

Transfer Authority for WIOA Title I Adult & Dislocated Worker Funds | January 12, 2016

- TO:** Division of Workforce Development and Adult Learning (DWDAL) staff and Local Workforce Development Area (LWDA) directors
Local Administrators of WIOA Title II Adult Education provider programs
- FROM:** Division of Workforce Development and Adult Learning
Maryland Department of Labor, Licensing and Regulation
- SUBJECT:** Transfer Authority for WIOA Title I Adult & Dislocated Worker Funds
- PURPOSE:** To provide policy guidance on the transfer authority for Workforce Innovation and Opportunity Act (WIOA) Title I Adult & Dislocated Worker Funds
- ACTION:** Local Workforce Development Area directors, American Job Center (AJC) Labor Exchange Administrators, and DWDAL central office managers will ensure all employees are aware of and receive copies of this policy. DWDAL policies are available [on the DLLR website](#).
- EXPIRATION:** Until cancelled and replaced
- QUESTIONS:** Dorothee Schlotterbeck
Manager, Office of Fiscal Administration
410.767.2283
dorothee.schlotterbeck@maryland.gov
- Erin Roth
Director of Policy, DWDAL
410.767.5870
erin.roth@maryland.gov

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CANCELLATIONS

The following are hereby **cancelled and replaced** by this policy issuance:

- Workforce Investment Field Instruction (WIFI) 07-07, “Transfer Waiver for Adult and Dislocated Worker Funds,” dated June 11, 2008;
- WIFI 05-05—Change 1, “Transfer Waiver for Adult and Dislocated Worker Funds,” dated January 18, 2007; and,
- WIFI 05-05, “Transfer Waiver for Adult and Dislocated Worker Funds,” dated January 18, 2006.

Archived policies are available at: <http://www.dllr.state.md.us/employment/>.

GENERAL INFORMATION

WORKFORCE INNOVATION & OPPORTUNITY ACT (WIOA)

The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014 and went into effect July 1, 2015. WIOA supersedes the Workforce Investment Act of 1998 (WIA) and amends the Adult Education and Family Literacy Act, the Wagner Peyser Act, and the Rehabilitation Act of 1973. To help both businesses and job seekers with their needs, the workforce system established under WIOA is integrated by design, with meaningful partnerships between business, job seekers, and workforce, education, human services, and economic development entities to ensure optimum results and leveraging of resources. The law addresses the needs of job seekers through establishing a workforce system that helps them access employment, education, training and support services to succeed in the labor market. Through American Job Centers (AJCs), WIOA works to address employer needs by matching them to the skilled workers they need to compete in the global economy.

WIOA WITHIN STATE ALLOCATIONS

On behalf of the Governor, the Office of Fiscal Administration (OFA) within Maryland Department of Labor, Licensing and Regulation (DLLR)'s Division of Workforce Development and Adult Learning (DWDAL) annually allocates funds for both the WIOA Title I Adult and Dislocated Worker programs. Allocations are made to Local Workforce Development Boards (Local Boards) for Local Workforce Development Areas (LWDAs) in accordance with the State Plan, and in consultation with the chief local elected officials and Local Boards.

TRANSFER AUTHORITY

As explained in WIOA Section 133, when approved by OFA, a Local Board may transfer up to and including 100 percent of a Program Year (PY) and Fiscal Year (FY) allocation for Adult employment and training activities, and up to and including 100 percent of a PY and FY allocation for Dislocated Worker employment and training activities between the two programs. Transfers may only occur between Adult and Dislocated Worker funds within the same funding phase. For example, PY 2015 expenditures cannot be transferred to PY 2014 funding. Local Boards may not transfer funds to or from the Youth program.

A Local Board may delegate its authority under WIOA Section 133 to the Director of LWDA or other designated signatory of the LWDA. A delegation can only be accomplished through a resolution of the Local Board, or by a process that is identified in the LWDA's Local Plan.

When a Local Board elects to exercise its transfer authority, it is important to adhere to the following policy guidelines.

REQUESTING A TRANSFER

Before making a transfer, a Local Board must obtain OFA's written approval. A Local Board shall request a transfer by completing the Funding Transfer Request form, found in *Attachment A—Transfer Request & Approval Form*, that includes the following information:

- The number for the grant that expenditures would be transferred from;
- The number for the grant that expenditures would be transferred to;
- The amount of the transfer;
- A justification for the transfer;
- The requested effective date of the transfer;
- An assurance that there are sufficient funds in the budget for required activities for the remainder of the PY and FY; and,
- The Catalog of Federal Domestic Assistance (CFDA) number, which is assigned by the federal funding agency and is listed on the Notice of Obligation.

Transfer requests must be received at least 45 calendar days prior to the end of the grant. If a Local Board has an unforeseen circumstance that may require an exception, the Local Board must contact OFA immediately for further discussion and direction.

If the transfer exceeds 50 percent, the Local Board must provide justification for the transfer and assurance that services will be provided to the targeted population of the transferred funding source, with details on what funding sources will be used.

The effective date cannot be retroactive past the current reporting period. In other words, the transfer would not change/affect the financial reports previously submitted.

Local Boards must submit completed request forms, signed by the Local Board Chair (or the Director of the LWDA or other designated signatory of the LWDA, designated by resolution or identified in the Local Plan, as set forth above), by email to:

Dorothee Schlotterbeck

dorothee.schlotterbeck@maryland.gov

DWDAL Fiscal Administration

In the event that the request is made by the LWDA Director, the Local Board Chair must timely affirm that he or she has been apprised of the requested transfer. No request will be reviewed by OFA until written affirmation is received. Written affirmation should be sent via email to Dorothee Schlotterbeck.

APPROVING A TRANSFER

When determining whether a transfer request is approved or denied, OFA must consult the DWDAL Director of the Office of Workforce Development and review the LWDA's WIOA Adult and Dislocated Worker funding expenditures, obligations, and balances to ensure these are in support of the Local Board's request. OFA should request additional information or clarification from the Local Board, as needed.

After reviewing the request, OFA shall email an official determination to the Local Board Chair, the LWDA Director and the LWDA Fiscal Manager, signed by the DWDAL Assistant Secretary, with the determination to approve or deny within 10 business days. OFA shall file documentation in the LWDA's WIOA grant file and, when approved, the transfer amount shall be posted on the grant tracking worksheet/system.

Appealing a Denial

A Local Board may appeal a denial of its transfer request to the DWDAL Assistant Secretary within 10 calendar days from the received date of the denial notice. The appeal must be in writing and state the grounds for the appeal.

REPORTING A TRANSFER

When approved, LWDA's shall report the transfer to OFA on the Adult and Dislocated Worker Quarterly Status Reports (QSRs).¹

On the Adult QSR, as shown in *Attachment A – Template for Adult QSR*, LWDA's shall report the transfer as “the amount of Adult funds expended on the Dislocated Worker Program.” On the Dislocated Worker QSR, as shown in *Attachment B – Template for Dislocated QSR*, LWDA's shall report the transfer as “the amount of Dislocated Worker funds expended on the Adult Program.”²

In turn, OFA shall report the transfer to the U.S. Department of Labor (USDOL) on the Quarterly Financial Report for both “Local Adult” and “Local Dislocated Worker.”

¹ Section 133 of WIOA refers to “fund transfers,” yet OFA is required to report transfers to USDOL, on the Quarterly Financial Reports, as “expenditure transfers.” Therefore these transfers are accounted for as expenditure transfers.

² The reported transferred expenditure amount may be equal to or lower than the approved transfer amount.

MONITORING

DLLR acknowledges that the USDOL has the authority to conduct fiscal monitoring to ensure that Federal awards are used for authorized purposes in compliance with Final Rules, federal regulations, and State policies, and that those laws and regulations are enforced properly.

To ensure that policies are being followed and expectations are being met, LWDAs should also expect DWDAL to conduct fiscal monitoring.

REFERENCES

LAW

- [WIOA \(Pub. L 113-128\) Title I, Section 133](#), dated July 22, 2014.

REGULATION

- Notice of Proposed Rulemaking (NPRM): 683.130 – [Does a Local Board have the authority to transfer funds between the adult employment and training activities allocation and the dislocated worker employment and training activities allocation?](#), dated April 16, 2015.

USDOL GUIDANCE

- Training and Employment Guidance Letter 38-14, [Operational Guidance to Support the Orderly Transition of Workforce Investment Act Participants, Funds, and Subrecipient Contracts to the Workforce Innovation and Opportunity Act](#), dated June 8, 2015.

ATTACHMENTS

Attachment A— Transfer Request & Approval Form

Attachment B— Template for Adult Quarterly Status Report

Attachment C— Template for Dislocated Worker Quarterly Status Report



**Transfer Request & Approval Form
WIOA Title I Adult & Dislocated Worker Funds**

Date of Request:	
Requested by:	
Signature:	
Funds Transfer from:	Grant Name: Grant Number: CFDA #:
Funds Transfer to:	Grant Name: Grant Number: CFDA #:
Amount of Transfer:	
Effective Date of Transfer:	
Justification for Transfer:	
If over 50% of a funding stream is transferred, please describe how continued services are provided to other program customers.	
Comments:	
Request Reviewed by:	
Request approved by:	
Signature of Approver:	
Date of Approval:	
Comments:	

MARYLAND DEPARTMENT OF LABOR, LICENSING AND REGULATION
 DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING
 QUARTERLY STATUS REPORT

Revised 8/11/2015

GRANT NUMBER:																																										
GRANT TITLE:		WIOA ADULT																																								
REPORT PERIOD:																																										
GRANTEE NAME AND ADDRESS:																																										
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PROGRAM INCOME EARNED		\$ 0.00																																								
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LOCAL STAND-IN COSTS		\$ 0.00																																								
REMARKS:																																										
TRANSFERRED EXPENDITURES FROM DLW:	0.00	<small>(This is a sub-set of the Accrued Expenditures)</small>																																								
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CERTIFICATION: I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION PROVIDED IS COMPLETE AND ACCURATE.

SIGNATURE AND TITLE

DATE

TELEPHONE#

MARYLAND DEPARTMENT OF LABOR, LICENSING AND REGULATION
 DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING
 QUARTERLY STATUS REPORT

Revised 8/11/2015

GRANT NUMBER:		
GRANT TITLE:		WIOA DISLOCATED WORKER
REPORT PERIOD:		
GRANTEE NAME AND ADDRESS:		
TOTAL FEDERAL FUNDS AVAILABLE		\$ 0.00
TOTAL CASH RECEIVED		\$ 0.00
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TRANSITIONAL JOBS EXPENDITURE <small>(This is a sub-set of the Unliquidated Obligations)</small>		\$ 0.00
PAY-FOR-PERFORMANCE CONTRACT EXPENDITURES <small>(This is a sub-set of the Accrued Expenditures)</small>		\$ 0.00
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TOTAL FEDERAL OBLIGATIONS		\$ 0.00
PROGRAM INCOME EARNED		\$ 0.00
PROGRAM INCOME EXPENDED		\$ 0.00
TOTAL OTHER FEDERAL FUNDS EXPENDED (LEVERAGED)		\$ 0.00
LOCAL STAND-IN COSTS		\$ 0.00
REMARKS:		
TRANSFERRED EXPENDITURES FROM ADULT:		0.00 <small>(This is a sub-set of the Accrued Expenditures)</small>
WIOA TRANSITION EXPENDITURES:		0.00 <small>(This is a sub-set of the Accrued Expenditures)</small>

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