

Department of Workforce Services Informational Memorandum PY 10-02

From: Artee Williams, Director

Date: August 24, 2010

Re: PY 2010 State Waivers, Local Plans, and Local Performance Goals

1. **Purpose:** To notify Local Workforce Investment Areas (LWIA) of the Extension of State Waivers, Local Workforce Investment Board Plans, and Performance Goals for PY 2010

2. **Background:** The end of the five-year planning cycle for the Workforce Investment Act (WIA), which began on July 5, 2005, ended June 30, 2010. In order to receive formula allotments under WIA, states must have approved State Plans in place. Given that the Department of Labor (DOL) is anticipating the reauthorization of WIA within the next year, the Employment and Training Administration (ETA) provided two options to either extend or modify current plans in order to have an approved State Plan in place for PY 2010 without engaging in full five-year planning.

The Arkansas Workforce Investment Board voted in favor of an extension request at their regular quarterly board meeting on April 13, 2010 in anticipation of DOL guidance on the subject.

Per Training and Employment Guidance Letter (TEGL) 21-09, Instructions for Submitting Workforce Investment Act (WIA) and Wagner-Peyser Act State Plans and Waiver Requests for Program Year 2010, the State applied for and received approval for a one-year extension of Arkansas' State Plan for the Workforce Investment Act Title I and Wagner-Peyser Act for program year 2010 (July 1, 2010 through June 30, 2011) and a one-year extension for existing waivers.

In 2009, states had the option of continuing to use the performance goals negotiated for PY 2008 or negotiating new performance goals for PY 2009. A similar policy was approved for PY 2010. The State has opted to extend the negotiated PY 2009 performance goals for an additional year.

General Information: WIA Section 118 requires that each local board, in partnership with the appropriate chief elected officials, develop and submit a comprehensive five-year plan to the Governor which identifies and describes certain policies, procedures, and local activities that are carried out in the local areas, and that is consistent with the State Plan. To be consistent with the current DOL State Plan approval, the State is approving a one-year extension of local workforce investment board plans.

The State is also extending local workforce investment area performance goals for one year through program year 2010. The local and state negotiated performance goals for PY 2010 are reflected in the table below and are the same as PY 2009.

COMMON MEASURES GOALS ADULT/DISLOCATED WORKER PY 2010						
	ENTERED EMPLOYMENT		EMPLOYMENT RETENTION		AVERAGE EARNINGS	
	ADULT	DLW	ADULT	DLW	ADULT	DLW
CENTRAL	90.0	94.5	92.5	95.5	\$13,900	\$14,250
EASTERN	89.0	91.5	84.5	95.5	\$9,500	\$12,200
LITTLE ROCK	92.0	92.5	93.5	95.5	\$13,900	\$12,200
NORTH CENTRAL	92.5	97.5	90.5	95.5	\$11,000	\$12,200
NORTHEAST	92.5	92.5	93.5	96.5	\$13,900	\$14,500
NORTHWEST	92.0	92.5	94.0	95.5	\$13,700	\$12,200
SOUTHEAST	88.0	93.5	91.5	95.5	\$13,000	\$14,650
SOUTHWEST	92.0	92.0	91.5	95.5	\$11,500	\$14,600
WEST CENTRAL	89.5	94.5	93.5	95.5	\$13,500	\$12,200
WESTERN	92.0	93.5	91.5	95.5	\$11,400	\$13,000
STATE NEGOTIATED	91.0	93.5	92.0	95.5	\$12,530	\$13,200

COMMON MEASURES GOALS YOUTH PY 2010	
	STATE/LWIA NEGOTIATED
PLACEMENT IN EMPLOYMENT OR EDUCATION	79.7%
ATTAINMENT OF DEGREE OR CERTIFICATE	76.9%
LITERACY AND NUMERACY GAINS	48.0%

The approval letter from DOL extending the State Plan, State waivers, and performance goals through PY 2010 is attached. The letter also identifies all current waivers that have been extended through PY 2010.

3. **Action Required:** Please communicate this information to staff as appropriate for your local area.
4. **Inquiries:** Direct questions regarding this memorandum to Stephanie Carlo at 501-683-4707 or stephanie.carlo@arkansas.gov.
5. **Attachments:** U.S. Department of Labor Letter to Governor Beebe Dated June 29, 2010
6. **Expiration Date:** June 30, 2011

U.S. Department of Labor

Assistant Secretary for
Employment and Training
Washington, D.C. 20210



JUN 29 2010

The Honorable Mike Beebe
Governor of Arkansas
State Capitol Building
Room 250
Little Rock, Arkansas 72201

Dear Governor Beebe:

This letter provides approval of an extension of Arkansas' current Workforce Investment Act (WIA) and Wagner-Peyser Act (W-P) State Plan and waivers for Program Year (PY) 2010.

Training and Employment Guidance Letter (TEGL) No. 21-09, issued on April 15, 2010, provides guidance for states to secure approval of their WIA/W-P State Plans and waivers for PY 2010, and included the option to receive an extension of the existing State Plan and waivers for an additional year without submitting a formal request.

Extension of State Plan

Arkansas' existing State Plan will expire on June 30, 2010. This letter constitutes a written determination under WIA Section 112 (29 USC 2822) that the Employment and Training Administration (ETA) is extending the approval of Arkansas' State Plan for WIA Title I and the Wagner-Peyser Act for Program Year 2010, July 1, 2010 through June 30, 2011.

The Grant Officer will issue a Notice of Obligation for the "July portion" of the WIA formula allocations for Adult and Dislocated Worker programs, effective July 1, 2010, under the PY 2010 Annual Funding Agreement. The W-P program's Annual Funding Agreement for PY 2010/Fiscal Year 2011 will be sent to the designated state grantee Agency for signature and return to the Grant Officer for execution, effective July 1, 2010. The W-P Annual Funding Agreement will provide for the initial base allocation of PY 2010 funds.

Performance Levels

Arkansas has decided to extend its existing PY 2009 WIA and W-P performance goals for PY 2010. ETA has incorporated these performance goals, identified as PY 2010 performance goals, into the Regional and National Office copies of the State Plan. Please include these PY 2010 goals in the State's official copy of the State Plan.

Waivers

As part of the State's extension of the WIA/W-P State Plan, and as described in TEGL 21-09, ETA has made determinations regarding an extension of Arkansas' PY 2009

waivers of statutory and regulatory requirements under WIA for PY 2010. The disposition of the State's waiver extensions is outlined below. This action is taken under the Secretary's authority at WIA section 189(i) to waive certain requirements of WIA title I, Subtitles B and E, and sections 8-10 of the Wagner-Peyser Act. Unless otherwise indicated, all waiver approvals that follow apply to both WIA formula funds and funds made available under the American Recovery and Reinvestment Act of 2009.

Extension of Waivers

Waiver of WIA Section 133(b)(4) to increase the allowable transfer amount between Adult and Dislocated Worker funding streams allocated to a local area.

The State was previously granted a waiver to permit an increase in the amount a state is allowed to transfer between the Adult and Dislocated Worker funding streams. The State is granted an extension of this waiver through June 30, 2011. Under the waiver, transfer authority is limited to 50 percent. This limitation provides states flexibility while ensuring consistency with Congressional intent regarding the level of funding appropriated for the WIA Adult and Dislocated Worker programs. As stated in ETA Training and Employment Guidance Letter (TEGL) No. 14-08, Section 19, issued on March 18, 2009, this waiver does not apply to funds made available through the American Recovery and Reinvestment Act of 2009. However, the State is permitted to transfer up to 30 percent of ARRA funds between programs under WIA and under the Department of Labor Appropriations Act of 2009. This authority is discussed in TEGL No. 14-08, Change 1.

Waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts for older and out-of-school youth.

The State was previously granted a waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts (ITAs) for older and out-of-school youth program participants. The State is granted an extension of this waiver through June 30, 2011. Under this waiver, the State can use ITAs for older and out-of-school youth program participants. The State should ensure that funds used for ITAs are tracked and reflected in the individual service strategies for these youth.

Waiver to permit the State to replace the performance measures at WIA Section 136(b) with the common measures.

The State was previously granted a waiver that allows the State to replace the 17 performance measures under WIA Section 136(b) with the common measures. The State is granted an extension of this waiver through June 30, 2011.

This waiver permits the State to negotiate and report WIA outcomes against the common performance measures only, rather than the performance measures described at WIA

Section 136(b). The State will no longer negotiate and report to ETA on the following WIA measures: WIA adult and dislocated worker credential rates; participant and employer customer satisfaction; older youth measures; and younger youth measures. The State will use the three adult common performance measures to negotiate goals and report outcomes for the WIA Adult and WIA Dislocated Worker programs. The State will use the three youth common performance measures to negotiate goals and report outcomes for the WIA Youth program. Workforce Investment Act Standardized Record Data system (WIASRD) item 619, Type of Recognized Credential, should be completed for each individual as appropriate, regardless of this waiver to report on common performance measure outcomes only.

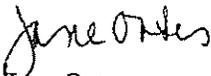
Waiver of the provision at 20 CFR 663.530 that prescribes a time limit on the period of initial eligibility for training providers.

The State was previously granted a waiver of the time limit on the period of initial eligibility of training providers provided at 20 CFR 663.530. The State is granted an extension of this waiver through June 30, 2011. Under the waiver, the State is allowed to postpone the determination of subsequent eligibility of training providers. The waiver also allows the State to provide an opportunity for training providers to re-enroll and be considered enrolled as initially eligible providers.

The approved waivers are incorporated by reference into the State's WIA Grant Agreement, as provided for under paragraph 3 of the executed Agreement, and this constitutes a modification of the State Plan. A copy of this letter should be filed with the State's WIA Grant Agreement and the approved State Plan. In addition, as required by TEGL No. 14-00, Change 3, the State should address the impact these waivers have had on the State's performance in the WIA annual performance report, due on October 1 of each year.

We look forward to working together as you implement your State Plan for PY 2010. If you have any questions related to the issues discussed above, please contact Kajuana Donahue, the Federal Project Officer for Arkansas, at (972) 850-4613 or Donahue.Kajuana@dol.gov.

Sincerely,



Jane Oates
Assistant Secretary

cc: Artee Williams, Director, Department of Workforce Services
Joseph C. Juarez, Regional Administrator, ETA Dallas Regional Office

Janet Sten, Federal Coordinator for Plan Review and Approval
Thomas Martin, Grant Officer
Kajuana Donahue, Federal Project Officer for Arkansas