



Workforce Development System Technical Advisory



October 8, 2008

Workforce Development System Technical Advisory # 08-6

TO: Chairpersons of Local Workforce Investment Boards
Chief Elected Officials
WIA Grant Recipients
WIA Fiscal Agents
WIA Local Area Contact Persons
DEWS Team Leaders
Regional Representatives

Subject: Workforce Investment Act (WIA) Title IB Adult and Dislocated Worker Transfer Requests and Administration to Program Funds Transfer Requests

Purpose: To notify the Local Workforce Investment Areas of the transfer authority for WIA Adult and Dislocated Worker funds, Administration funds and originating Program funds, and to provide the New York State Department of Labor's policies and procedures for requesting such transfers.

Effective July 1, 2008, this Technical Advisory (TA) supersedes the previous Transfer Request TA: Technical Advisory #07-13 dated December 6, 2007.

Background: The Workforce Investment Act Final Rules, Section 667.140, grant Local Workforce Investment Boards (LWIBs) the authority to transfer up to twenty percent (20%) of a program year allocation between Adult and Dislocated Worker Employment and Training Programs upon approval of the Governor.

The FY 2008 Omnibus bill signed by President Bush sustains the 2007 Omnibus bill level of transfer authority at thirty percent (30%) and is effective July 1, 2008, for PY 2008 only, to provide the LWIAs with greater flexibility to manage and meet local workforce needs. **This transfer authority is applicable to PY 2008 formula funds only and does not apply to the Youth Program funds.**

The Workforce Investment Act Final Rules, Section 667.210(a)(2), grant Local Workforce Areas the authority to expend no more than ten percent (10%) of the amount allocated to a Local Area under Sections 128(b) and 133(b) of the Act on Administrative purposes.

Guidelines: Guidelines for transferring funds are as follows:

1. All PY 2008 transfer requests must be received by the New York State Department of Labor (NYSDOL) no later than June 30, 2009. A form for requesting a transfer of funds and directions for form submittal are available on the NYSDOL website, www.workforcenewyork.org under "Information" and then "Forms."

2. Funds retain their year-of appropriation identity and must be tracked, accounted for, and reported as follows:
 - a. Administration funds transferred to the originating program funds will be reported as part of the originating program in the section of the Monthly Accrued Expenditure Report identified for that program (i.e. Adult, Youth or Dislocated Worker).
 - b. 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 transfers.
3. When transferring funds from Administration back to the originating Program funds:

No more than the original ten percent (10%) designated as Administration when the funds were awarded can be returned to Program funds. For example, if the Program fund allocation (in this case, Adult) is \$100,000 then \$90,000 must be used for Program activities and no more than \$10,000 may be used for program Administration. The transfer authority allows that no more than the original \$10,000 may be transferred from Administration funds back to Adult Program funds.

Action:

LWIAs opting to transfer funds in accordance with this T A should complete the transfer request form on the Workforce New York website. In addition, the LWIA must provide proof that the transfer request has the concurrence and approval of the LWIB. Proof of concurrence must be made by either an e-mail from the LWIB Director or a fax transmittal of a document signed by the LWIB Director detailing the Board's agreement and a statement that no eligible participant will be denied services, including training services, due to lack 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 Field and FOTA staff will review the LWIA's actual participant services and accruals/expenditure levels.

Local Areas 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 Local Area should be making every available effort to expend the program funds appropriately in accordance with the area's economic and business environment and exploring innovative ideas for outreach/marketing of services.

Once the transfer request review process is complete, a determination notice will be sent to the LWIA.

Attachments:

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