U.S. Department of Labor

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

The Honorable Paul R. LePage
Governor of Maine
1 State House Station
Augusta, Maine 04333-0054

Dear Governor LePage:

The U. S. Department of Labor, Employment and Training Administration (ETA) acknowledges receipt of Maine's request to extend the State Plan for Title I of the Workforce Investment Act (WIA) and the Wagner-Peyser Act (W-P) and waivers on December 18, 2012. Maine requested an extension of its existing State Plan and waivers to allow it adequate time to prepare a new five-year plan.

Extension of State Plan

Maine's existing WIA/W-P State Plan and W-P Agricultural Outreach Plan will expire on December 31, 2012. This letter constitutes a written determination under WIA Section 112 (29 USC 2822) that ETA is temporarily extending the approval of Maine's State Plan for WIA Title I and the W-P Act, and the W-P Agricultural Outreach Plan, through June 30, 2013, the remainder of Program Year (PY) 2012. Maine must submit a full State Plan to ETA for PYs 2013-2016 no later than April 15, 2013, in accordance with guidance provided in Training and Employment Guidance Letter (TEGL) No 21-11.

The State is eligible to receive WIA formula allotments for Adult, Dislocated Worker, and Youth programs, and W-P program allotments, effective July 1, 2012, through June 30, 2013.

Performance Levels

Each year, the Regional Administrator negotiates the annual WIA and W-P performance goals with each state. As required by TEGL No. 21-11, negotiations must be completed by December 31, 2012, for PY 2012. Performance negotiations between the Regional Office and Maine are finalized, and the State's final performance goals for PY 2012 will be incorporated into the Regional and National Office copies of the State Plan. Please include these final PY 2012 goals in the State's official copy of the extended WIA-WP State Plan.

Waivers

As part of the State's request to extend its WIA/W-P State Plan, Maine requested a temporary extension of its previously approved waivers of statutory and regulatory requirements under WIA for PY 2012. In a letter dated June 28, 2012 (copy enclosed), ETA provided the disposition of the State's waivers. This letter extends approvals for those waivers under the same terms and conditions through June 30, 2013. 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 W-P Act.

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 described in TEGL No. 29-11, the State should address the impact these waivers have had on the State's performance in the WIA annual performance report, due on October 1 of each year.

ETA's Boston Regional Office will contact Maine to provide technical assistance as it develops its State Plan. If you have any questions related to the issues discussed above, please contact Ms. Carmen Rodriguez, the Federal Project Officer for Maine, at (617) 788-0110 or Rodriguez.Carmen@dol.gov.

Sincerely,

Jane Oates

Jane Oates
Assistant Secretary

Enclosure

cc: Holly O'Brien, Regional Administrator, ETA Boston Regional Office
Carmen Rodriguez, Federal Project Officer for Maine

STATE OF MAINE
DEPARTMENT OF LABOR
54 STATE HOUSE STATION, 45 COMMERCE DRIVE
AUGUSTA, MAINE 04333-0054

Paul R. LePage
GOVERNOR

Jeanne Paquette
COMMISSIONER

December 18, 2012

Division of WIA Adult Services and Workforce System
Employment and Training Administration
U.S. Department of Labor
200 Constitution Ave., NW, Room S-4209
Washington, DC 20210
Attention: Heather Fleck

Dear Ms. Fleck:

The State of Maine is requesting that the U.S. Department of Labor, Employment and Training Administration (ETA) extend the life of the current Maine WIA/W-P State Plan and waivers. ETA Region 1 and Maine DOL have negotiated the PY 2012 performance measures for WIA and W-P programs. We will operate under the negotiated PY 2012 measures and include them with our new plan.

Specifically, Maine is requesting the extension of the current State Plan until April 30, 2013, which will allow sufficient time to develop the new plan that we intend to submit. In reference to WIA Waivers, Maine is requesting an extension of the following waivers:

- Use of the Eligible Training Provider (ETP) Initial Eligibility period
- Use of local funds for Incumbent Worker Training
- Common Measures, and
- Customized Training-50 % Employer Contribution.

Maine will inform the public and interested parties of its intent to extend the WIA/W-P State Plan and Waivers by posting this letter and accompanying attachments on the State Workforce Investment Board website located at www.maine.gov/swib.

If you have any questions regarding this request, please contact Peter Pare, Bureau Director, Bureau of Employment Services (207) 623-7981 or at peter.j.pare@maine.gov .

Sincerely,

Paul R. LePage

Paul R. LePage
Governor

U.S. Department of Labor

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

JUN 28 2012

The Honorable Paul R. LePage
Governor of Maine
1 State House Station
Augusta, Maine 04333-0054

Dear Governor LePage:

This letter provides approval of the modification of Maine's State Plan for Title I of the Workforce Investment Act (WIA) and Wagner-Peyser Act (W-P) State Plan for the period of July 1, 2012 through December 31, 2012. The Employment and Training Administration (ETA) received the State's proposed modification on May 21, 2012. This letter also responds to Maine's request for new and extended waivers. Training and Employment Guidance Letter (TEGL) No. 21-11, issued on March 27, 2012, provides guidance for states to secure approval of their WIA/W-P State Plans and waivers for PY 2012. In accordance with TEGL No. 21-11, the State must submit a full five-year WIA/W-P State Plan and annual W-P Agricultural Outreach Plan by September 15, 2012.

Plan Review and Approval

ETA has reviewed Maine's State Plan modification in accordance with Title I of WIA, the Wagner-Peyser Act, the corresponding regulations, the WIA/W-P Planning Guidance (73 Fed. Reg. 72853, December 1, 2008. Pursuant to 20 CFR 661.230(e), this letter constitutes a written determination under WIA Section 112 (29 USC 2822) that ETA is approving the modification to Maine's State Plan for the period July 1, 2012 through December 31, 2012. The State already received its formula allotment for the WIA Youth program for PY 2012. The State is eligible to receive WIA formula allotments for the Adult and Dislocated Worker programs under the PY 2012 Annual Funding Agreement. The W-P Annual Funding Agreement on PY 2012/Fiscal Year 2013 will provide the W-P Act initial base allocation of PY 2012 funds.

Performance Levels

Maine requested to temporarily extend its existing PY 2011 WIA and W-P performance goals for a portion of PY 2012. ETA has incorporated these performance goals, identified as PY 2012 performance goals, into the Regional and National Office copies of the State Plan. Please include these PY 2012 goals in the State's official copy of the State Plan. As required by TEGL 21-11, the state must renegotiate its new PY 2012 goals upon submission of its full State Plan.

Waivers

As part of the State's modification of the WIA/W-P Act State Plan, and as described in TEGL No. 21-11, the State requested temporary extensions of Maine's PY 2011 waivers of statutory and regulatory requirements under WIA for PY 2012. The State also submitted a request for three new waivers (copies enclosed). The State's request for new waivers is written in the format identified in WIA Section 189(i)(4)(B) and 20 CFR 661.420(c). The disposition of the State's waiver extensions as well as its submission of new waiver requests 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 Extensions

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 December 31, 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 134(a) to permit local areas to use a portion of local funds for incumbent worker training.

The State was previously granted a waiver to permit local areas to conduct allowable statewide activities as defined under WIA Section 134(a)(3) with local WIA formula funding, specifically incumbent worker training. The State is granted an extension of this waiver through December 31, 2012. Under this waiver, the State is permitted to allow local areas to use up to 10 percent of local Dislocated Worker funds and up to 10 percent of local Adult funds for incumbent worker training only as part of a layoff aversion strategy. Use of Adult funds must be restricted to serving lower income adults under this waiver. ETA believes limiting incumbent worker training to the specified level and requiring it to be a part of layoff aversion is the best use of funds in the current economic climate where serving unemployed workers is a paramount responsibility of the workforce system. All training delivered under this waiver is restricted to skill attainment activities. Local areas must continue to conduct the required local employment and training activities at WIA Section 134(d), and the State is required to report performance outcomes for any individual served under this waiver in the Workforce Investment Act Standardized Record Data system (WIASRD), field 309. TEGL No. 26-09, Section 7A, "Workforce Investment Act (WIA) Waiver Policy and Waiver Decisions for PY 2009 and 2010" and TEGL No 30-09, "Layoff Aversion Definition and the Appropriate Use of Incumbent Worker Training for Layoff Aversion Using a Waiver" provide policy guidance related to implementation of this waiver.

New Waiver Requests

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

The State has requested 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 this waiver through December 31, 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 18 years of age or older 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 to permit the State to replace the performance measures at WIA Section 136(b) with the common measures.

The State has requested 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 December 31, 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.

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 described in TEGL No. 29-11, the State should address the impact that these 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 receiving your full State Plan for PY 2012 and working together as you implement your State workforce strategies. If you have any questions related to the issues discussed above, please contact Carmen Rodriguez, the Federal Project Officer for Maine, at (617) 788-0110 or Rodriguez.carmen@dol.gov.

Sincerely,

Jane Oates
Assistant Secretary

Enclosure

cc: Holly O'Brien, Regional Administrator, ETA Boston Regional Office
Carmen Rodriguez, Federal Project Officer for Maine

STATE OF MAINE
DEPARTMENT OF LABOR
54 STATE HOUSE STATION, 15 COMMERCE DRIVE
AUGUSTA, MAINE 04333-0054

Paul R. LePage
GOVERNOR

Robert J. Winglass
COMMISSIONER

April 12, 2012

Division of WIA Adult Services and Workforce System
Employment and Training Administration
U.S. Department of Labor
200 Constitution Ave., NW, Room S-4209
Washington, DC 20210
Attention: Heather Fleck

Dear Ms. Fleck,

In accordance with TEGL 21-11, dated March 27, 2012, the State of Maine is requesting that the U.S. Department of Labor extend the life of the current Maine WIA/Wagner-Peyser Act State Plan into program year 2012. We are also requesting that the current 2011 negotiated performance measures and the approved waiver concerning the "Implementation of Subsequent Eligibility of Training Providers" be extended as well.

Specifically, Maine is requesting the extension of the current State Plan until 12/31/12, which will allow sufficient time to develop the new plan that we intend to submit by the 9/15/12 deadline. The extension will allow for more education and greater participation by the new State Workforce Investment Board membership, and workforce system partners in the crafting of the new Plan. In addition, the extension will be utilized to provide a thirty (30) day public comment period so as to give all interested parties an opportunity to have input concerning the new Plan.

Regarding the WIA/Wagner-Peyser Performance Goals, Maine is requesting that the negotiated 2011 Performance Goals be extended for PY 2012. Attached is the 2010-2011 Negotiated Performance Goals table.

In reference to WIA Waivers, Maine is requesting an extension of the waiver currently in place, "To Waive Implementation of Subsequent Eligibility of Training Providers". Attached is the rational for the request to extend the existing waiver.

Maine will inform the public and interested parties of its intent to extend the WIA/W-P State Plan, WIA Negotiated Performance Goals and current WIA Waivers by posting this letter and accompanying attachments on the Maine Jobs Council/State Workforce Investment Board website located at http://www.maine.gov/labor/mjc/index.shtml

PHONE (207) 623-7900 TTY 1-800-794-1110 FAX (207) 287-5293
E-MAIL robert.winglass@maine.gov
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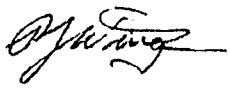
If you have any questions regarding this request, please contact Peter Pare, Bureau Directo·, Bureau of Employment Services or Steve Duval, Division Director, Policy & Evaluation at (207) 623-7981 or at peter.j.pare@maine.gov or stephen.r.duval@maine.gov

Sincerely,



Robert J. Winglass
Commissioner

STATE OF MAINE
DEPARTMENT OF LABOR
BUREAU OF EMPLOYMENT
SERVICES
55 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0055

PAUL R. LEPAGE
GOVERNOR

ROBERT J. WINGLASS
COMMISSIONER

May 3, 2012

Division of WIA Adult Services and Workforce System
Employment and Training Administration
U.S. Department of Labor
200 Constitution Ave., NW, Room S-4209
Washington, DC 20210
ATTN: Heather Fleck

Dear Ms Fleck:

The Maine Department of Labor's Bureau of Employment Services (BES) in coordination with the Statewide Workforce Investment Board and the four local area Workforce Investment Boards (Aroostook/Washington Counties Workforce Investment Board, Tri-County Workforce Investment Board, Central/Western Workforce Investment Board, and Coastal Countries Workforce Investment Board) submits this request for a waiver to change the required 50% employer contribution for customized training under WIA 101 (8)(c) & (31)(B) to a contribution on a sliding scale, ranging from 10 to 50 percent , based on the guidance in TEGL 13-06 (Increased Use of Flexibility Provisions in WIA) Through this approach, the employer match would range from a minimum of 10% to a maximum of 50%. based on the size of the business:

Customized Training optimizes the resources available under workforce development initiatives to meet the needs of employers and job seekers. It is the purpose of this waiver is to enable many small businesses to benefit from the WIA services and to enable the employees of these small businesses the opportunity to update their skills to match industry demand.

Sincerely,

Merle Davis, WIA Program Manager

Cc: Peter Pare', BES Bureau Director
Stephen Duval, BES Division Director
Michael Bourret, Coastal Counties Workforce Investment Board Director
Joanna Russell, Tri- County Workforce Investment Board Director
Jeffrey Sneddon, Central/Western Workforce Investment Board Director
Ryan Pelletier, Northern Maine Workforce Investment Board

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STATE OF MAINE
DEPARTMENT OF LABOR
BUREAU OF EMPLOYMENT SERVICES
55 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0055

PAUL R. LEPAGE
GOVERNOR

ROBERT J. WINGLASS
COMMISSIONER

State of Maine Waiver Request
Customized Training:
50% of the Cost of Training Employer Match Utilizing WIA Program Funds

The Maine Department of Labor's (MDOL)Bureau of Employment Services (BES) in coordination with the Statewide Workforce Investment Board and the four local area Workforce Investment Boards (Aroostook/Washington Counties Workforce Investment Board, Tri-County Workforce Investment Board, Central/Western Workforce Investment Board, and Coastal Countries Workforce Investment Board) submits this request for a waiver to change the required 50% employer contribution for customized training under WIA 101 (8)(c) & (31)(B) to a contribution on a sliding scale, ranging from 10 to 50 percent , based on the guidance in TEGL 13-06 (Increased Use of Flexibility Provisions in WIA) Through this approach, the employer match would range from a minimum of 10% to a maximum of 50%. based on the size of the business:

Date: May 3, 2012

State: Maine

Agency: Maine Department of Labor/Bureau of Employment Services

Statutory and/or regulatory requirements to be waived

The MDOL BES in coordination with the Statewide Workforce Investment Board and the four local area Workforce Investment Boards submits this request for a waiver of WIA, Section 189(i)(4)(b) (General waivers of statutory or regulatory requirements) and WIA Section 101(8), 20 CFR Section 633.715 , and 20 Section 633.720 (Definition of customized training and requires employers to pay not less than 50% of the cost of training).

Actions undertaken to remove state or local barriers

There are no state or local statutory or regulatory barriers to implementing the proposed waiver.

Goals and expected programmatic outcomes of waiver

The mission/vision of Maine's workforce development system is that economic success will be enhanced through world-class workforce development, contributing to a high quality of life and

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prosperous business communities. Employers will have a competitively skilled workforce and workers will have quality employment and opportunities for career advancement.

Customized Training optimizes the resources available under workforce development initiatives to meet the needs of employers and job seekers. However, the current 50% employer match requirement limits the ability to offer the maximize benefits of customized training to many local employers. These added benefits would include:

- Increase the percentage of employers using customized training as a means to hire and retain skilled workers.
- Increase the percentage of workers trained and hired through customized training.
- Increase the flexibility at the local level to service business and industry through a demand-driven approach to their specific needs.
- Equip workers with the relevant job training skills that lead to a more productive and there for profitable business.
- Improve the ability of the LWIBs to respond to industry changing needs more expediently and impactful.
- LWIB will increase their participation rates for skilled job seekers. that received training and found employment

Local employers too often conclude that 50% match requirement creates costs that outweigh the benefits of participating in the WIA customized training programs. Allowing employers to apply the sliding scale to determine the match amount will increase employer participation in WIA customized training programs at a local level. The proposed sliding scale for the employer match will create the necessary flexibility for employers to provide the required match at a rate that more appropriately represents a particular business' cost benefit ratio of contributing to a match amount to receive skilled employees. The sliding scale will answer employers' primary reason for not participating in the training programs because of their Return on Investment (ROI) concerns especially for those small employers of less than 50 employers with limited resources but a great need for skilled workers.

In the State of Maine, as indicated in the chart below, 91% of the employers employ less than 20 workers. Of these 91%, 34% of the entire Maine workforce is employed in these extremely small businesses. These small businesses have in the past been unable to benefit from the WIA customized training programs because of their limited resources and the requirement that they match at least 50% of the wages while the employee is participating in training.

Private Employers, Employment by Size of Company

Quarterly Census of Employment & Wages, 2011

	Number of Employees					Comment
	1-19	20-49	50-99	100-249	>250	
Percent of Employers	91%	6%	2%	1%	0.3%	*Companies employing less than 20 workers represent 91% of the private employers in Maine, and 34% of private employment. Companies employing > 250 workers represent less than a percent of the employers, but 20% of employed.*
Percent of Employment	34%	19%	13%	14%	20%	

The proposed employer match sliding scale will range from 10% to 50% based on the following employer size:

- Match up to 90% for employers with 50 or fewer employee; and
- Match up to 75% for employers with 51-200 employees; and
- Match up to 50% for employers with 200 or more employees.

Individuals impacted by the waiver

Customized Training optimizes the resources available under workforce development initiatives to meet the needs of employers and job seekers.
It is the purpose of this waiver is to enable many small businesses to benefit from the WIA services and to enable the employees of these small businesses the opportunity to update their skills to match industry demand.

Process for monitoring progress in implementation

The MDOL/BES will monitor the WIA customized programs. Technical assistance during the implementation phase of the waiver will cover areas as procurement, contracting and program design. Each LWIB and the MDOL/BES will monitor performance reports and compare actual performance with contract benchmarks, MDOL/BES will continue to make adjustments to monitoring performance requirements to ensure that performance goals and objectives are met for all WIA programs.

Notice to affected local boards

This request was developed at the request of the Statewide Workforce Investment Board and all four local workforce boards. A draft copy of the customized training waiver requests was electronically submitted to LWIB requesting comments and/or questions on their understanding of the waiver and their input on how they plan to implement the waiver if approved. Their comments and input were included in the completed waiver request. Endorsement of this waiver request has been received from all four LWIBs.

Public Comment

The completed waiver was posted to the home page of the Maine Department of Labor' Bureau of Employment Services (BES) for public comment prior to the formal submission to USDOL-ETA. http://www.maine.gov/labor/ and on the individual websites of each LWIBs.

STATE OF MAINE
DEPARTMENT OF LABOR
54 STATE HOUSE STATION, 45 COMMERCE DRIVE
AUGUSTA, MAINE 04333-0054

Paul R. LePage
GOVERNOR

Robert J. Winglass
COMMISSIONER

May 21, 2012

Division of Adult Services and Workforce System
Employment and Training Administration
United States Department of Labor
200 Constitution Avenue, NW Room S-4209
Washington, DC 20210
ATTN: Heather Fleck

Dear Ms. Fleck,

The Maine Department of Labor, in coordination with Governor Paul R. LePage, is pleased to submit this request for a modification to the State WIA Strategic Plan.

The modification document includes a copy of the announcement of a public comment period and the comments that were received.

In summary, the changes, along with the **benefits** to our system, are:

- A statutory name change from "Maine Jobs Council" to "State Workforce Investment Board.(SWIB)" (There is no citation in the current state plan that refers directly to the name Maine Jobs Council, but the attached LD 1874 documents this.)
  This change clearly establishes and clarifies that the entity known as the Maine Jobs Council is, in fact, the State Workforce Investment Board. It will dissipate confusion and assert that Maine has a SWIB tied to WIA funding and programming along with other workforce development initiatives and programs. It also clarifies the relationship between the SWIB and the LWIBs and One-Stop Service Providers.
- A statutory change in the Maine Jobs Council's membership composition to conform more closely to federal WIA requirements (There is no citation in the current state plan that refers to the membership composition.) **This change will clearly assert that the SWIB conforms more directly to the Workforce Investment Act. More importantly, it is better designed than the current membership composition to maintain a majority of private sector businesses and employers. This has been a weakness under the Maine Jobs Council's current membership composition and has hampered efforts to address critical policy issues, particularly our system's overall responsiveness to the "demand side" of workforce development. The proposed change in membership composition establishes the Governor, rather than a designee, as the driving force behind Maine's workforce development programs and policies.**
- A statutory change in the Maine Jobs Council's standing committees (There is no citation in the current state plan that refers to the membership composition, but the attached LD 1874 refers to the standing committees.) **This change maintains and broadens the representation of constituencies that Maine has targeted for special consideration in workforce programs and policies. It adds "Older Workers" and "Veterans" to the constituencies who will have input into the SWIB's policy and programming recommendations, joining Youth, Women, People with Disabilities.**

PHONE: (207) 623-7900 TTY 1-800-794-1110 FAX: (207) 287-6292
E-MAIL: robert.winglass@maine.gov
The Maine Department of Labor provides equal opportunity in programs, services and employment.

Governor Paul LePage submitted LD 1874 "An Act To Rename The Maine Jobs Council As The State Workforce Investment Board, And Make Changes To Its Structure" as part of his plan to maximize the Return On Investment for state and federal job training funds for Maine citizens and employers. LD 1874 was sponsored by the four Legislative members of the State Workforce Investment Board; State Senators Thomas Martin and Garrett Mason, and State Representatives Peter Johnson and Amy Volk. The Bill was sent to the Labor Commerce Research and Economic Development Committee, where it had a Public Hearing and two public Work Sessions before being sent to the full House and Senate with a Unanimous Ought To Pass recommendation. The House and Senate passed LD1874 on 4/4/12 and the Governor signed it on 4/12/12. It will become public law 90 days after the adjournment of the 125th Legislative session.

We held a public comment period from April 9, 2012 through May 10, 2012. The notice was sent to the Maine Jobs Council's members, members of the standing committees, and interested parties. In addition, the public notice was posted on the Maine Jobs Council's website. The language of the public notice is included as an attachment to this letter. We received seven comments in response to the notice. Those comments are attached to this letter. One comment expresses support, one comment addresses the representation of women among the proposed voting membership, and the remaining five comments address the representation and participation of chief elected officials and local workforce investment boards.

Please feel free to contact me if you have any concerns.

Thank you for your consideration.

Sincerely,

Robert Winglass, Commissioner

ATTACHMENTS:
Program Administration Designees and Plan Signatures Page
Strategic Plan Modification July 1, 2012 – December 31, 2012
LD 1874, "An Act To Rename the Maine Jobs Council as the State Workforce Investment Board and Make Other Changes to Its Structure"
Notice of Public Comment Period (email sent to interested parties, Maine Jobs Council members, and Maine Jobs Council standing committees)
Public Comments (seven)

STATE OF MAINE
DEPARTMENT OF LABOR
BUREAU OF EMPLOYMENT
SERVICES
55 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0055

PAUL R. LEPAGE
GOVERNOR

ROBERT J. WINOLASKI
COMMISSIONER

May 22, 2012

Division of WIA Adult Services and Workforce System
Employment and Training Administration
U.S. Department of Labor
200 Constitution Ave., NW, Room S-4209
Washington, DC 20210
ATTN: Heather Fleck

Dear Ms Fleck:

The Maine Department of Labor's Bureau of Employment Services (MDOL/BES) in consultation with the Statewide Workforce Investment Board and the four local area Workforce Investment Boards (Aroostook/Washington Counties Workforce Investment Board, Tri-County Workforce Investment Board, Central/Western Workforce Investment Board, and Coastal Countries Workforce Investment Board) submits this request for a waiver of the legal requirements to utilize the 17 WIA performance measures. MDOL/BES seeks a waiver to be allowed to replace the existing 17 measures (15 core and 2 customer satisfaction) with the Common Measure delineated in TEGL 17-05 of nine measures of performance for employment and training activities.

MDOL/BES is confident that this waiver, to track only the common measures and the data collected for them, will provide the necessary information to effectively oversee WIA programs; simplify and streamline performance accountability and reporting; improve program management and performance; enhance Maine's ability to assess the effectiveness and impact of workforce s development efforts; and provide a more effective means of determining performance.

The Common Measures Waiver request has been submitted for public comments. MDOL/BES nor the four Workforce Investment Boards have received any comments from the public thus far but will continue to collect and forward to you any further comments that may be submitted.

Sincerely.

Merle Davis, WIA Program Manager

Cc: Peter Pare', BES Bureau Director
Stephen Duval, BES Division Director
Michael Bourret, Coastal Counties Workforce Investment Board Director
Joanna Russell, Tri- County Workforce Investment Board Director
Jeffrey Sneddon, Central/Western Workforce Investment Board Director
Ryan Pelletier, Northern Maine Workforce Investment Board

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BUREAU OF EMPLOYMENT SERVICES
55 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0055

PAUL R LEPAGE
GOVERNOR

ROBERT J. WINGLASS
COMMISSIONER

State of Maine Common Measures Waiver Request

The Maine Department of Labor's Bureau of Employment Services (MDOL/BES) in consultation with the Statewide Workforce Investment Board and the four local area Workforce Investment Boards (Aroostook/Washington Counties Workforce Investment Board, Tri-County Workforce Investment Board, Central/Western Workforce Investment Board, and Coastal Countries Workforce Investment Board) submits this request for a waiver of the legal requirements to utilize the 17 WIA performance measures. The waiver would allow the exclusive use of the Common Performance Measures for performance accountability and reporting for the WIA Adult, Youth and Dislocated Worker programs. Should the waiver be granted, this would allow workforce regions focus additional resources on increased training opportunities and regional workforce strategies. MDOL/BES seeks a waiver to be allowed to replace the existing 17 measures (15 core and 2 customer satisfaction) with the Common Measure delineated in TEGL 17-05 of nine measures of performance for employment and training activities.

This waiver request follows the format indentified in WIA section 189(i)(4) and 20 CFR 661.420 and meets the standard for waiver approval at WIA Final Requirements 20 CFR 61.420(e).

Date: May 17, 2012

State: Maine

Agency: Maine Department of Labor/Bureau of Employment Services

<u>Statutory and/or regulatory requirements to be waived</u>

The Maine Department of Labor's Bureau of Employment Services (MDOL/BES) in consultation with the Statewide Workforce Investment Board and the four local area Workforce Investment Boards submits this request for a waiver of WIA, Section 189(i)(4)(b) (General waivers of statutory or regulatory requirements) and WIA Section 136(b) which provides that state performance measures for WIA shall consist of 17 specific core indicators of performance and customer satisfaction.

MDOL/BES seeks a waiver to be allowed to replace the existing 17 measures (15 core and 2 customer satisfaction) with the Common Measure delineated in TEGL 17-05 to 9 measures of performance for employment and training activities.

The Maine Department of Labor provides equal opportunity in employment and programs.
Auxiliary aids and services are available to individuals with disabilities upon request.

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The 9 measures would be:

1. Adult Entered Employment
2. Adult Retention
3. Adult Average Earnings
4. Dislocated Entered Employment
5. Dislocated Retention
6. Dislocated Average Earnings
7. Youth Placement in Employment/Education
8. Youth Attain Degree/Credential
9. Youth Numeracy & Literacy

MDOL/BES is confident that this waiver, to track only the common measures and the data collected for them, will provide the necessary information to effectively oversee WIA programs; simplify and streamline performance accountability and reporting; improve program management and performance; enhance Maine's ability to assess the effectiveness and impact of workforce s development efforts; and provide a more effective means of determining performance.

Maine has the capability with the current One Stop Operating System to capture and report common measures. MDOL/BES will be implementing a new data management system by July 1, 2013. The implementation of the common measures waiver will greatly simplify and streamline the design of this new system by providing the developers as well as the end users an efficient method for service delivery. The common measure waiver implementation will achieve the overarching goal of a improving the integration of Maine's workforce development system with a streamlined data collection process capable of assessing our performance at the system-wide and individual client levels.

The approval of the common measures waiver will provide an opportunity to better achieve the performance measures for youth of increased accountability for employment and/or increased secondary and post–secondary education outcomes. At present, the workforce development system that serves youth has seven measures to achieve, which fragments these core youth goals. With three measures to achieve, the system can better emphasize the youth program's vision of the obtainment of meaningful employment and/or higher education.

MDOL/BES will oversee and evaluate effective approaches to identify and address obstacles, if any, and review applicable policies and procedures and modify them accordingly.

<u>Actions undertaken to remove state or local barriers</u>

There are no state or local statutory or regulatory barriers to implementing the proposed waiver

Goals and expected programmatic outcomes of waiver

MDOL/BES seeks a waiver to be allowed to replace the existing 17 measures (15 core and 2 customer satisfaction) with the Common Measure delineated in TEGL 17-05 of nine measures of performance for employment and training activities.

The mission/vision of Maine's workforce development system is that economic success will be enhanced through world-class workforce development, contributing to a high quality of life and prosperous business communities. Employers will have a competitively skilled workforce and workers will have quality employment and opportunities for career advancement.

Maine's intent is to simplify and streamline the performance accountability system.. The value of implementing the common performance measures is the ability to describe, in a similar manner, the core purposes of the workforce system: how many people obtain jobs (entered employment); how many stay employed (retention); and how much do people finding employment earn (average earnings).

Multiple sets of performance measures have burdened Maine with the requirement to report performance outcomes based on varying definitions and methodologies.
By minimizing the different reporting and performance requirements, common performance measures contribute to facilitating the integration of service delivery, reducing barriers to cooperation among programs, and enhancing the ability to assess the effectiveness and impact of the workforce investment system. This not only cost effective but is more transparent to our business partners and service providers.
In addition the waiver will:

- Provide for a simplified and streamlined measurements system, which is not only cost effective but is more transparent to our business partners and service providers.
- Provide for making the system more demand-driven, governed by business-led workforce investment boards. The existing 17 measures are difficult for staff to manage and board members to understand and successfully monitor.

Individuals impacted by the waiver

This waiver will benefit local Boards, Maine CareerCenters, employers, customers and service providers. The following are expected to be additional impacts of the proposed waiver:

- Program participants will benefit because local Boards will have added flexibility and resources to design programs based on regional needs and priorities.
- More customers will have access to training services.
- Businesses will benefit from regional strategies and greater integration of programs.

Process for monitoring progress in implementation

On an annual basis, comprehensive compliance monitoring is conducted onsite for each Local area board and designated WIA service provider. These annual monitoring reviews ensure client enrollments and service levels are maintained, and program expenditures and performance outcomes are thoroughly reviewed for compliance. State program monitors conduct quarterly reviews to ensure that contract requirements are met for all WIA programs in each local area. Should this waiver request be granted, BES will ensure regular review of the WIA Adult, Dislocated Worker and Youth programs to monitor program outcomes. BES will modify its current monitoring policy and procedures to include the waiver as described in this request.

Notice to affected local boards

The waiver request was developed in response to concerns expressed by the Local Boards and in conjunction with the Local Boards. Guidelines outlining the Common Measure waiver requests were electronically submitted to the four LWIBs requesting comments and/or questions on their understanding of the waiver and their input on how they plan to implement the waiver if approved. Their comments and input were included in the completed waiver request. Endorsement of this waiver request has been received from all four LWIBs.

Public Comment

The completed waiver was posted to the home page of the Maine Department of Labor/ Bureau of Employment Services (BES) for public comment prior to the formal submission to USDOL-ETA. http://www.maine.gov/labor/ and on the individual websites of each LWIBs.