U.S. Department of Labor

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

DEC 1 1 2012

The Honorable David Heineman
Governor of Nebraska
State Capitol
P.O. Box 94848
Lincoln, Nebraska 68509-4848

Dear Governor Heineman:

This letter provides approval of Nebraska's State Integrated Workforce Plan for Title I of the Workforce Investment Act (WIA), the Wagner-Peyser Act (W-P), including the 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 14, 2012. This letter also responds to Nebraska'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 Nebraska State Integrated Workforce Plan in accordance with Title I of the 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 Nebraska'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

Program performance goals for PY 2012 WIA and Wagner-Peyser have been reached in negotiations between the ETA Regional Administrator and your state workforce agency. Nebraska's goals were transmitted to the agency in the Regional Administrator's letter dated October 19, 2012. This letter also indicates that Nebraska'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 Nebraska'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 approval of 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 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 areas may provide on-the-job training to individuals age 18 and over with WIA Adult funds and must provide priority to low-income individuals when funds are limited; the State and local areas 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 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 an approval of 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 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 an approval of 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)(iii) and 20 CFR 665.200(e) to exempt a state from the requirement to provide local workforce investment area incentive grants.

The State requested a waiver of the requirement to provide local workforce investment areas incentive grants to reward regional cooperation, local coordination of activities, and exemplary performance. 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 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 requested 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 WIA Section 134(a)(2)(B)(v) requiring the State to assist in the establishment and operation of the one-stop delivery systems.

The State requested a waiver of the requirement to assist in the establishment and operation of the One-Stop delivery system in response to the decreased Governors' PY 2012 reserve for statewide activities. 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 20 CFR 665.200(b)(3) to exempt the state from the requirement to disseminate training provider performance and cost information.

The State has withdrawn this request.

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 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. Thank you for adopting the American Job Center Brand; we are available to provide technical assistance as needed. If you have any questions related to the issues discussed above, please contact Danielle Waddell, the Federal Project Officer for Nebraska, at 312-596-5539 or Waddell.Danielle@dol.gov.

Sincerely,

Jane Oates

Jane Oates
Assistant Secretary

Enclosures

cc: Byron Zuidema, Regional Administrator, ETA Chicago Regional Office
Danielle Waddell, Federal Project Officer for Nebraska

Workforce Investment Act and Wagner-Peyser Act
Performance Levels for PY 2012

Nebraska

Workforce Investment Act Performance Levels

Adult Measures	PY 2012
Adult Entered Employment Rate	74.0
Adult Employment Retention Rate	87.0
Adult Six-months Average Earnings	$10,500

Dislocated Worker Measures	PY 2012
Dislocated Worker Entered Employment Rate	89.0
Dislocated Worker Employment Retention Rate	94.0
Dislocated Worker Six-months Average Earnings	$14,600

Youth Measures	PY 2012
Youth Placement in Employment or Education	76.0
Youth Attainment of Degree or Certificate	62.9
Youth Literacy and Numeracy Gains	52.0

Wagner-Peyser Act Performance Levels

Measures	PY 2012
Entered Employment Rate	69.0
Employment Retention Rate	84.0
Six-months Average Earnings	$12,000

From: Fox, Jan [Jan.Fox@nebraska.gov]
Posted At: Friday, September 14, 2012 4:02 PM
Conversation: Nebraska's 5-Year State Plan
Posted To: WIA.PLAN

Subject: Nebraska's 5-Year State Plan

It is a pleasure to submit Nebraska's WIA Five-Year Integrated State Plan in .pdf format.

Confirmation of receipt would be appreciated. Thank you.

Jan Fox

Policy Coordinator, Office of Employment and Training
Nebraska Department of Labor | 550 So 16th St | Lincoln, NE 68509
☎: 402.471.1932 | 🖷: 402.471.9993 | ✉: jan.fox@nebraska.gov

STATE OF NEBRASKA
Workforce Investment Act Waiver Request
Waiver of Period of Initial Eligibility for Training Providers

Date: October 23, 2012
State: Nebraska
Agency: Department of Labor, Office of Employment and Training

Statutory And/Or Regulatory Requirements To Be Waived
WIA Section 122(c)(5) and 20 CFR 663.530 that require a time limit for initial eligibility for training providers followed by the subsequent eligibility process.

Actions Undertaken To Remove State Or Local Barriers
There are no state or local statutory or regulatory barriers to implementing the waiver.

Goals And Expected Programmatic Outcomes Of Waiver

- Identify the broadest range of eligible training providers to enable individuals to make informed choices related to their training goals, especially in high growth, high demand industries which will help provide individuals with the knowledge, skills and resources for learning, earning and living.

- Increase the number of eligible training providers and expand the number of available programs to ensure customer choice, especially in the non-metropolitan areas of the State to provide individuals in these areas with additional choices of providers and programs to maximize customer satisfaction while providing them with the necessary skills to meet the changing long-and short-term needs of businesses.

- Provide time and offer technical assistance to training providers that are uncertain about data requirements necessary to receive subsequent eligibility status.

- Enhance the system to administer the eligible training provider process to ensure continuity of training options for workforce customers through a coordinated, efficient, and less bureaucratic delivery system.

The State is interested in enhancing the flexibility of the public workforce system in order to bring a larger number of training provider choices delivered through the State's Eligible Training Provider (ETP) List located at http://traininglink.dol.state.ne.us. There are public and private universities, state colleges, community colleges, private postsecondary career colleges and schools, community based organizations, and approved apprenticeship programs on the ETP list. By waiving subsequent eligibility requirements, customers will have a broader range of approved providers from which to select and the providers will have additional time to prepare for reporting requirements.

Individuals Impacted By The Waiver

- All customers including training providers, local Workforce Investment Boards and staff, case managers and State managers of the ETP system, and businesses will be positively affected by the waiver.

- Providers will have adequate time to gather and submit performance information on each program for determining subsequent eligibility.

- Local Workforce Investment Boards will have sufficient performance information to make informed decisions when reviewing applications to be an eligible training provider.

- ITA customers will have the broadest range of types of providers and programs to choose from in order to select the best provider and program to meet their training and career goals.

- All Nebraska Workforce Development customers will have access to information on specific requirements and procedures for subsequent eligibility that affects them.

- Nebraska businesses' staffing needs will be met by applicants trained through the Workforce System having had access to a wide range of programs and providers.

Process For Monitoring Progress In Implementation

The Nebraska Department of Labor (NDOL) will monitor the implementation and impact of the waiver through the program and administrative monitoring system.

Technical assistance will be provided to eligible training providers to assist them in gathering the information needed for subsequent eligibility in the future.

Notice To Affected Local Boards

This waiver was initially presented at an April 20, 2005 meeting that Administrators from every local board attended. This waiver was included in all of the State Plan postings since PY2005 and was most recently included in the final draft Five-Year Integrated State Plan posted at www.dol.nebraska.gov on September 14, 2012.

Public Comment

This waiver request is posted for public comment on the NDOL website at www.dol.nebraska.gov. Any comments received will be forwarded to ETA Regional Office. Upon approval of this waiver, NDOL's Office of Employment and Training will issue a revised "Eligible Training Provider" policy that will be disseminated to Local Workforce Investment Areas and Local WIB Chairs. The policy will also be posted on the NDOL website for a 10 day public comment period, with the final policy posted on the NDOL website, at www.dol.nebraska.gov.

STATE OF NEBRASKA
Workforce Investment Act Waiver Request
Waiver of Transfer Authority

Date: October 23, 2012
State: Nebraska
Agency: Department of Labor, Office of Employment and Training

Statutory And/Or Regulatory Requirements To Be Waived
WIA Section 133(b)(4) and 20 CFR Part 667.140 which provides the authority for workforce investment areas, with approval of the Governor, to transfer up to 20% of the Adult Activities funds to Dislocated Worker Activities, and up to 20% of Dislocated Worker Activities funds to Adult Activities. The State of Nebraska requests that Local Boards be allowed to transfer up to 50% of a program year allocation for Adult funds and up to 50% of a program year allocation for Dislocated Worker funds between the two funding streams.

Actions Undertaken To Remove State Or Local Barriers
There are no state or local statutory or regulatory barriers to implementing the waiver.

Goals And Expected Programmatic Outcomes Of Waiver
The goal of the State is to provide more flexibility to local boards so they are able to respond to changes in local labor markets and economic conditions in a more efficient manner. This waiver has helped ensure the WIA funds allocated to each local area are being utilized in a way that will maximize recruitment and customer service, and will contribute to the integration of services to employers and job seekers by multiple public and private partners.

Individuals Impacted By The Waiver
All Adults and Dislocated Workers will benefit in that the funds available will be expended in an efficient manner allowing for the needs of the communities and businesses to be met as timely as possible. Individuals on waiting lists who sometimes get discouraged will be able to receive services sooner. One-Stop partner programs will be able to better integrate their services with the local WIA programs since local boards will have the resources available to design programs more responsive to customer needs. Employers will benefit by having more workers trained in their demand industries.

Process For Monitoring Progress In Implementation
To ensure all population groups are served, the State will require all transfer requests be limited to 25% per quarter not to exceed 50% with justification of need provided. The State Monitor will ensure this requirement becomes a part of the monitor review process.

Notice To Affected Local Boards

This waiver was originally approved beginning PY2005. The waiver was initially addressed at the February 17, 2005, Local WIA Administrators meeting with representatives from all three local areas present. This waiver has been included in all of the State Plan postings since PY2005 and was most recently included in the final draft Five-Year Integrated State Plan posted at www.dol.nebraska.gov on September 14, 2012.

Public Comment

This waiver request is posted for public comment on the Nebraska Department of Labor (NDOL) website at www.dol.nebraska.gov. Any comments received will be forwarded to ETA Regional Office. Upon approval of this waiver, NDOL's Office of Employment and Training will issue a revised "Allocation Planning Policy" reflecting this waiver that will be disseminated to the Local Workforce Investment Areas and Local WIB Chairs. The policy will also be posted on the NDOL website for a 10 day comment period, with the final policy posted on the NDOL website, at www.dol.nebraska.gov.

STATE OF NEBRASKA

Workforce Investment Act Waiver Request

Waiver Requiring Assistance in the Establishment & Operation of One-Stop Delivery Systems.

Date: October 23, 2012
State: Nebraska
Agency: Department of Labor, Office of Employment and Training

Statutory And / Or Regulatory Requirements To Be Waived

WIA Section 134(a)(2)(B)(v) and 20 CFR 665.200(g) requiring the assisting in the establishment and operation of one-stop delivery systems in accordance with the strategy described in the State Workforce Investment Plan.

Actions Undertaken To Remove State Or Local Barriers

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

Goals And Expected Programmatic Outcomes Of Waiver

The reduction to 5% in the WIA allotment for Program Years 2011 and 2012 Governor's Reserve funds restricts the State's ability to effectively fund and carry out all nine of the required statewide workforce investment activities. Our goal in seeking this waiver is to ensure the State can prioritize the use of Governor's Reserve funds for the required statewide activities we deem most essential to the basic functions of the workforce investment system while allowing forward progress on the Governor's statewide initiatives as identified in the recently submitted 2012 Five Year Integrated Workforce Plan. There are no expected programmatic outcome changes as a result of this waiver.

Individuals Impacted By The Waiver

No individuals per se will be impacted. The State Workforce Investment Board and other policy makers potentially will not have the benefit of evaluation results which may or may not impact future policy decisions.

Process For Monitoring Progress In Implementation

The Nebraska Department of Labor (NDOL) will monitor the implementation and impact of the waiver through the program and administrative monitoring system.

Notice To Affected Local Boards

Local Areas' WIB Chairs, via e-mail, have been notified of the State's intent to submit this waiver.

Public Comment

This waiver request is posted for public comment on the NDOL website at www.dol.nebraska.gov. Any comments received will be forwarded to ETA Regional Office. Upon approval of this waiver, NDOL will notify the Local Workforce Investment Areas and local WIB Chairs that this waiver has been approved.

Estimated Costs To Carry Out The Required Activity For Which The Waiver Is Needed

In the past, to enhance the delivery of services and operation of the One-Stops, statewide funds were used to upgrade and replace technology in the One-Stop Career Centers, particularly for the resource room. Up to, $75,000 would be utilized for this purpose.

How Statewide Funds Are Being Used (For Both Required And Allowable Statewide Activities)

Nebraska is utilizing the statewide funds for the following:

Required activities:

- Disseminating the State list of eligible providers of training services
- Providing technical assistance to local areas that fail to meet local performance measures
- Operating a fiscal and management accountability information system
- Additional assistance to areas with high concentration of eligible youth

Allowable activities:

- State administration of the adult , dislocated worker, and youth workforce investment activities
- Providing capacity building and technical assistance to the local areas
- Carrying out adult and dislocated worker employment and training activities as the State determines necessary to assist local areas in carrying out local employment and training programs
- Carrying out youth activities statewide
- Preparation and submission to the Secretary of the annual performance progress report

How Funds Are Being Prioritized Across Activities

The first priority for utilization of funds is those activities that promote and ensure program integrity and accountability. By far, our largest expense and highest priority for the utilization of statewide funds is our participant management information system, NEworks. The State hosts the system for the three local areas and has been able to not pass this cost down to the local areas, therefore, allowing the local areas to utilize their program dollar on participants. The next priority for utilization of statewide funds is the fiscal accountability system which has recently been revamped and an on-line system implemented which gives the local areas and State administrative staff direct access to expenditure and draw down information. This is part of the Corrective Action Plan the State is under. The next priority falls under the area that supports the Governor's vision as outlined in the Nebraska Workforce Integrated Plan in aligning workforce development efforts with education and economic development.

Extent To Which The Funding Levels Are Insufficient To Cover The Activity For Which A Waiver Is Requested

As of October 12, 2012 the State has approximately $490,000 of unexpended PY2010 statewide funds. This excludes available PY2010 5% administration and Rapid Response funds. The PY2012 estimated costs for statewide activities are:

Statewide MIS system (NEworks) & Fiscal management system	$ 250,000
T.A. & Capacity Bldg.	$ 215,000
(Includes development of exemplary program activities & assistance to areas with high concentration of eligible youth)	
Disseminating State ETP list	$ 10,000
Annual Report	$ 5,000
Total	**$ 495,000**
Available Funding	$ 490,000
Short Fall	**- $ 5,000**

The available PY2010 statewide funds do not support the cost of approximately $75,000 to assist in the operation of the One-Stop system.

Anticipated Impact Of Not Funding The Activity

It is anticipated there will be no impact on programs or to participants if this activity is not funded.

Whether It May Directly Affect WIA Participant Services

This waiver will have no direct effect on WIA participant services.

STATE OF NEBRASKA
Workforce Investment Act Waiver Request
Waiver Requiring Conduct of Evaluation of Workforce Investment Activities for Adults, Dislocated Workers, & Youth

Date: October 23, 2012
State: Nebraska
Agency: Department of Labor, Office of Employment and Training

Statutory And / Or Regulatory Requirements To Be Waived
WIA Section 134(a)(2)(B)(ii) and 20 CFR 665.200(d) requiring the conduct of evaluations of workforce investment activities for adults, dislocated workers, and youth.

Actions Undertaken To Remove State Or Local Barriers
There are no state or local statutory or regulatory barriers to implementing the waiver.

Goals And Expected Programmatic Outcomes Of Waiver
The reduction to 5% in the WIA allotment for Program Years 2011 and 2012 Governor's Reserve funds restricts the State's ability to effectively fund and carry out all nine of the required statewide workforce investment activities. Our goal in seeking this waiver is to ensure the State can prioritize the use of Governor's Reserve funds for the required statewide activities we deem most essential to the basic functions of the workforce investment system while allowing forward progress on the Governor's statewide initiatives as identified in the recently submitted 2012 Five Year Integrated Workforce Plan. There are no expected programmatic outcome changes as a result of this waiver.

Individuals Impacted By The Waiver
No individuals per se will be impacted. The State Workforce Investment Board and other policy makers potentially will not have the benefit of evaluation results which may or may not impact future policy decisions.

Process For Monitoring Progress In Implementation
The Nebraska Department of Labor (NDOL) will monitor the implementation and impact of the waiver through the program and administrative monitoring system.

Notice To Affected Local Boards
This waiver was originally approved for PY 2010. Original discussion of this waiver was held at the November 2, 2011, Local Area WIA Administrators meeting. This waiver was most recently included in the final draft Five-Year Integrated State Plan posted at www.dol.nebraska.gov on September 14, 2012.

Public Comment

This waiver request is posted for public comment on the NDOL website at www.dol.nebraska.gov. Any comments received will be forwarded to ETA Regional Office. This waiver was most recently included in the final draft Five-Year Integrated State Plan posted at www.dol.nebraska.gov on September 14, 2012. Upon approval of this waiver, NDOL will notify the Local Workforce Investment Areas and local WIB Chairs that the continuation of this waiver has been approved.

Estimated Costs To Carry Out The Required Activity For Which The Waiver Is Needed

The State estimates that a formal evaluation conducted by a reputable entity would be no less than $30,000 depending on the scope of the evaluation.

How Statewide Funds Are Being Used (For Both Required And Allowable Statewide Activities)

Nebraska is utilizing the statewide funds for the following:

Required activities:

- Disseminating the State list of eligible providers of training services
- Providing technical assistance to local areas that fail to meet local performance measures
- Operating a fiscal and management accountability information system
- Additional assistance to areas with high concentration of eligible youth

Allowable activities:

- State administration of the adult, dislocated worker, and youth workforce investment activities
- Providing capacity building and technical assistance to the local areas
- Carrying out adult and dislocated worker employment and training activities as the State determines necessary to assist local areas in carrying out local employment and training programs
- Carrying out youth activities statewide
- Preparation and submission to the Secretary of the annual performance progress report

How Funds Are Being Prioritized Across Activities

The first priority for utilization of funds is those activities that promote and ensure program integrity and accountability. By far, our largest expense and highest priority for the utilization of statewide funds is our participant management information system, NEworks. The State hosts the system for the three local areas and has been able to not pass this cost down to the local areas, therefore, allowing the local areas to utilize their program dollar on participants. The next priority for utilization of statewide funds is the fiscal accountability system which has recently been revamped and an on-line system implemented which gives the local areas and State administrative staff direct access to expenditure and draw down information. This is part of the Corrective Action Plan the State is under. The next priority falls under the area that supports the Governor's vision as outlined in the Nebraska Workforce Integrated Plan in aligning workforce development efforts with education and economic development.

Extent To Which The Funding Levels Are Insufficient To Cover The Activity For Which A Waiver Is Requested

As of October 12, 2012 the State has approximately $490,000 of unexpended PY2010 statewide funds. This excludes available PY2010 5% administration and Rapid Response funds. The PY2012 estimated costs for statewide activities are:

Statewide MIS system (NEworks) & Fiscal management system	$ 250,000
T.A. & Capacity Bldg.	$ 215,000
(*Includes development of exemplary program activities & assistance to areas with high concentration of eligible youth*)	
Disseminating state ETP list	$ 10,000
Annual Report	$ 5,000
Total	**$ 495,000**
Available Funding	$ 490,000
Short Fall	**- $ 5,000**

The available PY2010 statewide funds do not support the cost of approximately $30,000 to conduct an evaluation.

Anticipated Impact Of Not Funding The Activity

It is anticipated there will be no impact on programs or to participants if this activity is not funded.

Whether It May Directly Affect WIA Participant Services

There should be no immediate direct effect on WIA participant services.

STATE OF NEBRASKA
Workforce Investment Act Waiver Request
Waiver Requiring Incentive Grants to Local Areas

Date: October 23, 2012
State: Nebraska
Agency: Department of Labor, Office of Employment and Training

Statutory And/Or Regulatory Requirements To Be Waived
WIA Section 134(a)(2)(B)(iii) and 20 CFR 665.200(e) requiring provision of incentive grants to local areas.

Actions Undertaken To Remove State Or Local Barriers
There are no state or local statutory or regulatory barriers to implementing the waiver.

Goals And Expected Programmatic Outcomes Of Waiver
The reduction to 5% in the WIA allotment for Program Years 2011 and 2012 Governor's Reserve funds restricts the State's ability to effectively fund and carry out all nine of the required statewide workforce investment activities. Our goal in seeking this waiver is to ensure the State can prioritize the use of Governor's Reserve funds for the required statewide activities we deem most essential to the basic functions of the workforce investment system while allowing forward progress on the Governor's statewide initiatives as identified in the recently submitted 2012 Five Year Integrated Workforce Plan. There are not expected programmatic outcome changes as a result of this waiver.

Individuals Impacted By The Waiver
Local areas are most impacted by this waiver. Since the statewide incentive funds that would have been awarded by the State to the local areas have been directly passed to the local areas, any impact to the local areas is minimal.

Process For Monitoring Progress In Implementation
The Nebraska Department of Labor (NDOL) will monitor the implementation and impact of the waiver through the program and administrative monitoring system.

Notice To Affected Local Boards
This waiver was originally approved for PY 2010. Original discussion of this waiver was held at the November 2, 2011, Local Area WIA Administrators meeting. This waiver was most recently included in the final draft Five-Year Integrated State Plan posted at www.dol.nebraska.gov on September 14, 2012.

Public Comment

This waiver request is posted for public comment on the NDOL website at www.dol.nebraska.gov. Any comments received will be forwarded to ETA Regional Office. Upon approval of this waiver, NDOL's Office of Employment and Training will issue a revised "Allocation Planning" policy reflecting this waiver that will be disseminated to Local Workforce Investment Areas and local WIB Chairs. The policy will also be posted on the NDOL website for a 10 day comment period, with the final policy posted on the NDOL website, at www.dol.nebraska.gov.

Estimated Costs To Carry Out The Required Activity For Which The Waiver Is Needed

Nebraska's State Policy stipulated that 2.5% of the WIA formula funds received be set aside for incentive awards, capacity building, and technical assistance. Based on PY2010 allocations, the amount specifically set aside for local area PY2010 Incentive Awards was: $118,847.

How Statewide Funds Are Being Used (For Both Required And Allowable Statewide Activities)

Nebraska is utilizing the statewide funds for the following:

Required activities:

- Disseminating the State list of eligible providers of training services
- Providing technical assistance to local areas that fail to meet local performance measures
- Operating a fiscal and management accountability information system

Allowable activities:

- State administration of the adult , dislocated worker, and youth workforce investment activities
- Providing capacity building and technical assistance to the local areas
- Carrying out adult and dislocated worker employment and training activities as the State determines necessary to assist local areas in carrying out local employment and training programs
- Carrying out youth activities statewide
- Preparation and submission to the Secretary of the annual performance progress report

How Funds Are Being Prioritized Across Activities

The first priority for utilization of funds is those activities that promote and ensure program integrity and accountability. By far, our largest expense and highest priority for the utilization of statewide funds is our participant management information system, NEworks. The State hosts the system for the three local areas and has been able to not pass this cost down to the local areas, therefore, allowing the local areas to utilize their program dollar on participants. The next priority for utilization of statewide funds is the fiscal accountability system which has recently been revamped and an on-line system implemented which gives the local areas and State administrative staff direct access to expenditure and draw down information. This is part of the Corrective Action Plan the State is under. The next priority falls under the area that supports the Governor's vision as outlined in the Nebraska Workforce Integrated Plan in aligning workforce development efforts with education and economic development.

Extent To Which The Funding Levels Are Insufficient To Cover The Activity For Which A Waiver Is Requested

As of October 12, 2012 the State has approximately $490,000 of unexpended PY2010 statewide funds available. This excludes 5% administration funds and Rapid Response funds. The PY2012 estimated costs for statewide activities are:

Statewide MIS system (NEworks) & Fiscal management system	$ 250,000
T.A. & Capacity Bldg.	$ 215,000
(Includes development of exemplary program activities & assistance to areas with high concentration of eligible youth)	
Disseminating State ETP list	$ 10,000
Annual Report	$ 5,000
Total	**$ 495,000**
Available Funding	$ 490,000
Short Fall	**- $ 5,000**

The available PY2010 statewide funds do not support the cost of approximately $118,847 to provide local area incentive awards.

Anticipated Impact Of Not Funding The Activity

It is anticipated the impact of this waiver should be minimal. Beginning in 2011 based on TEGL No. 09-11 these funds were passed directly to the local areas through the formula allocation process. The same holds true for PY2012.

Whether It May Directly Affect WIA Participant Services

It is doubtful this waiver will have any direct effect on WIA participant services.

STATE OF NEBRASKA
Workforce Investment Act Waiver Request
Waiver to Replace Performance Measures with Common Measures

Date: October 23, 2012
State: Nebraska
Agency: Department of Labor, Office of Employment and Training

Statutory And/Or Regulatory Requirements To Be Waived
WIA Section 136(b) requiring the performance measures.

Actions Undertaken To Remove State Or Local Barriers
There are no state or local statutory or regulatory barriers to implementing the waiver.

Goals And Expected Programmatic Outcomes Of Waiver
- Provides for a simplified and streamlined performance measurement system which is more cost effective and more transparent to our business partners and our service providers.
- Provides a more demand-driven system by giving greater flexibility to Boards in designing and implementing one-stop services. The previous WIA 17 measures were difficult for staff to manage and for the business members of our WIBS to understand and successfully monitor.
- Improve services to youth and increase focus on out-of-school youth.
- Reduces administrative reporting costs by eliminating paperwork and labor costs associated with performance data collection.
- Provides a more useful program management tool.
- Provides for a customer-driven instead of program-driven outcomes.
- Provides an opportunity for Nebraska to better implement the USDOL's Youth Vision

Approval of this waiver will continue streamlined administrative processes, allowing the Nebraska Department of Labor (NDOL) to focus the maximum amount of resources on employment outcomes. The continuation of this waiver will further NDOL's implementation of the federal goal to simplify and streamline the performance accountability system.

Past approval of this waiver request has allowed NDOL to improve consistency and reliability of data, and foster greater flexibility when negotiating performance measures with the local Boards. In addition, limiting performance reporting to the Common Measures has simplified service delivery as well as data collection, reporting, and validation at the local level.

Individuals Impacted By The Waiver

Employers, job seekers, and state and local staff have all benefitted from this waiver. The implementation of integrated Common Measures has allowed staff to better focus on the needs of employers, find job seekers to match those needs, and maximize integrated services to achieve the best outcomes. The waiver has provided accountability while improving program management and performance.

Implementing the Common Measures has increased focus in youth programs on education and skill attainment. Youth have seen the most immediate benefits of the waiver. Focusing only on Youth Common Measures has removed a significant barrier by aligning Nebraska's WIA Youth program with NDOL's vision of serving at-risk out-of-school youth, as well as fostering youths' long-term connections to the workforce system. The hardest-to-serve youth groups, such as former incarcerated youth, and current and former foster care youth, have derived the most benefit from long-term connection to the workforce.

Process For Monitoring Progress In Implementation

NDOL has and will continue to monitor progress under this waiver by reviewing monthly performance through monitoring and performance accountability reports that measure results. NDOL continuously analyzes performance reports and compares actual performance with what local areas are reporting. Adjustments will continue to be made by monitoring performance requirements to ensure performance goals and objectives are met. Information regarding the new reporting system and the waiver is shared with the Boards through training and technical assistance, the distribution of policy through Workforce Development Policies and Issuances, and regularly scheduled Local Area WIA Administrator Meetings.

Notice To Affected Local Boards

This waiver was originally approved in June 2008. This waiver has been included in all of the State Plan postings since PY2008 and was most recently included in the final draft Five-Year Integrated State Plan posted at www.dol.nebraska.gov on September 14, 2012.

Public Comment

Below is the original timeline which provided multiple opportunities for public comment:

- July 24, 2007 Meeting with local WIA directors, administrators and staff
- Aug. 28, 2007 Nebraska Workforce Investment Board Compliance Committee meeting
- Sept. 12, 2007 Tri County WIB Performance Committee meeting
- Sept. 12, 2007 Greater Lincoln WIB quarterly public meeting
- Sept. 20, 2007 Tri County WIB meeting
- Oct. 24, 2007 Greater Nebraska Chief Elected Officials Board meeting
- Oct. 25, 2007 Greater Nebraska WIB meeting
- Dec. 20, 2007 Meeting with local WIA directors, administrators, staff and service providers

This waiver request is posted for public comment on the Nebraska Department of Labor (NDOL) website at www.dol.nebraska.gov. Any comments received will be forwarded to ETA Regional Office. Upon approval of this waiver, NDOL's Office of Employment and Training will notify the Local Workforce Investment Areas and local WIB Chairs that the continuation of this waiver has been approved.