



DEC 06 2012

The Honorable Earl Ray Tomblin
Governor of West Virginia
Building #1
1900 Kanawha Boulevard East
Charleston, West Virginia 25305

Dear Governor Tomblin:

This letter provides conditional approval of West Virginia's State Plan (excluding waiver requests) 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 separately addresses West Virginia'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 West Virginia State Plan in accordance with Title I of WIA, the W-P, 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. 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 West Virginia's State Plan for the period July 1, 2012 through June 30, 2017, PY 2012-PY 2016, with the exceptions noted below. ETA is approving the State Plan on the condition that the State provides the following items to meet the State Integrated Workforce Plan requirements:

- The State Plan must specifically address how the goals that support the Governor's vision will be accomplished. The goals must be stated in clear and measureable terms.

- The State Plan must include Labor Market Information (LMI) and analysis tied to the Governor's vision. The LMI data must provide a description of the projected trends in the State's economy, industries and occupations, and assessment of the workforce skills necessary for economic growth.
- The State Plan must describe the key strategic partnerships that are required to implement the State's strategies. The description should provide detailed information about how the State will leverage resources through expanded partnerships.
- The State Plan must describe the policy alignment between the State Workforce Investment Council (WIC), Inter-Agency Collaborative Team (ICT), and Workforce Planning Commission that contribute to the State's overall workforce vision. The description should include what activities of the partners will be aligned, and how it will form an integrated and seamless service delivery design for state workforce activities.

The State must modify its State Plan to include the above required items, and submit a modification to ETA at your earliest convenience but no later than March 1, 2013. 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, under the condition that the information identified above is provided.

Performance Levels

Each year, the Regional Administrator negotiates the Program Year's WIA and W-P performance goals with each state. West Virginia's goals have been negotiated and the Regional Administrator's letter dated October 26, 2012 advised the State of the PY 2012 WIA and W-P final performance goals. This letter also indicated that West Virginia'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 West Virginia's State Plan, the State submitted waiver requests for waivers of statutory and regulatory requirements under WIA (copy enclosed). The State's request for 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 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 W-P.

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.

Waiver of WIA Section 134(a)(2)(B)(ii) and 20 CFR 665.200(d) to exempt the state from the requirement to conduct evaluations.

The State is requesting a waiver of the requirement to conduct evaluations of workforce investment activities for adults, dislocated workers, and youth in order to establish and promote continuous improvement of the statewide workforce investment system. ETA is unable to make a determination with the information provided in the request. TEGL 26-09, change 1, provides guidance on the required information for this waiver, and the ETA Regional Office is available to answer questions regarding additional needed information.

Waiver of the required 50 percent employer contribution for customized training at WIA Section 101(8)(C).

The State requested a waiver of the required 50 percent employer contribution for customized training to permit the use of a sliding scale for the employer contribution

based on the size of the business. The State is granted this waiver through June 30, 2017. Under the waiver, the following sliding scale is permitted: 1) no less than 10 percent match for employers with 50 or fewer employees, and 2) no less than 25 percent match for employers with 51-250 employees. For employers with more than 250 employees, the current statutory requirements (50 percent contribution) continue to apply. When determining the funding source for customized training, the State must use the appropriate program funds for the appropriate WIA-eligible population. The State and local area may provide customized training to individuals over age 18 with WIA Adult funds and must provide priority to low-income individuals when funds are limited. The State and local area may provide customized training to dislocated workers with WIA Dislocated Worker funds. Customized training provided with statewide funds must serve WIA eligible individuals.

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 requested 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 this waiver through June 30, 2017. 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.

Waiver of WIA Section 101(31)(B) to increase the employer reimbursement for on-the-job training.

The State requested 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, 2017. 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 and local area may provide on-the-job training to individuals over age 18 with WIA Adult funds and must provide priority to low-income individuals when funds are limited; the State and local area 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 of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts for older and out-of-school youth.

The State requested a waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts (ITAs) for older youth and out-of-school youth program participants. The State is granted this waiver through June 30, 2017. Under this waiver,

the State can use ITAs for older youth and out-of-school youth program participants. The State must continue to make the 10 youth program elements available as described at WIA Section 129(c)(2). The State should ensure that funds used for ITAs are tracked and that the ITAs are reflected in the individual service strategies for these youth.

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 described in TEGL 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 Matthew Heaney, the Federal Project Officer for West Virginia, at (215) 861-5206 or Heaney.Matthew@dol.gov.

Sincerely,


Jane Oates
Assistant Secretary

Enclosure

cc: Lenita Jacobs-Simmons, Regional Administrator, ETA Philadelphia Regional Office
Matthew Heaney, Federal Project Officer for West Virginia

From: Richardson, Angie F [Angie.F.Richardson@wv.gov]
Posted At: Thursday, September 20, 2012 4:27 PM
Conversation: Revised WV PY 2012-2016 WIA Title I W-P Act Plan and W-P Agricultural Outreach
Posted To: WIA.PLAN

Subject: Revised WV PY 2012-2016 WIA Title I W-P Act Plan and W-P Agricultural Outreach

Hello:

On behalf of Acting Executive Director Russell L. Fry, I am submitting West Virginia's revised strategic plan for Program Years (PY) 2012-2016 for the Workforce Investment Act of 1998 (WIA) and Wagner-Peyser (W-P) Act, and for W-P Agricultural Outreach.

As you requested, the revisions consist of:

- Page 82: Assurance 1 - Includes a link to the WorkForce West Virginia website to view the Public Comment page. Also added to Assurance 1, was a statement, which clarifies that West Virginia did not receive comments during the public comment period.
- Page 145: The Program Administration Designees and Plan Signatures page – with the Governor's signature – was added.

Per Linda Avila and Paul Witt, these revisions are due by Friday, September 21, 2012, by 12:00 p.m. Please notify me of your receipt of this message and the attached revised Plan.

I will be away from the office from Friday, September 21 until Tuesday, September 25, 2012. Should you need further information, please contact Jeannie Brogan at regina.a.brogan@wv.gov or Norma Brogan at norma.j.brogan@wv.gov. Each will be able to make further edits to the Plan in my absence.

Thank you.

Angie Richardson

Angie Richardson
WorkForce West Virginia
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Charleston, West Virginia 25305
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WIA Single-Area States Only – Additional WIA Title I Requirements
Does not apply to West Virginia.

(Optional) WIA Waiver Requests

Statutory/Regulatory Provision:		Conducting Evaluations					
Citation: Statute:	Section 134(a)(2)(B)(ii)	Citation: Regulation:	20 CFR 665.200(d)				
Entity:	WorkForce West Virginia						
Contact:	Russell L. Fry	Phone:	304-558-7024	Fax:	304-558-9157		
Address:	112 California Avenue	City:	Charleston	State:	WV	Zip:	25305
Duration:	From:	July 1, 2012	To:	June 30, 2013			
Governor:	Earl Ray Tomblin						

Waiver from the Requirement to Conduct Evaluations (WIA Section 134(a)(2)(B)(ii) and 20 CFR 665.200(d): Conducting evaluations, under WIA section 136(e), of workforce investment activities for adults, dislocated workers and youth, in order to establish and promote methods for continuously improving such activities to achieve high-level performance within, and high-level outcomes from, the statewide workforce investment system. Such evaluations must be designed and conducted in conjunction with the State and Local Boards, and must include analysis of customer feedback, outcome and process measures in the workforce investment system. To the maximum extent practicable, these evaluations should be conducted in coordination with Federal evaluations carried out under WIA Section 172.

The State of West Virginia makes this request pursuant to the Secretary of Labor's authority to waive for a state certain statutory and regulatory requirements found in the WIA Section 189(i)(4)(A)(i). This authority is further addressed in 20 CFR Section 661.420.

Due to the reduction in Governor's Reserve funding, West Virginia requests this waiver to conduct evaluations due to the staff hours used to evaluate the near 11,000 WIA served applicants. Continuous review of applicant files by the case managers assist with promoting methods for improving performance levels and outcomes. Feedback from the customers is used to improve these areas of activities and services.

There are no state and local statutory or regulatory barriers to implementing the requested waiver.

With limited funding available in the past, WorkForce West Virginia has previously not focused Governor's Discretionary State Set-Aside funding on comprehensive formal evaluations of workforce investment activities but instead offered special WIA-funded occupational skills training to adults, youth, and dislocated workers, such as fiber optics training to incarcerated youth, training for women in non-traditional constructions skills, new miner training, and apprenticeship training. Due to the reduction of WIA Governor Discretionary Funds to 5% further limiting the funds available for Governor's Discretionary activities, WorkForce West Virginia submitted and was granted a waiver of the requirement to conduct evaluations for the duration period ending June 30, 2012.

Taking into consideration the 5% level of funding, WorkForce West Virginia is requesting another waiver of the requirement to conduct evaluations from June 1, 2012 through June 30, 2013, to maximize limited resources. This waiver will provide WorkForce West Virginia with more flexibility in directing Governor's Discretionary funds to those activities that best preserve basic functions of the statewide workforce investment system.

The actual services provided to the customers and local workforce investment board areas will not be impacted by this waiver request because WorkForce West Virginia utilizes several different processes and tools for evaluating the workforce system. There is an on-going analysis of services provided and accessed by customers as tracked through Mid-Atlantic Career Consortium (MACC) System. WorkForce West Virginia also uses the following to determine the effectiveness of the workforce system which includes an analysis of quarterly and annual performance reports and annual data validation results to identify needed system improvements, conducting informal and formal customer satisfaction surveys for improved quality of customer service activities, and form on an as-needed basis work groups or focus groups highlighting the needs of adults, youth, and dislocated workers.

Conducting Evaluations (cont'd)

Outcomes/Benefit (Narrative 2)

Goals to be Achieved by the Waiver:

With limited funding available in the past, West Virginia has previously not focused Governor's Reserve funding on comprehensive evaluations of workforce investment activities. Performance outcome measures have improved in West Virginia as reflected by the Annual Report Analysis: State of West Virginia PY2011 reflecting that the State exceeded seven measures, met two measures, and failed zero measures. Therefore, this waiver from the Requirement to Conduct Evaluations should not impact the on-going goals for meeting and exceeding performance results.

Description of the Individuals Impacted by the Waiver:

The actual services provided to customers and local workforce investment board areas will not be impacted by this waiver because West Virginia utilizes different processes and tools for evaluating the workforce system. The processes and tools are utilized through the analysis of services provided and accessed by customers as tracked through the MACC system; an analysis of annual data validation results that can point out needed system improvements; informal and formal customer satisfaction surveys for improving the quality of customer service activities; and work groups or focus groups highlighting the needs of adults, youth, and dislocated workers.

Monitoring/Evaluation Process (Narrative 3)

Description of the Process to Monitor Progress:

West Virginia has established an on-going quarterly review of performance measures in-conjunction with the local workforce investment boards. This review is accomplished through a joint process of reviewing performance reports generated by the MACC system to verify data and make appropriate corrections to edit checks reflecting errors or missing data. The State also conducts an analysis of annual data validation results to point out needed system improvements. Additionally, informal and formal customer satisfaction surveys are conducted to improve the quality of customer service activities provided in the State. Work groups or focus groups are formed on an as-needed basis to highlight the needs of adults, youth, and dislocated workers. The State's customer tracking system for services provides a performance measure outcome.

WorkForce West Virginia's Management Analysis Division performs periodic monitoring reviews of all programs administered by WorkForce West Virginia which includes conducting formal reviews of WIA-funded activities at the state and local level which involves conducting on-site monitoring visits for reviewing WIA-funded activities through local workforce investment boards, on-site reviews of WIA participant files in the field to ensure WIA participant files are updated and contain appropriate documentation in accordance with WIA file maintenance requirements, on-site reviews of grantees that were awarded Governor's Discretionary grant funds, etc. Therefore, Management Analysis' regular scheduling of periodic monitoring visits and subsequent monitoring reports following each visit is a valuable tool utilized by management to determine strengths of the workforce system as well as system improvement needs.

Other Comments Provided (Narrative 4)

West Virginia will make the public aware of this waiver request through its WorkForce West Virginia website, www.workforcewv.org. A public comment period was provided from October 26, 2012 – November 9, 2012.

Statutory/Regulatory Provision:		Waiver to Permit the State to Replace the Performance Measures with Common Measures.					
Citation: Statute:	WIA Section 136(b)(2) and (c)(1)	Citation: Regulation:	WIA Standardized Record Data System (WIASRD) item 619.				
Entity:	WorkForce West Virginia						
Contact:	Russell L. Fry	Phone:	304-558-7024	Fax:	304-558-9157		
Address:	112 California Avenue	City:	Charleston	State:	WV	Zip:	25305
Duration:	From:	July 1, 2012	To:	June 30, 2017			
Governor:	Earl Ray Tomblin						
Justification (Narrative 1)							
<p>The State's initiative to move forward with consolidated measures reflects the Governor's desire to better evaluate the success of West Virginia's employment and training system. This waiver permits the State to negotiate and report WIA outcomes against the common measures only, rather than the performance measures as 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 surveys; or older 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. Starting with the WIA Title IB initiative, the State will work with its partners to expand the use of the common measures across employment and training programs in West Virginia.</p> <p>This waiver would allow West Virginia to effectively align accountability across all programs within the workforce system. The common measures more effectively support the state's goals of promoting on-the-job training and customized training for Dislocated Workers and Adults, including employed workers.</p>							

Waiver to Permit the State to Replace the Performance Measures with Common Measures (cont'd)

Outcomes/Benefit (Narrative 2)

Goals to be Achieved by the Waiver:

The waiver is designed to simplify and streamline the performance measurement system; create the opportunity for state-specific performance measures through a reduction in the federally mandated measures; increase program integration by focusing the system on common goals; and improve the evaluation of West Virginia's employment and training systems.

Description of the Individuals Impacted by the Waiver:

Approval of this waiver will positively affect all customers of West Virginia's workforce investment system by eliminating accountability as a barrier to service and improving integration in the One-Stops. This will allow program managers the opportunity to better measure the success of the overall system and affect meaningful change.

Monitoring/Evaluation Process (Narrative 3)

Description of the Process to Monitor Progress:

The State's WIA management information system, the MACC, allows the State, its local workforce investment boards, and other WIA funded program operators to monitor client outcomes based on the core performance measures currently specified under WIA Section 136 and the common measures as defined in TEG 17-05. The State will report the common measures outcomes to DOL quarterly. WorkForce West Virginia will continue to monitor the implementation of this waiver through their ongoing monitoring of performance of the workforce programs under the umbrella of DOL, ETA as well as the overall progress toward the goals and objectives in this plan. Information and data from our automated system is reviewed and reported to the local WIBs on a regular basis. Review of the implementation for this waiver will be regularly placed on the local Workforce Investment Board Director's meeting agenda and state WIC meetings.

Other Comments Provided (Narrative 4)

West Virginia will make the public aware of this waiver request through its WorkForce West Virginia website, www.workforcewv.org. A public comment period was provided from October 26, 2012 – November 9, 2012

Statutory/Regulatory Provision:		On-the-Job Training Employer Reimbursement					
Citation: Statute:	Section 101(31) and 20 CFR 663.700(a)	Citation: Regulation:	Workforce Investment Act of 1998				
Entity:	WorkForce West Virginia						
Contact:	Russell L. Fry	Phone:	304-558-7024	Fax:	304-558-9157		
Address:	112 California Avenue	City:	Charleston	State:	WV	Zip:	25305
Duration:	From:	July 1, 2012		To:	June 30, 2013		
Governor:	Earl Ray Tomblin						
Justification (Narrative 1)							
<p>West Virginia requests a waiver of the statutory exclusion and regulatory prohibition of the On-the-Job Training (OJT) required minimum employer payment of up to 50%, which is the current statutory requirement. The State requests a waiver to allow a change to the maximum employer reimbursement for OJT training from the current 50% of the wage rate. The waiver request seeks to allow West Virginia to reimburse the employer on a graduated scale based on the size of the business. Under the waiver, the following reimbursement amounts will be permitted: 1) up to 90% for employers with 50 or fewer employees, and 2) up to 75% for employers with more than 50 but fewer than 100 employees. For employers with 100 or more employees, the current statutory requirements will continue to apply. The statutory maximum reimbursement has been determined to be a deterrent for small employers in the State that had considered OJT as a means to develop workforce skills necessary for growth in their respective industries. A graduated scale of reimbursement will create more incentive for small employers to participate in OJT to achieve high-skill, high demand and/or high wage attainment and family sustaining jobs.</p> <p>As required by 20 CFR 663.700, the length of OJT will still be determined by the skill requirements of the occupation, the academic and occupational skill level of the participant, prior work experience, and the participant's individual employment plan. No reimbursement greater than 50% will remain in effect longer than three months.</p> <p>Approval of this waiver will be especially beneficial to small businesses that provide most of the new jobs being created in the State. Recent statistical analysis revealed there was a 21% increase in new jobs in PY11 compared to PY10. Small businesses comprise 97% of the businesses in West Virginia. This means the small businesses employ fewer than 50 workers.</p>							

On-the-Job Training Employer Reimbursement (cont'd)

Outcomes/Benefit (Narrative 2)

Goals to be achieved by the Waiver:

- Increased flexibility at the local level to offer business training solutions tailored to respond to the specific needs of businesses;
- Elevated skill proficiencies for workers that will result in increased worker viability;
- Increased responsiveness to labor market issues in the private sector;
- Increased capability to attract new businesses into the State;
- Increased percentages of employers using OJT as a means of hiring and retaining a skilled workforce;
- Increased percentages of workers trained and hired through OJT programs.

Description of the Individuals Impacted by the Waiver:

Employers will benefit from this waiver by allowing OJT at a reduced cost. This will allow businesses to more readily adapt to changes in technology and the marketplace. Businesses will be capable of expanding or remaining competitive with affordable, OJT options uniquely designed to achieve their specific developmental goals.

The waiver will also benefit adults, older youth and dislocated workers who are eligible for services under WIA by the availability of OJT training and training related to employment will also be a benefit. The eligible individuals who are most likely to benefit are those who have multiple barriers to employment, low basic skills, or limited English language proficiency.

Trade-impacted workers would benefit by increased opportunities to gain relevant, transferable, and demanded skill proficiencies that will allow them to transition into other industries or occupations.

Monitoring/Evaluation Process (Narrative 3)

Description of the Process to Monitor Progress:

WorkForce West Virginia is the state administrative entity for the Workforce Investment Act. The flexibility of this waiver enables West Virginia to design a seamless delivery of services and to customize the education and training programs for job seekers.

West Virginia's workforce development goals are designed to achieve an industry-led, demand-driven system and a highly-skilled workforce with emphasis on furthering customer satisfaction through choice, individual opportunity, and continuity of services. By following the guidelines, each LWIB can ensure an efficient and quality delivery system. WorkForce West Virginia will monitor the implementation and impact of the waiver through a combination of local level reporting, State oversight, and evaluation.

On-the-Job Training Employer Reimbursement (cont'd)

Monitoring/Evaluation Process (Narrative 3 cont'd)

Description of the Process to Monitor Progress (cont'd):

Performance measures from the Local Workforce Investment Areas will be regularly evaluated to determine the impact of the waiver approval. WorkForce West Virginia, as the state administrator and overseers of WIA funds, will monitor the implementation of this waiver and the use of funds by the LWIB as well as the local employers. OJT contracts will be reviewed annually as well as the management information systems. Contracts will be entered financially in a management tracking system and reviewed on a regular basis and reported to the executive director and LWIBs during the regular scheduled monthly meetings. The Management Analysis Unit will conduct annual reviews for compliance purposes. To ensure fiscal integrity, there will be both adequate oversight and complete, consistent reporting. The State will review applicable policies and procedures and modify them accordingly.

Other Comments Provided (Narrative 4)

West Virginia will make the public aware of this waiver request through its WorkForce West Virginia website, www.workforcewv.org. A public comment period was provided from October 26, 2012 – November 9, 2012.

Statutory/Regulatory Provision:		Waiver For Initial Eligibility for Training Providers on the State List of Eligible Training Providers Under the Workforce Investment Act Title I					
Citation: Statute:	Section 122 (c) (5)	Citation: Regulation:	20 CFR Workforce Investment Act Final Rules of 663.				
Entity:	WorkForce West Virginia						
Contact:	Russell L. Fry	Phone:	304-558-7024	Fax:	304-558-9157		
Address:	112 California Avenue	City:	Charleston	State:	WV	Zip:	25305
Duration:	From:	July 1, 2012		To:	June 30, 2017		
Governor:	Earl Ray Tomblin						

Justification (Narrative 1)

WIA Section 12(c)(5) and WIA Final Rules at 20 CFR Section 663.530 require time limit observance for initial eligibility of providers of training services before being considered for subsequent eligibility for inclusion on the State List of Eligible Training Providers.

The State of West Virginia was previously granted a waiver from the time limit on the period of initial training providers provided at 20 CFR 663.530. 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 State of West Virginia has developed and maintains an Eligible Training Provider list. In addition to requiring information related to WIA funded students, the Act requires performance information for all students participating in the eligible training provider's programs. A strict enforcement of this provision by the State unduly limits the training services available for WIA clients. While most training providers supply the State with performance information on "all students", some do not. In some cases, some providers, notably post secondary public and private colleges, do not provide social security numbers. Consequently, the State is not able to test the veracity of the training provider's information in all cases.

Waiver For Initial Eligibility for Training Providers on the State List of Eligible Training Providers Under the Workforce Investment Act Title I (cont'd)

Outcomes/Benefit (Narrative 2)

Goals to be Achieved by the Waiver:

The State fully understands the need for accountability and supports efforts to ensure that customers are making informed decisions based on quality data. However, the ability to collect the required data is limited and the results could adversely impact customer choices and limit training opportunities for clients. The goal of this request is to increase the quality and quantity of all performance information for training providers on the State list of Eligible Training Providers. The State will continue to pursue this goal but does not want to be in the position of forcing the elimination of quality training providers, especially the State's Community and Technical Colleges and Vocational Schools; or have providers opt out on the WIA system in the interest of complying with the privacy concerns of their non-WIA clients.

Description of the Individuals Impacted by the Waiver:

Approval of this waiver will positively impact the West Virginia's Workforce Investment Boards, training providers, One-Stop staff and customers.

Monitoring/Evaluation Process (Narrative 3)

Description of the Process to Monitor Progress:

WorkForce West Virginia serves as the administrative entity for the Workforce Investment Act. Further, WorkForce West Virginia serves as the administrative entity for Wagner-Peyser, Veterans, and Trade Act Assistance programs. The waiver provides WorkForce West Virginia and the Workforce Investment Boards with the flexibility to implement a seamless delivery of services and customize the planning and delivery of services for applicable programs. WIA participant performance data will be verified by the State, utilizing the Management Information System (MIS) to the extent data is available or by contacting participants. Quarterly Unemployment Wage Reports will also be used to verify wages during the performance period. For a program to remain on the State training provider list, at least one LWIB must approve the program. Each LWIB may establish performance levels higher than the State performance levels. LWIBs must take into consideration the specific economic, geographic and demographic factors in local areas where providers seek to provide training, in addition to the characteristics of the individuals served by the program, when determining subsequent eligibility. The State and each LWIB may make adjustments to the minimum performance levels annually. WorkForce West Virginia will monitor the implementation and impact of the waiver through a combination of performance reporting, evaluations, and discussions with stakeholders regarding the agency's progress toward expected outcomes. WorkForce West Virginia and the WIBs will review applicable policies and procedures and modify them accordingly.

Other Comments Provided (Narrative 4)

West Virginia will make the public aware of this waiver request through its WorkForce West Virginia website, www.workforcewv.org. A public comment period was provided from October 26, 2012 to November 9, 2012.

Statutory/Regulatory Provision:		Transfer Up to 50% of Title I Adult and Dislocated Worker Funds					
Citation: Statute:	§133(b)(4);	Citation: Regulation:	20 CFR 667.140				
Entity:	WorkForce West Virginia						
Contact:	Russell L. Fry	Phone:	304-558-7024	Fax:	304-558-9157		
Address:	112 California Avenue	City:	Charleston	State:	WV	Zip:	25305
Duration:	From:	July 1, 2012	To:	June 30, 2017			
Governor:	Earl Ray Tomblin						
Justification (Narrative 1)							
<p>West Virginia requests a waiver to allow a LWIB to transfer up to 50% of Title I Adult and Dislocated Worker funds. West Virginia issued a Policy No. 27-03 on March 1, 2003, to allow LWIBs to request up to 50% of a program year formula allocation from either the adult to dislocated worker funding or from the dislocated worker to the adult funding stream. In accordance with this policy, LWIBs are directed on what steps to follow to transfer funds between programs.</p> <p>In an effort to increase the flexibility to serve West Virginia's adult population with formula funds, LWIBs needs the flexibility to transfer funds to deliver intensive and training services to their participants. This authority will provide the LWIBs with greater flexibility for responding to changes in their local markets and will help ensure the WIA funds allocated to each local area being utilized in a way that maximizes customer services, including employed workers and other demand driven needs of the business community. This also allows for services to be directed to the unemployed and under-employed participants who may need intensive services and/or training services in order to obtain or retain employment that allows for self-sufficiency. This will also allow LWIBs to conduct customized training with an employer or group of employers to employ individuals upon successful completion of the training.</p> <p>LWIBs prefer not to expend all their adult and dislocated worker funds. This will allow the LWIBs to remain flexible enough to meet the unanticipated needs of their customers as related to the current economy. Obligations are often effective management tools for determining the commitment of funds, but accrued expenditures are the common language of fiscal reporting requirements and present a much more accurate and consistent financial picture.</p>							

Transfer Up to 50percent of Title I Adult and Dislocated Worker Funds (cont'd)

Outcomes/Benefit (Narrative 2)

Goals to be Achieved by the Waiver:

The impact of this waiver at the local level will be reflected in the State's overall expenditure level, especially given the continued nationwide concern expressed about the expenditure rates for WIA funds. By having the option to transfer up to 50% of adult and dislocated worker funds, the LWIBs can meet the demands of their customers. This will better the position of the LWIBs to have resources available to respond to national directions, priorities, and challenges within their respective regions and also advance implementation of the Workforce Investment Plan.

Description of the Individuals Impacted by the Waiver:

Eligible adults and dislocated workers, as well as business customers, will benefit from this waiver. Granting the local boards the ability to move substantial funds to the area of greatest needs will ensure optimum services to the general population of that workforce area.

Monitoring/Evaluation Process (Narrative 3)

Description of the Process to Monitor Progress:

WorkForce West Virginia is the state administrative entity for the WIA. West Virginia's workforce development goals are designed to achieve an industry-led, demand-driven system and a highly skilled workforce. With emphasis on furthering customer satisfaction through choice, individual opportunity, and continuity of services, each LWIB can ensure an efficient and quality delivery system.

Because of the past granting of this waiver, the state has processes in place to ensure the requested funds are transferred and in compliance with DOL directions and the state policy. The waiver is monitored by reviewing the proper expenditure of funds for each funding stream.

WorkForce West Virginia will monitor the implementation and impact of the waiver through a combination of reporting from the local level, state oversight, and evaluation. Performance measures from the Local Workforce Investment Areas will be regularly evaluated to determine the impact of the waiver's approval. The State will gather information through discussion on the progress of the implementation of the waiver, performance data, and information on obstacles encountered, if any. To ensure fiscal integrity, there will be both adequate oversight and complete, consistent reporting.

Other Comments Provided (Narrative 4)

Consistent with the general waiver request, the State is adhering to publication requirements to ensure the broadest participation possible; this includes informing appropriate partners and interested parties such as labor, community based organizations, LWIBs and the West Virginia Workforce Investment Council. A public comment period was provided from October 26, 2012 to November 9, 2012.

Statutory/Regulatory Provision:		Replace the required 50% customized training employer match with a match using a sliding scale from 10% to 50% (amount determined by established criteria)					
Citation: Statute:	§101(31)(B)	Citation: Regulation:	20 CFR 663.710(b)				
Entity:	WorkForce West Virginia						
Contact:	Russell L. Fry	Phone:	304-558-7024	Fax:	304-558-9157		
Address:	112 California Avenue	City:	Charleston	State:	WV	Zip:	25305
Duration:	From:	July 1, 2012	To:	June 30, 2017			
Governor:	Earl Ray Tomblin						
Justification (Narrative 1)							
<p>West Virginia requests a waiver of the statutory exclusion and regulatory prohibition of the customized training required up to 50% employer match for customized training as identified in the WIA Section §101(8)© and 20 CFR 663.715. The statutory minimum required payment has been determined to be the single greatest deterrent for employers in the State who had considered customized training as a means to access or develop workforce skills necessary for growth in their respective industries. A sliding scale for the employer matching cost component will create more incentive for employers to participate in customized training that achieves high-skill, high-demand and/or high wage attainment.</p> <p>The proposed scale will range from 10 to 50%, based on characteristics such as the type of training; size of the business; number of persons being trained; the hiring needs of the employer; and the industry or skill demand. This will allow WorkForce West Virginia to more effectively support job creation in that sector of the employer community that supports the overwhelming majority of the state's jobs. Characteristics measured will be based on alignment with the State's workforce development goals delineated in West Virginia's Strategic State Workforce Investment Plan, which focuses on training and programs that achieve high-skill, high-demand and/or high-wage attainment.</p> <p>There are no state or local statutory or regulatory barriers to impede implementation of the requested waiver.</p>							

Replace the required 50% customized training employer match with a match using a sliding scale from 10% to 50% (amount determined by established criteria) (cont'd)

Outcomes/Benefit (Narrative 2)

Goals to be achieved by the Waiver:

- Increased flexibility at the local level to offer business training solutions tailored to respond to the specific needs of businesses;
- Elevated skill proficiencies for workers that will result in increased worker viability;
- Increased responsiveness to labor market issues in the private sector;
- Increased capability to attract new businesses into the State;
- Increased percentages of employers using customized training as a means of hiring and retaining a skilled workforce; and
- Increased percentages of workers trained and hired through customized training programs.

Description of the Individuals Impacted by the Waiver:

Employers will benefit from this waiver allowing customized training at a reduced cost. This will allow businesses to more readily adapt to changes in technology and in the marketplace. Businesses will be capable of expanding or remaining competitive with affordable, customized training options uniquely designed to achieve their specific developmental goals.

The waiver will also benefit adults, older youth and dislocated workers who are eligible for services under WIA by the availability of customized training options. The eligible individuals who are most likely to benefit are those who have multiple barriers to employment, low basic skills or limited English language proficiency.

Trade-impacted workers would benefit by increased opportunities to gain relevant, transferable, and demanded skill proficiencies that will allow them to transition into other industries or occupations.

Monitoring/Evaluation Process (Narrative 3)

Description of the Process to Monitor Progress:

WorkForce West Virginia is the State administrative entity for the WIA. The flexibility of this waiver enables WorkForce West Virginia to design a seamless delivery of services and to customize the education and training programs for job seekers.

West Virginia's workforce development goals are designed to achieve an industry-led, demand-driven system and a highly-skilled workforce with emphasis on furthering customer satisfaction through choice, individual opportunity, and continuity of services. By following the guidelines, each LWIB can ensure an efficient and quality delivery system. WorkForce West Virginia will monitor the implementation and impact of the waiver through a combination of local level reporting, State oversight, and evaluation.

WorkForce West Virginia staff will review contracts and automated reports for compliance. Those employers and LWIB's not following the procedures will be required to resolve the identified problems within an established timeline.

Monitoring/Evaluation Process (Narrative 3 cont'd)

Description of the Process to Monitor Progress (cont'd):

Performance measures from the LWIBs will be evaluated on a regular basis to determine the impact of the waiver to the employer community. The State's monitoring policy and procedure is already in place to ensure compliance with this waiver. The review of contracts and gathering information contained in the State's management information system and financial management tracking system will be reviewed and reported to the local areas on a regular basis. The State will review applicable policies and procedures and modify them accordingly.

Other Comments Provided (Narrative 4)

West Virginia will make the public aware of this waiver request through its WorkForce West Virginia website, www.workforcewv.org. A public comment period was provided from October 26, 2013 – November 9, 2013.

WIA Waiver Request

Statutory/Regulatory Provision: Allow ITAs for Older Youth	
Citation: Statute:	Sec. 122, Sec 123, Sec 129(c)(2)&(3)(A)(ii)
Citation: Regulation:	§664.510
Entity:	WorkForce West Virginia
Contact:	Russell L. Fry
Phone:	304-558-7024
Fax:	304-558-9157
Address:	112 California Avenue
City:	Charleston
State:	WV
Zip:	25305
Duration:	From: 7-1-12 To: 06/30/17
Governor:	Earl Ray Tomblin

Justification (Narrative 1)

West Virginia requests a waiver of the statutory exclusion and regulatory prohibition of using Individual Training Accounts (ITAs) for older youth. WorkForce West Virginia, the administrative entity for the WIA in the State, requests this waiver in response to feedback from State agencies and local workforce investment areas, and in consideration of precedents set by approval of similar waivers requested by Indiana, Kentucky, Georgia, Texas and Pennsylvania.

The WIA statute at Section 129 does not provide youth access to ITAs. The WIA Final Regulations at Sec. 664.510 specifically prohibits the use of youth funds to support ITAs for older youth with youth funding.

Under WIA, the focus of youth programs has changed from the provision of short-term, stand alone programs to providing year-round, long-term services designed to help both in-school and out-of-school youth make the transition to post-secondary training and careers. West Virginia finds that the intent of this regulation is viable; however, the State is not of the opinion that contracted year-round youth programs are the best and only training vehicle for certain individuals within West Virginia's older youth population.

Older youth continue to be one of the most difficult populations to serve because their interests lie in obtaining self sufficient, full-time employment rather than being involved in a typical structured setting that youth contracts provide. Utilization of service elements through year-round contracting too often results in delaying older youths' access to training and subsequent employment. In addition, the real-life informed decision-making involved in using ITAs and the Eligible Training Program Provider (ETPP) list would provide older youths with the experience of behaving responsibly.

LWIAs currently have the option to dual-enroll eligible individuals in youth and adult services, which allows older youth to access ITAs. Such dual enrollment is solely for the purpose of allowing older youth access to ITAs; however, it restricts local flexibility to manage limited resources.

WIA Waiver Request - Allow ITAs for Older Youth (cont'd)

The option to allow older youth to access ITAs and the ETPP process using youth funds and consequently retain adult funds to provide adult services, enhances local flexibility, which is one of the seven key principles of the WIA. The option for dual enrollment into youth and adult services would still be an option if the LWIAs determine it to be so based on available resources and the needs of the individual.

WIA requires local areas to make available a menu of ten program elements specified at 20 CFR 664.410, to eligible youth. The State finds that the intent of this regulation is practical for successful outcomes for older youth, and through the local plan process, will require the local workforce investment areas to outline a plan of action to ensure compliance with this regulation for persons receiving payment of training services through an Individual Training Account. This waiver is not being requested to circumvent the older youth requirements of WIA, but to bring service delivery for youth closer to the intent of the Act, and to serve customers efficiently according to their individual needs.

The use of ITAs for older youth would be implemented by the State upon DOL's approval of this waiver request.

Outcomes/Benefits (Narrative 2)

Goals to be Achieved by the Waiver:

- Ensure the local areas have the flexibility to design and deliver programs based on the needs of their customers, rather than restrictions based solely on age.
- Reduce the paperwork and tracking processes requirement in dual enrollment (Older Youth and Adult) as is now necessary for an older youth to access occupational skills training through the Adult ITA and ETPP process.
- Offer youth the real-life learning experience of making informed decisions that have direct impact on his or her life. Using the ITA/ETPP process with older youth offers case managers the opportunity to discuss the process of decision-making (training provider, finances, etc) and the results that ensue.
- Provide for and promote customer choice and bring market forces into play.
- Maximize local flexibility based on youth customers' assessed needs in terms of training that leads to self-sufficiency in demand occupations.
- Provide older youth more choice by opening up the Adult ETPP.

Description of the Individuals Impacted by the Waiver:

The waiver can positively impact all older WIA eligible youth. These customers will receive the type of services that most closely and quickly meet their needs without unnecessary paperwork and tracking.

WIA Waiver Request - Allow ITAs for Older Youth (cont'd)

Monitoring/Evaluation Process (Narrative 3)

Description of the Process to Monitor Progress:

WorkForce West Virginia is the state administrative entity for the WIA. The waiver enables West Virginia the flexibility to design seamless delivery of services and to customize the education and training programs for youth. With an emphasis on furthering customer satisfaction through choice, individual opportunity, and continuity of services, each LWIA can ensure an efficient and quality delivery system.

WorkForce West Virginia will monitor the implementation and impact of the waiver, through a combination of reporting from the local level, state oversight, and evaluation. Performance measures from the workforce regions will be evaluated quarterly, to determine the impact of the waiver approval. The State will gather information from our automated system and discuss the progress of the implementation of the waivers, performance data, and obstacles encountered, if any. ITAs will be monitored to ensure funds are being utilized for demand occupations within their respective areas. To ensure fiscal integrity, there will be both adequate oversight and complete, consistent reporting from the LWIBs to the state's fiscal agent. The State will review applicable policies and procedures both fiscally and programmatic for any modifications.

Other Comments Provided (Narrative 4)

Consistent with the general waiver request, the State is adhering to publication requirements to ensure the broadest participation possible. This includes informing appropriate partners and interested parties such as labor, community-based organizations, LWIB and the regional workforce youth councils. A public comment period was provided from November 1, 2012 – November 30, 2012. Letters of support from local workforce investment areas are included with this submission.

U.S. Department of Labor

Employment and Training Administration
The Curtis Center, Suite 825 East
170 S. Independence Mall West
Philadelphia, Pennsylvania 19106-3315
www.region02.doleta.gov



Reply to the attention of: **2-ORA-LJS.kb**

October 26, 2012

Honorable Keith Burdette
Secretary of Commerce
State of West Virginia
State Capitol Complex
Building 6, Room 525
Charleston, West Virginia 25305-0311

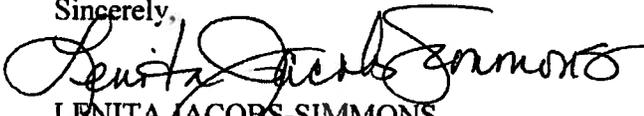
RE: Modification of the State of West of Virginia's Five Year Strategic State Plan for Title I of The Workforce Investment Act and the Wagner-Peyser Act

Dear Secretary Burdette:

Enclosed are the agreed upon Program Year 2012 performance goals for the Workforce Investment Act (WIA) and the Wagner-Peyser Act (W-P). The Regional Office and representatives from the State of West Virginia agreed to these goals in prior discussions. These goals represent an official modification to West Virginia's Five Year Strategic State Plan for Title I of the WIA and W-P Act and should be recorded into the official copy of West Virginia's Strategic Plan.

We truly appreciate the effort contributed by your staff to this process. If you have any questions, please do not hesitate to contact me at (215) 861-5201.

Sincerely,


LENITA JACOBS-SIMMONS
Regional Administrator

cc: Russell Frye
Heather Fleck
Karen Staha
Leo Miller

WIA Performance Levels for Program Year (PY) 2012

West Virginia

Adult Measures

	<u>PY 2012</u>
Adult Entered Employment Rate	80.0%
Adult Employment Retention Rate	84.0%
Adult Average Six-Month Earnings	\$11,342

Dislocated Worker Measures

Dislocated Worker Entered Employment Rate	84.0%
Dislocated Worker Employment Retention Rate	92.0%
Dislocated Worker Average Six-Month Earnings	\$16,034

Youth Measures

Literacy/Numeracy Gain	60.0%
Attainment Degree or Certificate Rate	63.0%
Placement Employment or Education	64.0%

W-P Performance Levels for PY 2012

W-P Entered Employment Rate	60.0%
W-P Employment Retention Rate	80.0%
W-P Average Six-Month Earnings	\$13,500
