

U.S. Department of Labor

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



The Honorable Sonny Perdue
Governor of Georgia
203 State Capitol
Atlanta, Georgia 30334

JUN 30 2010

Dear Governor Perdue:

This letter provides approval of (1) an extension for Program Year (PY) 2010 of those portions of Georgia's Unified State Plan that relate to Title I of the Workforce Investment Act (WIA) and the Wagner-Peyser Act (W-P) and (2) an extension of WIA waivers for PY 2010. This letter also responds to Georgia's requests for extended and new waivers.

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

Georgia's existing State Plan will expire on June 30, 2010. This letter constitutes a written determination under WIA Section 112 (29 USC 2822), and WIA section 501 (20 USC 9271) which pertains to State Unified Plans, that the Employment and Training Administration (ETA) is extending the approval of those portions of the Georgia Unified State Plan that relate to Title I of the WIA 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 program's Annual Funding Agreement for PY 2010/Fiscal Year 2011 will be sent to the designated state 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.

Unified Plan Partner Programs

Georgia's Unified State Plan includes the Vocational Rehabilitation Program

(VR) and Veterans' Programs. In accordance with WIA section 501 (20 USC 9271), the Departments of Education (for VR) and the Veterans' Employment and Training Service (VETS) have the authority to approve those portions of the Unified State Plan relating to their respective programs. We have advised these Federal agencies that ETA is extending the approval of those portions of the Georgia Unified State Plan that relate to Title I of WIA and the Wagner-Peyser Act, and provided their offices with a copy of this letter.

VETS concurs with ETA's extension of the approval of the WIA/W-P portions of the Georgia Unified State Plan. VETS also notes that the Jobs for Veterans' State Grant (JVSG) Plans approved by VETS through a separate application process for Fiscal Years (FY) 2010-2014 are considered to be incorporated into your Unified State Plan by reference only. Therefore, your Unified Plan needs to refer to the FY 2010-2014 JVSG Plan, indicating that approval by VETS of the grant modification for the period beginning October 1, 2010 is pending.

The Georgia Unified Plan also includes Trade Act Programs (TAA) and the Unemployment Insurance (UI) Program. ETA exercises administrative authority over these programs, and those portions of the Georgia Unified State Plan that relate to TAA and UI Programs are approved through June 30, 2011.

WIA Title I Performance Levels

Once the final goals are established, the Regional Administrator's letter advising the State of the PY 2010 WIA and W-P final performance goals constitutes a modification to the State Plan. ETA will incorporate Georgia'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 State's official copy of the State Plan.

Waivers

As part of the State's extension of the WIA/W-P State Plan, and as described in TEGL 21-09, ETA has made determinations regarding an extension of Georgia's PY 2009 waivers of statutory and regulatory requirements under WIA for PY 2010. The State also submitted a request for new waivers (copy 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. 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 Extension: Waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts for older and out-of-school youth.

The State was previously granted a waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts (ITAs) for older and out-of-school youth program participants. The State is granted an extension of this waiver through June 30, 2011. Under this waiver, the State can use ITAs for older and out-of-school youth program participants. The State should ensure that funds used for ITAs are tracked and reflected in the individual service strategies for these youth.

Waiver Extension: 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 State was previously granted a waiver to permit an increase in the amount a state is allowed to transfer between the Adult and Dislocated Worker funding streams. The State is granted an extension of this waiver through June 30, 2011. 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 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 State 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 Extension: 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 June 30, 2011. Under this waiver, the State will be permitted to allow local areas to use up to 20 percent of local Dislocated Worker funds for incumbent worker training only as part of a lay-off aversion strategy. 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 Request: Waiver of WIA Section 101(31)(B) to increase the employer reimbursement for on-the-job training.

The State is requesting a waiver to permit an increase in employer reimbursement for on-the-job training through a sliding scale based on the size of the business. The State is granted this waiver through June 30, 2011. Under the waiver, the following reimbursement amounts will be permitted: 1) up to 90 percent for employers with 50 or fewer employees, and 2) up to 75 percent for employers with 51-250 employees. For employers with more than 250 employees, the current statutory requirements (50 percent reimbursement) will continue to apply. When determining the funding source for on-the-job training, the State must use the appropriate program funds for the appropriate WIA-eligible population. The State may provide on-the-job training to low-income adults with WIA Adult funds, and may provide on-the-job training to dislocated workers with WIA Dislocated Worker funds. On-the-job training provided with statewide funds must serve WIA eligible individuals.

Waiver Request: Waiver of the WIA regulations at 20 CFR 666.100 to exempt the state from including credential attainment outcomes for participants enrolled in on-the-job training in the credential performance measure calculations.

The State is requesting a waiver to exempt it from including credential attainment outcomes in the credential performance measure calculations for participants enrolled in on-the-job training. The State is granted this waiver through June 30, 2011. The State must continue to report outcomes in the Workforce Investment Act Standardized Record Database (WIASRD) for participants enrolled in on-the-job-training.

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 required by TEGL No. 14-00, Change 3, 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.

We look forward to working together as you implement your Unified State Plan for PY 2010. If you have any questions related to the issues discussed above, please contact Helen Parker, the ETA Atlanta Regional Administrator, at 404-302-5300 or Parker.Helen@dol.gov.

Sincerely,



Jane Oates
Assistant Secretary

Enclosure

cc: Michael L. Thurmond, Commissioner, Georgia Department of Labor
Debra Lyons, Director, Governor's Office of Workforce Development
Lynnae Ruttledge, Commissioner, Rehabilitation Services Administration,
U.S. Department of Education
Gordon Burke, Director of the Office of Operations, Veterans'
Employment and Training Service
Janet Sten, Federal Coordinator for Plan Review and Approval
Thomas Martin, ETA Grant Officer
Helen Parker, ETA Atlanta Regional Administrator
Toni Buxton, Federal Project Officer for Georgia



GEORGIA DEPARTMENT OF LABOR

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MICHAEL L. THURMOND
COMMISSIONER

May 14, 2010



Ms. Janet Sten
Federal State Plan Coordinator
Employment and Training Administration
United States Department of Labor
200 Constitution Avenue, N.W., Room S-4231
Washington, DC 20210

RE: Waiver Request – Exclusion of OJT from Certificate and Credential Performance Measure

Dear Ms. Sten:

The State of Georgia is requesting a waiver to exclude on-the-job training (OJT) the adult and dislocated worker employment and credential/certificate rate performance measure. The proposed increase will provide the local boards with greater flexibility for responding to changes in their local labor markets and will help ensure that the WIA funds allocated to each local area are maximized across the state of Georgia.

We are submitting this request per the requirements for submission of a waiver plan under WIA section 189(i)(4) and 20 CFR 661.420. The State will work with local areas to provide support and assistance in connection with this waiver.

We will post the waiver plan on our website for review and comment, and will consult with local boards and other stakeholders. We appreciate your consideration of this request and seek an expedited response so that we may move forward in our efforts.

Sincerely,


Judy Bryson
Deputy Commissioner

cc: Dr. Helen Parker
Michael L. Thurmond

An Equal Opportunity Employer

State of Georgia
WIA Waiver Request –
Adult and Dislocated Worker Employment and Credential/Certificate Rate

The Georgia Department of Labor (GDOL), as the Governor's designated administrator for Georgia's Workforce Investment Act (WIA) activities, is requesting a waiver to exclude On-the-Job Training (OJT) in the adult and dislocated worker employment and credential/certificate rate performance measure for PY 2010 and beyond.

The intent of this waiver request is to increase OJT activities by the local WIBs. OJT is a critical training activity as it provides an immediate employment opportunity under WIA. Unlike occupational skills training provided in a formal educational program, OJT allows employers flexibility to develop a training option that is individualized to meet their specific needs. This demand-driven training does not customarily lead to a nationally recognized certificate or credential, which is required for the WIA adult and dislocated worker employment and credential/certificate performance measure.

In compliance with WIA Section 189(i)(4)(B) and 29 CFR 661.420(c), please accept the following request for a waiver.

A. Statutory or Regulatory Requirements to be Waived:

The State of Georgia requests a waiver of Section 136(b)(2)(A)(i)(IV) of the Workforce Investment Act and 20 CFR 661.100(a)(1)(iv) and 20 CFR 661.100(a)(2)(iv).

This waiver will exclude customers whose only training activity is OJT from the adult and dislocated worker employment and credential/certificate rate.

B. State or Local Statutory or Regulatory Barriers.

- There are no state or local statutory or regulatory barriers related to this waiver request.

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

Georgia has a history of developing creative work-based initiatives to assist with job creation. In 2003, GDOL implemented Georgia Work\$, a nationally recognized work based training program which encourages job creation by allowing individuals who are receiving unemployment compensation to train for a new occupation with existing employers.

OJT is also a proven service strategy that benefits both employers and job seekers in many areas of Georgia. As part of the state's overall work-based training continuum, GDOL is encouraging local WIBs to increase OJT activities to encourage job creation

among the state's employers while also providing an immediate employment opportunity to WIA job seekers in the current economy. OJT may be the only training option feasible to WIA participants in the state's rural areas with few ITA providers and no access to public transportation.

During PY 2005 over 1,300 WIA participants in the State of Georgia reaped the benefits of the OJT program. However, the number of WIA participants enrolled in OJT throughout the state dropped significantly since PY 2005, as indicated below:

OJT Participation

PY 2005	1,336
PY 2006	989
PY 2007	673
PY 2008	379
PY 2009	133

In PY 2006, ETA implemented changes regarding the definition of a credential used for the adult and dislocated worker employment and credential/certificate measure. The revised definition requires a nationally recognized credential, which de-emphasizes the value of a certification by the OJT employer who is seeking flexibility to develop training customized to meet their specific needs.

In PY 2005, 44% of the participants served through OJT obtained a credential. Since PY 2005, this percentage dropped as follows:

% Credential – OJT

PY 2005	44%
PY 2006	29%
PY 2007	29%
PY 2008	26%
PY 2009	14%

Through this proposed waiver, local WIBs will have an incentive to increase OJT activity, as encouraged by both ETA and GDOL, without adversely impacting overall performance.

D. Description of Individuals Impacted by the Waivers.

The waiver will encourage local WIBs to include OJT as a training option, and thus increase services to both *Employers* and *WIA Eligible Adults and Dislocated Workers*.

Employers: Through the proposed waiver, local WIBs will be able to encourage job creation among *Employers* in their workforce area by providing a qualified pool of job applicants that may be trained to meet specific employer requirements.

WIA Eligible Adult and Dislocated Workers: WIA Eligible Adults and Dislocated Workers seek OJT training because it offers an immediate attachment to the workforce and minimizes the expense of longer term occupational skills classroom training. OJT provides an immediate income, especially important for dislocated workers who have fixed expenses that exceed their unemployment benefits. It also provides an income to those who have exhausted unemployment. Additionally, OJT is also training that can be delivered at locations close to the customer's residence, and, in a rural state like Georgia, may be the only training option available near their residence.

E. Process used to:

(i) Monitor the progress of the waiver:

WIA participants enrolled in OJT will continue to be included in the WIASRD and will be subject to all other applicable performance measures. Reports on the progress of these individuals will be monitored quarterly.

(ii) Provide notice to any Local Board affected by the waiver:

This waiver has been submitted in response to a specific request from local workforce areas.

(iii) Provide any Local Board the opportunity to comment:

All local workforce boards will be provided a copy of this waiver request for review.

(iv) Ensure meaningful public comment, including comment by business and organized labor.

The announcement of the waiver request will be posted on the GDOL website to invite comment from the public. An announcement will also be sent to employer groups and organized labor for review and comment.