

**New York State Department of Labor**  
W. Averell Harriman State Office Campus  
Building 12, Room 440, Albany, NY 12240  
[www.labor.ny.gov](http://www.labor.ny.gov)

**Workforce Development System  
Technical Advisory # 13-9.3  
June 11, 2015**

**To:** Workforce Development Community

**Subject:** Workforce Innovations and Opportunities Act (WIOA) Title 1B Adult and Dislocated Worker Transfer Requests and Administration to Program Funds Transfer Requests

**Purpose**

The purpose of this Workforce Development System Technical Advisory (WDS-TA) is to notify the Local Workforce Development Boards (LWDBs) of the transfer authority between WIOA Adult and Dislocated Worker funds, and Administration funds and originating program funds, and to provide the New York State Department of Labor's (NYSDOL) policies and procedures for requesting such transfers.

This WDS-TA will supersede the previous transfer request WDS-TA #13-9.2, dated May 30, 2014, as of July 1, 2015.

**Action**

LWDBs opting to transfer funds in accordance with this WDS-TA should use the attached transfer form(s) for each respective transfer transaction. In addition, the LWDB's approval of each transfer must be provided by either an e-mail from the LWDB Director or a fax transmittal of a document signed by the LWDB Director detailing the LWDB's agreement.

Please note that the transfer of funds between the Adult and Dislocated Worker Programs must also include a statement that all participants eligible for the Dislocated Worker program will be enrolled in the Dislocated Worker program, and no eligible participant will be denied services, including training services, due to transfer of funds.

Directions for completing and e-mailing the forms to NYSDOL can be found at the bottom of each form. A copy of each form is attached for your reference (see links below).

Upon receipt of the transfer request, NYSDOL will review actual Local Area participant services and accruals/expenditure levels. LWDBs should be aware that under-spending and a lack of or limited number of participants for a particular funding stream does not automatically provide justification for transfer of funds to another program. The LWDB

should make every available effort to: expend the program funds appropriately in accordance with the area's economic and business environment; and explore innovative ideas for outreach/marketing services. If the transfer is approved, a Notice of Obligational Authority will be sent to the Chief Elected Official serving as the Grant Recipient, with a copy to the LWDB Director. If the transfer is denied, the LWDB will be notified.

## **Policy**

**Guidelines:** Guidelines for transferring funds are as follows:

1. All PY 2015 transfer requests must be received by NYSDOL no later than June 30, 2016.
2. Funds retain their year of appropriation identity and must be tracked, accounted for and reported as follows:
  - Transfers between Adult and Dislocated Worker funds will be reported on the Monthly Accrued Expenditure Report separately in a section identified expressly for expenditures associated with the transfer.
  - Administration funds transferred to the originating program funds will be reported as part of the originating program.
  - When transferring funds from administration back to the originating program funds, no more than the original ten percent (10%) designated as Administration can be returned to a program. For example, if \$100,000 were awarded as Adult funds and this allocation was split on the NOA between Adult (\$90,000) and Administration (\$10,000), the maximum transfer that could be made between Administration and Adult funds would be \$10,000.

## **Background**

WIOA Notice of Proposed Rulemaking (NPRM), Section 683.130, grants LWDBs the authority to transfer up to one hundred percent (100%) of a program year (PY) allocation between Adult and Dislocated Worker Employment and Training Programs upon written approval of the Governor.

No funds may be transferred to or from the Youth Program.

## **References**

WIOA Notice of Proposed Rulemaking (NPRM), Section 683.130  
WIOA Sections 128(b) and 133(b)

## **Inquiries**

Questions regarding this WDS-TA may be directed to the NYSDOL Field Representative for the Local Area.

## **Attachment**

- A. [WIOA Title 1B Adult and Dislocated Worker Transfer Request](#)
- B. [WIOA Administration to Program Funds Transfer Request](#)

Rescinded