

**Nevada Department of Employment, Training and Rehabilitation
Employment Security Division
Workforce Innovation Support Services**

**Workforce Innovation and Opportunity Act (WIOA)
State Compliance Policy (SCP)**

Policy Number: 3.8

Originating Office: Department of Employment, Training and Rehabilitation (DETR);

Workforce Innovation Support Services (WISS)

Subject: Transfer of Funds Between Programs

Issued: ~~New~~ June 2024; Replacing 2005 Workforce Investment Act (WIA) Section 3.8

Purpose: The purpose of this policy is to provide Local Workforce Development Boards (LWDBs) with the requirements to transfer funds between the Workforce Innovation and Opportunity Act (WIOA) Adult and Dislocated Worker (DW) programs.

State Imposed Requirements: This directive may contain some state-imposed requirements. These requirements are printed in *bold, italicized* type.

Authorities/References: Workforce Innovation and Opportunity Act (P.L. 113-128), Sections 133(b)(4) and 134(c); WIOA Final Rules 20 CFR § 683.130; TEGL 19-16; TEGL 15-22

ACTION REQUIRED: Upon issuance bring this guidance to the attention of all WIOA service providers, LWDB Board members and any other concerned parties. Any LWDB's policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background: WIOA allows the transfer of funds between Title I Adult and DW Program funding streams, to allow LWDBs the flexibility to provide services in areas of greatest need. This policy contains the requirements for the transfer of funds between WIOA Title I programs and includes instructions on how to submit requests for transfers of the funds to the state. The LWDBs may not transfer funds to or from the WIOA Youth program.

Policy and Procedure:

As stated in TEGL 19-16 and TEGL 15-22 WIOA Sec. 133(b)(4) provides the authority for LWDBs, with the written approval of the Governor, to expend up to 100 percent of the adult activities funds on dislocated worker activities, and up to 100 percent of dislocated worker activities funds on Adult activities. Governors must have a written policy in place to evaluate transfer requests from local workforce areas which is documented in the State Plan or another

written policy. Employment and Training Administration (ETA) encourages the Governor's policy to take into account the employment and service needs of the local area (both job seekers and employers), current labor market information and demographics, consistency with broader strategies in the local plan, meeting the Local Area's negotiated levels of performance, and any other considerations the Governor considers necessary to determine the appropriateness of a transfer. Expenditures of monies transferred between the local Dislocated Worker and Adult programs are reported on the ETA-9130 reports. ETA notes when considering such transfers that career and training services must continue to be made available to both adults and dislocated workers in the American Job Centers (see WIOA Sec. 134(c)(1)).

The state has created this policy and procedure on behalf of the Governor, in line with TEGl 19-16, for use by LWDBs when requesting the transfer of funds between WIOA Title I Adult and DW programs.

Note: LWDBs do not have the authority to transfer funds to or from the youth activities program. (TEGL 15-22 and CFR § 683.130.)

General:

~~All transfers must be authorized by the state on behalf of the Governor and must be included in the local plan or modification of the plan. Any increase/decrease due to transfer between programs requires a revision to the local plan. This policy does not preclude the Local Workforce Investment Board (LWIB) from submitting transfer requests with a regularly scheduled plan submission. [§667.140(b)] 20 CFR § 683.130~~

- ~~• In considering transfer requests, the state will determine whether the request addresses the employment and training needs of eligible WIA program participants within the LWIB.~~
- ~~• In order to assure ensure the maintenance of adequate funding levels, the state will also consider the impact the transfers will have on the state as a whole.~~
- ~~• Plan commitments that describe strategies and goals established prior to transfers must be considered when addressing potential transfers. Justification must be included in the request. Modifications or revisions to local plans must be submitted within thirty (30) days of approval of the transfer.~~
- ~~• After the state has approved the transfer request, the LWIB will be required to submit a modified plan. The state will subsequently amend the contracts, as required. (§661.355)~~

Transfer Request Procedure

LWDBs must submit an email request to transfer Adult or Dislocated Worker funds. Requests must be sent to the WISS Chief with cc to Program Manager and contract staff. When submitting this request, LWDBs have previously informed and gained approval of their Chief Local Elected Official/ boards. Reason(s) for the transfer must include:

- Proposed services and number of participants originally planned to be served by the base allocation compared to the services and number of participants planned to be served after funds are transferred;
- Justification that the transfer of funds will not adversely impact the provision of services to participants and that necessary services and client-planned activities will be maintained in the program from which funds are transferred;
- An assessment of any potential layoffs or closures of which the LWDB is aware and how these events will be addressed using existing funds if funds are transferred from the Dislocated Worker program.

Note: LWDBs must clearly request transfer, out of and into funding streams, in separate letters.

Monitoring

At the local level, the LWDB must conduct oversight of the transfer of WIOA Adult and DW funds to ensure the newly transferred funds are expended appropriately and meet or exceed the performance and financial requirements of the funding stream.

Through the State's monitoring system, fiscal monitors will review the area's transfer of Adult and DW funds during the annual monitoring review for compliance with federal and state laws and regulations. Any issues will be handled through the State's monitoring resolution process.

Transfer Authority

The authorization to transfer funds provides states and local communities with the flexibility to design programs and allocate resources to best serve the employment and training needs of adults and dislocated workers. The intent is also to allow greater flexibility as the system moves toward an integrated workforce development approach to consolidate programs and give greater authority to state and local decision makers. ~~The amount of transfer by law is thirty percent; however, this amount can be modified by approved DOL waiver.~~** This was in TEGL 23-02, cancelled, no replacement. The new percentage is in the first paragraph under Policy and Procedure, from WIOA law.**

Transfer of funds are transmitted in the use of subgrants and will be reported by way of quarterly requests for reimbursement.