



APR 3 - 2012

The Honorable Earl Ray Tomblin
1900 Kanawha Street
Charleston, West Virginia 25305

Dear Governor Tomblin:

We are pleased to be able to respond to your request for waivers of statutory and regulatory requirements under the Workforce Investment Act (WIA). These requests are written in the format identified in WIA Section 189(i)(4)(B) and 20 CFR 661.420(c), and meet the standard for approval at 20 CFR 661.420(e). The following is the disposition of the State's submission (copy enclosed). 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.

Requested Waivers

Waiver of WIA Section 134(a)(2)(B)(ii) and 20 CFR 665.200(d) to exempt the state from the requirement to conduct evaluations.

The State is requesting a waiver of the requirement to conduct evaluations of workforce investment activities for adults, dislocated workers, and youth in order to establish and promote continuous improvement of the statewide workforce investment system. The State is granted this waiver effective July 1, 2011 through June 30, 2012. This waiver only applies to Program Year (PY) 2011 WIA funds.

Waiver of WIA Section 134(a)(2)(B)(iii) and 20 CFR 665.200(e) to exempt a state from the requirement to provide local workforce investment area incentive grants.

The State is requesting a waiver of the requirement to provide local workforce investment areas incentive grants to reward regional cooperation, local coordination of activities, and exemplary performance. The State is granted this waiver effective July 1, 2011 through June 30, 2012. This waiver only applies to PY 2011 WIA funds.

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 it 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

described by TEGL No. 09-10, the State should address the impact its waivers have had 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 Matthew Heaney, the Federal Project Officer for West Virginia, at (215) 861-5206 or Heaney.Matthew@dol.gov.

Sincerely,

A handwritten signature in black ink that reads "Jane Oates". The signature is written in a cursive style with a large, looping initial "J".

Jane Oates
Assistant Secretary

Enclosure

February 13, 2012

Ms. Lenita Jacobs-Simmons
Regional Administrator
U.S Department of Labor
Employment and Training Administration
The Curtis Center, Suite 825 East
170 S. Independence Mall West
Philadelphia, Pennsylvania 19106-3315

RE: Workforce Investment Act Waiver Request for Required Statewide Activities

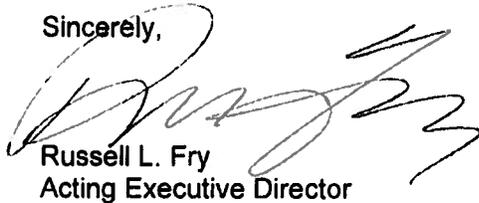
Dear Ms. Jacobs-Simmons:

Please see the attached West Virginia Workforce Investment Act Waiver Request for Required Statewide Activities for final submission to WIA.Plan@dol.gov in accordance with the Training and Employment Guidance Letter (TEGL) 9-11, Attachment III.

This waiver request has been reviewed and was submitted to our WorkForce West Virginia website for public comment on December 28, 2011 and pulled from the website on February 1, 2012 with no comments posted for review or consideration.

If you should require anything further in this matter, please let us know.

Sincerely,



Russell L. Fry
Acting Executive Director

Attachment:

cc: Valerie Comer, Deputy Executive Director, Federal Programs
Martha Craig-Hinchman, Assistant Director, Employment Services Division
Linda Avila, DOL, Regional Office

1. WIA Section 134(a)(2)(B)(ii) and 20 CFR 665.200(d) requiring the conducting of evaluations of workforce investment activities for adults, dislocated workers, and youth; and

With limited funding available in the past WorkForce WV has not previously focused Governor's Discretionary State Set-Aside funding on comprehensive formal evaluations of workforce investment activities. WorkForce WV continues to monitor and provide technical assistance to improve performance outcome measures as reflected by the USDOL Annual Report Analysis: State of West Virginia PY2010 noting that WV exceeded 7 measures, met 2 measures, and failed 0 measures. Therefore, this waiver from the requirement to conduct special formal evaluations should not impact the on-going goals for meeting and exceeding performance results.

2. WIA Section 134(a)(2)(B)(iii) and 20 CFR 665.200(e) requiring provision of incentive grants to local areas.

WorkForce WV has not provided incentive grants in previous years for special performance by the local WIBs. Therefore, this waiver from the requirement to provide incentive grants to local areas, (WIA Section 134(a)(2)(B)(iii) and 20 CFR 665.200(e)) will not reflect any changes to the goals and outcomes of services to customers or local areas.

D. Description of Individuals Impacted by Waivers

This waiver will provide WorkForce West Virginia with more flexibility in directing Governor's Discretionary State Set-Aside fund to those activities that best preserve basic functions of the statewide workforce investment system.

1. WIA Section 134(a)(2)(B)(ii) and 20 CFR 665.200(d) requiring the conduct of evaluation of workforce investment activities for adults, dislocated workers, and youth; and

The actual services provided to the customers and local workforce investment board areas will not be impacted by this waiver request from performing formal evaluations of the workforce system because WorkForce WV utilizes several different processes and tools for evaluating the workforce system. There is on-going analysis of services provided and accessed by customers as tracked through the Mid-Atlantic Career Consortium (MACC) system. We also use the following to determine the effectiveness of the workforce system which includes an analysis of annual data validation results used to identify needed system improvements, conduct informal and formal customer satisfaction surveys for improving the quality of customer service activities, and form work groups or focus groups highlighting the needs of adults, youth, and dislocated workers.

2. WIA Section 134(a)(2)(B)(iii) and 20 CFR 665.200(e) requiring provision of incentive grants to local areas.

The actual services to the customers will not be impacted by this waiver because WIA formula funds will continue to be allocated as a standard policy for providing services to adults, youth, and dislocated workers.

West Virginia has a proven record of its commitment to the customer and their outcomes which is indicated in our last WIA Annual Report to USDOL with employment retention rates and average earnings above the negotiated levels.

Due to the changing economy and increase in customer needs, WorkForce WV will continue to use additional flexibility to determine customized solutions to meet the needs of our customers.

E. Process for monitoring progress in implementation

WorkForce West Virginia will monitor implementation progress and ensure accountability for Federal funds in connection with these waivers by monitoring monthly expenditures, performance outcomes, regular contact with the Regional USDOL Office, monthly and quarterly reports to USDOL and through the State's monitoring and performance accountability system.

F. Provide notice to any Local Board affected by the waiver:

Notice will be provided to the local WIBs at their next WIB Director's Meeting in December 2011.

G. Ensure meaningful public comment, including comment by business and organized labor:

West Virginia will post the announcement of this waiver request on the WorkForce WV website to invite comment from the public, including comments from business representatives and organized labor representatives for 30 days.

Public comments may be sent to [feedback](#).