



JUL 19 2002

The Honorable Dirk Kempthorne  
Governor of Idaho  
Boise, Idaho 83720-0034

Dear Governor Kempthorne:

It is with pleasure that I respond to the State of Idaho's request for a waiver of statutory and regulatory requirements under the Workforce Investment Act (WIA), in accordance with the Secretary's authority to waive certain requirements of WIA Title I, subtitles B and E and sections 8-10 of the Wagner-Peyser Act. This authority is granted to the Secretary by section 189(i)(4)(A) of the Workforce Investment Act (WIA or the Act), and in the implementing regulations at 20 CFR 661.420.

These waivers grant states flexibility in program design for seamless program delivery and improved customer service, in exchange for accountability and agreed-to programmatic outcomes. We hope that these changes will assist your state in meeting its workforce needs and improving programmatic outcomes at the local level and statewide.

The following is the disposition of the state's waiver submission.

***Waiver: Subsequent Eligible Training Provider (ETP) Requirements; All student reporting requirement (WIA Sec. 122(c) and (d) and 20 CFR 663.535(c) and (d))***

Based on the state's current request (copy enclosed), we are not approving the request to waive subsequent eligibility requirements at WIA sections 122(c) and (d), and set forth at 20 CFR 663.535(c) and (d), including the "all student" reporting requirement for subsequent eligibility at WIA section 122(d)(1)(A)(i) and 20 CFR 663.535(c)(1), at this time. This particular requirement is subsumed in the broader policy determination with regard to the overall eligible training provider impediments to full implementation of the states' five-year strategic plans, as identified by the WIA Readiness Workgroups, and currently within the WIA Reauthorization process. Pending the national resolution of these issues, we are not prepared to waive such a critical component of the WIA key principles of increased accountability and customer choice.



A Proud Member of America's Workforce Network

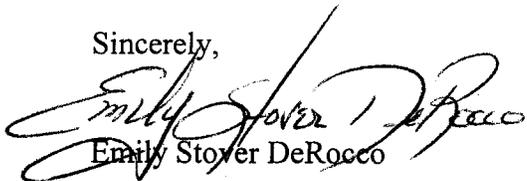
Although we are not now prepared to waive this particular provision, we believe that there is some confusion in the field on what potential providers must do to meet this requirement. We are therefore, under separate cover, providing your WIA state liaison with some clarification on this issue, including some alternative options to satisfy this requirement, which may not require a waiver. Additionally, we wish to assist the state in addressing the issue of declining eligible training providers, which directly impacts on customer choice in accessing training services, one of the key reform principles of WIA.

Accordingly, the state is granted a waiver of the time limit on the period of initial eligibility of training providers at 20 CFR 663.530 to extend the period of initial eligibility through June 30, 2004. The effect of this waiver is to extend the period of initial eligibility of providers through Program Year (PY) 2003.

The granted waiver is incorporated by reference into the state's WIA Grant Agreement, as provided for under paragraph 3 of the executed Agreement, and also constitutes a modification of Idaho's approved five-year strategic plan. A letter is being sent to your state WIA Liaison, which supplements this notification letter and spells out the terms and conditions that apply to the granted waivers. A copy of each letter should be filed with the state's WIA Grant Agreement and the state's approved five-year plan, as appropriate.

We look forward to continuing our partnership with you and to the achievement of better workforce development outcomes and the improvement of the lives of many of the residents of Idaho. We are prepared to entertain other state and local-level waiver requests that Idaho may wish to submit, consistent with the provisions of the Act and regulations.

Sincerely,



Emily Stover DeRocco

Enclosure

**IDAHO**  
**DEPARTMENT OF LABOR**



**DIRK KEMPTHORNE, GOVERNOR**  
*Roger B. Madsen, Director*

May 1, 2002

Ms. Emily DeRocco  
Assistant Secretary  
Employment and Training Administration  
United States Department of Labor  
200 Constitution Avenue N.W. Room S2307  
Washington, D.C. 20210

Dear Ms. DeRocco:

Enclosed is Idaho's request for a waiver regarding the Workforce Investment Act's (WIA) requirements for subsequent eligibility of training providers. The waiver is being submitted by the Idaho Department of Labor as the state administrative entity for the Workforce Investment Act. The enclosed waiver is presented in the format requested in WIA Section 189(i)(4)(B) and WIA Regulations 661.420(c).

The goals for the waiver are to implement the intent of the WIA subsequent eligibility provisions regarding performance accountability of training providers and improved customer information on training programs, while maximizing the training options that are available for WIA participants. The waiver request has been developed based on an extensive consultation effort with our workforce development system and training providers. The Governor's Workforce Development Council at its March 26, 2002 meeting approved the waiver request.

Idaho is committed to delivering quality employment and training programs under WIA. We believe that the waiver will result in improved program performance and training services for our WIA customers and we request that the waiver be approved.

If you have any questions, please contact Larry Hertling, Workforce Systems Bureau, at (208) 332-3570 extension 3321.

Sincerely,

A handwritten signature in black ink that reads "Roger B. Madsen".

Roger B. Madsen  
Director

Enclosure

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

**A. Statutory Sections to be Waived**

Idaho is requesting that the USDOL waive the subsequent eligibility provisions outlined in Section 122 (c) and (d) of the WIA legislation and that the USDOL approve Idaho's proposed process for determining subsequent eligibility.

**B. Goals of the Waiver Request**

The goals of the waiver request are to improve performance accountability of training programs, improve customer information on training opportunities and to maximize training options. The proposed waiver will improve accountability of WIA training activities and provide timely outcome information on training activities to customers, local boards and front-line staff, while avoiding a dramatic reduction in available training programs. This waiver will enable Idaho to create a subsequent eligibility process based on outcome data and to continue to offer WIA participants good customer choice in quality training programs.

**C. State or Local Statutory or Regulatory Barriers**

There are no State or local statutory or regulatory barriers to implementing the requested waiver.

**D. Waiver Goals and Expected Programmatic Outcomes**

WIA participants purchase services from approved training providers through the use of Individual Training Accounts. The Workforce Investment Act (WIA) requires that the State and local boards approve training providers before WIA funds can be used to purchase occupational training. The responsibility for approving eligible training providers is shared between the Governor (State) and the six local *IdahoWorks* Boards (IWBs). The State is responsible for establishing the procedures and minimum criteria that will be utilized by the local boards in determining training providers' eligibility.

Under WIA, States are allowed to use the initial eligibility process for Eligible Training Providers (ETPs) for eighteen months. Idaho was successful in creating the initial eligibility list. After the eighteen-month period, States are required to implement the subsequent eligibility requirements outlined in Section 122 (c) and (d) of the WIA legislation. These provisions require that training providers provide outcome data, not only on the WIA participants, but on all students that are served through their programs.

During our consultation with our training providers we have encountered extensive concerns with implementing the WIA subsequent eligibility requirements. These concerns include confidentiality issues; the excessive administrative burden and costs

associated with tracking all students; the time delays associated with UI wage records; the lack of an adequate database to establish performance standards for all students; the difficulty in developing statistically valid processes for adjusting UI wage record data based on the economic, geographic and demographic factors of the local area as well as characteristics of the population being served; and a consumer report based on a wage record system that underreports employment rates for training programs. Based on these discussions, we believe that WIA subsequent eligibility requirements cannot be effectively or economically implemented in Idaho and that pursuing this course will result in a dramatic reduction in the number of training providers that will be willing to participate in the WIA system.

Thus, Idaho is requesting that the USDOL waive the subsequent eligibility provisions outlined in Section 122 (c) and (d) of the WIA legislation and that the USDOL approve Idaho's proposed process for determining subsequent eligibility. The goals for the waiver are to implement the intent of the WIA key reform provisions regarding improving performance accountability of training providers while maximizing the training options that are available for WIA participants.

To accomplish these outcomes, Idaho will develop a subsequent eligibility process that includes the following key provisions:

- The subsequent eligibility process will be based solely on WIA training participants, rather than all of the students enrolled in each training program.
- Subsequent eligibility will be based on the following performance criteria:
  1. The entered employment rate for WIA training participants;
  2. The number of placements that are training related;
  3. The average hourly wage at placement for WIA training participants;
  4. The Educational Credential rate for WIA training participants;
  5. Information on program costs (such as tuition and fees) for participants.
- Idaho will utilize data from the current WIA Management Information System to calculate outcome performance for the above measures.
- The State will establish minimal acceptable levels of performance for the performance criteria, with the exception of the cost criteria which will be a local board responsibility. The minimal level of acceptable performance will be defined as meeting or exceeding 80% of the previous year's statewide WIA exit outcomes for training participants.

- Idaho will utilize a two-tier approach for subsequent eligibility based on the number of participants who exit a program during the program year:
  1. For training programs that involved less than 8 WIA (Adult and Dislocated Worker combined) participants during a program year, the Department of Labor will provide the IWBs, training providers and service providers with a report reflecting the performance outcomes by training program. This report will reflect the outcome data on the performance criteria presented above. The IWBs will review this data to ensure that training activities are appropriate and in accordance with area policies. Service providers will utilize the outcome information as they assist their WIA participants in making good training selections and as they review the quality of their case management practices. Training providers who serve less than 8 WIA participants would not be subject to additional mandatory review by the IWBs to be retained on the ETP list.
  2. Training programs that exit 8 or more WIA (Adult and Dislocated Worker combined) participants in a program year would be subject to the IWB subsequent eligibility review process. The IWB would review the training program's outcome data to verify that the program met minimum acceptable performance levels as defined by the State.

If the training program meets these minimum performance levels, the IWB would have the option of recommending to the State that the program be retained on the ETP list without further review. If a training program fails to meet any of the above performance levels, then the IWB would be required to conduct further analysis of the training outcome data that includes taking into account the economic, geographic and demographic factors of the local area as well as characteristics of the population being served. As part of the analysis, the IWBs would include input from the WIA service providers whose participants were enrolled in the training program and from the training entity.

The IWBs will have 60 days to complete the review. Based on the analysis, the IWB may either approve or deny subsequent eligibility for the training program. The IWBs could approve the training program, but direct concerns to the service providers regarding delivery issues that appear to be impacting outcomes. In cases where the training program is adequate but poor performance may be related to other local or service delivery factors, the IWBs will be strongly encouraged to keep the programs on the ETP list and to address the outcome issues through other means.

- The *IdahoWorks* Boards will retain the option to include additional performance criteria in their subsequent eligibility determination process.

### **E. Impact on Individuals**

Idaho's workforce community has worked hard to develop comprehensive skill training services for economically disadvantaged adults and dislocated workers. These services include an automated career information system, trained career development facilitators and a wide range of training options that include short-term, academic and professional-technical training. In PY 2000, over 73% of the WIA Adult and Dislocated Worker exiters participated in skill training. The wide range of training options helped Idaho exceed all 17 of the PY 2000 WIA core measures. The primary impact of this waiver will be on WIA Adult and Dislocated Worker participants. The implementation of the waiver will improve training services for WIA Adult and Dislocated Worker participants by creating a new performance report that ties outcome data to specific training programs and that increases the service provider and local board review of training programs.

### **G. Monitoring Implementation Progress and Consultation Process**

The Idaho Department of Labor will monitor the implementation of the waiver. The new outcome report on training programs will be completed and distributed to the WIA system in the fall of 2002. The Idaho Department of Labor will oversee the mandatory review of the *IdahoWorks* Boards to ensure compliance with the mandatory review requirements outlined in section D.

This waiver request has been developed based on extensive consultation with the Idaho workforce system including public and private training providers, One Stop service providers, local boards and staff, organized labor and the Idaho Workforce Development Council. The public training provider consultation includes representatives of State Board of Education (all education including academic programs), the professional-technical degree programs and short-term training programs. All entities have voiced concern regarding the WIA provisions for subsequent eligibility and have endorsed the proposed process outlined in this waiver request. At its March 26, 2002 meeting, the Idaho Workforce Development Council approved submission of the waiver request. The above entities will continue to be consulted as the waiver request is implemented. Attached are letters of support for the waiver from Idaho's Workforce Training Network, the North Idaho Workforce Investment Board and the Idaho State AFL-CIO.

Attachments

Chair  
Archie McGregor

Vice-Chair  
Michael White

*North Idaho*  
**WORKFORCE INVESTMENT**  
*Board*

Secretary  
Bob Stovern

Treasurer  
Lynn Gustavel

Administrator  
Kris Suiter

March 18, 2002

Roger Madsen, Director  
Idaho Department of Labor  
317 Main Street  
Boise, ID 83735

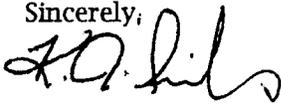
Dear Mr. Madsen:

The North Idaho Workforce Investment Board is in full support of the Idaho Department of Labor's recommendation concerning the subsequent eligibility requirements outlined in section 122 (c) and (d) of the WIA.

This recommendation would exempt all students from the reporting requirements and base the subsequent eligibility process solely on the WIA participants. We also support the performance criteria that have been proposed in the IDOL recommendation since it allows the local Board greater flexibility in determining subsequent eligibility for training providers. Finally, we also believe this process will allow the local area to continue the process of developing a comprehensive system of training options for our workers.

If the North Idaho Workforce Investment Board can be of additional assistance in your efforts to secure a waiver from the USDOL, please contact Kris Suiter at (208) 772-0584 ext. 3016.

Sincerely,



FOR Archie McGregor, Chair

AM/ks



IDAHO  
STATE  
UNIVERSITY

School of Applied Technology



Continuing Education

Special Programs

Short Courses

Skills Training

Technical Training

Upgrading & Retraining

March 28, 2002

Mr. Larry Hertling  
Idaho Department of Labor  
317 W. Main Street  
Boise, ID 83735

Dear Mr. Hertling:

Workforce Investment Act

The Workforce Training Network has had an opportunity to work with the local Idaho Works Boards (IWB's) in discussing the best way for eligible training providers to serve participants under the Workforce Investment Act.

The waiver that the Idaho Department of Labor is requesting would provide the needed local board control. At the same time this waiver allows training providers the ability to provide training under accountability requirements that could be immediately measured. It also allows for the necessary feedback that supports quality training and placement. This waiver would allow vendors in the state of Idaho to provide training that is not burdensome and difficult to measure accountability.

The requirements under the Workforce Investment Act would force a reduction in training providers and in turn limit the participants' selection from a wide range of training options. The Workforce Training Network in the State of Idaho which consists of six technical colleges fully supports Idaho's waiver request. This request will allow Idaho citizens a broader range of training while still providing for acceptable accountability based on performance levels as defined by state and local boards.

Sincerely,

Margaret A. Phelps, Chairperson  
Workforce Training Network

cc: Mr. Dick Winn

IDAHO WORKS BEST  
WHEN WE SAY . . .



# IDAHO STATE AFL-CIO

412 E. 41st Street, Suite 5  
Boise, Idaho 83714  
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maryann@unions-america.com

**SCOTT JONES**  
VICE PRESIDENT—BOISE

**DAVID WHALEY**  
PRESIDENT—BOISE

**CINDY HEDGE**  
SEC/TREAS—BOISE

April 15, 2002

Roger Madsen, Director  
Idaho Department of Labor  
317 Main Street  
Boise, Idaho 83735

Dear Director Madsen:

This letter is in support of the Department of Labor and Workforce Development Council submission of a waiver to the Eligible Training Provider Requirements of the Workforce Investment Act.

The Idaho State AFL-CIO has been responsible for providing Rapid Response services to dislocated workers since 1983. The AFL-CIO's re-employment program, the Idaho Workers Opportunity Network (I-WON) has been involved in all aspects of services to these workers from early intervention with labor-management committees and workshops, through training and placement.

Because so many of I-WON's participants have taken advantage of WIA and JTPA training services, we feel the proposed state monitoring of training providers will improve accountability, program information and training opportunities for dislocated workers. The eligibility criteria – employment rate, training related placements, hourly wage, credentials and costs – are the same ones that our Apprenticeship programs must meet.

The Idaho State AFL-CIO views this request as a logical way to deal with the required performance measures of our training providers. This will insure a process is in place that will continue to benefit the retraining services provided dislocated workers. We believe that the proposed waiver will improve performance accountability while assuring that dislocated workers have maximum training options.

Sincerely,

  
David D. Whaley, President  
Idaho State AFL-CIO

**BENNY ANTUNES**  
Dist. 1 - Boise

**JIM KIDDER**  
Dist. 2 - Lewiston

**BILL CARTER**  
Dist. 3 - Coeur d'Alene

**DAN MALONEY**  
Dist. 4 - Twin Falls

**RICHARD STEFFANS**  
Dist. 5 - Pocatello

**RANDY OLAVESON**  
Dist. 6 - Idaho Falls

**PAUL McFARLAND**  
Dist. 7 - Nampa

BE UNION  BUY AMERICAN

May 1, 2002

Ms. Emily DeRocco  
Assistant Secretary  
Employment and Training Administration  
United States Department of Labor  
200 Constitution Avenue N.W. Room S2307  
Washington, D.C. 20210

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If you have any questions, please contact Larry Hertling, Workforce Systems Bureau, at (208) 332-3570 extension 3321.

Sincerely,

/s/  
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