

BILL OWENS
Governor

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THOMAS J. LOOFT
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DEPARTMENT OF LABOR AND EMPLOYMENT
WORKFORCE DEVELOPMENT PROGRAMS

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April 27, 2004

Joseph C. Juarez
Regional Administrator
Employment and Training Administration
5252 Griffin Street, Room 317
Dallas, TX 75202

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RECEIVED
DOL/ETA

Dear Mr. Juarez:

Enclosed is the State of Colorado's request for a waiver under the Workforce Investment Act, Section 134 – Use of Funds for Employment and Training Activities, for PY2004. We have addressed sections 20 CFR 661.420 (c) and 189(i)(4) of the Workforce Investment Act- General Waivers of Statutory or Regulatory Requirements. The Training and Employment Guidance Letter referencing the development and submission of a request for the waiver of WIA was also followed.

The waiver request is being submitted concurrently with the 30-day comment period required in the regulations. Subsequent to the comment period, the State will provide copies of all comments received.

If you have further questions, please contact Nina Holland at 303.318.8806.

Sincerely,

Jeffrey M. Wells
Executive Director

Cc: Tom Looft
Jovita Martinez
Booker Graves
Elise Lowe-Vaughn
Nina Holland

**STATE OF COLORADO
WAIVER REQUEST
WORKFORCE INVESTMENT ACT**

**Eligible Training Provider (ETP) Performance Reporting Requirements
for subsequent Eligibility Determination**

The Colorado Department of labor and Employment (CDLE), the administrative entity for the Workforce Investment Act (WIA), is requesting a waiver of the subsequent eligibility reporting requirements for PY04 (July 1, 2004 through June 30, 2005) for all programs participating in Colorado's Eligible Training Provider (ETP) system. Granting of the waiver would allow Colorado the time necessary to assume responsibility for establishing subsequent eligibility requirements, as required by the proposed WIA reauthorization legislation. This waiver request is written in accordance with the format identified in WIA Section 189(i)(4)(B) and WIA Regulations at Section 661.420(c).

1. Statutory Regulations to be Waived: WIA Section 122(c)(5) and (d)(1) and WIA Regulations at Section 663.535 and 663.540.

2. Goals to be Achieved by the Waiver:

- Reduce the burden and the costs of data collection placed on training providers with few WIA participants
- Reduce the burden and the costs of data review and approval placed on the local workforce development boards and the State.
- Allow time for the State and its partners to analyze data to set meaningful and reasonable criteria for "subsequent eligibility" (based on programmatic needs)
- Identify what criteria would be useful to the business community
- Enhance the State's Eligible Training Provider system to interface with additional on-line career and labor market information resources

3. State or Local Statutory or Regulatory Barriers: There are no state or local statutory or regulatory barriers to implementing the requested waiver. Upon notification of the approval of this waiver request, CDLE policy will be amended to comply with the terms of the waiver.

4. Description of Waiver Goal and Programmatic Outcomes:

Currently, the State list of Eligible Training Providers identifies 2237 WIA-eligible programs offered by 258 training institutions. A full-time CDLE employee is required to maintain the Eligible Training Provider system, determine final approval for new and subsequent eligibility requests, and provide technical assistance to schools and workforce regional ETP coordinators. The local ETP coordinators and local boards spend considerable time working with schools to encourage their continued participation in the system and helping them understand the fourteen data elements required for subsequent eligibility determination. In addition, the ETP coordinators and representatives of the community colleges meet on a regular basis to work out subsequent eligibility issues such as the confidentiality of data for

students and the complications of reporting on separate student populations for participation rates versus completion rates.

HR. 1261, the WIA reauthorization legislation passed by the House of Representatives in May 2003, provides Governors with the authority to determine what standards, information, and data would be required for the eligible training providers in their state. The Senate version of the legislation is also expected to reflect the Administration's position that setting the ETP requirements should be devolved to the states. To prepare for the transition, Colorado is proposing the redirection of resources spent on subsequent eligibility to the development of standards reflecting the needs of consumers and the employers who may be hiring them.

To accomplish its goal, Colorado intends to engage in the following activities:

- Obtain the direction of the State Workforce Development Council and its Skills Development subcommittee
- Establish an oversight and policy recommendation group consisting of CDLE and local workforce staff, partner agencies, training providers, and employers from local workforce boards
- Conduct focus groups and/or surveys with ETP coordinators, training providers, and employers to identify issues, needs, and suggestions for ETP subsequent eligibility standards and system enhancements
- Analyze and evaluate performance measures currently utilized in the State's post secondary educational system such as those required by the Carl Perkins Act.
- Analyze and evaluate the results of the State's Community Audit initiative, the semi-annual job vacancy surveys conducted to determine demand occupations, and the results of Colorado's program evaluation study to identify potential subsequent eligibility factors.
- Prepare a report of recommendations for ETP subsequent eligibility standards, information, and data, as well as enhancements to the ETP website.
- Allow for a 30-day public comment period and obtain the approval of the State Workforce Development Council and the Governor.
- Begin development and implementation of approved standards and changes to coincide with the implementation of the WIA reauthorization legislation.

5. Description of Individuals Impacted by the Waiver: All of our customers, including training providers, regional workforce development boards, CDLE administrative staff, employers, and those seeking ITA services will be positively affected by this waiver.

- Training providers, local workforce development boards, and CDLE will be relieved of the burden of reporting and reviewing data, and be able to focus resources on the development of new reporting standards and system enhancements.
- Those seeking ITAs will experience a website with additional career exploration features, as well as improved data for making informed choices.
- Employers will have additional job candidates that are trained for occupations in demand.

6. Description of the Process to Monitor Progress: CDLE's Office of Workforce Development Programs, under the direction of Thomas J. Looft, will monitor the action plan detailed in part 4 of this waiver request.

7. Description of the Public Comment Process: Once the waiver document is finalized, it will be published for 30 days, beginning May 1, 2004 and ending May 31, 2004, on the public web site maintained by the Office of Workforce Development, allowing for public comment on its content and potential impact. In addition, a copy of the waiver will be available for public inspection at CDLE offices, and electronic copies of the waiver will be sent via e-mail to local Boards and workforce centers. Comments received will be provided shortly after May 31st.