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GEORGE H. RYAN
GOVERNOR

February 27, 2002

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EXECUTIVE SECRETARY
OFFICE OF THE GOVERNOR
DEPARTMENT OF LABOR
WASHINGTON, D.C. 20220

FILED

Ms. Elaine L. Chao
Secretary of Labor
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C.

Dear Secretary Chao:

On behalf of the people of Illinois, I want to extend our sincerest gratitude to you and the Department for your rapid response to airline workers who found themselves suddenly displaced following the attacks of September 11, 2001. Your leadership in delivering relief funds to thousands of Illinois workers made an important difference in our ability to meet the challenges created by those horrible events. Many states, including Illinois, are learning that we need additional help and we again turn to you for assistance.

Due to September 11, 2001, Illinois has seen a significant reduction in revenue. This has resulted in budget cuts, some of which we believe could be made up by federal funds. One of the cuts we have been forced to make was to vocational training programs in our Corrections Department.

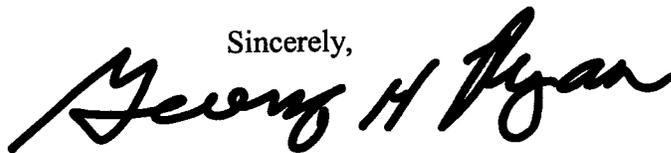
These programs are critical for two reasons. Most inmates sentenced to a term of incarceration arrive with little or no marketable skills, and it falls to the state to offer vocational training opportunities. It is also important to note, these men and women will be returning to our communities following their imprisonment. As they return without marketable skills, their chances for recidivism greatly increases.

Providing vocational training in correctional institutions, we feel, is worthwhile and in need of adequate financial support. However, due to the decline in state revenues, Illinois plans to fund these programs for the remainder of the state fiscal year that ends on June 30, 2002 and in the fiscal year that begins on July 1, 2002, using \$4 million of WIA Title 1 funds in each year. In connection with these plans, I am asking for your favorable consideration of our request for two waivers of certain provisions of the Title 1 program.

Additionally, I am asking for an expedited review of our request given the short time frame facing us, and the need to continue these programs uninterrupted.

Please let us know if we can provide additional information. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "George H. Ryan". The signature is written in a cursive, flowing style.

GEORGE H. RYAN
Governor

cc: Byron Zuidema

Enclosure: Waiver Request for Certain Provisions of the Workforce Investment Act for the Operation of a Correctional Post-Secondary Vocational Training Program

**Waiver Request for Certain Provisions of the
Workforce Investment Act for the Operation of a Correctional
Post-Secondary Vocational Training Program**

State of Illinois

February 27, 2002

Background

The Illinois Department of Corrections (IDOC) enters into contracts with post-secondary schools (mostly community colleges) to provide training classes at the correctional facilities. There are currently eleven such contracts, serving approximately 6,000 inmates each year, all but a few of whom are adults. The program is targeted to inmates who are within five years of release from prison. Inmates in this program must have a high school diploma or GED, and must meet other requirements for entry into the specific training programs. Approximately two thousand inmates complete their programs and receive a credential each year. Although many of these will eventually enter employment upon release, many complete their training well prior to release and go on to other work assignments while they remain incarcerated.

The State is assuming that the expenditure of WIA Title I funds as described above is authorized under Section 134(a)(3)(A)(vii) of WIA, in that this is an activity deemed necessary to assist Local Workforce Investment Areas in carrying out activities under Sections 134(d) and (e) of WIA. The State is seeking a waiver of WIA requirements in two areas: 1) the application of performance standards under Section 136, and 2) the application of eligible training provider, Individual Training Account, and customer choice requirements under Sections 122 and 134. The rationale for each of these requests is provided below. The State is only seeking these waivers for the customers to be served under this IDOC program.

Performance Management Requirements

The WIA Title I performance measures instructions indicate that a person who is incarcerated at program exit does not count in the calculation of the performance outcomes. We recognize that the intent of this provision was to exclude customers who become incarcerated during the course of their participation in WIA, not necessarily those who were incarcerated at registration. Inasmuch as the instructions are silent in this regard, and given the magnitude of this program in terms of numbers of registrants, the prudent course of action is for us to request that the application of the WIA Title I performance measures be waived.

While we are continuing to assess the potential affect of including these customers on the States outcomes, it is clear that including them would cause the State to fail one or more of its adult measures. This is due to two reasons:

1. The population as a whole has substantial barriers to employment. Even in the best of circumstances, the outcomes for this population would be expected to be much lower than those for other adults. This, coupled with the size of the program, by itself would probably cause the State to fail one or more measures.
2. In addition, most of the inmates will not be available to enter the labor market at the time they complete their training. Therefore, the post-exit quarters for these customers would come and go while they were still incarcerated, essentially guaranteeing that they would never appear in the numerator of any of the performance measures.

The fundamental basis of the WIA Title I performance measures is that the customer is in the labor market at least by the time the customer exits the program. Since this is not the norm for the customers served by the IDOC project, the State respectfully requests the provisions of Section 136 be waived for the project.

Eligible Training Provider and Customer Choice Requirements

The training providers and programs for the IDOC vocational training services are selected in cooperation between IDOC and the schools who apply to participate in the program. IDOC enters into contracts with the schools to provide the instructional services at the correctional facilities. The programs are occupational in nature, and are selected based on the prospects for employment once the trainees are released. Inmates are given some level of choice among the programs that are available at the school, which serves the facility in which they are housed.

The State is requesting a waiver of eligible training provider requirements, Individual Training Account requirements and customer choice requirements under WIA Title I for this program for the following reasons:

1. Although many of the IDOC occupational programs may be certified under Section 122 of WIA (and we will work with those that are not, to facilitate this), we cannot provide assurance that only certified programs will be used for this project. Under Section 122, the State cannot require a Local Workforce Investment Board to place a program on the State list, simply because the State wishes to use that program for a 15 % funded activity.
2. Obviously, an incarcerated customer group cannot be expected to be given free choice from among all of the programs on the State eligible training provider list, as required by Section 134, nor to receive Individual Training Account funds to underwrite their participation in training. We can assure that an effort is made to honor inmate requests for particular training programs, from among those with which IDOC has contracts. In addition, when inmates are transferred from one facility to another,

course credits transfer with them and they are generally afforded an opportunity to complete their training with a different school.

The ITA and customer choice provisions of WIA Title I are based on the notion that the customer is free to choose from among all qualified programs, and is in a position to fully manage his or her participation in training. Since this is clearly not the case for the IDOC client group, the State respectfully requests a waiver of the relevant provisions of Sections 122 and 134, for this project.

We are very concerned that we receive a decision on this waiver request as soon as possible, given the fact that the State needs to provide funding for this project for the second half of the current fiscal year.

Please contact Mr. Herbert Dennis of the Illinois Department of Employment Security at 217-785-6006 for any questions, which you may have about this waiver request.