

KENTUCKY WAIVER REQUEST FOR PERIOD: JANUARY 1 – APRIL 30, 2012

Waiver Request

Workforce Investment Act

National Emergency Grant – KY Severe Storms Tornadoes & Flooding 2011 (NEG KY-15)

Waive limitations on duration of participation and wages of current temporary employees engaged in NEG disaster clean-up activities.

The Commonwealth of Kentucky Education and Workforce Development Cabinet, the administrative entity for the Workforce Investment Act (WIA), received a National Emergency Disaster Grant following the devastating flooding and tornadoes in April and May of 2011. Kentucky applied for the NEG on May 23, following FEMA's declaration of a disaster on May 4, 2011. Notice was received on June 6, 2011 that Kentucky would receive a grant to provide clean-up in the counties affected. The grant period is from May 1, 2011 through April 30, 2012.

Because of the extensive destruction and damage caused by the flooding and tornadoes, clean up in many of the Kentucky counties continues. As the grant was awarded for a period of one year and given the fact that the current NEG disaster clean-up will exceed the Disaster Relief Employment six-month employment limitation AND the maximum wage limitation of \$12,000 paid to any one participant in a single natural disaster will also be exceeded, Kentucky is requesting the following:

- To extend the duration of participation beyond the six month limitation to April 30, 2012 (current expiration of grant) and increase the maximum wages paid to the currently employed workers under the NEG KY Severe Storms Tornadoes & Flooding 2011 grant to \$24,000. In compliance with the *General Comments and Conditions Relating to NEG Disaster Grants-Limitations on Duration of Participation and Wages*, please accept the following as a request for a waiver.
 - A. **Statutory Regulations to be Waived:**
Kentucky requests the waiver of WIA Section 173(d)(3) as authorized under 20 CFR 671.150(b), to extend duration of participation from six months (or 1,040 hours) to 12 months (or 2,080 hours) and to increase the maximum wage of \$12,000 paid to any one participant in a single natural disaster to \$24,000.
 - B. **Goals to be Achieved by the Waiver:**
As unemployment remains high and jobs are not readily available, allowing currently employed temporary workers to continue employment in the clean-up efforts will not only help the worker and his or her family, but the city or county governments may complete the clean-up caused by the severe storms, flooding and tornadoes in a more timely manner. The waiver promotes maximum investment of available funds as well as increased levels of service. It also prevents the layoff of current employees and adding to the unemployed in the communities. The temporary workers are benefitting from an uncommon, but much needed, employment experience and communities are benefitting from the continued services provided by these experienced workers.
 - C. **State or Local Statutory or Regulatory Barriers:**
There are no state or local statutory or regulatory barriers.

- D. Description of the Goals of the Waiver and Expected Programmatic Outcomes:
Kentucky believes that this waiver clearly demonstrates a greater positive benefit for the workers and communities being assisted. As unemployment rates remain high, the goal of this waiver will assist in keeping current employees employed. The temporary employees engaged in the clean-up activities continue to gain the experience and knowledge to enter other employment when jobs become available. City and county governments participating in the NEG temporary employee disaster clean-up efforts may not have the budgets to hire replacement employees if the NEG-funded employees are forced to be laid off. Expected outcomes include continued employment for many workers; the uninterrupted services provided to the city and county governments; more timely clean up of the communities; promote maximum investment of available funds; and prevent the layoff of current employees.
- E. Description of the Individuals Impacted by the Waiver:
Employers and current temporary workers will be impacted by the waiver. Employers will have the human resources to continue clean-up efforts. Workers will remain employed, improve their skills, and increase their confidence so that they can gain employment at the completion of the clean-up projects.
- F. Description of the Process to Monitor Progress:
This waiver will be incorporated into the administrative entity's monitoring procedures.
- G. Opportunity for Local Boards to Comment on Waiver Request:
This waiver request was originally initiated by the local area boards. Local areas involved under this NEG disaster grant have committed their support to the waiver request. Local boards will receive a copy of this request.
- H. Opportunity for Public Comment:
Waiver request is posted on the Office of Employment and Training Web site.

Kentucky is very proud of its commitment to support local flexibility whenever possible. We believe that the approval of this waiver request will continue to empower the local boards to be more responsive to the volatile economic situations they are experiencing. In addition to layoff aversion, this waiver may provide new job prospects for presently employed individuals.