

**Workforce Development System  
Technical Advisory #17-6  
June 15, 2017**

**To:** Workforce Development Community

**SUBJECT:** Workforce Innovation and Opportunity Act (WIOA) Title 1B Adult and Dislocated Worker Transfer Requests and Administration to Program Funds Transfer Requests

**PURPOSE**

Notify the Local Workforce Development Boards (LWDBs) of the transfer authority between WIOA Adult and Dislocated Worker funds, and Administration funds and originating program funds, and to provide the New York State Department of Labor's (NYSDOL) policies and procedures for requesting such transfers.

This Workforce Development System Technical Advisory (WDS TA) rescinds and replaces WDS TA #16-6: "Workforce Innovations and Opportunities Act (WIOA) Title 1B Adult and Dislocated Worker Transfer Requests and Administration to Program Funds Transfer Requests for Program Year (PY) 2016" dated July 27, 2016.

**POLICY**

LWDBs may transfer up to one hundred percent (100%) of a Program Year allocation between WIOA Title 1B Adult and Dislocated Worker Employment and Training Programs upon written approval of the Governor. No funds may be transferred between the Youth Program and the Adult and/or Dislocated Worker programs.

LWDBs may transfer up to one hundred percent (100%) of Administration back to the originating program funds in all three programs (Adult, Dislocated Worker and Youth). This amount cannot exceed the original ten percent (10%) designated as Administration.

**ACTION**

Guidelines for transferring funds are as follows:

1. All transfer requests for a Program Year allocation must be received by NYSDOL no later than June 30th, the last day of that Program Year.

2. Funds retain their year of appropriation identity and must be tracked, accounted for and reported as follows:
  - 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 transfer.
  - Administration funds transferred to the originating program funds will be reported as part of the originating program.
    - When transferring funds from Administration back to the originating program funds, no more than the original ten percent (10%) designated as Administration can be returned to a program. For example, if \$100,000 were awarded as Adult funds and this allocation was split on the NOA between adult (\$90,000) and Administration (\$10,000), the maximum transfer that could be made between Administration and Adult funds would be \$10,000.
3. LWDBs opting to transfer funds in accordance with this WDS TA must:
  - Use the forms entitled “WIOA Title 1B Adult and Dislocated Worker Transfer Request” and/or “WIOA Administration to Program Funds Transfer Request”. These forms are located on the NYSDOL website on the “Programs and Tools” page under “Fiscal”, “WIOA Transfer Forms”:  
<http://labor.ny.gov/workforcenypartners/tools.shtm/>.
  - Provide documentation of LWDB’s approval of each transfer via a written e-mail statement or a signed document (in Portable Document Format; PDF) by the LWDB Director detailing the LWDB’s agreement of the transfer(s).
    - If a vote of approval is made by the LWDB’s Executive Committee to transfer funds, the decision must subsequently be ratified by the full LWDB. In this case, the transfer will be approved contingent upon full LWDB approval.
    - It is acceptable for the LWDB to provide a blanket approval to transfer funds at any given time during a defined program year, thereby eliminating the need for multiple LWDB approvals.
  - For the transfer of funds between Adult and Dislocated Worker funds, include a statement that all participants eligible for the Dislocated Worker program will be enrolled in the Dislocated Worker program, and no eligible participant will be denied services, including training services, due to transfer of funds.

- All documents, statements, forms, etc., compiled by the LWDB to transact a transfer request must be submitted to NYSDOL at [Dews.aers-taa@labor.ny.gov](mailto:Dews.aers-taa@labor.ny.gov).

Upon receipt of the transfer request, NYSDOL will review actual Local Area participant services and accruals/expenditure levels. LWDBs 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 LWDB must make every available effort to (a) expend the program funds appropriately in accordance with the area's economic and business environment; and (b) explore innovative ideas for outreach/marketing services. If the transfer is approved, a Notice of Obligational Authority (NOA) will be sent to the Chief Elected Official serving as the Grant Recipient, with a copy to the LWDB Director and Fiscal Coordinator. If the transfer is denied, the LWDB will be notified.

## REFERENCES

WIOA Final Rule, Section 683.130  
WIOA Sections 128(b) and 133(b)(4)  
NYSDOL website on the "Programs and Tools" page:  
<http://labor.ny.gov/workforcenypartners/tools.shtm/>

## INQUIRIES

Questions regarding this WDS-TA may be directed to the NYSDOL Financial Oversight and Technical Assistance (FOTA) Representative for the Local Area.