



Pursuant to Section 189(i)(3)(A) of the Workforce Innovation and Opportunity Act (WIOA) and 20 CFR 679.600, the Montana Department of Labor and Industry seeks a waiver from the US Department of Labor so that Montana can continue to use a single, state-wide State Workforce Investment Board for the purposes of WIOA. WIOA specifically provides for waivers to give flexibility to states and local areas to enhance their ability to improve the statewide workforce development system to achieve the goals and purposes of WIOA.

The Montana Department of Labor & Industry intends to request a waiver to allow the Governor’s State Workforce Innovation Board (SWIB) to continue to carry out the roles and responsibilities of local boards for the purposes of Montana operating as a Single Statewide Planning Area.

For clarification as it relates to this waiver request, the designated local areas referenced herein have been and are:

- Local Area 1 – comprised of the following counties: Beaverhead; Broadwater; Deer Lodge; Granite; Jefferson; Lewis & Clark; Madison; Meagher; Powell; and Silver Bow.
- Local Area 2 – comprised of all other counties not part of Local Area 1.

The Montana Department of Labor & Industry is seeking public comment on this waiver request. This request for public comment is posted on Thursday, July 19, 2018. Public comment will be accepted until 5 PM MST on Wednesday, August 1, 2018. This request is also posted on the SWIB website under the Public Comment button.

Public comment to this request must be submitted *in writing* to SWIB@mt.gov. Comments will be responded to in a single response document, posted no later than August 17, 2018, to the Department website and sent to persons who commented. Comments will also be responded to by incorporating the substance of the comments into the amended waiver request, if the Department determines it is reasonably necessary. Commenters will receive a copy of the waiver request by August 17, 2018.

Any questions regarding Montana’s WIOA program or the public comment process should be directed to SWIB@mt.gov.

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The proposed waiver request reads as follows:

Waiver Request Pursuant to 20 CFR 679.620(d) – To allow a state board to carry out the roles of local boards for a Single Statewide Planning Area structure.

(1) Identifies the statutory or regulatory requirements for which a waiver is requested and the goals that the State or local area, as appropriate, intends to achieve as a result of the waiver and how those goals relate to the Unified or Combined State Plan;

Montana is formally seeking a waiver to permit the state workforce board to carry out the functions of local boards. This waiver request is for a renewal of a waiver previously applied via 20 CFR 679.310(f), That regulation provides that a state board may carry out the roles of a local board when the State Plan indicates that the State will be treated as one local area under WIOA. WIOA Section 107(c)(4) also directs a state board for a single state local area to carry out the functions of the local board. The State Workforce Innovation Board has acted as both the state and local board under WIA since January 1, 2006. This structure will be (re)reflected in the Combined State Workforce Plan.

(2) Describes the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers;

No state or local statutory or regulatory policies limit the Governor's authority to allow the state to continue operating as a single statewide planning area.

(3) Describes the goals of the waiver and the expected programmatic outcomes if the request is granted;

The primary goal of this waiver is to limit annual overhead and maximize the amount of funds made available for direct services to individual and business customers. The programmatic outcome is to serve the largest number of participants possible with the funding available.

To maximize resources available for direct service delivery, the state will continue to use the State Workforce Innovation Board as the local workforce board. When initially implemented, this saved the state WIA program approximately \$1.2 million by removing administrative overhead of maintaining multiple regions throughout the state.

As evidenced since its initial implementation, the single statewide planning structure has reduced annual overhead and maximized available funding for training and direct customer services.

This statewide structure enhances efforts to transform the system into a demand driven system and directly supports the importance of local community partnerships. The 16 Montana Job Service offices serve as the state's American Job Centers offering the full range of workforce development services.

(4) Describes how the waiver will align with the Department's policy priorities, such as: (A) supporting employer engagement; (B) connecting education and training strategies; (C) supporting work-based learning; (D) improving job and career results, and (E) other guidance issued by the Department.

The Statewide Workforce Innovation Board was put in place prior to WIOA and its current membership aligns with the statutorily prescribed composition of WIOA, including a majority representing private business and others representing education, labor, and community-based entities. Additionally, State of Montana education policy is aligned with state and workforce development goals. The single statewide planning area structure allows Montana to continue successful policies and operations that maximize cooperation, engagement and service delivery in all aforementioned areas.

(5) Describes the individuals affected by the waiver, including how the waiver will impact services for disadvantaged populations or individuals with multiple barriers to employment;

The initial change to a single statewide planning area structure, in conjunction with this waiver, provides Montana a structure that ensures more people are served than if there were multiple administrative areas splitting minimal funding. Additionally, it allows the State to continue to serve at least the same number of customers of all types, despite reduced and/or level funding over recent years.

(6) Describes the processes used to: (A) Monitor the progress in implementing the waiver; (B) Provide notice to any local board affected by the waiver; (C) Provide any local board affected by the waiver an opportunity to comment on the request; (D) Ensure meaningful public comment, including comment by business and organized labor, on the waiver. (E) Collect and report information about waiver outcomes in the State's WIOA Annual Report.

As evidenced since its initial implementation, the single statewide planning area structure has reduced annual overhead cost, strengthened administrative oversight and accountability, reduced potential for disallowed costs, and enabled more funds to go to participants. Montana continues to emphasize a minimum

50% of all WIOA funds go to direct services. This and other program goals are reviewed quarterly.

A public comment period is provided through posting this waiver request on the SWIB website for 10 business days, in addition to notification by email to all SWIB members, the SWIB Interested Persons list, the Montana Association of Counties, the Montana League of Cities and Towns, local elected officials, service providers, organized labor and other partners of the workforce system. The process of posting this waiver and notification of interested persons through email is aligned with State of Montana public participation laws and Montana Department of Labor & Industry policy. Any comments received will be considered and will be responded to by posting to the SWIB website, and sending the response document to those who comment. The comments will also be responded to by incorporating the comments into the request and the Combined State Plan, if applicable.

The impact of this waiver to the state's WIOA performance, as well as any other related outcomes, will be collected and reported in the state's WIOA Annual Report and reflected in the Combined State Plan.

- (7) Provides available data about outcomes resultant from previously approved waiver;
Not applicable.

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