

NOV 9 - 2009

The Honorable Felix P. Camacho
Governor of Guam
Post Office Box 2950
Hagatna, Guam 96932

Dear Governor Camacho:

As part of Guam's modification to the State Plan for Title I of the Workforce Investment Act (WIA) and the Wagner-Peyser Act, the Jurisdiction submitted waiver plans to request that its waivers of statutory and regulatory requirements under WIA be extended 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.

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.

Guam 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 Jurisdiction is granted this waiver through June 30, 2010. 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. 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 Jurisdiction 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 required 50 percent employer contribution for customized training at WIA Section 101(8)(C).

Guam is requesting 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 Jurisdiction is granted this waiver through June 30, 2010. 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 Jurisdiction must use the appropriate program funds for the appropriate WIA-eligible population. The Jurisdiction may provide customized training to low-income adults with WIA Adult funds, and may provide customized training to dislocated workers with WIA Dislocated Worker funds. Customized training provided with statewide funds must serve WIA eligible individuals.

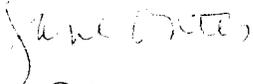
Requested Waiver: Waiver of WIA Section 123 that requires that providers of Youth program elements be selected on a competitive basis.

Guam is requesting a waiver of the requirement for competitive procurement of service providers for all ten youth program elements. The Jurisdiction is granted this waiver through June 30, 2010. Under this waiver, the Jurisdiction is permitted to allow its One-Stop Career Centers or partner agencies to directly provide all youth program elements. In utilizing this waiver for these elements, the Jurisdiction 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.

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 Jurisdiction's WIA Grant Agreement and the approved State Plan. In addition, as required by TEGF No. 14-00, Change 3, the Jurisdiction should address the impact these waivers have had on its 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 Richard Trigg, the Regional Administrator for Region VI, at (415) 625-7900 or Trigg.Richard@dol.gov.

Sincerely,

A handwritten signature in cursive script that reads "Jane Oates".

Jane Oates
Assistant Secretary

Enclosure

cc: John Jacobs, Federal Project Officer for Guam, ETA San Francisco Regional Office



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

28 JUL 2009

The Honorable Hilda Solis
Secretary of Labor
U.S. Department of Labor
Employment and Training Administration
200 Constitution Avenue
N.W. Room S2307
Washington, D.C. 20210

Dear Ms. Solis:

This letter is to respectfully request for your approval of the following waivers under Section 189(i)(4)(B) of the Workforce Investment Act (WIA), Public Law 105-220.

- Change the required fifty (50) percent employer match for customized training at Workforce Investment Act (WIA) 101(8) (C) to a match based on a sliding scale, ranging from ten (10) to fifty (50) percent for the employer match.
- Request to extend waiver for 100% transferability between adult and dislocated worker programs at WIA section 133(b) (4) and Title 20 of the Code of Federal Regulations Section 667.140
- The Guam Workforce Investment Board and Guam Department of Labor/Agency for Human Resources Development requests a waiver of the requirements of Section 117(d)(2)(B), 117(h)(4)(B)(i), and section 123 that requires eligible providers of youth services be selected by awarding grants or contracts on a competitive basis. These activities include the "ten program elements" listed under WIA section 129(c).

In the last two years, the Workforce Investment system has improved its integrations efforts. As we continue to transform our system, we have identified the flexibilities needed in such a unique environment.

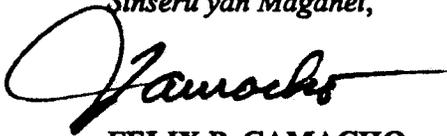
Secretary of Labor
RE: Guam's Waiver Plan – PY2009
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The waivers submitted will assist us in our transformation process by allowing flexibility to work with employers, training and education providers and participants to ensure talent development and life long learning are afforded to our people. As Guam faces military growth, it is incumbent upon the workforce system to be innovative and flexible to ensure that Guam is well equipped with a skilled and competitive workforce.

Your approval will allow the flexibility to serve a unique jurisdiction more effectively and collaboratively. Enclosed are the documents that explain our need for the waivers and the positive outcomes we expect.

The Guam Workforce Investment Board worked very closely with all stakeholders in the Workforce System and elected officials on how best to address some unique situations within our workforce system. The workforce at large has been an integral part of this and it is our hope that you will consider approval of these waivers.

Sins eru yan Magåhet,



FELIX P. CAMACHO
I Maga' låhen Guåhan
Governor of Guam

cc: John Jacobs, USDOLETA Region VI
Peter E. Gill, Chairman of the Board, GWIB
Maria S. Connelley, Director, Department of Labor
David Dell'Isola, Director, Agency for Human Resources Development

**GUAM WORKFORCE INVESTMENT BOARD
WORKFORCE INVESTMENT ACT**

**GUAM WORKFORCE INVESTMENT BOARD
WORKFORCE INVESTMENT ACT
Waiver Request**

PROGRAM YEAR (PY) 2009

On April 4, 2006, the Guam Workforce investment Board requested a waiver to extend the existing waiver for 100% transferability between adult and dislocated worker programs at WIA Section 133(b)(4) and Title 20 of the Code of Federal Regulations Section 667.140. In May of 2006, Guam was informed that the waiver request had been approved by USDOL ETA National office.

The waiver to date has provided Guam with the flexibility to transfer, allocate and expend Adult and Dislocated Worker funds. Such flexibility has enabled the GWIB and GDOL/AHRD to better serve the needs of customers and will heighten the ability to respond to the changes in the labor market, particularly the growing employer demand for Employed Worker Training, which can be funded with WIA Adult Funds only.

The increased flexibility will allow greater responsiveness to deal with impending growth and military expansion on Guam.

**GUAM WORKFORCE INVESTMENT BOARD
WORKFORCE INVESTMENT ACT**

**WAIVER REQUEST
PY 2009 AND SUBSEQUENT YEARS**

Customized Training Match

The Guam Workforce Investment Board (State Board) submits this request for a general waiver to change the required 50 percent employer match for customized training at Workforce Investment Act (WIA) 101(8)(C) to a match based on a sliding scale, ranging from 10 to 50 percent for the employer match. Specifically, the Governor shall establish the required portion of the costs, which shall not be less than 10 percent of the costs for employers with 50 or fewer employees, 25 percent of the costs for employers with greater than 50 through 100 employees, and 50 percent of the costs for employers with more than 100 employees. This waiver will apply to WIA program year 2009 and subsequent years.

In keeping with the guidelines set forth at WIA 189(i)(4)(b) and 20 CFR 661.420(c), please accept the following as a request for a waiver.

A. Statutory or Regulatory Requirements to be Waived

The island of Guam is requesting a waiver of the requirement of the 50 percent employer match for customized training, as identified at WIA 101(8)(C).

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

The proposed sliding scale will provide the GWIB with greater flexibility for responding to changes in the labor market and will help ensure that the WIA funds allocated are being utilized in a way that will maximize customer service and other demand-driven needs of the business community.

By removing the requirement of a 50 percent employer match towards the cost of training to businesses with 100 or less employees, the GWIB will be able to more effectively market WIA-funded customized training to the private sector in support of building relations with employers in demand/growth industries.

The proposed sliding scale for the employer match will create the necessary flexibility for employers to provide the required match at a level more reasonably suited to their size and the cost benefit ratio of contributing to a match to receive skilled employees. Allowing businesses to apply the sliding scale to determine the match amount will increase participation in the WIA customized training programs. Employers will benefit by having a labor pool with the marketable skills they require.

C. State Regulatory Barriers

There is no State statutory or regulatory barrier to implementing the proposed waiver.

D. Description of Individuals Impacted by the Waiver

Individuals affected by this waiver are employers with 100 or fewer employees, who will benefit from the waiver due to the reduced match requirement and the ability to train a small number of individuals to their unique specifications. Adults, older youth, and dislocated workers who receive customized training and subsequent employment also will benefit.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

This request was developed as a method to resolve concerns expressed by the business community. As the administrative entity for WIA Title I activities in Guam, the Guam Department of Labor/Agency for Human Resources Development will monitor WIA customized training activities. The department's oversight and technical assistance policies and procedures will be modified to accommodate the changes necessitated by these waivers. Furthermore, feedback on the successes and challenges created by these waivers will be collected from the normal lines of communication, such as public discussions at the Board meeting, and posting through the website at www.guamdol.net

**GUAM WORKFORCE INVESTMENT BOARD
WORKFORCE INVESTMENT ACT
Waiver Request**

PROGRAM YEAR (PY) 2009

IDENTIFICATION OF ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES

Background

Subsequent to the passage of the Workforce Investment Act of 1998 (WIA), the Governor of Guam designated the Guam Department of Labor/Agency for Human Resources Development to carry out the provisions of WIA. In its continuous efforts to transform the workforce investment system, the Guam Department of Labor/Agency for Human Resources Development's One-Stop Career Center has increased integration and collaboration efforts by fostering cooperation among multiple funding streams and partners in the area of workforce development.

Programs and services that are now offered at the One-Stop Career Center (OSCC) consist of all DOL employment and training programs, including Registered Apprenticeships, certain employment and training programs, Wagner-Peyser Employment Services, Vocational Rehabilitation, and older worker programs. In addition, close collaboration among non-co-located service providers includes the Guam Community College adult education and literacy programs, community-based organizations, mental health and juvenile drug court, Dept. of Youth Affairs, the University of Guam and others. Within this system, the One-Stop Career Center provides case management services for youth and adults that include intake, assessment, career, occupational, and financial counseling; coordination of education and training services; support services; and follow-up services.

By contrast, in order to provide programs and services to youth, it is mandated by law that a competitive model be established. There are three notable problems associated with the existing competitive model:

- 1) Over the years there has been progressively less competition and an increasingly limited pool of willing subrecipients;

- 2) Subrecipients provide some of the required ten elements well but not all; and,

- 3) The cost to provide services in this manner is administratively burdensome and expensive.

This has resulted in a delivery system that serves a very low number of youth and one that relies on a network of service providers who are not equipped to deliver all ten youth program elements in a comprehensive and efficient manner.

To address this situation, Guam proposes to continue utilizing the One-Stop Career Center as the primary entry points for WIA youth services along with satellite offices to be determined. Access will ultimately be provided through information technology as well. This we believe will lead to a more efficient, customer friendly and cost-effective system. It is the intent that the One-Stop Career Center will enable us to continue to develop partnerships, through formal Memoranda of Understanding with local and community-based agencies who have expertise in delivering youth services such as tutoring, referral to alternative secondary school offerings, leadership development opportunities, supportive services, adult mentoring, follow-up services and comprehensive guidance and counseling. With respect to summer employment opportunities tied to year round programming and paid and unpaid work experience, we plan to competitively procure those program elements.

The One Stop Career Center will continue to be staffed with the Employment Program Administrator (EPA) whose responsibility is to oversee all youth services. The EPA in coordination with the Guam Department of Labor/Agency for Human Resources Development leadership, planners and GWIB youth council will be responsible for determining which program elements cannot be delivered through partnership arrangements and need to be competitively procured. This approach will enable the Guam Department of Labor/Agency for Human Resources Development and the Guam Workforce Investment Board to better manage performance. Additionally, this approach will enable vendors to apply for the delivery of program elements that are within their realm of expertise.

A. Statutory or Regulatory Requirements to be Waived:

The Guam Workforce Investment Board and Guam Department of Labor/Agency for Human Resources Development requests a waiver of the requirements of Sections 117(d)(2)(B), 117(h)(4)(B)(i), and Section 123 that requires eligible providers of youth activities be selected by awarding grants or contracts on a competitive basis. These activities include the "ten program elements" listed under WIA section 129(c).

It is the intent of this waiver request that when these services can be provided by existing staff and/or through existing or prospective partner arrangements, then the option should exist to use these services. If services cannot be provided by existing program staff or partner agencies, there would be a competitive procurement in compliance with Section 123 of the regulations so that all ten program elements would always be available to eligible youth.

B. Goals and Expected Programmatic Outcomes if Waiver is Granted

The immediate and long-term impact of granting this waiver request is:

- The Guam Department of Labor/Agency for Human Resources Development and the Guam Workforce Investment Board will be better positioned to manage performance;
- To create points of collaboration for all youth service providers (public and non-public) affording seamless services to youth;
- To allow the Guam Department of Labor/Agency for Human Resources Development and GWIB to maintain an effective, cohesive, and integrated network of service providers centered on the One-Stop System as required.
- The establishment of an easy-to-navigate, coherent case management system for youth that requires minimal movement among service providers;
- To create partnerships to serve youth through partnered Memoranda of Agreements
- To increase access to youth services under WIA by better utilizing the One-Stop Career Centers and creating appropriate satellite centers and website;
- To create the opportunity for the Guam Department of Labor/Agency for Human Resources Development and GWIB to use current program staff and partner agreements to provide required services and to seek competitive procurement of outside services when needed. This is critical and necessary given the current state of resources and limited number of providers, and results in the maximum investment of available resources to directly serve youth; and
- To allow the One-Stop Career Center to build on the existing model of collaborative partnerships.

C. State Statutory Barriers:

There are no existing state or local statutory or regulatory barriers to prevent the implementation of this waiver request.

D. Description of the Individuals Impacted by the Waiver:

The waiver will positively impact the Guam Workforce Investment System.

E. Description of the Process to Monitor Waiver Progress:

The Guam Department of Labor/Agency for Human Resources Development Retention and Monitoring Unit (RMU), Planning and Case management are responsible for monitoring the waiver progress.

F. Opportunity to Comment on the Waiver Request:

This waiver request will be posted on the Guam Department of Labor/Agency for Human Resources Development website at <http://www.guamdol.net>.