U.S. Department of Labor

Assistant Secretary for
Employment and Training
Washington, D.C. 20210

JUN 27 2011

The Honorable T.A. Togiola Tulafono
Governor of American Samoa
State Capitol Building
Executive Office Building
Pago Pago, American Samoa 96799

Dear Governor Tulafono:

This letter provides approval of an extension of American Samoa's current Workforce Investment Act (WIA) Plan for Program Year (PY) 2011. This letter also provides approval of an extension for American Samoa's waiver. Training and Employment Guidance Letter (TEGL) No. 17-10, issued on December 30, 2010, provides guidance for states and territories to secure approval of their WIA Plans and waivers for PY 2011.

Extension of Plan

American Samoa's existing 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 American Samoa's Plan for WIA Title I for PY 2011, July 1, 2011 through June 30, 2012. American Samoa has already received its formula allotment for the WIA Youth program for PY 2011. American Samoa is eligible to receive WIA formula allotments for Adult and Dislocated Worker programs under the PY 2011 annual funding agreement for WIA.

Performance Levels

American Samoa requested to extend its existing PY 2010 WIA 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 Plan. Please include these PY 2011 goals in American Samoa's official copy of the Plan.

As part of the extension of the WIA Plan, and as described in TEGL No. 17-10, American Samoa requested an extension of its PY 2010 waiver of statutory and regulatory requirements under WIA for PY 2011. The disposition of the American Samoa's waiver 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.

Extension of Waivers

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

American Samoa 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. American Samoa 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, American Samoa must use the appropriate program funds for the appropriate WIA-eligible population. American Samoa 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, and may provide customized training to dislocated workers with WIA Dislocated Worker funds. Customized training provided with these funds must serve WIA eligible individuals.

The approved waiver is incorporated by reference into American Samoa's WIA Grant Agreement, as provided for under paragraph 3 of the executed Agreement, and this constitutes a modification of the Plan. A copy of this letter should be filed with the WIA Grant Agreement and the approved Plan. In addition, as described in TEGL No. 09-10, page 3, American Samoa should address the impact this waiver has had on its performance in the WIA annual performance report, due on October 1 of each year.

We look forward to working together as you implement your Plan for PY 2011. If you have any questions related to the issues discussed above, please contact John Jacobs, the Federal Project Officer for American Samoa, at 415-625-7940 or Jacobs.John@dol.gov.

Sincerely,

Jane Oates
Assistant Secretary

Enclosure

cc: Richard Trigg, Regional Administrator, ETA San Francisco Regional Office
John Jacobs, Federal Project Officer for American Samoa

TOGIOLA T.A. TULAFONO
Governor

FAOA A. SUNIA
Lieutenant Governor

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Serial: 256

April 6, 2011

Kimberly Vitelli
Division of Workforce Systems Support
Employment and Training Administration
U.S. Department of Labor
200 Constitution Ave., Room S-4231
Washington, DC 20210
ATTN: Kimberly Vitelli

Re: American Samoa State Plan Extension Request

Dear Ms. Vitelli:

On December 30, 2010, the USDOL Employment and Training Administration (ETA) issued a Training and Employment Guidance Letter, TEGL 17-10 "Instructions for submitting Workforce Act and Wagner-Peyser Act State Plans and Waiver requests for Program Year 2011."

American Samoa's Territorial Strategic Plan for Title I of the Workforce Investment Act (WIA) will expire on June 30, 2011. In accordance with TEGL 17-10, the Territory of American Samoa is requesting the U.S. Department of Labor to extend the life of the existing Territorial State Plan into PY 2011 (July 1, 2011 – June 30, 2012).

The Wagner-Peyser Act Program is not applicable to American Samoa at this time. Therefore the waiver is not applicable to the Territory. For the time being, the Territory will use the PY 2010 performance goals for PY 2011.

American Samoa greatly appreciates the flexibility awarded through the use of waivers to address local needs specific to our unique community. We are formally seeking a waiver extension to apply CFR Part 661.420(c), which permits up to 90% reimbursement for On-the-Job Training. Reimbursement would be provided on a sliding scale based on employer use: Up to 90% for employers with 50 or fewer employees; up to 75% for employees with 51 to 250 employees, for employers with 251 or more employees reimbursement would remain at the 50% statutory level. The sliding scale will allow the territory to encourage and expand the hiring of unemployed adults and dislocated workers who lack some of the skills needed to meet an employer's needs. It will provide them with opportunities to add new skill sets and learn new technologies while they return to the workplace and earn wages to support themselves and their families.

In closing, American Samoa's workforce development system is committed to improving the employability of our citizens in the Territory. We continue to remain dedicated to building and expanding relationships with employers in support of economic development in the Territory.

Inquiries regarding the Territorial Strategic Plan extension may be directed to Ms. Makerita Enesi, Chief of Employment & Training Division, Department of Human Resources at (684) 633-4485 and at menesi@americansamoa.gov.

Sincerely,

TOGIOLA T.A. TULAFONO
Governor of American Samoa

cc: Richard Trigg, Regional Administrator, Region 6
John Jacobs, Federal Project Officer, Region 6
Evelyn V. Langford, Director-DHR, American Samoa Government
Apisa Pete Galeai, Chairman, American Samoa Workforce Development Board