



**Department of  
Job and Family Services**

Ted Strickland, Governor  
Douglas E. Lumpkin, Director

April 15, 2009

Ms. Janet Sten  
Federal Coordinator for Plan Review and Approval  
Division of Workforce System Support  
US Department Of Labor  
200 Constitution Avenue, NW, Room S-4231  
Washington, DC 20210

RE: Waiver Request Submission

Dear Ms. Sten:

On behalf of the Ohio Department of Job and Family Services, please accept this correspondence as a formal request for the approval of the enclosed proposed waiver request for the State of Ohio.

The proposed waiver request was developed in accordance with WIA, Section 189 (i) (4), 20 CFR 661.400-661.420, and the Training and Employment Guidance Letter 14-08 referencing the development and submission of guidelines for waiver request for the American Recovery and Reinvestment Act (ARRA) of 2009.

We appreciate the opportunity to submit this waiver request and look forward to the Secretary's approval. We believe this waiver request will provide increased flexibility to the State of Ohio and local boards in implementing ARRA.

If you have questions or require additional information, please call Mr. John B. Weber, Assistant Deputy Director, at (614) 466-9494, or reach him by email at [john.weber@jfs.ohio.gov](mailto:john.weber@jfs.ohio.gov).

Sincerely,

Sherry Keys-Hebron, Assistant Director  
Ohio Department of Job and Family Services

Enclosure: Waiver Request

cc: Susan Crotty  
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**NEW WAIVER REQUEST  
OHIO JOBS PROGRAM FOR OLDER YOUTH  
American Recovery and Reinvestment Act (Recovery Act)**

**Request to Waive Youth Common Measures and Program Design Flexibility**

The Ohio Department of Job and Family Services (ODJFS), as the State of Ohio's administrator for the Workforce Investment Act (WIA) is requesting the U.S. Department of Labor (DOL) to waive the youth common measures for out-of-school youth ages 18 to 24 served with Recovery Act funds beyond the summer months who participate in work experience only. This waiver will allow Ohio to use the work readiness indicator as the only indicator of performance for such youth, the same measure that applies to summer youth participants (May 1, 2009 through September 30, 2009). This waiver is being requested for the first six months following the summer of 2009 (October 1, 2009 through March 31, 2010).

As stated in Training and Employment Guidance Letter (TEGL) NO. 14-08, Section 16.A., "In order to implement the Congressional intent to offer expanded summer employment opportunities, it may be necessary to provide additional flexibility for youth served with Recovery Act funds who participate in summer employment only". Ohio is requesting this additional flexibility under TEGL NO. 14-08, Section 16.A. to be utilized for out-of-school youth ages 18 to 24 served with Recovery Act funds beyond the summer months, participating in a work experience only. The following items are being requested through this waiver:

- Local Workforce Investment Boards (WIBs) have the flexibility to determine which program elements they provide with Recovery Act funds and not be required to provide all 10 program elements for this population.
- WIBs should provide follow-up services when deemed appropriate for such individuals.
- WIBs have the flexibility to determine the type of assessment and Individual Service Strategy (ISS) for this youth population served with Recovery Act funds and provide the type of assessment deemed appropriate for each individual.
- WIBs have the flexibility to determine whether it is appropriate that academic learning be directly linked to work experience for each youth in the population described served with Recovery Act funds.
- Finally, as stated in paragraph one, Ohio is requesting that the work readiness indicator be the only indicator of performance for out-of-school youth ages 18 to 24 who participate in work experience only beyond the summer months (October 1, 2009 through March 31, 2010).

**Justification for this Waiver**

Governor Strickland has charged the Ohio Department of Job and Family Services with the responsibility of providing Ohio Youth with opportunities to seek high quality jobs through the Recovery Act. Ohio is coordinating our work experience activities with several of our other state partners: Ohio Department of Development, Ohio Department of Natural Resources, and Ohio Board of Regents, to provide a wide ranging assortment of worksites and learning opportunities for Ohio's young population. Ohio is implementing work experience programs for youth to provide them with work experience in areas of their occupational interest, while also being placed with a worksite that can train the youth to be prepared for jobs in growth occupations; emerging and/or regionally specific industries; and to include "green jobs", such as working with

our public natural resources partners, utilities or alternative energy. We did not want to limit those opportunities to just the summer period for our 18-24 year old population as they are competing with the high number of unemployed workers for full-time employment. The opportunity to increase their work experience and job readiness skills is too valuable to pass up.

Focusing on the work readiness portion of performance allows Ohio and its local workforce investment boards to give youth a unique opportunity to explore work experiences that may not have been possible without Recovery Act funds. Without this waiver, the performance requirements would impede the true intent of this program as concerns over performance would overshadow the great opportunities and choices given to Ohio's youth during these challenging economic times.

#### Continued Service Plans for Participants Served Under this Waiver

Youth who are assessed in need of additional work experience under the Recovery Act shall have the justification documented in their ISS. These youth will continue to be measured for the work readiness indicator only, as long as they complete by March 31, 2010.

Youth who fall into this category but then are determined in need of services beyond their additional work experience will be enrolled into other services such as Recovery Act-funded youth services, formula funded youth services (youth 18 – 21), enrolled into a Recovery Act-funded WIA Adult service, or formula funded WIA Adult service. Examples of other services that would lead to continuing a youth's service plan would be to further the youth's education or other training activities.

Priority of meeting the youth's needs will be the deciding factor on continuing the youth into other services, not whether they'll be accountable to other common measures beyond the work readiness indicator.

ODJFS will provide policy and guidance through an agency issuance if this waiver is approved.

This waiver request adheres to the format provided in WIA ss189(i)(4)(B) and WIA Regulations 20 CFR 661.420(c).

#### **1. Statutory or Regulatory Requirement to be Waived**

Ohio is seeking a waiver of certain provisions of the requirements of the Workforce Investment Act of 1998, Sections 136 youth measures, along with TEGL 17-05, and 17-05, Change 1, that relate to common measures for youth only. The State of Ohio requests this waiver based on TEGL 14-08, page 37 *"Waiver of performance measures for youth who participate in work experience only."*

#### **2. State or Local Statutory or Regulatory Barriers**

There are no known state or local statutory or regulatory barriers to implementing this waiver. Upon notification on the approval of this waiver, ODJFS will incorporate it into policy and distribute the new policy to the WIBs.

### **3. Goals to Achieve Using this Waiver**

The goal of this waiver request is to provide a simplified and streamlined performance measure for WIBs to track their youth's success in completing work experience beyond the summer months. Additional flexibility in program design and the extended 6 months of time will allow our local WIBs to enroll a greater number of youth than can be accomplished than in the proposed summer time frame. We expect participation in this program will result in employment for youth who were not employed prior to entering the program. This also promotes an exciting time in allowing youth the creativity to try new opportunities, such as "green jobs" and other career interests while not penalizing the WIBs in meeting additional youth common measures.

### **4. Programmatic Outcomes to Achieve Using this Waiver**

We expect participation in this program will result in employment for youth who were not employed prior to entering the program.

We expect that youth will receive additional certifications during their training at their worksites. We have already had discussion with our Department of Natural Resources regarding these types of certifications. Two examples include: receiving a "Red Card" that would allow participants to fight forest fires, and a certification to apply herbicides.

A granting of this waiver would be in alignment with Ohio's strategic goal of streamlining the performance accountability system so that there is an increased focus on the system's enrollment of youth into the Recovery Act.

### **5. Individuals Affected by this Waiver**

Out-of-School Youth who are between the ages of 18-24.

### **6. Process Used to Monitor the Progress in Implementing the Waiver**

ODJFS is the entity responsible for the Recovery Act Youth programs affected by this waiver, and if this waiver is granted, ODJFS will assume the lead role in monitoring the implementation of the waiver. Ohio is already planning additional monitoring visits by state staff to ensure additional accountability for the Recovery Act program. Changes are also being made to our WIA electronic reporting system to increase its reporting capacity to track and report outcomes for Recovery Act services.

### **7. Process Used to Provide Notice to any Local Board Affected by the Waiver**

Prior to the submission of the waiver request, ODJFS will inform all WIBs of its intent via an email memorandum, with this waiver request attached.

**8. Process Used to Provide any Local Board Affected by the Waiver an Opportunity to Comment on the Request**

A 5-day comment period from the date of written notification will be given to allow WIBs an opportunity to provide comments on the waiver request.

**9. Process Used to Ensure Meaningful Public Comment on the Waiver Request**

A 5-day comment period began on April 7, 2009 with the publication of this waiver on the state's website <http://jfs.ohio.gov/workforce>.