



JUN 21 2011

The Honorable Bobby Jindal
Governor of Louisiana
State Capitol Building
Baton Rouge, Louisiana 70804-9004

Dear Governor Jindal:

This letter provides approval of an extension of Louisiana's current Workforce Investment Act (WIA) and Wagner-Peyser Act (W-P) State Plan for Program Year (PY) 2011. This letter also responds to Louisiana's requests for extended waivers. Training and Employment Guidance Letter (TEGL) No. 17-10, issued on December 30, 2010, provides guidance for states to secure approval of their WIA/W-P State Plans and waivers for PY 2011.

Extension of State Plan

Louisiana's existing State Plan will expire on June 30, 2011. This letter constitutes a written determination under WIA Section 112 (29 USC 2822) that the Employment and Training Administration (ETA) is extending the approval of Louisiana's State Plan for WIA Title I and the Wagner-Peyser Act for PY 2011, July 1, 2011 through June 30, 2012. The State has already received its formula allotment for the WIA Youth program for PY 2011. The State is eligible to receive WIA formula allotments for Adult and Dislocated Worker programs and W-P initial base program allotments under the PY 2011 annual funding agreement for WIA and the PY 2011/Fiscal Year 2012 annual funding agreement for W-P.

Performance Levels

Louisiana requested to extend its existing PY 2010 WIA and W-P performance goals for PY 2011. ETA has incorporated these performance goals, identified as PY 2011 performance goals, into the Regional and National Office copies of the State Plan. Please include these PY 2011 goals in the State's official copy of the State Plan.

Waivers

As part of the State's extension of the WIA/W-P State Plan, and as described in TEGL No. 17-10, the State requested extensions of Louisiana's PY 2010 waivers of statutory and regulatory requirements under WIA for PY 2011. The disposition of the State's waiver extensions is outlined below. This action is taken under the Secretary's authority at WIA Section 189(i) to waive certain requirements of WIA Title I, Subtitles B and E, and Sections 8-10 of the Wagner-Peyser Act.

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 was previously granted 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 an extension of this waiver through June 30, 2012. Under the waiver, transfer authority is 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.

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

The State was previously granted 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 an extension of this waiver through June 30, 2012.

This waiver permits the State to negotiate and 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 negotiate and 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. Workforce Investment Act Standardized Record Data system (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.

Waiver of WIA Section 123 that requires that providers of Youth program elements be selected on a competitive basis.

The State was previously granted a waiver of the requirement for competitive procurement of service providers for two of the ten youth program elements: supportive services and follow-up services. The State is granted an extension of this waiver through June 30, 2012. Under this waiver, the State is permitted to allow its One-Stop Career Centers or partner agencies to directly provide youth program elements. In utilizing this waiver, the State and local areas must still meet Office of Management and Budget requirements (codified in 29 CFR 95.40-95.48 and 97.36) and all state and local procurement laws and policies.

Waiver of the required 50 percent employer contribution for customized training at WIA Section 101(8)(C).

The State was previously granted a waiver of the required 50 percent employer

contribution for customized training to permit the use of a sliding scale for the employer contribution based on the size of the business. The State is granted an extension of this waiver through June 30, 2012. Under the waiver, the following sliding scale is permitted: 1) no less than 10 percent match for employers with 50 or fewer employees, and 2) no less than 25 percent match for employers with 51-250 employees. For employers with more than 250 employees, the current statutory requirements (50 percent contribution) continue to apply. When determining the funding source for customized training, the State must use the appropriate program funds for the appropriate WIA-eligible population. The State and local area may provide customized training to individuals over age 18 with WIA Adult funds and must provide priority to low-income individuals when funds are limited; the State and local area may provide customized training to dislocated workers with WIA Dislocated Worker funds. Customized training provided with statewide funds must serve WIA eligible individuals.

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 was previously granted 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 an extension of this waiver through June 30, 2012. 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.

Waiver of WIA Section 101(31)(B) to increase the employer reimbursement for on-the-job training.

The State was previously granted a waiver to permit an increase in employer reimbursement for on-the-job training through a sliding scale based on the size of the business. The State is granted an extension of this waiver through June 30, 2012. Under the waiver, the following reimbursement amounts will be permitted: 1) up to 90 percent for employers with 50 or fewer employees, and 2) up to 75 percent for employers with 51-250 employees. For employers with more than 250 employees, the current statutory requirements (50 percent reimbursement) will continue to apply. When determining the funding source for on-the-job training, the State must use the appropriate program funds for the appropriate WIA-eligible population. The State and local area may provide on-the-job training to individuals over age 18 with WIA Adult funds and must provide priority to low-income individuals when funds are limited; the State and local area may provide on-the-job training to dislocated workers with WIA Dislocated Worker funds. On-the-job training provided with statewide funds must serve WIA eligible individuals.

Waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts for older and out-of-school youth.

The State was previously granted a waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts (ITAs) for older youth and out-of-school youth

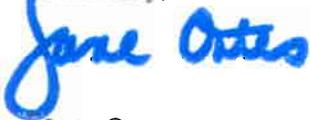
program participants. The State is granted an extension of this waiver through June 30, 2012. Under this waiver, the State can use ITAs for older youth and out-of-school youth program participants. The State must continue to make the 10 youth program elements available as described at WIA Section 129(c)(2). The State should ensure that funds used for ITAs are tracked and that the ITAs are reflected in the individual service strategies for these youth.

Waiver of WIA section 181(e) to permit the use of WIA funds of up to \$5,000 to capitalize a small business in concert with entrepreneurial or small business training.

In a letter dated August 19, 2010, ETA granted Louisiana approval to apply this waiver to its National Emergency Grant (NEG) for the Gulf oil spill (EM-20647-10-60-A-22) through a grant modification. This waiver permits the use of NEG funds of up to \$5,000 to capitalize a small business in concert with entrepreneurial or small business training for the individual benefiting from the capitalization, within certain parameters. The approval for this waiver and the conditions set upon its use as detailed in the August 19, 2011 letter, remain in effect through the period of performance for the NEG, June 30, 2012.

We look forward to working together as you implement your State Plan for PY 2011. If you have any questions related to the issues discussed above, please contact Rebecca Sarmiento, the Federal Project Officer for Louisiana, at (972) 850-4621 or Sarmiento.Rebecca@dol.gov.

Sincerely,



Jane Oates
Assistant Secretary

Enclosure

cc: Joseph C. Juarez, Regional Administrator, ETA Dallas Regional Office
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Bobby Jindal, Governor
Curt Eysink, Executive Director

Office of Workforce Development

Louisiana Waivers in Place or Planned UPDATED MAY 11, 2011

Louisiana has submitted the following waiver requests. The rationale, justification and implementation of each waiver request are included in the related section of the plan. The WIC has approved these waivers. They are included in the state plan public hearing. LWC firmly believes that the approval of these waivers will enhance the state's ability to move in USDOL's national strategic direction.

1. Waiver of the funds transfer limitation at WA section 133(b)(4) to permit states to approve local area requests to transfer up to 50% of local area formula allocation funds between the WIA Adult and Dislocated Worker programs. (granted)
2. Waiver of the required 50% employer match for customized training at WIA section 101(8)(C) to permit a match based on a sliding scale as follows: (a) no less than 10% match for employers with 50 or fewer employees, and (b) no less than 25% match for employers with 51-250 employees. For employers with more than 250 employees, the current statutory requirements (50%) continue to apply.
3. Waiver of WA section 101(31) (B) to permit LWIAs to reimburse the employer for on-the-job training on a graduated scale based on the size of the business. The following reimbursement amounts will be permitted: (a) up to 90% for employers with 50 or fewer employees, and (b) up to 75% for employers with more than 50 but fewer than 250 employees. For employees with 250 or more employees, the current statutory requirements will continue to apply. (modified with specific scale)
4. Waiver to permit implementation of, and reporting only for, the common measures in place of the current WIA measures. The common measures have become the basis of the workforce system's performance accountability. Louisiana Workforce Commission requests a waiver of the current performance measures referenced in WIA Section 136(b) in order to implement the common performance measures.
5. Waiver of the prohibition on the use of Individual Training Accounts for youth. This waiver provides increased flexibility in the provision of training services to youth, and may be particularly useful to states in light of the Recovery Act provision that raises the eligible youth age range to 24. Louisiana Workforce Commission requests a waiver of the prohibition of the use of Individual Training Accounts (ITAs) for older and out of school youth. (WIA 123, WIA 134(d)(4), 20CFR 661.305(a)(3), 20 CFR 664.510)
6. Waiver of the time limit on the period of initial eligibility for training providers. This waiver has addressed barriers for meeting eligible training provider requirements, thereby increasing the number of community colleges and other entities that are available to deliver training to WIA Adult and Dislocated Worker participants. LWC requests a waiver regarding the requirement that training providers meets subsequent eligibility based on performance data and allow the state to use initially eligibility determination at(WIA 122(c)(5), 20 CFR Section 663.530)
7. An exemption from the competitive procurement requirement for the follow-up and supportive service elements and inclusion of these elements in the design framework of youth services. (WIA 123, 20CFR 664.405(a) (4), 20 CFR 661.305(3).