



JUN 24 2010

The Honorable Adrian M. Fenty  
Mayor of the District of Columbia  
John A. Wilson Building  
Suite 316  
1350 Pennsylvania Avenue, NW  
Washington, D.C. 20004

Dear Mayor Fenty:

This letter provides approval of an extension of the District of Columbia's current Workforce Investment Act (WIA) and Wagner-Peyser Act (W-P) State Plan and waivers for Program Year (PY) 2010.

Training and Employment Guidance Letter (TEGL) No. 21-09, issued on April 15, 2010, provides guidance for states to secure approval of their WIA/W-P State Plans and waivers for PY 2010, and included the option to receive an extension of the existing State Plan and waivers for an additional year without submitting a formal request.

#### Extension of State Plan

The District's existing State Plan will expire on June 30, 2010. 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 the District's State Plan for WIA Title I and the Wagner-Peyser Act for Program Year 2010, July 1, 2010 through June 30, 2011.

The Grant Officer will issue a Notice of Obligation for the "July portion" of the WIA formula allocations for Adult and Dislocated Worker programs, effective July 1, 2010, under the PY 2010 Annual Funding Agreement. The W-P programs annual funding agreement for PY 2010/Fiscal Year 2011 will be sent to the designated grantee agency for signature and return to the Grant Officer for execution, effective July 1, 2010. The W-P annual funding agreement will provide for the initial base allocation of PY 2010 funds.

### Performance Levels

Once the final goals are established, the Regional Administrator's letter advising the District of the PY 2010 WIA and W-P final performance goals constitutes a modification to the State Plan. ETA will incorporate the District's final performance goals for PY 2010 into the Regional and National Office copies of the State Plan. Please include these final PY 2010 goals in the District's official copy of the State Plan.

### Waivers

As part of the District's extension of the WIA/W-P State Plan, and as described in TEGL 21-09, ETA has made determinations regarding an extension of the District's PY 2009 waivers of statutory and regulatory requirements under WIA for PY 2010. The disposition of the District'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. 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.

### Extension of Waivers

#### 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 District was previously granted a waiver to permit an increase in the amount it is allowed to transfer between the Adult and Dislocated Worker funding streams. The District is granted an extension of this waiver through June 30, 2011. Under the waiver, transfer authority is limited to 50 percent. This limitation provides the District with 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 District 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.

Waiver of WIA Section 134(a) to permit local areas to use a portion of local funds for incumbent worker training.

The District 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 District is granted an extension of this waiver through June 30, 2011. Under this waiver, the District will be permitted 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 lay-off 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. The District must continue to conduct the required employment and training activities at WIA section 134(d), and the District is required to report performance outcomes for any individual served under this waiver in the Workforce Investment Act Standardized Record Data system (WIASRI), 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-C9, "Layoff Aversion Definition and the Appropriate Use of Incumbent Worker Training for Layoff Aversion Using Waivered Funds" provide policy guidance related to implementation of this waiver.

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

The District was previously granted a waiver that allows the District to replace the 17 performance measures under WIA Section 136(b) with the common measures. The District is granted an extension of this waiver through June 30, 2011.

This waiver permits the District to negotiate and report WIA outcomes against the common performance measures only, rather than the performance measures described at WIA Section 136(b). The District 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 District will use the three adult common performance measures to negotiate goals and report outcomes for the WIA Adult and WIA Dislocated Worker programs. The District will use the three youth common performance measures to negotiate goals and report

outcomes for the WIA Youth program. 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.

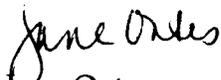
Waiver of the provision at 20 CFR 663.530 that prescribes a time limit on the period of initial eligibility for training providers.

The District 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 District is granted an extension of this waiver through June 30, 2011. Under the waiver, the District is allowed to postpone the determination of subsequent eligibility of training providers. The waiver also allows the District to provide an opportunity for training providers to re-enroll and be considered enrolled as initially eligible providers.

The approved waivers are incorporated by reference into the District'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 District's WIA Grant Agreement and the approved State Plan. In addition, as required by TEGL No. 14-00, Change 3, the District should address the impact these waivers have had on the District's performance in the WIA annual performance report, due on October 1 of each year.

We look forward to working together as you implement your State Plan for PY 2010. If you have any questions related to the issues discussed above, please contact Michael Toops, the Federal Project Officer for the District of Columbia, at 215-861-5217 or [toops.michael@dol.gov](mailto:toops.michael@dol.gov).

Sincerely,



Jane Oates  
Assistant Secretary

cc: Joe Walsh, Director, Department of Employment Services  
Lenita Jacobs-Simmons, Regional Administrator, ETA Philadelphia  
Regional Office  
Janet Sten, Federal Coordinator for Plan Review and Approval  
Thomas Martin, Grant Officer  
Michael Toops, Federal Project Officer for the District of Columbia