



OCT - 8 2002

The Honorable James E. McGreevey  
Governor of New Jersey  
Trenton, New Jersey 08625

Dear Governor McGreevey:

It is with pleasure that I respond to the State of New Jersey'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.

We are pleased to be able to respond positively to your request. The following is the disposition of the state's waiver submission.

***Waiver: Subsequent Eligible Training Provider (ETP) Requirements; 18 month subsequent eligibility requirement (WIA Sec. 122(c)(5) and 20 CFR 663.530)***

The state's waiver submission (copy enclosed) requests a waiver of the WIA statute and regulations to extend the period of initial eligibility for training providers on the Eligible Training Provider List (ETPL) through June 30, 2003. The state reports that this extension is necessary to complete the development and testing of the state's performance measurement reporting system before publishing the information on the state's Consumer Report Card (CRC). The state indicates that the Workforce Investment System in New Jersey is fully committed to the value of the ETPL and accompanying CRC, as a means for assuring customer choice and quality training, and the state requires additional time to fully implement its comprehensive system.

The state's initial request, however, did not address the criteria for requesting a waiver set forth at WIA section 189(a)(4)(B) and 20 CFR 661.420(c). Our New York Regional Office contacted the state and asked that supplemental information addressing the minimum criteria be provided in order to appropriately consider the state's request. The state responded with the supplemental information on September 6, 2002, in an addendum to the state's June 28, 2002 letter.



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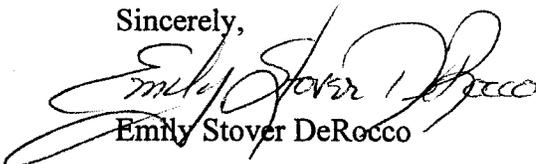
The supplemental information indicates that the state has developed a coordinated student reporting system for training providers that incorporates the student tracking needs of proprietary, adult education, vocational schools, community and four-year colleges and distance learning providers. Further, this system incorporates the adult education and literacy program reporting needs as specified in the Perkins National Reporting System (NRS). Also, the state indicates that the collection of these data will eliminate the requirement for the New Jersey Department of Education to have a separate NRS reporting system. The state reports that its new program also incorporates information collected by the Commission on Higher Education thereby eliminating duplicate reporting for some colleges and universities. According to the state it is just beginning to produce information about all completers (not just WIA completers) and that as soon as the validity and reliability of the information have been confirmed, the data will be used to report program performance on the ETPL/CRC and to establish vendor "subsequent eligibility" to remain on the list.

The state's request includes a viable plan, including a time line, for achieving compliance with the section 122 requirements on subsequent eligibility of training providers. The waiver is written in the format identified in WIA section 189(i)(4)(B) and 20 CFR 661.420(c). Upon review, the state's request, including the supplemental information provided, appears to meet the standard for waiver of requirements relating to key reform principles, as specified at 20 CFR 661.410(c).

Accordingly, the State of New Jersey 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, 2003, as requested. 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 the state's approved five-year strategic plan. A copy of this 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 investment outcomes and the improvement of the lives of many of the residents of New Jersey. We are prepared to entertain other state and local-level waiver requests that the state may wish to submit, consistent with the provisions of the Act and regulations.

Sincerely,



Emily Stover DeRocco

Enclosure



**State of New Jersey**

DEPARTMENT OF LABOR  
PO BOX 110  
TRENTON, NEW JERSEY 08625-0110

JAMES E. MCGREEVEY  
*Governor*

ALBERT G. KROLL  
*Commissioner*

June 28, 2002

Ms. Marilyn K. Shea  
Regional Administrator  
U.S. Department of Labor  
Employment and Training Administration  
201 Varick Street  
New York, New York 10014

Dear Ms. Shea:

The State of New Jersey is submitting a request for a waiver under Workforce Investment Act (WIA) Regulation 20 CFR §663.530 to extend the period of initial eligibility for training providers on our Eligible Training Provider List to June 30, 2003. This extension is necessary to complete the development and testing of our performance measurement reporting system prior to publishing the information on our consumer report card.

I have attached the justification as required by WIA for the waiver request.

Your favorable consideration of this request will greatly enhance our ability to implement the subsequent eligibility of training providers for New Jersey's workforce investment system.

Sincerely,

  
COMMISSIONER

Attachment



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## **New Jersey Request for Waiver**

New Jersey is submitting a request for waiver of the WIA Law and Regulations to extend the period of initial eligibility for training providers on our Eligible Training Provider List (ETPL) to June 30, 2003. This extension is necessary to complete the development and testing of our performance measurement reporting system before publishing the information on our Consumer Report Card (CRC). As the Workforce Investment System in New Jersey is fully committed to the value of the ETPL and accompanying CRC as a means for assuring customer choice and quality training, we require additional time to fully implement our comprehensive system.

1. **Identify the statutory or regulatory requirement for which a waiver is requested and the goals that the State or local area, as appropriate, intends to achieve as a result of the waiver and how those goals relate to the Strategic Plan goals:**

New Jersey requests that WIA Section 122 (c) (5) and WIA Regulations 663.530 be waived until June 30, 2003 for training providers on the Eligible Training Provider List.

New Jersey has developed a coordinated student reporting system for training providers that incorporates the student tracking needs of proprietary, adult education, vocational schools, community and four-year colleges and distance learning providers. The system incorporates the adult education and literacy program reporting needs as specified in the Perkins National Reporting System (NRS). Collection of these data will eliminate the requirement for the New Jersey Department of Education to have a separate NRS reporting system. Our new program also incorporates information collected by the Commission on Higher Education thereby eliminating duplicate reporting for some colleges and universities.

We are just beginning to produce information about all completers (not just WIA completers) and as soon as the validity and reliability of the information have been confirmed, the data will be used to report program performance on the ETPL/CRC and to establish vendor "subsequent eligibility" to remain on the list. This state, in good conscience, cannot make decisions about programs until the student data are proven accurate and are matched to Unemployment Insurance wage records. Our goal is to provide valuable information on training programs and to make fair decisions about training provider performance. We cannot do that with untested data.

2. **Describe the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers:**

There are no State or local statutory or regulatory barriers.

3. **Describe the goals of the waiver and the expected programmatic outcomes if the request is granted:**

We expect that the Eligible Training Provider List will contain reliable and complete information with which to determine subsequent eligibility of training providers after June 30, 2003. The Eligible Training Provider List is accessible by the training provider community through the Internet at [www.njtrainingproviders.org](http://www.njtrainingproviders.org). The list is maintained by the Center for Occupational Employment Information.

The Heldrich Center at Rutgers, the State University is presently conducting an evaluation of the available student record information to determine whether it is reliable and sufficient for program performance measurement. Several issues must be resolved before the data can be used to measure subsequent eligibility for vendors and programs. We expect to have the preliminary analysis completed by late fall.

Once preliminary performance measurement information is prepared, we intend to have it reviewed by staff at the State Employment and Training Commission, the New Jersey Department of Labor, the New Jersey Department of Education and the New Jersey Commission on Higher Education, as well as by the individual training vendors. After this thorough review, we will present the information on the Consumer Report Card Internet site for public viewing and we will make determinations about subsequent eligibility. If the data are not proven to be reliable and valid for performance measurement activities, steps will be taken to modify the reporting requirements and/or to implement better quality controls.

4. **Describe the individuals affected by the waiver:**

The waiver will affect all State and local administrative staff of the workforce investment system, Workforce Investment Boards, individuals who use the services of the One-Stop Career Centers and all of the training providers that are on or desire to be on the Eligible Training Provider List. By having complete, valid and reliable information on the training providers, individuals will be able to make better informed decisions regarding their choice of training providers. Training providers will be able to evaluate the quality of their programs versus other providers and State and local One-Stop Career Center staff will have better data for analysis and review for performance.

**5. Describe the processes used to:**

- i. Monitor the progress in implementing the waiver: The process of acquiring valid student data will be monitored by the State Employment and Training Commission (SETC), the Center for Occupational Employment Information, and the New Jersey Department of Labor, Division of Employment and Training utilizing the Department of Labor's and SETC's existing monitoring procedures.
- ii. Provide notice to any Local Board affected by the waiver: Notice about the requested waiver will be provided by the State Employment and Training Commission and the New Jersey Department of Labor through their regular communications with the local Workforce Investment Boards. This includes monthly WIB Director Meetings and the distribution of periodic Bulletins and directives.
- iii. Provide any local Board affected by the waiver an opportunity to comment on the request: The local Workforce Investment Boards will have an opportunity to comment concerning the waiver requests at the monthly scheduled meetings hosted by the State Employment and Training Commission.
- iv. Ensure meaningful public comment, including comment by business and organized labor, on the waiver: Business and labor are represented on the State Employment and Training Commission and the local Workforce Investment Boards. Information about the waiver request will be disseminated through these Boards to the necessary groups.
- v. Timeline: It is our intention to have the data analysis completed by December 31, 2002, and to implement subsequent eligibility requirements by June 30, 2003. These will include a methodology for implementing a vendor continuous improvement program.

**State of New Jersey**

DEPARTMENT OF LABOR  
PO BOX 110  
TRENTON, NEW JERSEY 08625-0110

June 28, 2002

JAMES H. MCGREEVEY  
Governor

ALBERT G. KROLL  
Commissioner

Marilyn K. Shea, Regional Administrator  
U.S. Department of Labor  
Employment and Training Administration  
201 Varick Street  
New York, New York 10014

Dear Ms. Shea:

The State of New Jersey is submitting a request for waiver of the WIA regulation; 20 CFR §663.530 to extend the period of initial eligibility for training providers on our Eligible Training Provider List to June 30, 2003. This extension is necessary to complete the development and testing of our performance measurement reporting system prior to publishing the information on our consumer report card.

We have done considerable work to include all partners of the One-Stop Career System in the development and implementation of the training vendor approval system. Our Strategic Five-Year Unified State Plan for New Jersey's Workforce Investment System requires that all federal and State funds for training be spent exclusively with training vendors who are on the list. We have taken the requirement that performance be measured for all students seriously and have put in place a training vendor reporting system that incorporates all students of proprietary schools, adult education, vocational schools, and community and four-year colleges.

The data collection system is working, but data entry is still in the process of being completed. At present, we have developed and implemented a comprehensive student record Internet-based system to capture enrollment and exit information from all adult and occupational training programs approved for inclusion on our Eligible Training Provider List.

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The Heldrich Center at Rutgers, the State University is conducting an evaluation of the available student record information to determine whether it is reliable and sufficient for program performance measurement. Several issues must be resolved before the data can be used to measure subsequent eligibility for vendors and programs.

Once preliminary performance measurement information is prepared, we intend to have it reviewed by staff at the State Employment and Training Commission, the Department of Labor, the Department of Education and the Commission on Higher Education, and by the individual training vendors. After this thorough review, if the data are deemed valid, we will publish it on our Consumer Report Card Internet site for public viewing. At that time, we will begin to set standards for subsequent eligibility on the Eligible Training Provider List and work with those vendors with performance below set target levels.

We are also in the process of developing an online customer feedback system for the Consumer Report Card through which students and others will be able to comment on the effectiveness of training. We have already established a process through which local Workforce Investment Boards can comment on schools and programs in their area. These will be important measures of customer satisfaction.

Your favorable consideration of this request will greatly enhance our ability to implement the subsequent eligibility of training providers for New Jersey's workforce investment system.

Sincerely,



COMMISSIONER