

**Workforce Development System
Technical Advisory #20-01.2
May 19, 2022**

To: Workforce Development Community

SUBJECT: Implementation of the Workforce Innovation and Opportunity Act (WIOA) during the COVID-19 emergency

PURPOSE

To provide Local Workforce Development Boards (LWDBs) with guidance on the ongoing implementation of WIOA during the COVID-19 emergency.

POLICY

In general, WIOA services must continue during the COVID-19 emergency. However, the New York State Department of Labor (NYS DOL) understands that many aspects of the WIOA programs were and remain difficult to achieve during this emergency. Therefore, to address COVID-19 NYS DOL will:

- Allow LWDBs to request a waiver for Program Year 2021 (PY 21) of the 80% obligation requirement identified in Workforce Development System Technical Advisory (WDS TA) [#16-3](#): Policy on the Recapture and Redistribution of Local Workforce Development Board (LWDB) Formula Funds (3/10/16), as we did for PYs 19 and 20, in **Attachment A – 80% Obligation Requirement Waiver Information**. If granted, LWDBs will not be held to the 80% obligation requirement for PY 21.
- Not impose sanctions at the local level for unsatisfactory performance for PY 2020. Refer to WDS TA [#18-6.2](#): Primary Indicators of Performance for Titles I and III under the Workforce Innovation and Opportunity Act (WIOA) (9/17/18).

ACTION

LWDBs must continue to implement WIOA during the COVID-19 emergency to the extent as practically possible.

BACKGROUND

On March 7, 2020, by Executive Order Number 202, a statewide disaster was declared for the State of New York related to the spread of COVID-19, also known as coronavirus. Due to this emergency, NYS took many preventative measures, including

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a waiver from normal work search requirements for Unemployment Insurance claimants and the closure of NYS One-Stop Career Centers.

REFERENCES

WDS TA #[16-3](#): Policy on the Recapture and Redistribution of Local Workforce Development Board (LWDB) Formula Funds (3/10/16)

WDS TA #[18-6.2](#): Primary Indicators of Performance for Titles I and III under the Workforce Innovation and Opportunity Act (WIOA) (9/17/18)

Executive Order Number 202: Declaring a Disaster Emergency in the State of New York

INQUIRIES

Questions regarding this WDS TA may be directed to your LWDB Fiscal and/or Program monitors.

ATTACHMENTS

Attachment A – 80% Obligation Requirement Waiver Information

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80% Obligation Requirement Waiver Information

Due to the COVID-19 Emergency, the New York State Department of Labor (NYSDOL) will consider waivers from the 80% obligation requirement outlined in Workforce Development System Technical Advisory #[16-3](#): Policy on the Recapture and Redistribution of Local Workforce Development Board (LWDB) Formula Funds (3/10/16) for Program Year 2021.

LWDBs interested in this waiver must submit a waiver request by July 31, 2022. The request must address the following:

- The Workforce Innovation and Opportunity Act (WIOA) funding stream(s) the waiver is being requested for (Adult, Dislocated Worker, and/or Youth); and
- The rationale for requesting the waiver.

Waiver requests should be made via email to LWDB@labor.ny.gov with the subject line “[LWDB Name] 80% Obligation Requirement Waiver Request” with a CC to the appropriate NYSDOL Fiscal and Program Monitors.

Note that should a waiver be granted, LWDBs must continue to keep accurate records of obligations and expenditures of WIOA funding and follow all fiscal reporting requirements.