

Mass Workforce Issuance

Workforce Issuance No. 09-33

Policy Information

To: Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Regional Managers

cc: WIA State Partners

From: Michael Taylor, Director
Department of Workforce Development

Nancy Synder, President/CEO
Commonwealth Corporation

Date: May 20, 2009

Subject: **Summer Youth Employment Memorandum of Understanding Template**

Purpose: To notify Local Workforce Investment Boards, One-Stop Career Center Operators and local workforce investment partners of the availability of a template for a Memorandum of Understanding (MOU) that outlines the basic tenets of the Youth Summer Employment Program.

Background: In preparation for this summer's Youth Employment Program, a number of local workforce area youth program staff have expressed concern about securing work sites for the significant numbers of youth expected to participate in the employment program this summer. Local area staff were particularly concerned about placing youth at work sites that may have recently laid off workers or may be on the cusp of doing so, posing an especially challenging circumstance, particularly in municipalities with union workers. The Workforce Investment Act (WIA) contains several safeguards against the displacement of workers by WIA participants (CFR 667.270). These include:

- displacement of current workers (including a partial displacement such as a reduction in hours;
- a prohibition against impairment of an existing contract for services or collective bargaining agreements;

- a prohibition against a WIA participant's assignment to a job if another person is on layoff from the same or substantially equivalent job;
- a prohibition against terminating a regular employee or otherwise causing an involuntary reduction in the workforce with the intention of filling the vacancy with the WIA participant; or
- a prohibition against creating the job for the WIA participant in a promotional line that in any way infringes on the promotional opportunities of current employees.

This rule is further discussed in guidance for the American Recovery and Reinvestment Act (TEGL 14-08, section 16E).

Attachment A includes a MOU template that may be used with work sites, particularly municipalities. The template outlines the basic tenets of the Youth Summer Employment Program. The language in the MOU has been shared with representatives from AFL-CIO, SEIU and AFSME who are in agreement with this language. The MOU may be adapted to meet your specific needs.

Action

Required: Please inform all worksite developers and/or youth program sub-recipients and their staff, including persons working the ARRA/WIA and Youthworks summer jobs programs, about the requirements found at CFR 667.270 and discussed in TEGL 14-08 section 16E and the MOU template provided in this communication.

Inquiries: Please direct all inquiries to Samuel Martin (617)-727-8158 or Smartin@Commcorp.org.