

OCT 13 2009

The Honorable Dave Freudenthal
Governor of Wyoming
State Capitol
Cheyenne, Wyoming 82002

Dear Governor Freudenthal:

As part of Wyoming's modification to the State Plan for Title I of the Workforce Investment Act (WIA) and the Wagner-Peyser Act, the State submitted waiver plans to request that the State's waivers of statutory and regulatory requirements under WIA be approved for the remainder of Program Year (PY) 2009 (copy enclosed). These requests are written in the format identified in WIA section 189(i)(4)(B) and 20 CFR 661.420(c) and appear to meet the standard for approval at 20 CFR 661.420(e). The following is the disposition of the State's submission. This action is taken under 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.

In the letter dated June 29, 2009, ETA granted Wyoming a temporary extension of Wyoming's waiver to increase the funds transfer limit at WIA section 133(b)(4). The previous approval of the extension is hereby terminated and replaced by decisions set forth in this letter. 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.

Requested Waivers

Requested Waiver: 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 is requesting 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 this waiver through June 30, 2010. Under the waiver, transfer authority will be 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.

Requested Waiver: 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 is requesting 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 this waiver through June 30, 2010. 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.

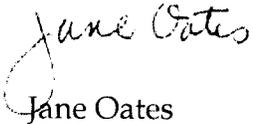
Requested Waiver: Waiver to permit the State to replace the performance measures at WIA Section 136(b) with the common measures.

The State is requesting 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 this waiver through June 30, 2010. This waiver permits the State to 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 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. 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.

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 of these waivers on the State's performance in the WIA annual performance report, due on October 1 of each year.

We look forward to continuing our partnership with you and achieving better workforce outcomes. If you have any questions related to the issues discussed above, please contact Joseph Juarez, the Regional Administrator for Region IV, at 972-850-4600 or Juarez.Joseph@dol.gov.

Sincerely,

A handwritten signature in cursive script that reads "Jane Oates". The signature is written in black ink and is positioned above the printed name.

Jane Oates
Assistant Secretary

Enclosure

cc: Felecia Blair, Federal Project Officer for Wyoming, ETA Dallas Regional Office
Joseph Juarez, Regional Administrator, ETA Dallas Regional Office

ATTACHMENT E

STATE OF WYOMING WAIVER REQUEST WORKFORCE INVESTMENT ACT

Transfer of WIA funds between Adult and Dislocated Worker Programs

The Wyoming Department of Workforce Services (DWS), the state entity responsible for administering the Workforce Investment Act (WIA) is requesting to eliminate the 20% limitation on transferring WIA funds between the Adult and Dislocated Worker programs. Approval of this waiver will allow the ability for DWS to transfer appropriate amounts of funds between the Adult and Dislocated Worker programs as needs for these programs change within the state of Wyoming.

This waiver request follows the format identified in WIA Section 189(i)(4)(B), (29USCA section 2939(i)(4)(B) and WIA Regulations at 20 CFR section 661.420 (C).

1. Statutory Regulations to be Waived: WIA section 133(b)(4) (29 USCA section (i)(4)(B) and WIA Regulations 20 CFR section 667.140, provide that the approval of the Governor and State Workforce Investment Board may transfer up to 20 percent of a program year allocation from adult employment and training activities and up to 20 percent of a program year allocation of dislocated worker employment and training activities between the two programs.

Wyoming implemented WIA in 2000 and uses a state developed regional allocation process to distribute adult and dislocated worker funds to the areas of the state that have a need for these funds. The allocation process/formula takes into account the size of the workforce, number of unemployed individuals and the number of businesses in each of the six regions as compared to the state as a whole.

The DWS has established a goal of: "Become an agency that has aligned existing services in an innovative manner to impact Wyoming businesses". The key strategies to achieve this goal are:

- Develop a service delivery model that integrated all divisions, facilities, outreach offices, communications training and cross-education.
- Create a communication system and brand identity that unifies the agency internally and externally.
- Adopt an agency-wide customer service philosophy, culture and training program.
- Reinvent our programs and program policies to serve the agency mission and vision, and Wyoming. Increase emphasis on business services and economic development.

2. State or Local Statutory Regulatory Barriers: There are no state or local statutory or regulatory barriers to implementing this waiver. Upon notification of the approval of this waiver, the Department will amend necessary policies to comply with the terms of the waiver.

3. Goals to be Accomplished by the Waiver:

- Increase the Department and Board's ability to respond to changes within the state and regions;
- Increase business collaboration between industry need and worker training;
- Increase accountability at the state, regional and local levels; and
- Provide greater flexibility to the Department and Board in designing and delivering WIA programs and services.

4. Individuals Impacted by the Waiver: Approval of this waiver will impact Wyoming's businesses, job seekers, and Workforce Center staff. The following are additional impacts of approval of this waiver:

- Wyoming businesses will benefit due to the Department's ability to design appropriate programs based on regional and state needs; and
- Increased utilization by both adults and dislocated workers as appropriate, resulting in more job seekers being served.

5. Process used to Monitor Progress and Implementing the Waiver:

DWS has a pro-active fiscal and program monitoring system that tracks program costs and measures the results of job seekers using the Wyoming Workforce System. DWS is in the process of developing measures and tracking system that will measure the results of businesses using the Wyoming Workforce System. The Department continually reviews and analyzes performance reports and compares performance against established performance goals. DWS will monitor progress on this waiver by reviewing monthly expenditure, enrollment and performance reports generated by our automated management information system.

STATE OF WYOMING
NEW WAIVER REQUEST
WORKFORCE INVESTMENT ACT

Subsequent Eligibility Determination of Eligible Training Providers

The Wyoming Department of Workforce Services (DWS), the state entity responsible for administering the Workforce Investment Act (WIA) is requesting to postpone the implementation of the subsequent eligibility process for Eligible Training Providers as described in the Workforce Investment Act, Section 122(c)(5) and WIA Regulations 663.530 until June 30, 2010.

1. Statutory Regulations to be Waived: This waiver is to be incorporated into the existing plan regarding the Workforce Investment Act's (WIA) time limit on the period of initial eligibility of training providers (20 CFR 663.530), through June 30, 2010, the end of the existing plan.

2. Stat or Local Statutory Regulatory Barriers: There are no state or local statutory barriers to implementing the requested waiver.

3. Goals to be Accomplished by the Waiver: Wyoming requests this waiver to better determine the most effective and efficient method of collecting the training provider's performance data as well as alleviate our provider's concerns with the types and amount of information being requested.

4. Individuals impacted by the Waiver: Many of Wyoming's training providers have expressed strong concerns with the implementation of the subsequent eligibility requirements. The concerns include the following:

- Confidentially
- Excessive administrative burden and costs associated with tracking all students
- Cost and time involved in developing a reporting system which will gather information relating to wages and/or placement of those individuals participating in their programs.

This waiver will also allow Wyoming the opportunity to complete the design of our Eligible Training Provider website. This website will be available to all participants, training providers and service providers and will allow them to view training information, eligibility status and on-line application submission.

Wyoming feels that this waiver will help retain the providers currently providing training services to our participants while encouraging the increase of new providers.

5. Processes Used to Provide Notice to any Local Board Affected by the Waiver: Opportunities for comment regarding the request of this waiver were provided to the state's Workforce Development Council.

STATE OF WYOMING
WAIVER REQUEST
WORKFORCE INVESTMENT ACT

Performance Measures Required Under Title I of the Workforce Investment Act

The Wyoming Department of Workforce Services (DWS), the state entity responsible for administering the Workforce Investment Act (WIA) is requesting to replace the current indicators of performance for employment and training activities with the common performance measures set forth by the U.S. Department of Labor in Training and Employment Guidance Letter (TEGL) 17-05.

1. Statutory and Regulatory Requirements To Be Waived: The State of Wyoming is seeking a waiver of the 17 (15 core and two customer satisfaction) indicators of performance for employment and training activities authorized under Section 136(b) of the Workforce Investment Act, and 20 CFR 660.100, and desires to replace them with the common performance measures set forth by the U.S. Department of Labor, Employment and Training Administration (ETA) in Training and Employment Guidance Letter (TEGL) 17-05. Wyoming's vision is to report the three Adult Common Measures for WIA Adult and WIA Dislocated Worker Programs and the three Youth Common Measures for the WIA Youth program, to ETA for a total of nine measures. Wyoming is continuing to integrate and coordinate program services and looks to the reporting of only Common Measures as a tool to further this effort. This waiver request will enable Wyoming's workforce development system to implement the new common performance measures while reducing redundancy and confusion, as well as the added burden of reporting the 15 core and two customer satisfaction measures.

Citations: WIA §136(b), §189(i)(4), §129, §134, §168; 20 CFR WIA Final Rules §652.3, §660.100, §661.400, §661.410, §661.420, §661.100

Background

For a number of years Wyoming has worked to coordinate services and performance reporting between programs and agencies, for the benefit of its customers and state government. The state welcomes this opportunity to further simplify and streamline its performance accountability system, in accordance with provisions of the Workforce Investment Act. Wyoming has found that adding the new common measures to the 15 core WIA measures makes it difficult for staff to keep track of performance goals and requirements. This in turn makes it more difficult to focus on serving customers according to their needs.

2. State or Local Statutory or Regulatory Barriers: No state or local barriers exist that would prohibit Wyoming from choosing the Common Measures over the 17 existing WIA measures. Most of the integration and collaboration barriers encountered by the State of Wyoming, over time, have been federally imposed, making it difficult at times for coordination to occur between state agencies and programs. However, the state has been able to work around many of these existing barriers through the agreement process. Also, Wyoming has aggressively implemented the One-Stop system, and a common management information system, for WIA and the Labor

Exchange (LE), to bring services to its customers. Other actions include cross training of LE and WIA staff, implementation of a common LE and WIA case management system, and the further development of services to serve the needs of WIA and Wagner-Peyser business partners and service providers. We believe that this waiver will allow Wyoming to continue to streamline services and enhance the benefits to all of our customers.

3. Goals to be Accomplished by the Waiver: There are numerous benefits to be gained from the waiver:

- A simplified and streamlined performance measurement system, which is not only more cost effective, but is more transparent to our business partners and our service providers.
- A more demand-driven system, governed by a business-led Workforce Investment Board (WIB). The existing 17 measures are difficult for staff to manage and for WIB members to understand and successfully monitor.
- Integrated system-wide common performance accountability. This will also allow for more complete integration with the Trade Act programs, which has already adopted common measures. To continue Wyoming's successful integration of services in the One-Stops, we need to be working toward common goals.
- Reduced paperwork and labor costs associated with performance data collection. This also makes it easier for the state to design, implement, and track other measures that it deems useful as management tools.
- Provision of clear and understandable information to Congressional and legislative leaders and the general public concerning the use of public funds and return on investment.
- A more useful program management tool.
- Customer-driven outcomes instead of program-driven outcomes.
- Better service coordination and information sharing among programs.
- An opportunity for the State to better implement ETA's Youth Vision which includes a youth program focused on out-of-school populations with increased accountability for employment and/or increased secondary and post-secondary education outcomes.

4. Individuals Impacted by the Waiver: Approval of this waiver will positively impact all customers of the workforce investment system by allowing streamlined service delivery while improving program management and performance. It is expected that Wyoming will be able to concentrate more on the provision of customer services to adults, dislocated workers, youth, and business and training providers.

5. Processes Used to:

Monitor the Progress in Implementing the Waiver

The Wyoming Department of Workforce Services (DWS) is the administrative entity for WIA and Wagner-Peyser programs in the state. The state is served by a single workforce investment board, the Wyoming Workforce Development Council.

Wyoming will monitor the implementation and impact of the waiver, as well as progress toward expected outcomes, through its Employment Services Division and the Workforce Development Council. State oversight and evaluation will make effective use of reporting, state and local monitoring, and other means to identify and address obstacles. The State will review applicable policies and procedures and modify them accordingly. Also, the State will report to ETA on its experience with the waiver through the quarterly reporting process and its annual ETA 9090 report at the end of the program year.

Provide Notice to any Local Board Affected by the Waiver

The State is providing opportunities for comment and input on the waiver request, including:

- Dissemination of the waiver request to the Wyoming Workforce Development Council chair and members (which includes representatives of organized labor and business).
- Posting of the waiver request on the DWS website with opportunity for public comment during a two-week period.