



JUN 21 2010

The Honorable John Hoeven
Governor of North Dakota
State Capitol
600 E Boulevard Avenue
Bismarck, North Dakota 58505-0001

Dear Governor Hoeven:

Thank you for submitting a modification to the North Dakota State Plan for Title I of the Workforce Investment Act (WIA) and Wagner-Peyser Act. The Employment and Training Administration (ETA) received the State's final modification on April 15, 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. This letter provides approval of the modification to North Dakota's State Plan for Title I of the Workforce Investment Act (WIA) and the Wagner-Peyser Act (W-P), and approves the extension of North Dakota's State Plan and existing waivers through June 30, 2011, Program Year (PY) 2010.

Plan Review and Approval

ETA has reviewed the North Dakota 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), and as appropriate Attachment A of TEGL 14-08. 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 North Dakota's State Plan 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 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.

Performance Levels

North Dakota has decided to extend their existing PY 2009 WIA and W-P performance goals for PY 2010. ETA has incorporated these performance goals, identified as PY 2010 performance goals, into the Regional and National Office copies of the State Plan. Please include these PY 2010 goals in the State's official copy of the State Plan.

Waivers

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

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

The State was previously granted 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 an extension of this waiver through June 30, 2011.

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. The 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.

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 June 30, 2011. 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.

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 WIA/W-P State Plan for PY 2010. If you have any questions related to the issues discussed above, Douglas Harris, the Federal Project Officer for North Dakota, at (972) 850-4614 or Harris.Douglas@dol.gov.

Sincerely,



Jane Oates
Assistant Secretary

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MODIFICATION THREE

STATE OF NORTH DAKOTA

STRATEGIC FIVE-YEAR STATE PLAN

For

TITLE I OF THE WORKFORCE INVESTMENT ACT OF 1998

And

THE WAGNER-PEYSER ACT

GOVERNOR

JOHN HOEVEN

STATE OF NORTH DAKOTA

04/15/210

For the Period of

July 1, 2009 - June 30, 2010

(Year Five of the Five Year-Planning Cycle)

North Dakota Workforce Development Council

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STATE OF NORTH DAKOTA STRATEGIC FIVE-YEAR STATE PLAN

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EXECUTIVE SUMMARY

Governor John Hoeven is providing state leadership focused on expanding the economy of the state, expanding high-skill employment opportunities, creating new wealth and increasing the personal income of the State's residents. Governor Hoeven has focused resources on six pillars to support building North Dakota's future. These six pillars are education, economic development, agriculture, energy, technology, and quality of life. These six pillars are important to preparing the state and tribal workforce for economic development.

The Governor supports a demand-driven (market driven) workforce system that ensures that North Dakota business and industry has access to an available and qualified pool of talent, that workers have access to life-long learning, and that no worker is left behind.

By expanding the North Dakota workforce system's capacity to be market-driven, responsive to local economic needs, and a contributor to the economic well-being of the state, Governor Hoeven is promoting North Dakota's workforce quality, enhanced productivity, and economic competitiveness.

The North Dakota Demand Driven Workforce System supports a collaborative response to the workforce challenges of North Dakota business and industry and the North Dakota workforce which includes:

- Targeting investment of resources and support for private and public sector partnerships to ensure the development of workers' skills in high-growth demand occupations based on industry need;
- Increasing integration of education and training providers' efforts with business and the public workforce system activities to meet the training needs for the skills required in high growth targeted industries; and
- Providing workers with career ladder/lattice paths to opportunities in high growth demand occupations and expanding the North Dakota workforce system's capacity to be market-driven and responsive to local economic needs.

The Modification Two: to the North Dakota Five-Year Strategic Plan for Title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act supports both Governor Hoeven's vision of a demand driven delivery system and the vision of The American Recovery and Reinvestment Act intended to preserve and create jobs, promote the nation's economic recovery, and to assist those most impacted by the recession.

North Dakota is a single state workforce investment area under the Workforce Investment Act of 1998 (WIA). The North Dakota Workforce Development Council serves as both the State and local workforce investment board as outlined in WIA. (SEE ATTACHMENT C FOR COUNCIL MEMBERSHIP) This state Strategic Plan also serves as the local WIA Plan.

To support the Governor's vision for a demand driven workforce system, several Target Industries were selected based on a comprehensive study by Angelou Economics (AE) as a part of their work in developing the North Dakota Economic Development Foundation Strategic Plan in September 2002. The Target Industries include:

- Advanced Manufacturing
- Value-Added Agriculture
- Energy
- Technology-Based Business
- Tourism

The North Dakota Workforce Development Council has expanded upon the Target Industries to include additional industries targeted by Regional Economic Development Organizations and industries with high-demand and high-wage occupations deemed essential to supporting quality of life. These additional target industries include:

- Life Science Industry
- Bio Tech Industry
- Healthcare industry
- Transportation Industry
- Construction Industry

Subsequent levels of service, including provision of intensive services and training as needed involves limited transition among staff within the One-Stop. Wagner-Peyser, WIA, Unemployment Insurance and several other programs are delivered by the One-Stop provider. Partner collocation opportunities in a number of One-Stop sites provide even broader access to services. By ensuring that staff is capable of smoothly transitioning individuals through the service delivery model based on their needs, we strive for seamless service delivery. Increased activity due to the economic downturn and due to the availability of WIA and Wagner-Peyser funds may result in additional temporary staff to mitigate breaks in service and long waits.

The Governor has identified Job Service North Dakota as the designated state agency, responsible to assist in carrying out WIA Section 122. The North Dakota Workforce Development Council under Policy 2-02-03 (3) Training Provider Performance Level Criteria has delegated to the state agency responsibility for: (1) developing and maintaining the State list Eligible Providers and Programs; (2) determining if programs meet performance levels, including verifying the accuracy of information on the State list; and (3) dissemination of the State List.

The approved Training Provider List is available on the Job Service website at jobsnd.com. As a single local area state, Job Service North Dakota will also be responsible for the application process.

Initial eligibility applications are available on the One-Stop Center Operator website. The applications are accepted at any time. All applications include at a minimum the name of the institution or entity, the program(s) to be considered for eligibility, when and where they will be offered, the costs of such programs, and performance information, if required. The application also includes a certification that information provided is true and accurate and the provider will meet performance and cost requirements. Once the application is approved and the program(s) is/are determined eligible, the provider is added to Eligible Training Provider List.

The initial eligibility criterion for providers is as follows:

Law establishes automatic initial eligibility for the following providers:

- Post-secondary educational institutions eligible to receive Federal funds under Title IV of the Higher Education Act of 1965 and providing a program that leads to an associate degree, baccalaureate degree or certificate.
- Entities that carry out National Apprenticeship Act programs.

Reciprocal agreements with Minnesota, Montana, and South Dakota, were negotiated, so participants with individual training accounts may select eligible programs on the Eligible Training Provider List from these states, as well as, North Dakota's Eligible Training Provider List.

YOUTH SERVICES

Job Service North Dakota has designed the Youth program under the Recovery Act for broad engagement of youth. Program design for younger, in-school WIA Youth Funds under the Recovery Act has a strong emphasis on creating summer employment opportunities. Summer employment opportunities will be complemented with classroom-based learning. Classroom-based learning activities are integrated into the work experience activities. Leadership and career exploration activities are elements available to youth. Leadership training consists of decision

making, determining priorities, team building, and responsibility. Career exploration activities are also integrated into the work experience activity providing exposure to post-secondary educational opportunities, high wage/high demand occupations in North Dakota, business tours and assessments of youth career interests and knowledge.

Program design for older out of school WIA Youth Funds under the Recovery Act also has a strong emphasis on creating summer employment opportunities. Work experiences will be used to steer older youth who lack a clear occupational goal towards demand occupations within the state. Summer employment opportunities will connect older out-of-school youth to the workforce and to the One-Stop system and may transition into occupational skill training enrollments. Occupational skill training opportunities are ideal for older out-of-school youth. Funding for occupational skills training may follow a meaningful summer employment opportunity that reinforces career choices. A meaningful work experience with relevant application to course work benefits college students. Older out-of-school youth also have leadership and career exploration activities incorporated into work experiences. Apprenticeships will be developed wherever possible. Job Service North Dakota has laid the foundation with the state apprenticeship office to initiate and develop opportunities to coordinate pre-apprenticeship or pre-employment training programs. Job Service North Dakota and the state apprenticeship office are collaborating to determine how to establish and expand work experience opportunities to registered apprenticeships offered by employers. On-the-job training is an excellent tool for skill building. Existing skills are expanded and strengthened while new abilities are developed. Youth generate income quickly and employers grow their workforce.

Worksites are being identified and developed to incorporate Green Work Experiences. Green industries such as wind energy, bio-fuels and weatherization are emerging in North Dakota. Soil conservation offices, city parks, weatherization agencies, tribal housing authorities and colleges are some of the targeted connections. The Department of Agriculture and North Dakota State University Extension offices are anxious to promote summer employment opportunities. North Dakota intends to use the Recovery Act funds for the 2009 summer employment program. Youth activity in the summer 2009 will make use of the majority of the Recovery Act funds. Any funds remaining following the summer employment program will be applied to the year-round program.

Job Service North Dakota will operate the summer employment opportunity program. Job Service North Dakota will recruit for summer employment opportunities, develop worksites and enroll youth. Contracted classroom-based learning will be arranged to complement work experience. Classroom-based learning includes statewide leadership training and a career exploration session including local business tours. Job Service North Dakota has a wide variety of worksites for summer employment. Worksites will be developed to meet the varying needs of youth. Worksites will be developed for work readiness basic concepts, rural considerations, and occupationally relevant experiences for older youth. Worksites promoting Native American cultural awareness provide significant experiences for youth. Examples of private worksite development include automotive repair, retail, grocery, food service, and telecommunication companies. Public worksite development includes schools, parks, municipalities, boys and girls clubs, soil conservation agencies, community action, weatherization, Department of Agriculture and hospitals. Public work experiences to alleviate the effects of spring flooding will be developed. Many cities across North Dakota will benefit from youth summer employment for clean-up and landscaping.

Summer employment opportunities will be complemented with classroom-based learning. Leadership activities are integrated into the work experience activity training in decision making, determining priorities and responsibility. Career exploration activities are also integrated into the work experience activity providing exposure to postsecondary educational opportunities, high wage/high demand occupations in North Dakota, business tours and assessments of youth career interests and knowledge. Classroom-based learning is intended to inspire youth concerning the opportunities within North Dakota and promote training in the high wage/high demand occupations in North Dakota. Occupational skills training funding will be offered to older out-of-school youth. Reaching youth and sharing information regarding the Governor's targeted industries of energy, advanced manufacturing, value-added agriculture, technology and tourism is critical for youth retention in North Dakota. Retaining talent is one of the three pillars of the North Dakota Talent Initiative.

Job Service North Dakota is prepared to utilize all services available through the Recovery Act to ensure enrolled out-of-school youth succeed. Support services are an integral component in determining individual service strategies when developing employment plans. Supportive services will be especially important to youth beginning a summer employment opportunity. The financial structure is restricted to issuing payroll checks once per month. Because of the significant delay between the first day of work and the first paycheck, support services are necessary to meet the existing financial needs of enrolled older youth. All allowable forms of support services will be considered such as transportation assistance, housing, and child care.

Initial and ongoing assessment will determine the need for support services. Occupational skill training opportunities are ideal for older out-of-school youth during the non-summer months. Funding for occupational skills training may follow a meaningful summer employment opportunity that reinforces career choices. North Dakota has updated its policies on needs-based payments. All youth in skills development training will have needs-based payments determinations as part of their objective assessment. Assisting youth during this economic downturn, establishing a skilled workforce for North Dakota and meeting the needs of the state's employers is the ultimate goal for success. Job Service North Dakota expects to serve approximately 600 youth in summer employment opportunities created with Recovery Act funds.

Deficient in Basic Literacy Skills:

The North Dakota Workforce Development Council has adopted Policy 2-07-03 (3) Youth Eligibility. Under this policy,

Job Service North Dakota, as the State administrative entity, will be responsible for defining "deficient in basic skills" and "an individual who requires additional assistance to complete an educational program or to secure and hold employment". The definition of "deficient in basic skills" must include a determination that an individual (a) computes or solves problems, reads, writes, or speaks English at or below grade level 8.9 or (b) is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society.

Youth Who Are Not Low-Income Individuals

Up to five percent of youth participants served by youth programs may be individuals who do

not meet the income criterion for eligible youth, provided that they are within one or more of the following categories:

- (A) School dropout;
- (B) Basic skills deficient, as defined in WIA Section 101(4);
- (C) Are one or more grade levels below the grade level appropriate to the individual's age;
- (D) Pregnant or parenting;
- (E) Possess one or more disabilities, including learning disabilities;
- (F) Homeless or runaway;
- (G) Offender; or
- (H) Face serious barriers to employment as defined by:

“Individual who requires additional assistance to complete an educational program or to secure and hold employment” is defined as:

1. Individual youth who resides in a County designated as an area of substantial unemployment (LAUS), and
2. Has limited employment opportunities as defined by not having been able to obtain employment after a four week employment search, or
3. Is a youth who has one or more parents incarcerated, or
4. Has a record of not being able to hold employment as demonstrated by being fired for two or more jobs in the past six months, or
5. Youth who has been identified as at risk of dropping out of school as documented by school professionals.

If the family of a disabled youth does not meet the income eligibility criteria, the disabled youth is to be considered a low-income individual if the youth's own income:

- Meets the income criteria established in WIA Section 101(25)(B); or
- Meets the income eligibility criteria for cash payments under any federal, state or local public assistance program. [WIA Sec. 101(25) (F).]

VETERANS PRIORITY OF SERVICE

Veterans and eligible spouses of veterans - covered persons - will receive priority of service. 20 CFR Part 1010.110 adopts the term “covered person” to define those veterans and spouses of eligible veterans who are eligible for priority of service. A veteran meets the definition of covered person when he or she has served in the active military, naval, or air service and was discharged under conditions other than dishonorable. An eligible spouse of a veteran meets this definition when he or she is married to a veteran who: died of a service-connected disability; is listed as missing in action, captured in line of duty, or forcibly detained or interned; has a total disability resulting from a service-connected disability; or, died while a total service-connected disability was in existence.

Job Service North Dakota (JSND) will continue to be the primary source of employment and training services provided to North Dakota’s covered persons. All services to covered persons