

**New York State Department of Labor**  
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**Workforce Development System  
Technical Advisory #14-11.1  
August 3, 2015**

**To:** Workforce Development Community

**Subject:** **Updated** Policy and Procedures on Use of Local Workforce Investment Area Transition Funding to Implement the Workforce Innovation and Opportunity Act.

**Purpose**

The purpose of this Workforce Development System Technical Advisory (WDS-TA) is to communicate New York State Department of Labor (NYSDOL) policy on the use of authorized funding to support Local Workforce Investment Area (LWIA) transition activities for the Workforce Innovation and Opportunity Act (WIOA) and to provide procedures on accessing such funding.

This WDS-TA rescinds and replaces TA#14-11, dated December 19, 2014.

**Action**

To access transition funding, Local Workforce Investment Boards (LWIBs) within a region must submit a collaborative *LWIB Regional WIOA Transition Plan* to NYSDOL for approval.

Attachment B and Attachment C provide templates which must be used to prepare LWIB Regional WIOA Transition Plan, where: Attachment B is to be used for the region, and Attachment C is to be used for each LWIA in the region. Therefore, a complete LWIB Regional WIOA Transition Plan submission must contain a completed Attachment B for the region, and a completed Attachment C for each LWIA in the region.

The templates list the eight priority transition activity categories specified in TEGL #12-14, and fill-able fields for the amount of funding to be directed to the activity. Note that Attachment C (LWIA template) includes a fill-able field to provide a description/commentary of the activities.

The templates also include a field for “Other Transition Activities” which fall outside of the eight categories identified in TEGL #12-14, but have been identified as important to an LWIA. A sub-schedule for the Other Transition Activity field is also included to list specific activities that make up the Other Transition Activity Sub-total.

It is important to note that LWIBs may budget a portion of their 1% transition funds for “regular” WIA Adult, Dislocated Worker and Youth activities (i.e., the funds do not have to be used solely for transition activities). To address such instances, the templates include a sub-schedule for Adult, Dislocated Worker and Youth activities. The portion of 1% funding budgeted for Adult, Dislocated Worker and Youth activities will be provided to local areas via the NOA process as additional PY 2014 90% program and 10% administration funding. LWIBs will report spending against this Adult, Youth and Dislocated Worker program funding and Administration funding in PeopleSoft consistent with monthly WIA reporting requirements.

The *LWIB Regional WIOA Transition Plan* (combined *Attachment B – Region* and *Attachment C – LWIA* for each LWIA in the region) must be emailed to NYSDOL at [localplans.WDTD@labor.ny.gov](mailto:localplans.WDTD@labor.ny.gov). The email must be sent from a LWIB Director in the region, with copy to the other LWIB Directors in the region, and state the region in the subject line. The New York City region is comprised of one LWIA, so it is not necessary to submit *Attachment B*.

LWIB Regional WIOA Transition Plans will be reviewed upon receipt, and the LWIAs within the region will be issued an NOA with their transition fund distribution upon approval by NYSDOL.

### **Conditions on Receiving Funding**

LWIAAs accepting transition funds under this directive agree to the following conditions:

1. Transition funds must be fully expended by June 30, 2016, consistent with the typical time span of WIA PY 2014 local funds. LWIAs that have not reported accrued expenditures of 100% of this funding by this deadline will have those unspent funds de-obligated and recaptured. NYSDOL will not apply the 80% obligation requirement to the transition funds budgeted for transition activities.
2. These funds may be used for activities to implement WIOA administration requirements (e.g., updating administrative policies), however obligations and expenditures made under this directive must be reported entirely as program costs. This funding is not subject to the 10% administrative cost limitation and no spending related to this funding should be reported as administration costs.
3. LWIAs must separately account for transition obligations and expenditures pursuant to their approved transition budget plan and must report these details monthly in PeopleSoft. The monthly reports are due on the 20<sup>th</sup> of each month, consistent with other WIA fiscal reporting. It is not necessary to enter these amounts by funding stream (Adult/Dislocated Worker/Youth).
4. Any equipment or renovation costs funded by local transition funds will remain subject to pre-approval in accordance with [Technical Advisory #09-5](#).

5. LWIB Regional WIOA Transition Plan modification requests must only be made if there is a change in the amounts that will be spent on transition vs. “regular” program activities, and revisions to local plans and the modified regional plan should be sent to [localplans.WDTD@labor.ny.gov](mailto:localplans.WDTD@labor.ny.gov) with copy to the other LWIB Directors in the region.
6. Local transition funding will be included in the annual Financial Management review conducted by NYSDOL Financial Oversight and Technical Assistance staff, and other reviews (Closeout, Procurement, etc.) as applicable.
7. Please submit the local area WIOA Transition funding plans by September 30, 2015. If no plan is submitted by this date, the funds may be issued as regular DW, Adult, Youth and Admin funds.

## Policy

Use of WIOA transition funding to LWIAs must be coordinated at the regional level across the four core programs (Adult, Dislocated Worker and Youth training; Adult Education and Literacy; Wagner-Peyser Employment Service; and Vocational Rehabilitation), and be expended in a manner compliant with [TEGL #12-14](#). Regional coordination will support State Regional economic development policy and planning and minimize redundant WIOA transition activities within a region.

Other funds may be used for transition activities as indicated in the TEGL #12-14, however only those PY2014 WIA funds made eligible for WIOA transition fall within the conditions of this directive.

WIOA transition funding will be issued to each LWIA in a region via the Notice of Obligational Authority (NOA) process.

## Background

WIOA was passed on July 22, 2014 to replace the Workforce Investment Act (WIA), and most of its provisions become effective on July 1, 2015. This change impacts four core programs: Adult, Dislocated Worker, and Youth training (Title I); Adult Education and Literacy (Title II); Wagner-Peyser Employment Service (Title III); and Vocational Rehabilitation (Title IV).

The U.S. Department of Labor’s Employment and Training Administration (DOL/ETA) [Training and Employment Guidance Letter \(TEGL\) #12-14](#) provides guidance on the allowable use and required reporting when using available funds for WIOA transition activities. Of the total State allotment of Program Year (PY) 2014 WIA Adult, Dislocated Worker and Youth program funding, 2% is eligible to support allowable WIOA transition activities. At least 50% of this amount must be made available at the local level. **Attachment A** presents LWIA transition funds by region, based on distribution of the formula used to determine PY 2014 funding.

## **Inquiries**

**Questions regarding this TA may be directed to:**

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## **Attachment**

[Attachment A – WIA PY 2014 Preliminary Transition Funding Levels](#)

[Attachment B – Regional WIOA Transition Plan Template](#)

[Attachment C – LWIA WIOA Transition Plan Template](#)