
 - RPU has shared target populations of emphasis.
 - RPU deploys shared/pooled resources to provide services, training, and education to meet target population needs.
 - RPU utilizes shared/common case management and capacity-building strategies such as co-enrollment and professional development to develop shared responsibility for providing services and ensure quality outcomes.
- System Alignment Outcomes:
 - RPU has shared/pooled administrative systems or processes to achieve administrative efficiencies and program outcomes.
 - RPU has created formalized structures for decision-making.
 - RPU has developed a process for evaluating performance that includes:
 - Qualitatively evaluating progress towards meeting regional industry and occupational demand;
 - Tracking the number of industry-recognized credentials and apprenticeships;
 - Aligning negotiated performance measures to regional indices

High Performing Board Certification

As outlined in [Workforce Services Directive WSD19-12](#), awarded \$100,000 in incentive funds as part of the High Performing Board certification process. The High Performing Board certification creates an incentive for Local Boards to strive to meet a high-performance standard, develop strong local workforce initiatives, and establish a business service plan that together creates a unified goal to provide quality services that connect workers to good-paying jobs.

California state law directs the Governor, through the CWDB, to establish standards for Local Boards to be certified as High Performing Boards and requires recertification to occur midway through the implementation of the local and regional plans. Additionally, the Governor and the Legislature, as part of the annual budget process, and in consultation with CWDB, may reserve a portion of the WIOA Governor's discretionary funds for the purpose of providing incentive funds to Local Boards who are certified as High Performing Boards.

Workforce Accelerator Fund

As outlined in [Workforce Services Information Notice WSIN20-40](#), California awarded \$7.4 million in Workforce Accelerator Fund (WAF) grants to design, develop, and implement projects that accelerate employment and reemployment strategies for California job seekers. The WAF fosters regional coordination among key partners and promotes relationships with new partners, leading to enhanced resources and augmentation of existing services strategies. By working with similar or established programs, organizations are better equipped to anticipate complications and can instead focus on methods and success. Organizations participating in WAF also improve their working relationship with stakeholders.

The primary goals of WAF include:

- Improve labor market and skills outcomes for target groups through the development of strategies that fill gaps, accelerate processes, or customize services to ensure greater access to workforce services and employment opportunities.
- Create new models for service delivery and funding alignment that can be replicated across the State and tailored to regional needs.
- Implement, replicate, and scale successful innovations that emerged from previous WAF projects.
- Leverage state investments with commitments from industry, labor, public, and community partners.

English Language Learners Grant

As outlined in [Workforce Services Information Notice WSIN20-56](#), California awarded \$1.8 million in English Language Learner (ELL) grants. With an additional focus on addressing the challenges presented by COVID-19, the ELL grant program supports existing or new projects that improve services to ELLs, reduce and eliminate barriers to employment, build system-wide capacity to serve this population, and increase alignment among WIOA partners to identify, develop, and share best practices.

Awards support local projects that establish an Integrated Education Training (IET) model with an interconnected network of employer, education and training partners that ensure career pathways culminate in high-quality employment with advancement opportunities for ELLs. Programs funded under this pilot will align WIOA programs, implement co-enrollment strategies, leverage other program funding, and provide supportive and follow-up services. Co-enrollment may include enrollment in WIOA Title I Adult, Title II Adult Education, Title III Wagner-Peyser, and human service programs or other WIOA unified plan programs. The IET model shows promise as a method to increase access to career pathway programs and bridge educational gaps to help ELLs with significant barriers to employment enter into the workforce.

Through this grant program, ELLs will obtain occupational skills for living wage jobs within in-demand industries in the project service area. The IET instructional strategy offers ELLs integrated instruction for career-related training and contextualized language-building skills, which will expedite entrance into the workforce. Incorporating the IET program model requires a sector-based approach to education and training and robust employer partnerships in the local labor market. Projects funded under the ELL grant program are intended to support ELLs from education through placement in high-quality jobs that will allow for upward mobility.

Veterans Employment-Related Assistance Program

As outlined in [Workforce Services Information Notice WSIN20-63](#), California awarded \$4.9 million in Veterans Employment-Related Assistance Program (VEAP) grants focused on technology-enabled education and training that allows veterans to develop the skills necessary for employment in a regionally in-demand industry.

VEAP grants help encourage the promotion of veterans as individuals with marketable skills and experience by increasing access to career pathways programs through enhanced partnerships with adult education, human service programs, and other State Plan partners including community-based organizations. The intent is to build meaningful and sustainable industry investment and partnership, system innovation, and to develop initiatives that have the best potential to place targeted veterans into self-sufficient jobs and on pathways to careers.

Awards support projects that increase access for target populations, align WIOA programs, implement co-enrollment strategies, enhance partnerships, leverage other program funding, provide supportive services, and create onramps to high-quality jobs with sustainable wages for California's veteran population. Due to COVID-19, applicants were encouraged to collaborate with institutions of higher education, innovative training providers, leaders in technology, or other partners that are best suited to expand online solutions to education, training, and employment.

Disability Employment Accelerator

As outlined in [Workforce Services Information Notice WSIN20-64](#), California awarded \$2 million in Disability Employment Accelerator (DEA) grants to promote the use of regional-industry sector strategies as the framework to help unemployed and underemployed people with disabilities obtain and retain competitive, integrated employment.

DEA grants support projects that are critical to increasing employment opportunities and outcomes for people with disabilities by working more closely with California’s employer community. Grant funds are used to provide the training needed to fill positions in local, high-growth industries such as advanced manufacturing, construction, educational services, healthcare, information technology, logistics and transportation, professional and business services, and technology. These strategies will help increase employer awareness and dispel myths and perceived barriers regarding hiring people with disabilities.

PY 2021-22 Governor’s Discretionary Grants

Equity and Special Populations Grant Program (ESP)

As outlined in [Workforce Services Information Notice WSIN 21-14](#), recognizing the need to accelerate equity in employment and develop innovative employment strategies for populations that face significant barriers to employment, California launched the Equity and Special Populations Grant Program (ESP). ESP supports innovative projects that increase equity, employment opportunities, and outcomes for special populations by consolidating the previous ELL, VEAP, and DEA grant programs into one.

California made available \$11.5 million in ESP grants to design, develop and implement projects that will create more effective linkages with California’s employer and workforce community, with a focus on high-wage, high demand occupations for people with disabilities, veterans, ELL, justice-involved and other target populations or geographic locations most impacted by COVID-19. The intent is to support initiatives that have the best potential to place participants into self-sufficient jobs and on career pathways. These funds build meaningful and sustainable industry investment and partnerships, provide work-based learning opportunities, increase access to quality jobs, leverage other program funding, and provide supportive services for California’s most vulnerable populations.

Workforce Accelerator Fund

As outlined in [Workforce Services Information Notice WSIN 21-21](#), California also made available \$10.5 million for another round of WAF programs to design, develop, and implement projects that accelerate employment and reemployment strategies for California job seekers. As we recover from the COVID-19 pandemic and the economic crisis that fell hardest on the most vulnerable workers and communities, WAF seeks to fund innovative approaches to improve job quality, create upward mobility, and bridge the gap between workforce programs and quality jobs for workers from disadvantaged or low-income communities in a continuing effort to build a better California for all.

Rapid Response and Set Aside Funds

California reserves 25 percent of its Title I Dislocated Worker funding to carry out statewide Rapid Response activities. Of that 25 percent, California chooses to allocate 50 percent directly to Local Areas and hold the other 50 percent at the state level for future Additional Assistance requests.

Rapid Response and Lay-Off Aversion

As outlined in [Workforce Services Directive WSD16-04](#), one-half of California's 25 percent Rapid Response set-aside funds are allocated directly to Local Areas to support them in enabling affected workers to return to work as quickly as possible following a layoff, or to prevent layoffs altogether. To accomplish this, the workforce development system must be coordinated, comprehensive, and proactive in communicating with businesses.

This includes providing labor market and workforce information, integrating industry requirements into training strategies and career pathways, brokering relationships and job connections, making services efficient and easy to access, and coordinating with regional partners to reduce duplication. Rapid Response also tracks labor market trends, increased Unemployment Insurance claims, public announcements through the California Worker Adjustment and Retraining Notification Act notices, and analyzes economic data to assess the health of businesses.

Rapid Respond funds are allocated to Local Areas using a three-part formula:

1. **Baseline funding** - This funding is allocated equally among Local Areas to ensure, at a minimum, that some capacity exists in each Local Area for the coordination and conduct of Rapid Response activities. Allocations to Local Areas comprised of more than one County will include an additional allocation of \$50,000 for each additional County. Of the Rapid Response set-aside funds, 30 percent are reserved for this baseline funding.
2. **Layoff-based funding** - This funding is for Local Areas that serve regions where significant numbers of dislocation events occur. This allocation will be based on quantitative layoff data. Funds will be allocated to Local Areas in proportion to the number of affected workers offered Rapid Response services in response to layoffs reported to the state. This methodology ensures services are provided to assist groups of workers affected by mass layoffs, permanent business closures, and natural or other disasters. Of the Rapid Response set-aside funds, 45 percent are reserved for this layoff-based funding.
3. **Hold-Harmless funding** - This funding minimizes funding losses from year-to-year. A portion of the Rapid Response set-aside funds will be used to ensure that no Local Area receives less than 75 percent of their prior-year share of statewide funds distributed for baseline and layoff based activities. This policy also limits any Local Area's year-over funding increase to 100 percent of their prior-year allocation.

Layoff Aversion funds are also distributed to Local Areas based on the Local Area's relative share of the Rapid Response formula allocations referenced above.

Additional Assistance

As outlined in [Workforce Service Directive WSD16-15](#), the other half of California's Rapid Response set-aside funds are kept at the state level as Additional Assistance funds. These funds are made available to Local Areas that experience sudden and large increases of unemployment due to natural disasters, mass layoffs, or other events.

The purpose of the Additional Assistance is to supplement and expand local capability to respond

effectively to worker dislocation events by funding direct services to dislocated workers when local resources are inadequate. Ideally, projects should be funded from multiple sources and involve multiple WIOA mandated partners. Additional Assistance funds should be used to serve the additional dislocated workers as well as allow a higher quality of services and outcomes to be achieved. The funding request must demonstrate that existing local resources (WIOA or others) are inadequate to address the needs of the affected workers seeking services.

There are three different methods for requesting Additional Assistance funding:

1. Standard Application – This application petitions the state for additional funds to respond to unanticipated dislocated worker events that exceed the capacity of the existing Local Area’s formula funds to provide the needed resources.
2. Emergency Application – This application provides the applicant with initial bridge funding to begin the provision of services to dislocated workers from a mass layoff or natural disaster. To qualify for a natural-disaster classification, the event(s) must be declared eligible for assistance by the Federal Emergency Management Agency or other responding federal agencies.
3. Project Modification Application – This application seeks to alter a current Additional Assistance project due to a substantial change in the scope of the originally-funded work.

In cases of natural disasters, the State’s response efforts are coordinated by the California’s Office of Emergency Services (CalOES). The CalOES coordinates the overall state response to disasters with local, state, federal, and voluntary/nonprofit partners to administer recovery operations in the event of a disaster.

To further disaster response coordination within the workforce system, Assembly Bill (AB) 2915 (Chapter 722, Statutes of 2018) required the CWDB, in conjunction with EDD and local partners, to establish a policy regarding emergency cooperation agreements between Local Boards. To implement the legislation, CWDB convened a workgroup comprised of representatives from: CalOES, EDD, California Workforce Association, and Local Boards.

The workgroup established a multi-pronged approach for implementation:

1. Publish an Information Notice to share strategies for enhanced coordination with CalOES’ Local Emergency Management Contacts
 - Information Notice: [Workforce Services Information Notice 19-10](#)
2. Issue a directive that provides information on allowable activities for the various funding streams utilized by Local Boards when responding to a natural disaster.
 - Directive: [Workforce Services Directive WSD 19-14](#)

Additionally, if an event is declared a disaster by FEMA, California utilizes Rapid Response funding to conduct initial situation assessment to obtain preliminary data to draft a National Dislocated Worker Grant (NDWG) application. Using the initial Rapid Response assessment data, the State works with the affected Local Board(s) to develop an immediate response, including providing ‘stop gap’ funding through 25 percent Additional Assistance for mitigation activities pending DOL approval of an NDWG.

Trade Adjustment Assistance

The State recognizes the need to enhance its early intervention efforts to groups of workers on whose behalf a Trade Adjustment Assistance (TAA) petition has been filed. To ensure these efforts are achieved and that Rapid Response assistance and appropriate career services are made available to those individuals, the State will continue to work collaboratively with its existing Local Area partners as well as establish new relationships with various workforce development entities.

To establish those relationships and strengthen existing partnerships, the TAA State Coordinator will actively engage with the Local Area staff and other workforce partners, such as union affiliates in order to increase TAA visibility and define a streamlined process for information sharing about trade-affected individuals. In addition, TAA staff will attend all Rapid Response regional roundtables to share information regarding recently filed petitions, to learn of employers conducting layoffs that are impacted by foreign trade, and to hear from the Local Area and other workforce partners about petitions they've filed on behalf of a worker group. The State established a statewide TAA Field Division Coordinator position to provide technical assistance to the Local Areas and to participate in the roundtables.

A well-established relationship between the State and the Local Area will ensure that when a petition is filed, the Local Area Rapid Response Coordinators will coordinate Rapid Response orientations to ensure all applicable partners, including State TAA Staff, and required Rapid Response materials are available at each orientation. [Workforce Services Directive 14-15](#) provides the WIOA and TAA co-enrollment policy and procedures to ensure that Rapid Response staff understand and provide all potential trade-affected workers with required rapid response assistance, including TAA program information.

A TAA Co-enrollment Technical Assistance Guide (TAG) is also available and provides program eligibility and determination guidance, promotes cooperative partnerships, and maximizes resources that supports TAA and WIOA programs co-enrollment. The TAG highlights Rapid Response as a critical access point for co-enrollment. Additionally, the TAA Final Rule codifies the regulatory requirement that a trade-affected worker who is eligible for the WIOA's Dislocated Worker (DW) Program must be co-enrolled into the DW Program.

Pending a petition determination, EDD staff will begin to provide core services through the AJCC system, and will coordinate with Local Area staff to provide appropriate career services, such as a preliminary needs and skills assessment for the impacted worker(s). The early intervention efforts provided to the trade-affected worker prior to the petition certification seeks to reduce a worker's period of unemployment. Upon a petition determination, State TAA Staff will notify all workers identified on the worker list by mailing a TAA Group Eligibility Notification Letter directly to each impacted worker regarding their eligibility to apply for individual TAA benefits and services. The letter also provides program deadline dates, and provides information about the different benefits and services available to the worker if they qualify. Upon the petition certification, State TAA Staff will continue to provide appropriate employment and case management services to assist the worker in obtaining reemployment as quickly as possible.

Adult and Dislocated Worker Program Requirements

Work-Based Training Models

In addition to the 2021-22 WIOA Governor’s Discretionary Grants outlined above, California invested \$10.5 million to expand existing High Road Training Partnerships (H RTP) that prioritize job quality, support economic and climate resilience, and link regionally-driven sector work to a statewide skills agenda. The H RTP model creates a comprehensive infrastructure of support for industries, employers, labor, and workers to collaboratively negotiate industry needs in real-time and prepare for the future of work. This partnership model promotes systems change and worker power to build an economy based on equity, skills, innovation, and shared prosperity.

This round of H RTP grants builds upon existing H RTP strategies that drive industry-specific innovations and lead to improvements in equity, job quality, and environmental sustainability. These high road, sector-based training partnerships are embedded within identified industries that play a critical role in the state’s strategy for a just recovery from the COVID-19 pandemic and economic crisis. These H RTP grants support partnerships that improve, expand, and/or scale existing or previously funded projects. Examples of types of long-term goals for projects include:

- Expand into one of more new regions to increase access to high-quality jobs or entry-level work with clearly defined routes to advancement.
- Increase opportunity for skills attainment for those at the lower end of the labor market.
- Develop and expand career pathways within key industries for populations who have experienced barriers to employment.
- Support both labor and management in order to increase productivity by increasing the health, safety, and specialization of jobs in a particular sector.
- Address skills needs in new and emerging industries, specifically those which center on environmental sustainability and equitable recovery.

H RTPs are creating a comprehensive infrastructure of support for industries, employers, labor, and workers to collaboratively negotiate industry needs in real-time and prepare for the future of work. This partnership model promotes systems change and worker power to build an economy based on equity, skills, innovation, and shared prosperity. The H RTP approach is structured to ensure program outcomes achieve the following objectives:

- Workforce development and employment opportunities are accessible to and shaped by communities of color and low-wage workers.
- Jobs offer family-sustaining wages and benefits.
- Workplaces are safe and healthy.
- Workers have agency and voice and are treated with dignity and respect.

H RTPs also ensure that industries develop mechanisms to become sustainable and competitive in a high road economy and adopt practices to address vital concerns like increasing racial equity and environmental sustainability.

Registered Apprenticeship

According to California law, when Local Boards provide apprenticeship or pre-apprenticeship-related services using WIOA funds, they must coordinate with the apprenticeship programs in their Local Area that have been formally accredited by the Department of Industrial Relations Division of Apprenticeship Standards.

As part of California’s efforts to better align federal and state workforce programs, the State will be working to coordinate the provision of apprenticeship services with workforce and training services. This could include the co-location of apprenticeship staff in career centers, where appropriate. While discussions on how best to achieve this coordination are still underway, it is anticipated that operational details will become clearer with further stakeholder engagement.

Training Provider Eligibility Procedure

As outlined in [Workforce Services Directive WSD21-03](#), in order to be listed on California’s Eligible Training Provider List (CA ETPL), training providers must submit an application through [CalJOBSSM](#) to a Local Board to offer training programs to WIOA program participants. The program must have been nominated by the Local Board and approved by the EDD.

Initial Eligibility

The requirements for application to the CA ETPL, also known as the “initial eligibility criteria,” includes the following for providers and programs:

Providers:

Adult Education Secondary Schools

- Must be an eligible provider of adult education and literacy activities under Title II of WIOA. Adult education and/or literacy activities must be offered concurrently or in combination with occupational skills training.

Pre-apprenticeship Providers

- Must have a letter of commitment from a DOL registered or DIR DAS approved apprenticeship program.

Apprenticeship Providers

- DOL Registered Apprenticeships and DIR DAS Approved Apprenticeships are automatically eligible to be listed on the CA ETPL and do not have any initial eligibility requirements.

Private Postsecondary Institutions (for-profit or nonprofit)

- Must be accredited by the Accrediting Commission for Schools (ACS) Western Association of Schools and Colleges (WASC); the WASC Senior College and University Commission (SCUC);

have current BPPE Approval to Operate; current Verification of Exemption by BPPE; or are deemed exempt per California Education Code (CEC) Section 94874.

Public Postsecondary Institutions

- Community Colleges: must be accredited by the WASC Accrediting Commission for Community and Junior Colleges (ACCJC).
- CA State University (CSU) and University of CA (UC): must be accredited by the WASC SCUC.

Additionally, all providers must meet the following requirements:

- Compliance with the Equal Opportunity and Nondiscrimination requirements, found in Section 188 of WIOA, prior to nominating the training provider to be on the CA ETPL.
- Provide information supporting the provider's partnership with the business. This may include information about the quality and quantity of employer partnerships.

Programs:

- The training program must be for occupations in in-demand industry sectors identified by the state, region, or Local Board. In-demand or priority industry sector information must be verified with the State Board and/or Local Board.
- The training program provides training services that lead to an industry-recognized credential, or employment in a specific occupation after receiving measurable technical skills.
- The cost of the program should match the cost of a member of the general public enrolling in the program without assistance from WIOA.
- If a program is offered with multiple modes of instruction (e.g. online and in-person) or durations, the program needs to be entered separately for each variation.
- For providers with a BPPE Approval to Operate, the training program and its location are BPPE approved.
- For providers with WASC SCUC accreditation, the training program, its location, and mode of delivery are WASC SCUC accredited.
- Programs must meet or exceed the minimum performance expectations based on data for all students in the program, including non-ETPL enrollments:
 - Public Postsecondary Community Colleges, CSUs, UCs, and Adult Education Secondary Schools:
 - Of individuals that exited the program, the percentage who successfully completed the training program.
 - Of individuals that successfully completed the training program, the percentage who are employed within six months of graduating from the training program.
 - Note: due to heavy state oversight, these providers are not required to meet a specific percentage.

- Private Postsecondary Institutions:
 - Of individuals who exited the program, 50% successfully completed the training program.
 - Of individuals who successfully completed the training program, 50% are employed within six months of graduating from the training program.

If the training program does not meet the requirements of initial eligibility, the program’s application will be denied, and the provider will be notified.

Continued Eligibility

All programs on the ETPL, with the exception of apprenticeship programs, will be evaluated annually to ensure they continue to meet eligibility to be retained on the ETPL beyond the one-year period of initial eligibility. This process is called “continued eligibility. The continued eligibility review process is based on the following for providers and programs:

Providers:

All providers on the ETPL will be evaluated by the EDD. All initial eligibility requirements for providers apply during continued eligibility. Since providers can be reviewed year-round, all active training providers on the CA ETPL will be evaluated annually by the EDD no earlier than 60 days and no later than 30 days prior to the provider’s eligibility expiration date to ensure they continue to meet eligibility to be retained on the CA ETPL. Additionally, providers that do not have at least one Title I, subtitle B enrollment during the previous two program years will be removed from the ETPL.

Programs:

All programs on the ETPL will be evaluated by the Local Board, and if the Local Board deems the program eligible, they will nominate it to the EDD for review. Programs must meet all requirements outlined in initial eligibility, as well as the following:

- Program information is updated in CalJOBS.
- Submit aggregate student data for each ETPL program, per federal reporting requirements
- With the exception of apprenticeships, Adult Education providers, Community Colleges, UCs, and CSUs, programs must meet or exceed initial eligibility performance expectations, as well as state-negotiation performance goals.
 - The program must meet the following performance metric for all students for the most recent complete program year (July 1 – June 30):
 - Of individuals who exited the program, 50% successfully completed (did not withdraw or transfer) the program.
 - The program must meet the following performance metrics for WIOA participants for the most recent complete program year (July 1 – June 30):
 - Employment Rate 2nd Quarter after Exit meets the state’s negotiated goal for the Title I Adult program.

- Employment Rate 4th Quarter after Exit meets the state’s negotiated goal for the Title I Adult program.
- Median Earnings meet the state’s negotiated goal for the Title I Adult program.
- Credential Attainment meets the state’s negotiated goal for the Title I Adult program (if applicable).
- Measurable Skill Gains meets the state’s negotiated goal for the Title I Adult program.

If the training program does not meet the requirements of continued eligibility, the program must be removed from the ETPL, and the provider notified of the removal.

Implementing and Monitoring Priority of Service

As outlined in [Workforce Services Directive WSD15-14](#), Local Boards must provide priority of service to recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient when providing individualized career services and training services funded with WIOA adult funds.

Veterans and eligible spouses are also able to receive priority of service among all eligible individuals; however, they must meet the WIOA Adult program eligibility criteria and meet the criteria under WIOA Section 134(c)(3)(E). Therefore, priority must be provided in the following order:

1. Veterans and eligible spouses who are also recipients of public assistance, other low income individuals, or individuals who are basic skills deficient.
2. Individuals who are the recipient of public assistance, other low income individuals, or individuals who are basic skills deficient.
3. Veterans and eligible spouses who are not included in WIOA’s priority groups.
4. Other individuals are not included in WIOA’s priority groups.

Local Boards are allowed to establish additional priority groups for their Local Area (e.g., residents of the Local Area, individuals with disabilities, formerly incarcerated and justice-involved, etc.). However, any additional priority groups established should be identified in the local policy.

The directive contains definitions of public assistance, low income, and basic skills deficient as well as all individualized career and training services. It also contains a chart of source documents that Local Boards can use to verify a participant’s eligibility for priority of service.

The EDD Policy and Compliance Accountability Branch is responsible for conducting annual sub-recipient monitoring to ensure that they are in compliance with WIOA eligibility requirements, including priority of service.

Transfer of Funds Criteria

As outlined in [Workforce Services Directive WSD15-23](#), transfer of funds requests can be submitted any time during the two-year life of the program funds, however, transferred funds must stay within the original year of allocation and time period (i.e., July 1, first allocation funds, or October 1, second

allocation funds).

- Local Areas must submit transfer requests in writing to the EDD. The transfer request must include the reason and/or rationale for the transfer, and be approved by the Local Board. Considerations for review and approval by EDD include the following:
- Changes in planned services to eligible participants.
- Unexpected layoffs requiring additional funds.
- Changes in the goals for serving eligible participants.
- Changes in labor market conditions.
- Effect of training on jointly funded employment and training programs in the AJCC.
- Effect on existing agreements for the delivery and/or coordination of employment and training services.
- Effect on current state and Local Area employment and training systems.
- Effect on the employment and training needs of eligible participants in the Local Area.

To the extent that a Local Area requests to transfer its entire allocation of dislocated worker funds to the adult program, the Local Area must be aware of the following implications pertaining to the transfer:

- The EDD will not consider Local Area requests for funding from Rapid Response Additional Assistance funds to mitigate the loss of dislocated worker funds resulting from the transfer.
- All transfers of funds are subject to the WIOA adult program priority of service requirement.

Youth Program Requirements

As outlined in [Workforce Services Directive WSD17-07](#), California seeks to invest WIOA youth funds in programs that employ best practices and incorporate concepts of youth development in order to meet the diverse needs of youth and young adults through integrated wrap-around services, with a particular focus on employment and post-secondary outcomes.

To accomplish this, Local Boards should select youth service providers that:

- Employ proven recruitment strategies of effective outreach, engagement, enrollment, and retention of out-of-school youth.
- Demonstrate meaningful partnerships with eligible training providers, institutions of higher education, and employers from in-demand industries
- Offer a continuum of services that allow participants to obtain a GED/High School diploma, enroll into post-secondary education, and obtain employment within their chosen career path.
- Utilize career pathways and sector strategy models with a structured sequence of activities, as well as multiple entry and exit points that provide adequate supportive services.

- Use structured work-based learning, such as paid and unpaid work experiences and career exploration that leads to gainful employment.
- Provide intensive case management and support services to help youth overcome complex barriers, successfully complete the program, and retain employment.

Successful performance is a priority as it helps to measure the effectiveness of a local program. Local Board selection of youth providers requires an assessment of the provider’s ability to meet participant and performance requirements set forth by the local administrative entity and the State.

Local Boards should assess the provider’s:

- Experience managing contracts, performance records, and administrative structure, including records and retention, compliance and monitoring, internal audit procedures, and data management system.
- Ability to meet reporting deadlines.
- Planned performance and ability to track outcomes.
- Frequency of training and technical assistance provided on the performance indicators to ensure compliance with federal and state requirements.

Out-of-School Youth

From a programmatic standpoint, California has prioritized investments in serving disconnected and out-of-school youth at the local level by identifying them as a target population for many of the federally and state-funded grant programs. Below are a few examples of youth projects that were awarded funds.

The following are projects supported by the Workforce Accelerator Fund:

- A project that combines early work experience through employment with local professional sports arenas/stadiums, essential skills training, and connection to ongoing employment for disconnected youth. The project will also create a roadmap of opportunity for youth to follow when exploring, enrolling in, completing a community college program, and transitioning into the workforce.
- A project that leverages partnerships with the Local Conservation Corps, Community College, and U.S. Forest Services. The project will enroll youth in forestry and related field training and upon completion of training; youth will be placed in unsubsidized jobs, advanced training, or enrolled in post-secondary education.

The following are projects supported by the Breaking Barriers to Employment Initiative:

- A project that provides a two-part, six month internship for youth experiencing homelessness. The project will address the educational and professional opportunity gap for youth experiencing homelessness by providing youth with the tools and resources necessary for meeting their educational and professional goals.

- A project that assesses and enrolls disconnected youth, foster youth, and other target populations into programs that provide work experience. The participants without a GED or high school diploma will be enrolled into one of the Youth Build high schools.

Ongoing discussions with core and required program partners have shown that improving access and quality of services provided to out-of-school youth facing significant barriers is a shared priority. The State is looking into ways to increase capacity for cross-agency collaboration and alignment of youth policy at the state level in order to improve youth service delivery at the local level.

Program Elements

Local Boards must ensure that all 14 program elements are available in their Local Area. However, Local Boards are not required to provide the 14 required elements to each youth participant; they have the flexibility to determine what specific services a youth will receive based upon the youth’s assessment and service strategy.

Local Boards must competitively procure high-quality youth service providers that develop and implement effective youth programs by aligning career pathways, employment, training, education, and supportive services. Aligning strategic partnerships, communication, coordination, and collaboration among employers, educational partners, economic development entities, and service providers is the foundation of the ensuring access to all program elements.

The WIOA youth work experience expenditure requirement aligns with California’s ongoing support and utilization of “earn and learn” models such as work experience, pre-apprenticeship, registered apprenticeship, on-the-job training, and internships where participants can receive concurrent academic and occupational education, job readiness training, and employment skills. Work experience is an investment to build the foundation for career exploration and guidance, support for educational attainment, provide opportunities for skills training in in-demand industries that results in good job or enrollment in post-secondary education.

Definition and Eligibility for “Requires Additional Assistance”

Local Boards must establish a local definition and eligibility documentation requirements for the “requires additional assistance” criterion to determine eligibility for OS youth and IS youth. This definition must be included in the Local Plan.

The State provided the following possible definitions/criteria:

- Have repeated at least one secondary grade level or are one year overage for grade.
- Have a core grade point average (GPA) of less than 1.5.
- For each year of secondary education, are at least two-semester credits behind the rate required to graduate from high school.
- Are emancipated youth.
- Have aged out of foster care.
- Are previous dropouts or have been suspended five or more times or have been expelled.
- Have received court/agency referrals mandating school attendance.
- Are deemed at risk of dropping out of school by a school official.

- Have been referred to or are being treated by an agency for a substance abuse-related problem.
- Have experienced recent traumatic events, are victims of abuse, or reside in an abusive environment as documented by a school official or other qualified professional.
- Have serious emotional, medical, or psychological problems as documented by a qualified professional.
- Have never held a job (applies to older youth).
- Have been fired from a job within the twelve months prior to application (applies to OS youth).
- Have never held a full-time job for more than thirteen consecutive weeks (applies to OS youth).

Determining whether a youth is attending or not attending school

California state law does not contain a definition for attending school or not attending school. Therefore, the State developed definitions using DOL guidance and California Department of Education guidelines for data and tracking of those both in and out of school.

Attending School - an individual is considered to be attending school if the individual is enrolled in secondary or postsecondary school. If a youth is between high school graduation and postsecondary education, the youth is considered an In-School (IS) youth if they are registered for postsecondary education, even if they have not yet begun postsecondary classes. However, if the youth registers for postsecondary education, but does not follow through with attending classes, the youth is considered Out-of-School (OS) youth if the eligibility determination is made after the youth decided not to attend postsecondary education. Youth on summer break are considered IS youth if they are enrolled to continue school in the fall.

Not Attending School - an individual who is not attending a secondary or postsecondary school. In addition, individuals enrolled in the following programs would be considered an OS youth for eligibility purposes:

- WIOA Title II Adult Education, YouthBuild, Job Corps, high school equivalency program, or dropout re-engagement programs.
- A youth attending a high school equivalency program funded by the public K-12 school system who is classified by the school system as still enrolled in school are the exception; the youth would be considered an IS youth. Non-credit bearing postsecondary classes only.
- A charter school program that provides instruction exclusively in partnership with WIOA, federally-funded YouthBuild programs, federal Job Corps training or instruction, California Conservation Corps, or a state-certified local conservation corps.

Criteria to Determine Basic Skills Needs

As outlined in [Workforce Services Directive WSD15-14](#), an individual is considered to be basic skills deficient if they are unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society. The State identified the following ways to determine whether an individual meets those criteria:

- Lacks a high school diploma or high school equivalency and is not enrolled in secondary

education.

- Enrolled in a Title II Adult Education/Literacy program.
- English, reading, writing, or computing skills at an 8.9 or below grade level.
- Determined to be Limited English Skills proficient through staff-documented observations.
- Other objective criteria determined to be appropriate by the Local Area and documented in its required policy.

WIOA Waiver Requests

California received DOL approval for three PY 2021-22 waivers that provided Local Boards with critical flexibility when assisting individuals and businesses affected by the COVID-19 pandemic. Approaching two years after the state's initial quarantine orders, certain sectors within California's labor market continue to experience devastating effects from unprecedented increases in both temporary and permanent layoffs, especially as supply chain disruptions and mutations of the COVID-19 virus threaten many businesses with permanent closure. Due to the extent of the ongoing disruptions to the state's workforce and economy as a result of this persistent pandemic, and to give the state more time to fully assess the implementation and success of each waiver, CWDB and EDD are requesting DOL's approval to extend the following three WIOA waivers through the life of the current State Plan until June 30th, 2024:

- Waiver of WIOA Section 134(d)(5): This waiver allows up to 30 percent of WIOA Title I adult and dislocated worker local formula funds to be used for the provision of transitional jobs.
- Waiver of WIOA Section 134(c)(3)(H)(i): This waiver allows up to a 90 percent reimbursement of on-the-job training (OJT) costs for businesses with 50 or fewer employees.
- Waiver of WIOA Section 129(a)(4)(A): This waiver allows Local Boards to decrease the out-of-school youth (OSY) expenditure requirement from 75 percent to 50 percent.

Waiver of WIOA Section 134(d)(5)

Under WIOA Section 134(d)(5), a Local Board may use up to 10 percent of their combined WIOA Title I adult and dislocated worker formula funds for the provision of transitional jobs. Extension of this waiver would continue to allow up to 30 percent of a Local Board's combined WIOA Title I adult and dislocated worker formula funds to be used for the provision of transitional jobs.

Nearly a quarter of the Local Boards in California placed participants in transitional jobs during PY 2019-20. Given the diverse and varying needs in California, the State has allowed the manner and degree to which Local Boards use transitional jobs to remain a local decision based on the needs of the participants and employers in their community. However, when the pandemic hit, both Local Boards who were actively using the transitional jobs as well as those who had not used it recently voiced that they saw it becoming a critical service delivery strategy over the next couple years as many participants, especially those with barriers to employment, are struggling to attach or re-attach to the labor market.

California's intent in seeking this waiver is not to replace, reduce, or impact existing employees in any way. Rather the intent of the waiver would be to allow Local Boards increased flexibility to provide transitional jobs to individuals with barriers to employment in order to gain work experience and a source of income during these trying times. As a secondary benefit, the waiver could assist employers who may need or want to hire additional staff (on top of their existing staff) in order to rebuild their business operations as some shutdown restrictions are being lifted but do not currently have the financial means to do so given the immediate drop in revenue that many businesses experienced when the pandemic hit.

Actions to Remove State or Local Barriers

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

State Strategic Goals Supported By Waiver

This waiver aligns with the following strategic goals outlined in the State Plan:

- Fostering demand-driven skills attainment
- Enabling upward mobility for all Californians
- Aligning, coordinating, and integrating programs and services

Projected Programmatic Outcomes Resulting from Waiver Implementation

The State of California anticipates the implementation of this waiver to have the following programmatic outcomes:

- Provide participants who are chronically unemployed or have an inconsistent work history with work experience and reattachment to the labor market.
- Provide participants with wages that will assist in covering critical living expenses and provide stimulus to local economies.
- Provide a source of additional subsidized labor to employers who are attempting to rebuild their business operations after COVID-19 imposed shutdowns.

California placed 146 Adults and 31 Dislocated Workers in Transitional Jobs in PY 2019-20. While it can be hard to provide an exact number given the uncertain and ever-changing economic conditions, California anticipates that increasing the percentage of adult and dislocated funds that can spend on transitional jobs to individuals with barriers to employment could lead to an estimated 10% increase in Adults and Dislocated Workers placed in transitional jobs for each full program year that the waiver is in effect.

Individuals Impacted by the Waiver

The waiver is intended to assist both job seekers and employers. In particular, this waiver is meant to impact the following:

- Job seekers with significant barriers to employment, who are either:
 - Chronically unemployed
 - Have an inconsistent work history
 - Employers attempting to hire additional staff in order to rebuild their business operations after COVID-19 imposed shutdowns.

Monitoring Progress and Implementation

As outlined in [Workforce Services Directive WSD20-13](#), Local Boards must receive approval from the State before using any of the waivers granted by DOL. This application process allows the State to make approvals for each individual waiver contingent on Local Boards meeting certain criteria and

requirements related to that waiver. It also allows the State to track which Local Boards are using which waivers in order to determine its effectiveness at the end of each program year.

Notice to Local Boards and Public Comment

The Draft State Plan will be posted for public comment for 30 days in order to allow the workforce community an opportunity to provide input.

Waiver of WIOA Section 134(c)(3)(H)(i)

Small businesses are continuing to experience unprecedented challenges due to the COVID-19 pandemic as they struggle to maintain regular business operations, address staffing needs, and respond to changing consumer demand. Some, for instance, shifted their business model dramatically to pivot to production of critical personal protective equipment and supplies to tackle the shortage confronting healthcare and other frontline workers. Other employers had to quickly modify service-delivery methods, adapt processes to ensure contactless interactions between employees and customers, and maintain or increase the stock of goods and services that are in high-demand.

Extension of this waiver would allow Local Boards to continue to provide additional relief to small businesses who may be more risk-averse when it comes to hiring and training new employees during this time of economic instability, by reimbursing a greater portion of their on-the-job training costs. This extension would also maximize Local Boards' ability to support small businesses who are seeking to maintain and retrain their workforce to adapt to the rapidly changing economic landscape.

Actions to Remove State or Local Barriers

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

State Strategic Goals Supported By Waiver

This waiver aligns with the following strategic goals outlined in the State Plan:

- Fostering demand-driven skills attainment
- Enabling upward mobility for all Californians
- Aligning, coordinating, and integrating programs and services

Projected Programmatic Outcomes Resulting from Waiver Implementation

The State of California anticipates the extension of this waiver to have the following programmatic outcomes:

- Provide small businesses with additional reimbursement of the OJT costs associated with training employees to meet existing or new business needs resulting from the COVID-19 pandemic.
- Provide job seekers, with barriers to employment, subsidized training opportunities to improve the prospect of obtaining and retaining employment.

California provided 1,172 Adults and 304 Dislocated Workers with OJT services in PY 2019-20. Consultation with Local Boards has revealed that approximately 75% of those were with small businesses that have 50 or fewer employees. While it can be hard to provide an exact number given the uncertain and ever-changing economic conditions, California anticipates that increasing the reimbursement up to 90% could lead to an estimated 25% increase or an additional 250 participants placed in OJTs with small businesses for each year that the waiver is in effect.

Individuals Impacted by the Waiver

The waiver is intended to provide assistance to both job seekers and employers. In particular, this waiver is meant to impact the following:

- Employers with fewer than 50 employees, especially those who are experiencing altered operations, service delivery, or other changes due to COVID-19.
- Job seekers with barriers to employment, especially those whose employment status has been effected due to COVID-19.

Monitoring Progress and Implementation

As outlined in [Workforce Services Directive WSD20-13](#), Local Boards must receive approval from the State before using any of the waivers granted by DOL. This application process allows the State to make approvals for each individual waiver contingent on Local Boards meeting certain criteria and requirements related to that waiver. It also allows the State to track which Local Boards are using which waivers in order to determine its effectiveness at the end of each program year.

Notice to Local Boards and Public Comment

The Draft State Plan will be posted for public comment for 30 days in order to allow the workforce community an opportunity to provide input.

Waiver of WIOA Section 129(a)(4)(A)

Under WIOA, Local Boards are required to spend at least 75 percent of their WIOA youth formula allocation on youth workforce investment activities for OSY. For California, an unintended consequence of this requirement has led to a reduction in funds that Local Boards could redirect toward serving ISY who are involved in the foster care system, juvenile justice system, and/or experiencing homelessness.

In California, foster care and juvenile justice youth have high rates of not completing high school, entering post-secondary education, or entering the workforce. While this waiver increases the flexibility that Local Boards have to enroll all eligible ISY, California is specifically hoping to see an increase in access to services for systems involved youth and youth experiencing homelessness so that they can be served through workforce development programs to support their continued engagement in education or training prior to disengagement.

Actions to Remove State or Local Barriers

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

State Strategic Goals Supported By Waiver

This waiver aligns with the following strategic goals outlined in the State Plan:

- Fostering demand-driven skills attainment.
- Enabling upward mobility for all Californians.
- Aligning, coordinating, and integrating programs and services.

Projected Programmatic Outcomes Resulting from Waiver Implementation

While it can be hard to provide an exact number given the pandemic's impact on school reopening, and the variance in how many disconnected youth are in each Local Area, the CWDB anticipates that Local Boards who applied for and are utilizing this waiver will see an increase of approximately 15 percent, in the total number of ISY that they enroll who meet the WIOA defined youth barriers related to foster care, justice-involved, and/or homelessness. Using California's Program Year 2019-20 data as a benchmark, a 15 percent increase would equate to approximately 695 more ISY youth from the identified target populations enrolled statewide for every full program year the waiver is in effect.

Individuals Impacted by the Waiver

This waiver is intended to increase the enrollment of ISY who meet one or more of the following WIOA defined ISY barriers:

- An offender.
- A homeless individual or runaway.
- An individual in foster care or who has aged out of the foster care system.
- An individual who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under Section 477 of the Social Security Act, or in an out-of-home placement.

Monitoring Progress and Implementation

As outlined in [Workforce Services Information Notice WSIN21-12](#), Local Boards must receive approval from the State before using any of the waivers granted by DOL. This application process allows the State to make approvals for each individual waiver contingent on Local Boards meeting certain criteria and requirements related to that waiver. It also allows the State to track which Local Boards are using which waivers in order to determine its effectiveness at the end of each program year.

Notice to Local Boards and Public Comment

The Draft State Plan will be posted for public comment for 30 days in order to allow the workforce community an opportunity to provide input.

Title I-B ASSURANCES

1. The State has implemented a policy to ensure Adult program funds provide a priority in the delivery of training services and individualized career services to individuals who are low income, public assistance recipients and basic skills deficient;
2. The State has implemented a policy to ensure local areas have a process in place for referring veterans with significant barriers to employment to career services provided by the JVSG program's Disabled Veterans' Outreach Program (DVOP) specialist;
3. The State has established a written policy and procedure that set forth criteria to be used by chief elected officials for the appointment of local workforce investment board members;
4. The State established written policy and procedures to ensure local workforce investment boards are certified by the Governor every two years in accordance with WIOA section 107(c)(2);
5. Where an alternative entity takes the place of a State Board, the State has written policy and procedures to ensure the alternative entity meets the definition under WIOA section 101(e) and the legal requirements for membership;
6. The State established a written policy and procedure for how the individuals and entities represented on the State Workforce Development Board help to determine the methods and factors of distribution, and how the State consults with chief elected officials in local areas throughout the State in determining the distributions;
7. The State will not use funds received under WIOA Title I to assist, promote, or deter union organizing in accordance with WIOA section 181(b)(7);
8. The State distributes adult and youth funds received under WIOA equitably throughout the State, and no local area suffers significant shifts in funding from year-to-year during the period covered by this plan;
9. If a State Workforce Development Board, department, or agency administers State laws for vocational rehabilitation of persons with disabilities, that board, department, or agency cooperates with the agency that administers Wagner- Peyser services, Adult and Dislocated Worker programs and Youth Programs under Title I;
10. The State agrees to report on the impact and outcomes of its approved waivers in its WIOA Annual Report.
11. The State has taken appropriate action to secure compliance with the Uniform Guidance at 2 CFR 200 and 2 CFR 2900, including that the State will annually monitor local areas to ensure compliance and otherwise take appropriate action to secure compliance with the Uniform Guidance under section WIOA 184(a)(3);