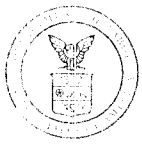
U.S. Department of Labor

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



JUN 30 2010

The Honorable Dave Heineman
Office of the Governor
P.O. Box 94848
Lincoln, Nebraska 68509-4848

Dear Governor Heineman:

This letter provides approval of the modification to Nebraska's State Plan for Title I of the Workforce Investment Act (WIA) and the Wagner-Peyser Act (W-P), and approves the extension of Nebraska's existing waivers for the period July 1, 2010 through June 30, 2011, Program Year (PY) 2010. The Employment and Training Administration (ETA) received the State's proposed modification on April 14, 2010, and revisions to that modification on June 8, 2010.

Training and Employment Guidance Letter (TEGL) No. 21-09, issued on April 15, 2010, provides guidance for states that choose to submit a modification of the existing State Plan for PY 2010 or submit requests for new waivers. We appreciate the State's responsiveness to this guidance.

Plan Review and Approval

ETA has reviewed the Nebraska State Plan modification, as revised, 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 Nebraska's State Plan for the period 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.

Performance Levels

Enclosed are the Program Year 2010 performance levels for WIA and Wagner-Peyser Act which were agreed upon in prior discussions with the Regional Office. These performance levels have been incorporated into the State Plan, and approval of this Plan constitutes formal approval of Nebraska's WIA and Wagner-Peyser Act performance levels for Program Year 2010.

Waivers

As part of Nebraska's modification of the WIA/W-P State Plan, and as described in TEGL 21-09, ETA has made determinations regarding an extension of Nebraska'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.

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 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 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. 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, please contact Celeste Moerle, the Federal Project Officer for Nebraska, at 312-596-5422 and moerle.celeste@dol.gov.

Sincerely,

Jane Oates

Jane Oates
Assistant Secretary

Enclosures

cc: Catherine D. Lang, Commissioner of Labor for Nebraska
Joan Modrell, Director, Office of Employment and Training, Nebraska Workforce Development
John Albin, Agency Legal Counsel, Nebraska Workforce Development
Linda Kirk, Policy Coordinator, Nebraska Workforce Development
Byron Zuidema, Regional Administrator, ETA Chicago Regional Office
Janet Sten, Federal Coordinator for Plan Review and Approval
Thomas Martin, Grant Officer
Celeste Moerle, Federal Project Officer for Nebraska

Workforce Investment Act and Wagner-Peyser Act Performance Levels for PY 2010

Nebraska

Workforce Investment Act Performance Levels

Adult Measures	PY 2010
Adult Entered Employment Rate	78.8%
Adult Employment Retention Rate	83.[illegible]%
Adult Six-months Average Earnings	$10,000

Dislocated Worker Measures	PY 2010
Dislocated Worker Entered Employment Rate	89.0%
Dislocated Worker Employment Retention Rate	90.0%
Dislocated Worker Six-months Average Earnings	$13,000

Youth Measures	PY 2010
Youth Placement in employment or education	76.0%
Youth Attainment of degree or certificate	73.0%
Youth Literacy and numeracy gains	38.0%

Wagner-Peyser Act Performance Levels

Measures	PY 2010
Entered Employment Rate	69.0%
Employment Retention Rate	84.0%
Six-months Average Earnings	$10,700

Dave Heineman
Governor

STATE OF NEBRASKA
OFFICE OF THE GOVERNOR
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April 14, 2010

Byron Zuidema, Regional Administrator
U.S. Department of Labor – ETA, Region V
230 South Dearborn Street, Sixth Floor
Chicago, Il 60604

Dear Mr. Zuidema:

Following review and recommendation by the Nebraska Workforce Investment Board on April 2, 2010, I approve and request your authorization to modify Nebraska's Strategic State Plan for Title I of the Workforce Investment Act of 1998, and the Wagner-Peyser Act for the period of July 1, 2007 through June 30, 2011.

A list reflecting the significant modifications to the plan is enclosed. The complete plan with modifications highlighted is posted on the Nebraska Department of Labor website at http://www.dol.nebraska.gov, "Get Answers" – Workforce Investment Act – State Plans.

Thank you for taking the time to review this modification.

Sincerely,

Dave Heineman

Dave Heineman
Governor

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