



DEC 06 2012

The Honorable Jack Markell  
Governor of Delaware  
State Capitol Building  
Dover, Delaware 19901

Dear Governor Markell:

This letter provides approval of Delaware's State Integrated Workforce Plan for Title I of the Workforce Investment Act (WIA), the Wagner-Peyser Act (W-P), including W-P Agricultural Outreach Plan, and plans for coordination with Trade Adjustment Assistance (TAA). The Employment and Training Administration (ETA) received the State Plan on September 17, 2012. This letter also responds to Delaware's WIA waiver requests.

Training and Employment Guidance Letter (TEGL) No. 21-11, issued on March 27, 2012, and TEGL No. 21-11, Change 1, issued on August 8, 2012, provide guidance for states to submit their State Workforce Plans and waivers for Program Year (PY) 2012 and beyond. We appreciate the State's responsiveness to this guidance.

#### Plan Review and Approval

ETA has reviewed the Delaware State Integrated Workforce Plan in accordance with Title I of WIA, the Wagner-Peyser Act, the Trade Act (as amended), the corresponding regulations, the State Integrated Workforce Plan Requirements for Workforce Investment Act Title I/Wagner-Peyser Act and Department of Labor Workforce Programs (<http://www.doleta.gov/usworkforce/wia-planning/docs/integrated-planning-guidance.pdf>), and TEGL No. 21-11 and the corresponding Change 1. 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 WIA Title I, W-P and TAA portions of Delaware's State Plan for the period July 1, 2012 through June 30, 2017, PY 2012-PY 2016. The annual W-P Agricultural Outreach Plan is approved for the period July 1, 2012 through June 30, 2013.

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, 2017.

#### Performance Levels

Each year, the Regional Administrator negotiates the Program Year's WIA and W-P performance goals with each state. Delaware's goals have been negotiated and the

Regional Administrator's letter dated November 8, 2012 advised the State of the PY 2012 WIA and W-P final performance goals. This letter also indicated that Delaware's final performance goals for PY 2012 will be incorporated into the Regional and National Office copies of the State Integrated Workforce Plan. Please include these final PY 2012 goals in the State's official copy of the State Plan. For your convenience, your final negotiated performance goals are enclosed with this letter.

### Waivers

As part of Delaware's State Integrated Workforce Plan, the State submitted waiver requests for waivers of statutory and regulatory requirements under WIA (copy enclosed). The State's requests for waivers are 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 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 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 requested 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 this waiver through June 30, 2017. 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.

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

The State 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 June 30, 2017.

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 are incorporated into the State Integrated Workforce Plan. A copy of this letter should be filed with the State's WIA Grant Agreement and with the approved State Plan. In addition, as described in TEG L 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.

We look forward to working together as you implement your State Integrated Workforce Plan for PY 2012 and beyond. We encourage your efforts in exploring the adoption of the American Job Center brand. We are available to provide technical assistance. If you have any questions related to the issues discussed above, please contact Jeffrey Gabriel, the Federal Project Officer for Delaware, at 215-861-5207 or [Gabriel.Jeffrey@dol.gov](mailto:Gabriel.Jeffrey@dol.gov).

Sincerely,



Jane Oates  
Assistant Secretary

Enclosure

cc: Lenita Jacobs-Simmons, Regional Administrator, ETA Philadelphia Regional Office  
Jeffrey Gabriel, Federal Project Officer for Delaware

## Delaware

### Adult Measures

|                                  | <u>PY 2012</u> |
|----------------------------------|----------------|
| Adult Entered Employment Rate    | 68.0%          |
| Adult Employment Retention Rate  | 82.0%          |
| Adult Average Six-Month Earnings | \$10,886       |

### Dislocated Worker Measures

|  |          |
|--|----------|
| Dislocated Worker Entered Employment Rate    | 79.0%    |
| Dislocated Worker Employment Retention Rate  | 89.0%    |
| Dislocated Worker Average Six-Month Earnings | \$17,089 |

### Youth Measures

|                                       |       |
|---------------------------------------|-------|
| Literacy/Numeracy Gain                | 65.0% |
| Attainment Degree or Certificate Rate | 69.0% |
| Placement Employment or Education     | 60.0% |

### W-P Performance Levels for PY 2012

|                                |          |
|--------------------------------|----------|
| W-P Entered Employment Rate    | 50.0%    |
| W-P Employment Retention Rate  | 80.0%    |
| W-P Average Six-Month Earnings | \$12,500 |

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**From:** Potter William (DWIB) [William.Potter@state.de.us]  
**Posted At:** Monday, September 17, 2012 10:53 AM  
**Conversation:** Submission #1 of Delaware's Demand Driven Five -Year Workforce Investment Plan for 2012 thru 2017  
**Posted To:** WIA.PLAN  
**Subject:** Submission #1 of Delaware's Demand Driven Five -Year Workforce Investment Plan for 2012 thru 2017

DWIB – Potter

September 17, 2012

**Memorandum For:**

Office of WIA Adult Services and Workforce Systems, U.S. Department of Labor,  
Employment and Training Administration, Attn. Heather Fleck, [wia.plan@DOL.gov](mailto:wia.plan@DOL.gov)

Office of the Administrator, U.S. Department of Labor, Employment and Training Administration,  
Region Two, Attn. Lenita Jacobs-Simmons

Office of the Secretary, Delaware Department of Labor; Attn. John J. McMahon Jr.

Office of the Director, Delaware Department of Labor, Division of Employment and  
Training Attn. Thomas M. Smith

Office of the Executive Director, Delaware Workforce investment Board, Attn.  
Chairman Gary Stockbridge

**SUBJECT: Email Submission of State Plan 2012**

1. In accordance with Training and Employment Guidance Letter # 21-11 dated March 27, 2011, this is the official submission of Delaware's Demand Driven Five -Year Workforce Investment Plan for 2012 thru 2017. Due to state email attachment constraints and number of appendices, Delaware is submitting its plan via five emails. They are:

a. Submission #1 of Delaware's Demand Driven Five -Year Workforce Investment Plan for 2012 thru 2017 with the State Plan, Assurances, and Signature pages for both the Plan and Assurances.

b. Submission #2 of Delaware's Demand Driven Five - Year Workforce Investment Plan for 2012 thru 2017 with appendices A thru D.

c. Submission #3 of Delaware's Demand Driven Five - Year Workforce Investment Plan for 2012 thru 2017 with appendices E thru H.

d. Submission #4 of Delaware's Demand Driven Five - Year Workforce Investment Plan for 2012 thru 2017 with appendices I thru N.

e. Submission #5 of Delaware's Demand Driven Five - Year Workforce Investment Plan

for 2012 thru 2017 with appendices O thru R.

2. Please acknowledge receipt of this email via phone or email reply.
3. I am the point of contact at 302-761-8161 or [william.potter@state.de.us](mailto:william.potter@state.de.us).

William J. Potter  
Deputy Director  
Delaware Workforce Investment Board  
302-761-8163

**State of Delaware**  
**Waiver Request**

**As part of its 5 year State Plan being submitted for Program Years 12 – 16, the State of Delaware requests continuance of the following waiver which is currently in effect.**

**Transfer of Workforce Investment Act (WIA) Title I Funds between the Adult and Dislocated Worker Funding Streams**

|                                 |   |
|---------------------------------|---|
| Statutory/Regulatory Provisions | Transfer of Funds Under the Workforce investment Act Title I  |
| Citations                       | The Workforce Investment Act (WIA) Section 133(b)(4)(A) and (B), and 20 CFR WIA Final Rules 667.140(a). |
| Entity                          | State of Delaware   |

**Statutory and Regulatory Sections to be Waived:**

WIA Section 133(b)(4)(A) and (B), and WIA Final Regulations at 20 CFR Section 667.140 (a) provide that, with the approval of the Governor, Local Workforce Investment Boards may transfer up to 20% of a program year’s allocation for adult employment and training activities and up to 20% of a program year’s allocation for dislocated worker employment and training activities between the two programs. The State of Delaware is requesting a general waiver of the legal requirement that limits the transfer of funds between the adult and dislocated worker programs to no more than 20% of a program year’s allocation. The waiver would grant the transfer of funds up to 50% of a program year’s allocation between the adult and dislocated worker funding streams. The granting of this waiver will ensure the flexibility necessary to respond to the critical workforce needs of Delaware residents as we strive to better prepare them for the challenges inherent in responding to the current economic downturn and successfully competing in the local, statewide, regional, and global economies.

**State and Local Statutory or Regulatory Barriers:**

There are no State or local statutory or regulatory barriers to impede the implementation of the proposed waiver. State of Delaware policies are in compliance with current Federal guidelines. Upon notification of approval this waiver request, state policies will be amended to comply with the terms of the waiver.

**Goals to be Achieved by the Waiver:**

- Provide for increased responsiveness to changes in the labor market.
- Provide greater flexibility in designing and implementing WIA programs.
- Provide greater flexibility in applying funds more strategically where they are most needed.
- Improve the ability to design programs and provide targeted assistance in response to customer needs.

## Appendix R

- Improve the ability to respond to employer needs for workers trained in employer-specific skills.
- Improve performance outcomes.

### **Individuals Impacted by the Waiver:**

Approval of this waiver will positively impact the Delaware Workforce Investment Board (DWIB), job seekers, employers, and services providers.

- The DWIB will have the flexibility to design programs based on local needs and priorities.
- The DWIB will have the flexibility to move funds to where they are most needed and most affective.
- WIA program participants will have greater access to appropriate core, intensive, and training services.
- Employers will be better served through participants that acquire skills specific to employer's needs.

### **Process Used to Monitor the Progress in Implementing the Waiver:**

Delaware is a single service area and as such does not have to provide notice to a local Board. The Delaware Department of Labor, Division of Employment and Training (DOL/DET) and the Delaware Workforce Investment Board (DWIB) serve as the co-administrative entity for Workforce Investment Act and State Blue Collar Jobs Act programs for the State. Further, the DOL/DET serves as the administrative entity for Wagner-Peyser, Veterans, and Trade Act Assistance programs. The waiver provides the DOL/DET and the DWIB with the flexibility to implement a seamless delivery of services and to customize the planning and delivery of services for applicable programs. The DOL/DET and the DWIB will monitor the implementation and impact of the waiver through a combination of performance reporting, evaluations, and discussions with stakeholders regarding our progress towards expected outcomes. The DOL/DET and the DWIB will review applicable policies and procedures and modify them accordingly.

### **Process for Notice to Local Boards and Opportunity to Comment:**

The waiver request was originally discussed during a meeting of the Executive Committee of the Delaware Workforce Investment Board held on January 27, 2009 at which time they expressed their endorsement. The waiver was again discussed and the Board given opportunity to comment on July 24, 2012 at which time it reaffirmed its original endorsement.

**State of Delaware**  
**Waiver Request**

**As part of its 5 year State Plan being submitted for Program Years 12 – 16, the State of Delaware requests continuance of the following waiver which is currently in effect.**

**Implementation of Common Measures**

|                                 |   |
|---------------------------------|---|
| Statutory/Regulatory Provisions | Performance Measures for Workforce investment Act Title I   |
| Citations                       | The Workforce Investment Act (WIA) and the Wagner-Peyser Act WIA Section 136(b); 20 CFR WIA Final Rules 652.3, 661.400, 661.410, 661.420, 666.100, and 666.120; and Training and Employment Guidance letter (TEGL) 17-05 issued February 17, 2006; and Employment Guidance Letter 29-05 issued May 12, 2006 |
| Entity                          | State of Delaware   |

**Statutory and Regulatory Sections to be Waived:**

The State of Delaware is seeking a waiver of Section 136(b) which defines the current WIA Title I performance measures. We are requesting that the State be allowed to replace the 17 measures (15 core and 2 customer satisfaction) with the Common Measures delineated in TEGL 17-05. Starting July 1, 2009, the State would be operating under nine (9) measures: Adult Entered Employment, Adult Retention, Adult Average Earnings, Dislocated Worker Entered Employment, Dislocated Worker Retention, Dislocated Worker Average Earnings, Youth Placement in Employment and Education, Youth Attainment of a Degree or Certificate, and Youth Literacy and Numeracy Gains.

**State and Local Statutory or Regulatory Barriers:**

The State has taken significant actions over the last 2 years to streamline services, increase flexibility and integration, and eliminate unnecessary duplication. Actions include implementation of Delaware JobLink(a comprehensive and integrated one-stop management information system), offering GED and ABE assessments and classroom instruction at one-stop centers, improving the quality and quantity of courses on the Certified Training Provider List, reaching out to faith-based organizations and implementing Delaware Share Network Access Points, purchasing a remote one-stop van, initiating a one-stop system continuous improvement plan, and revitalizing the Delaware Workforce Investment Board’s strategic planning process. While these actions have had significant benefits, we believe that the waiver will allow us to continue to integrate our workforce development programs and accelerate the benefits to our customers.

**Goals to be Achieved by the Waiver:**

## Appendix Q

- Provides for a simplified and streamlined performance measurement system.
- Allows the State to take full advantage of the forthcoming Workforce Investment Streamlined Performance Reporting (WISPR) system.
- Provides for integrated system-wide performance accountability. Granting the waiver is critical for successful integration with Wagner-Peyser, Veterans, and Trade Act Assistance Programs which have already moved to the Common Measures.
- Reduces paperwork and labor costs associated with data collection.
- Provides for a more useful program management and evaluation tool.
- Provides clear and understandable information to State Board Members, legislative leaders, and the general public concerning the use public funds.
- Provides for better service coordination and information sharing among programs.
- Provides an opportunity for the State to better implement the United States Department of Labor's Youth Vision, which includes a youth program focused on out-of-school populations with increased accountability for employment and/or increased secondary and post-secondary education outcomes.

### **Individuals Impacted by the Waiver:**

Approval of this waiver will positively impact all customers of the State's workforce investment system by providing accountability while improving program integration, management, and evaluation.

### **Process Used to Monitor the Progress in Implementing the Waiver:**

Delaware is a single service area and as such does not have to provide notice to a local Board. The Delaware Department of Labor, Division of Employment and Training (DOL/DET) and the Delaware Workforce Investment Board (DWIB) serve as the co-administrative entity for Workforce Investment Act and State Blue Collar Jobs Act programs. Further, the DOL/DET serves as the administrative entity for Wagner-Peyser, Veterans, and Trade Act Assistance programs. The waiver provides the DOL/DET and the DWIB with the flexibility to implement a seamless delivery of services and to customize the planning and delivery of services for applicable programs. The DOL/DET and the DWIB will monitor the implementation and impact of the waiver through a combination of performance reporting, evaluations, and discussions with stakeholders regarding our progress towards expected outcomes. The DOL/DET and the DWIB will review applicable policies and procedures and modify them accordingly. The DOL/DET and the DWIB will submit both an interim and final report to the USDOL detailing the impact of the waiver.

### **Process for Notice to Local Boards and Opportunity to Comment:**

The waiver request was discussed during a meeting of the Executive Committee of the Delaware Workforce Investment Board held on January 27, 2009 at which time they expressed their endorsement. The waiver was again discussed and the Board given opportunity to comment on July 24, 2012 at which time it reaffirmed its original endorsement.