



**DEC 13 2012**

The Honorable Bob McDonnell  
Governor of Virginia  
Patrick Henry Building, 3<sup>rd</sup> Floor  
1111 East Broad Street  
Richmond, Virginia 23219

Dear Governor McDonnell:

This letter provides approval of Virginia's State Integrated Workforce Plan for Title I of the Workforce Investment Act (WIA), the Wagner-Peyser Act (W-P), including W-P Agricultural Outreach Plan, and plans for coordination with Trade Adjustment Assistance (TAA). The Employment and Training Administration (ETA) received the State Plan on September 14, 2012. This letter also responds to 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 Commonwealth's responsiveness to this guidance.

#### Plan Review and Approval

ETA has reviewed the Virginia State Integrated Workforce Plan in accordance with Title I of WIA, the Wagner-Peyser Act, the Trade Act (as amended), the corresponding regulations, the State Integrated Workforce Plan Requirements for Workforce Investment Act Title I/Wagner-Peyser Act and Department of Labor Workforce Programs (<http://www.doleta.gov/usworkforce/wia-planning/docs/integrated-planning-guidance.pdf>), and TEGL No. 21-11 and the corresponding Change 1. Pursuant to 20 CFR 661.230(e), this letter constitutes a written determination under WIA Section 112 (29 USC 2822) that ETA is approving the WIA Title I, W-P and TAA portions of Virginia'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 Commonwealth is eligible to receive WIA formula allotments for Adult, Dislocated Worker, and Youth programs, and W-P program allotments, effective July 1, 2012 through June 30, 2017.

#### Performance Levels

Each year, the Regional Administrator negotiates the Program Year's WIA and W-P performance goals with each state. Virginia's goals have been negotiated and the Regional Administrator's letter dated October 26, 2012, advised the Commonwealth of the PY 2012 WIA and W-P final performance goals. This letter also indicated that 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 Commonwealth's official copy of the State Plan. For your convenience, your final negotiated performance goals are enclosed with this letter.

### Waivers

As part of Virginia's State Integrated Workforce Plan, the Commonwealth submitted waiver requests for waivers of statutory and regulatory requirements under WIA (copy enclosed). The Commonwealth'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 Commonwealth'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 Commonwealth 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 Commonwealth 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 Commonwealth to replace the performance measures at WIA Section 136(b) with the common measures.

The Commonwealth requested a waiver that allows the Commonwealth to replace the 17 performance measures under WIA Section 136(b) with the common measures. The Commonwealth is granted this waiver through June 30, 2017.

This waiver permits the Commonwealth to negotiate and report WIA outcomes against the common performance measures only, rather than the performance measures described at WIA Section 136(b). The Commonwealth 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 Commonwealth will use the three adult common performance measures to negotiate goals and report outcomes for the WIA Adult and WIA Dislocated Worker programs. The Commonwealth 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 123 that requires that providers of Youth program elements be selected on a competitive basis.

The Commonwealth requested a waiver of the WIA Section 123 requirement for competitive procurement of service providers for four of the ten youth program elements: supportive services; follow-up services; work experience; and comprehensive guidance and counseling. ETA believes that competitive procurement of these elements is the most efficient and cost-effective way to ensure the development of high-quality service providers, but we agree with the Commonwealth that for some elements competitive procurement impacts continuity of services to youth and connections to work experience/internship host agencies and employers. Therefore, we are approving this waiver through June 30, 2017.

We approve the waiver to permit the Commonwealth to allow its American Job Centers or partner agencies to directly provide the youth program elements of guidance and counseling, supportive services, follow-up services, and work experience. However, we approve the waiver for the element of guidance and counseling on the condition that the Commonwealth may make this waiver available to local areas on a case-by-case basis to those areas that demonstrate a cost savings and ensure that its implementation provides equitable services to all customers regardless of background. The Commonwealth must provide guidance outlining the criteria for obtaining such flexibility and must ensure that it reviews the following factors in assessing such requests:

- Description of the alternative service delivery arrangement
- Name of the AJC Operator or partner program that will provide the service
- Justification in support of the determination to not select the provider through a competitive procurement
- How customer service will be improved, including how the local area will leverage and coordinate services with community based organizations that serve diverse populations
- How the benefits will be measured

The Commonwealth must monitor the implementation of this waiver on an ongoing basis and include its oversight in local area compliance monitoring.

Waiver of the provision at 20 CFR 663.530 that prescribes a time limit on the period of initial eligibility for training providers.

The Commonwealth requested a waiver of the time limit on the period of initial eligibility of training providers provided at 20 CFR 663.530. The Commonwealth is granted this waiver through June 30, 2017. Under the waiver, the Commonwealth is allowed to postpone the determination of subsequent eligibility of training providers. The waiver also allows the Commonwealth to provide an opportunity for training providers to re-enroll and be considered enrolled as initially eligible providers.

Waiver of WIA Section 134(a) to permit local areas to use a portion of local funds for incumbent worker training.

The Commonwealth requested a waiver to permit local areas to conduct allowable statewide activities as defined under WIA Section 134(a)(3) with local WIA formula funding, specifically incumbent worker training. The Commonwealth is granted this waiver through June 30, 2017. Under this waiver, the Commonwealth is permitted to allow local areas to use up to 20 percent of local Dislocated Worker funds for incumbent worker training only as part of a layoff aversion strategy. ETA believes limiting incumbent worker training to the specified level and requiring it to be a part of layoff aversion is the best use of funds in the current economic climate where serving unemployed workers is a paramount responsibility of the workforce system. All training delivered under this waiver is restricted to skill attainment activities. Local areas must continue to conduct the required local employment and training activities at WIA Section 134(d), and the Commonwealth is required to report performance outcomes for any individual served under this waiver in the Workforce Investment Act Standardized Record Data system (WIASRD), field 309. TEGL No. 26-09, Section 7A, "Workforce Investment Act (WIA) Waiver Policy and Waiver Decisions for PY 2009 and 2010" and TEGL No. 30-09, "Layoff Aversion Definition and the Appropriate Use of Incumbent Worker Training for Layoff Aversion Using a Waiver" provide policy guidance related to implementation of this waiver.

Waiver of WIA Section 134(a)(1)(A) to permit a portion of the funds reserved for rapid response activities to be used for incumbent worker training and other statewide activities.

The Commonwealth requested a waiver to permit use of rapid response funds for incumbent worker training and other statewide activities. The Commonwealth is partially granted this waiver through June 30, 2017. Under this waiver, the Commonwealth is permitted to use up to 20 percent of rapid response funds for incumbent worker training only as part of a layoff aversion strategy and the following statewide activities that enhance services to dislocated workers and outlined in the waiver request: assistance to local workforce areas in the provision of employment and training services and employer services. The Commonwealth is required to report performance outcomes for any participant, including incumbent workers served under this waiver, in the Workforce Investment Act Standardized Record Data system (WIASRD), field 309. TEGL No. 26-09, Section 7A, "Workforce Investment Act (WIA) Waiver Policy and Waiver Decisions for PY 2009 and 2010" and TEGL No. 31-09, "Layoff Aversion Definition and the Appropriate Use of Incumbent Worker Training for Layoff Aversion Using a Waiver" provide policy guidance related to implementation of this waiver.

ETA denies the Commonwealth's request to use rapid response funds for pilots and demonstrations. ETA believes that rapid response funds should only be used to enhance services provided to dislocated workers, including placement in employment, training, or provision of supportive services. The Commonwealth's request did not provide information regarding the nature of these pilots and demonstrations.

Waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts for older and out-of-school youth.

The Commonwealth 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 Commonwealth is granted this waiver through June 30, 2017. Under this waiver, the Commonwealth can use ITAs for older youth and out-of-school youth program participants. The Commonwealth must continue to make the 10 youth program elements available as described at WIA Section 129(c)(2). The Commonwealth 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 Commonwealth'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 Commonwealth's WIA Grant Agreement and with the approved State Plan. In addition, as described in TEGL No. 29-11, the Commonwealth should address the impact these waivers have had on the Commonwealth'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. As discussed in TEGL 36-11, we strongly encourage State WIA grantees to adopt the use of the American Job Center brand for your physical One-Stop Career Centers and online tools. We are available to provide technical assistance. If you have any questions related to the issues discussed above, please contact Toby Willis, the Federal Project Officer for Virginia, at 215-861-5524 and [Willis.Tobby@dol.gov](mailto:Willis.Tobby@dol.gov).

Sincerely,

  
Jane Oates  
Assistant Secretary

Enclosure

cc: Lenita Jacobs-Simmons, Regional Administrator, ETA Philadelphia Regional Office  
Toby Willis, Federal Project Officer for Virginia

## **WIA Performance Levels for Program Year (PY) 2012**

### **Virginia**

#### **Adult Measures**

	<b><u>PY 2012</u></b>
Adult Entered Employment Rate	75.0%
Adult Employment Retention Rate	84.0%
Adult Average Six-Month Earnings	\$11,000

#### **Dislocated Worker Measures**

Dislocated Worker Entered Employment Rate	81.0%
Dislocated Worker Employment Retention Rate	90.0%
Dislocated Worker Average Six-Month Earnings	\$17,000

#### **Youth Measures**

Literacy/Numeracy Gain	51.0%
Attainment Degree or Certificate Rate	60.0%
Placement Employment or Education	60.0%

## **W-P Performance Levels for PY 2012**

W-P Entered Employment Rate	62.0%
W-P Employment Retention Rate	82.0%
W-P Average Six-Month Earnings	\$14,000

**From:** Najmah Thomas [nthomas@vccs.edu]  
**Posted At:** Friday, September 14, 2012 6:03 PM  
**Conversation:** Building Career Pathways to Success: Commonwealth of Virginia WIA/W-P Integrated State Plan for 2012-2017  
**Posted To:** WIA.PLAN  
**Subject:** Building Career Pathways to Success: Commonwealth of Virginia WIA/W-P Integrated State Plan for 2012-2017  
**Importance:** High

Good afternoon Heather:

The Commonwealth of Virginia is pleased to submit "Building Career Pathways to Success: Workforce Investment Act & Wagner-Peyser State Plan for 2012-2017". This plan was developed in accordance with Training and Employment Guidance Letter (TEGL) No. 21-11, "Requirements for 2012 State Workforce Plans." A joint planning team comprised of members of the Virginia Community College System (VCCS) Workforce Development Services department and members of the Virginia Employment Commission (VEC) led the integrated planning efforts in the Commonwealth.

Our joint planning team used input obtained from a wide variety of stakeholders to develop the integrated plan narrative. Each section contained in the plan reflects a thoughtful consideration of multiple perspectives and positions within Virginia's workforce system. The planning team's efforts were informed and approved by the Virginia Workforce Council (State WIB) and several existing groups of inter-agency representatives. The plan was submitted for public comment for 30 days (45 days for the agriculture outreach section of the plan), and resulting comments and suggestions were taken into consideration prior to the submission of this final document.

"Building Career Pathways to Success" will guide the deployment of resources, the development of partnerships, and the overall delivery of public workforce services across the Commonwealth during the next five years. The document contains links to several external sites, reports, and policies; other specific attachments noted in the plan are also included in this email. This version of the plan and attachments will be posted at the following site: <http://vwn.vccs.edu/resources/workforce-professionals/wia-state-plans-and-policies/>. We trust you will find that our plan meets the requirements of TEGL 21-11, and we look forward to your feedback and continued support of workforce development efforts in Virginia.

Kind regards, Najmah

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## **WIA Waiver Requests – Ensuring Flexibility and Innovation**

In accordance with the provisions of Training and Employment Guidance Letter (TEGL), 21-11, Virginia is seeking extension of eight existing WIA waivers that were most recently approved by the US Department of Labor. These waivers were originally sought and granted under the authority granted at Section 189 of the Workforce Investment Act. The opportunity for public review and comment was concurrent with the 30-day public comment period for this Integrated State Plan, in addition to direct consultation with representatives of the workforce investment boards. There are no known state or local statutory or regulatory barriers for these waiver requests. A presentation of the previously submitted plan for each waiver follows:

### **1. Waiver to allow local workforce boards the ability to transfer up to 50% of funds between the adult and dislocated worker program streams.**

#### ***Requested Applicability: WIA Formula funds***

#### **Statutory/ Administrative Requirements to be waived**

WIA Section 133(b)(4) and 20 CFR 667.140, *Funds Transfer Authority*

Virginia requests a waiver of the statutory 20 % limitation on transferring local WIA funds between the Adult and Dislocated Worker programs so that 50% of such funding is available depending on which population has the greatest service needed as determined locally.

#### **Goals of the waiver and expected outcomes**

WIA funding streams can have the effect of creating “stovepipes” within the same program by establishing two sets of eligibility requirements for individuals within the same population cohort. This waiver will allow local boards with flexibility in ensuring that appropriate service mixes can be provided based upon “real time” local need and demand, rather than limiting local areas in who they can serve based on historical poverty and unemployment factors that determined adult and dislocated worker funding availability. Program needs change quickly at the local level. Each of Virginia’s 15 local areas serves diverse groups of job seekers and businesses; from urban, suburban to rural situations. The economic climate in the various regions vary greatly even under the best of circumstances and given the current economic crisis, changes in regional economies can often place increased demands on dislocated worker funds, and likewise continued reductions in adult program funding can limit some areas in serving those hard-to-serve adults most in need. This waiver “levels” the field and allows local boards to design innovative programs and be responsive in a demand-driven environment.

### **Individuals impacted by the waiver**

Low income individuals seeking entry into the work world as well as unemployed individuals seeking workforce re-entry will be positively impacted by the waiver as local boards can respond to the service needs in the area that may differ throughout the course of a year and may not always align with the circumstances that existed when adult and dislocated worker formula calculations were determined.

### **Process to use in monitoring progress in implementing the waiver**

A Field Guidance Memorandum will identify the administrative procedures to be followed by local areas in making a funds transfer request. Local areas will be able to submit a written request to transfer funds between the adult and dislocated worker programs throughout the program year, and can be made at any time during the life of the funds. Transfer requests in excess of 50% of the remaining fund balance at the time of the request for either program must include a description of the expected impact to the program that funds are being moved from and verify and/or include documentation that the decision was made at a meeting of the WIB or one of its committees. This will indicate that the WIB has weighed the pros and cons of program impacts that may result from such a transfer. WIBs must submit their written request to transfer funds to the State WIA office at the Virginia Community College System (VCCS) for administrative review and approval on behalf of the Governor for purposes of the WIA (CFR 667.140 (b)). State WIA Finance staff will verify that the funds transfer request does not exceed the funding availability per program year allocation. WIBs receiving an approved funds transfer will receive a revised Notice of Obligation (NOO) from VCCS. A copy of the revised NOO will be provided to the state WIA program staff for monitoring purposes.

### 2. Waiver to allow local workforce boards the ability to use of to 20% of dislocated worker funds for incumbent worker training

#### ***Requested Applicability: WIA Formula funds***

#### **Statutory / Administrative Requirements to be waived**

WIA Section 134(a)(1)(B) and 20 CFR 665.200-220, *Use of local funds for certain Statewide Activities for Dislocated Workers*

Virginia requests a waiver to allow local boards, upon request and approval by the Commonwealth, to designate up to 20% of their local dislocated worker allocation as local activity funds for the purposes of providing an incumbent worker training program (IWT).

This waiver would remove the current provision which only allows statewide funds to be used for this activity.

### **Goals of the waiver and expected outcomes**

The local activity fund designation would allow local boards to implement innovative incumbent worker training programs consistent with how the State is able to conduct such activities under Section 134 of the WIA and 665.200-220 of the Final Regulations.

The goal of this waiver originally approved by DOL in 2005 was to allow local boards some flexibility if determined necessary to be more responsive to the needs of the employer community while also allowing employed individuals who may not meet WIA income eligibility requirements to upgrade their skills. While the State has historically funded incumbent worker training activities from the statewide funds, such activities remains a popular choice for the employer community, with the current need outpacing the amount of state funding available for such use. This waiver has the added benefit of allowing local boards the ability to strengthening their linkages with the economic development and employer communities.

While the Commonwealth still believes that long-term, this basis for the waiver alone is sound, the waiver also has value during the current economic crisis for the following reason:

- There may be instances where employers need to retrain workers to adapt to new technologies or practices to remain competitive and avoid lay-off or closure situations. Existing employees likely will be earning more than individuals in the employed adult category that WIBs can typically work with under standard eligibility guidelines. The benefits to the individuals, employers and the state and local area will be better served if such individuals can be assisted while employed rather than them becoming unemployed.

Additional expected outcomes of the waiver are that local boards can become more known and relevant to the employer and economic development community, more individuals can be exposed to the one-stop system where they might not otherwise utilize its services and local boards are afforded service design flexibility.

### **Individuals impacted by the waiver**

The waiver benefits entire communities within the Commonwealth by allowing local areas to quickly adapt to economic conditions. Businesses can remain open and competitive and keep their workers employed. Such assistance at the “front end” will be less costly over

time than the impacts of a business shutting down and dislocating employees. It also aligns with the Governor's economic development goals of retaining and assisting existing employers or new employers that have specialized training needs in order to remain competitive in a global and ever-changing economy. This waiver would encourage boards to partner with more employers and labor and community organizations to promote universal access for more individuals.

### **Process to use in monitoring progress in implementing the waiver**

Virginia has operated under a waiver approval for local boards to use up to 25% of their local adult and dislocated worker funds for incumbent worker strategies since 2005 and amended our Incumbent and Employed Adult policy provisions as a result of the original waiver, <http://www.vccs.edu/Portals/0/ContentAreas/Workforce/VWN/Policy/02-04.pdf>. In requesting a local fund designation for incumbent worker training, the local board has been required to submit a local plan waiver to the State. The plan amendment must identify the exact percentage to be set aside, and describe the services and activities to be funded, a target number of employers and/or employees that will benefit from the funds, how the service aligns with the local plan's strategic goals and assurance that the training is for high demand or high growth occupations. This requirement would continue should the waiver be approved, with modifications to incorporate the new direction established by the DOL relative to layoff aversion strategies.

In order to reflect the current economic situation and the increased demand for dislocated worker funds at this time, the Commonwealth, as directed by the United States Department of Labor, must focus incumbent worker training in concert with Layoff Aversion strategies. Virginia is comprised of 15 diverse regional workforce areas, each with unique economic compositions and industry bases. Use of labor market data alone cannot accurately predict where the demand for layoff aversions may be needed. (By this we mean that identifying target industries and sectors alone cannot be viable; if a company presents a compelling and valid need and that company is not part of a "targeted" industry or sector, the local area should still have the ability to meet this "real time" demand. For this reason, rather than attempting to predict where incumbent worker strategies may be needed, Virginia will establish a two-tiered process for local areas who wish to continue or establish incumbent worker training efforts:

(1) A layoff aversion plan must be submitted and approved by the state. Such a plan will be considered an amendment to the local area's overall strategic plan and must address the following:

- The local area's overall layoff aversion strategy and approach, with appropriate linkages to the state strategy, and discussion of how IWT fits into that approach.

- The local economic landscape and the main reasons employers need IWT to avoid layoffs.
- The target industries and economic sectors.
- How the WIB (and its one-stops and service providers) will work with the regional employer community to establish regular means of contact (outreach, on-site meeting rotation, establishing “roundtables”, working through existing VEC Employer Advisory Committees, chambers, etc.) and identify (surveys or other means) the likelihood or instances when layoff aversion, to include incumbent worker training will be needed and/or helpful.

(2) Following a layoff aversion plan approval by the State, local areas will be able to advance to a more contemporary “real time” process where local areas can receive applications submitted by employers who make the case at the time funds are needed, provided that the local area has an initial plan approval from the state in place.

Once a local plan amendment is approved by the state, before an activity can be funded, the following detail must be provided to the WIB in the form of an application specific to the project:

- The type of training to be delivered, and the skills that will result.
- Other One-stop Career Center services offered to employees.
- Other services offered for employees and the employer, including services leveraged from workforce system partners.
- How employers were selected, i.e. announced layoffs through a WARN, other public notice, or other means; reduced employee hours; or another indicator of economic difficulty that could be addressed through IWT.
- A determination that IWT is the appropriate solution for an individual employer, and that the training will provide the employer with the skills it needs to maintain operations and avoid closure or lay-offs.
- Evidence of employer commitment, either to retain the employee, to pay the employee a higher wage, or otherwise benefit the employee.

For all approved incumbent worker projects:

- The funds will be tracked by funding stream.
- Performance outcomes for incumbent workers served under this waiver will be reported in the WI Standardized Record Date (WIASRD) or any subsequent DOI data system.

These plan amendments allow the state to review and evaluate the impacts of the waiver.

In combination with Waiver #2 above, the funding flexibility afforded to local boards should provide for adjustments to ensure that expanded populations benefit from WIA and other partner services. Annual review of funding and populations served may result in the State adjusting local activity funding percentages, though this has not been determined necessary to date.

3. Waiver to permit a portion of the funds reserved for rapid response activities to be used for incumbent worker training and other statewide activities. (Incumbent worker training as part of a layoff aversion strategy and activities to assist local workforce areas in the provision of employment and training services and employer services).

***Requested Applicability: WIA Formula funds***

**Statutory/ Administrative Requirements to be waived**

*WIA Section 134(a)(1)(A)*

**Goals of the waiver and expected outcomes**

During the current economic crisis, the flexibility for the state to have additional funding sources available to ensure that actual services can be provided as necessary (as opposed to just traditional rapid response activities that are not service-oriented) can help Virginia ensure that demands can be met. The funds would be used only for program purposes allowable under section 134 (a), not administration as indicated in Section 134(a)(3)(A)(i.) and (B). This transfer authority would be analogous at the state level to the authority of local areas to transfer funds among adult and dislocated worker funding streams.

Examples of activities funded in the past under this waiver include: regional coordination to ensure workforce and training needs of two major IT firm locating in Southwest Virginia were met, innovative program of assessment, skills, training and supportive services for a major military spouses project at Fort Lee, a pilot for serving disabled veterans, and enhancements to the Career Readiness Certificate system, support of a Governor's initiative known as the Commonwealth Scholars which brings business leaders into classrooms, where they work with educators to motivate students to complete a rigorous course of study in high school so that they are better prepared for postsecondary education or to enter the workforce; in addition to numerous grants to local workforce areas demonstrating a need for additional resources to meet needs of increased levels of dislocated workers in their communities.

Recognizing the concerns articulated by the Department of Labor on the use of rapid response funds for their strict statutory purpose during the current economic crisis, the Commonwealth does respectfully note that in these times of increased demand for services, the current limitations that prevent/restrict use of rapid response for actual service delivery interventions is precisely why we are seeking the continued approval of this waiver – in order to have expanded resource capability to meet needs. We do not see this waiver as contrary to the concerns of the DOL.

In the interest of “narrowing the field” of possible uses, Virginia would focus funding used under this waiver approval on the following allowable statewide activities:

- 1) Pilots and demonstrations that advance on of the four goals of the Governor’s Workforce Development Plan.
- 2) Incumbent Worker Training (IWT) that is part of a concerted layoff aversion strategy. (discussed in more detail below)
- 3) Carrying out activities deemed necessary to assist local areas in the provision of employment and training services.

#### IWT Discussion

Specific applications will be required before funds under item 2 of this waiver (IWT) are committed. Such applications must document the following:

- The type of training to be delivered, and the skills that will result
- Other One-stop Career Center services offered to employees.
- Other services offered for employees and the employer, including services leveraged from workforce system partners.
- A determination that IWT is the appropriate solution for an individual employer, and that the training will provide the employer with the skills it needs to maintain operations and avoid closure or lay-offs.
- Evidence of employer commitment, either to retain the employee, to pay the employee a higher wage, or otherwise benefit the employee.

The application process will be in tandem with the overall layoff aversion strategy as defined herein (this is an initial strategy framework that may be modified in the future based on additional research and best practices review, consultation with and technical assistance from the DOL etc.):

### **Layoff Aversion**

Plant closings and mass layoffs can occur for a variety of reasons in periods of both economic expansion and decline. These may include financial difficulty, mergers and acquisitions, loss of markets, consolidations, foreign competition, product or service obsolescence, shift in parent company focus, or other factors. Corporate conglomerates frequently close or sell plants or facilities which may be profitable, but *not profitable enough*. They may sell or close operations which no longer meet their core business application or which are viewed as excess capacity to their overall operations.

When a closely held business is sold, a loss of jobs may occur if the new owner restructures the company. An owner's retirement can precipitate a business closing in the absence of a succession plan. Once a company announces its intentions to close or substantially downsize, the decision is usually final and irreversible. However, there are occasions when the decision can be changed. Over the past 25 years there have been hundreds of examples of companies that were scheduled to close, but were kept in operation because of a response initiated by one or more interest groups such as employees, management representatives, government and community groups, and labor organizations. These responses have included management or employee buyouts, sale to other parties, and business restructuring. It is important to be aware that there may be opportunities to save jobs and avoid resulting hardships imposed on individuals and communities when a plant or business closes.

Early response is critical. An important initial step in Rapid Response is to assess the reason for the plant closing or mass layoff. If there is an indication that the business closing or mass layoff might be averted, the Rapid Response Section can provide technical assistance to interested parties to investigate possible layoff aversion strategies. This can include undertaking a pre-feasibility study for a company or group, including the workers, to purchase the plant or company and continue operations. Layoff aversion initiatives are authorized and may be funded under the Workforce Investment Act.

### **Pre-feasibility Studies**

A pre-feasibility study can assess whether it is possible to continue the business operation and under what conditions. It can provide objective evidence that there is no likelihood of the business reopening (or not closing). If the study proves negative, it can help to expedite the commitment of workers to seek new employment. To be effective, a pre-feasibility study should be performed in a timely manner and completed within 30-45 days. The process should be sensitive to the needs and interests of workers and should involve both labor and management in a union shop. Basic questions which should be answered in the pre-feasibility study include:

- Will a retraining of the workforce to a new skill set that allows the facility to remain or become more competitive make a difference in the closing/layoff? (new product line possibilities, new manufacturing or management processes, etc).
- Are the present owners amenable to a buyout?
- Is the firm organized for a smooth transition?
- Are the products or services in a declining, stable, or growing market?
- Can the facility be an efficient producer in its industry?
- How does the facilities profitability compare to its competition?
- Has the physical plant been maintained in satisfactory condition?
- What is the potential for the plant to exist either as an independent firm or as a subcontractor?

The pre-feasibility study can assess basic elements of the business, including study methodology, organizational analysis, market analysis, operations/manufacturing analysis, financial analysis, legal analysis, and conclusions. It can examine the applicability of employee ownership and whether an Employee Stock Ownership Plan (ESOP) would be appropriate as an equity-sharing and tax-favored financing strategy.

#### **Adequate Lead Time is Essential**

For a layoff aversion effort to succeed; there must be sufficient time to organize an effective response. Generally, six months or more is needed to complete a business turnaround or buyout. Management and employees should be mobilized to pursue the effort. The firm must have a realistic potential to be viable, and key management and hourly personnel must be retained for the business to continue.

#### **Awareness Efforts**

The State's rapid response section will establish communication means through local chambers, business associations, employer advisory committees etc. to ensure that businesses are aware of employer and employee services available through the one-stop system that may be able to help avert or delay layoffs and otherwise benefit the company and its employees from a workforce development and skills enhancement perspective. An additional benefit of this approach is that it will have the potential to capture all businesses regardless of size as many companies don't meet the threshold for WARN requirements.

As with all well-intentioned plans, the Commonwealth recognizes that labor market information and pre-determined strategies alone will not in all cases capture all of the need that may exist during the life of this plan. The application process will still allow the state to respond to real-time situations while the state continually evaluates its layoff aversion strategies and makes adjustments as necessary.

### **Data, Targeted Approach Areas and Statewide Response**

The labor market information produced in the 2009 State Plan Modification (and contemporary updates as they become available) will be used as a baseline for layoff aversion efforts; however, it must again be noted that use of data alone cannot be accounted for “real time” situations that may develop. The Commonwealth may develop targeted strategies for sectors such as automotive, real estate and mortgage, manufacturing/production, service, transportation and banking industries as a result of review of WARN activity. Partnerships with newly created positions at the Virginia Employment Commission through ARRA funds that they are receiving will be explored as a way of ensuring a statewide approach through their local office delivery system. Business and Economic Development Specialists (BEDS) will provide leadership, planning, and coordination of reemployment efforts. They will establish and maintain relationships with State-level business and economic development entities, such as Department for Business Assistance, Virginia Economic Development Partnership, State Chamber of Commerce, headquarter offices of workforce partners, and others to be determined based upon customer needs. They will also conduct research and provide information to Regional Business and Economic Development Specialists and local workforce center managers on growth business sectors and industries, and coordinate state-level marketing and public relations activities to support regional and local area efforts. State level staff will also work with these individuals to provide presentations to business organizations to encourage the use of the state workforce system for job posting.

### **Redirection**

In instances where the layoff cannot be averted, early awareness can help strategies be established to more quickly retrain individuals in statewide demand occupations using current labor market information and other business/economic development-identified areas. Examples may include: *Home Care Aide, Personal Chef, Physical Therapy Aide, Certified Nursing Assistant, Medical Assisting, Viticulture, Paralegal, Help Desk Analyst: Tier 1, Graphic Design, AutoCAD, CISCO Certification, MS Office Certifications.*

For any approved incumbent worker projects developed under this waiver:

- The funds will be tracked by funding stream.
- Performance outcomes for incumbent workers served under this waiver will be reported in the WIA Standardized Record Date (WIASRD) or any subsequent DOL data system.

### **Individuals impacted by the waiver**

Employers, job seekers and employed adults benefit from the ability to maximize training and other related services to meet skill and supportive needs. Other entities that can assist

in the implementation of the Governor's Workforce Development Plan will also allow the entire system to benefit from various perspectives.

**Process to use in monitoring progress in implementing the waivers**

Funds made available under this waiver would be reviewed by a committee, to include members of the Virginia Workforce Council as well as appropriate state WIA staff members. A standardized application process requires that projects identify alignment with the One-stop system, the Governor's Workforce Plan, the purposes of the WIA and other key elements such as performance outcomes and braided funding. This allows a uniform base to consider funding requests and ensures that investment of funds is sound. The Virginia Community College System, as WIA administrative and fiscal entity, executes grant agreements with recipients and establishes a reporting process to track and monitor progress. The VCCS also has fiscal controls in place to track available balances in order to provide advice on the use of rapid response funds for statewide activities.

4. Waiver of WIA Regulation 29 CFR 664.510, to allow older and out of school youth to use Individual Training Accounts.

***Requested Applicability: WIA Formula funds (Youth)***

TEGL 14-08 indicates that states already having this waiver are not required to submit a full waiver plan as it has become a fundamental aspect in the operation of the workforce system.

5. Waiver to permit implementation of and reporting only on the common program performance measures established in TEGL 17-05 in place of the 17 current statutory measures

***Requested Applicability: WIA Formula funds***

**Statutory/ Administrative Requirements to be waived**

WIA Sections 136(b)(2) and (c)(1); 20 CFR 666.100(a) and 666.300(a)

**Goals of the waiver and expected outcomes**

Virginia, like most other states, has experienced challenges in communicating to those outside the program administration arena what exactly the WIA does and the benefits it provides. Complexities such as the current 17 performance measures add further to the difficulties in relaying the story, particularly in quick "take away" opportunities with

legislators, policy makers and others such as the business community that can help shape the workforce arena.

Moving to six streamlined reporting categories for WIA will help achieve a goal of the Governor's Workforce Plan which is to demonstrate results and value in the workforce system that meets business needs through performance measurement and assessment. Other goals include of the waiver include:

- Simplification of case management through reduction of the number of different performance outcomes
- Removal of conflicting performance measures which may serve to confuse case managers and/or serve as disincentive to integrated case management
- Laying the foundation for greater emphasis on integrated system wide performance metrics.

The Governor's Workforce Plan as cited above and the Virginia Workforce Council both have endorsed 8 workforce system measures, but due to various policy and data sharing/technology infrastructure issues, they have yet to be implemented. The Performance and Accountability Committee of the Virginia Workforce Council has recommended that the WIA program move forward with implementing DOL's common measures and it is hoped that this can serve as an impetus for other DOL funded programs to consider such a move, with the longer-term goal that all workforce system programs in Virginia will eventually use Virginia's common system measures.

#### **Individuals impacted by the waiver**

Approval of this waiver should result in impacts that are seamless and invisible to the individuals that are served with WIA funds, and beneficial to the administrative structure that operates behind the scenes in terms of administering WIA programs. Policy makers will benefit from a more streamlined manner in which to receive performance information relative to the WIA program, and other partner programs may choose to benefit by considering a move to the common measures once the benefits to the WIA program from switching over are recognized.

#### **Process to use in monitoring progress in implementing the waiver**

A technical field guidance memorandum and technical assistance will be provided to the local workforce investment areas, patterned on the instruction and information provided in TEGl 17-05. The Virginia Workforce Connection (VWC), the virtual one-stop system in use

in the Commonwealth will be modified to allow for the capturing and reporting of common performance measure outcomes to the DOL.

6. Waiver of the time limit on the period of initial eligibility for training providers, to acknowledge and address data collection barriers

***Requested Applicability: WIA Formula funds***

**Statutory/ Administrative Requirements to be waived**

WIA Section 122(c)(5) and 20 CFR Part 663.530

**Goals of the waiver and expected outcomes**

37 states have been granted a waiver under this category to date; more than any other waiver category approved by DOL. This suggests strongly that it has been difficult for states to implement the specific requirements of the WIA relative to reporting elements deemed necessary for a training provider to remain on the eligible training provider list after the initial term, and that the DOL has acknowledged this fact. Virginia seeks this waiver so that the initial term referenced in current law can be modified so that training providers can operate under an initial eligibility period until the WIA is reauthorized by Congress.

While Virginia has promulgated policy guidance to local areas on the elements for inclusion in determining subsequent eligibility for training providers based on the requirements at Section 122 (d) of the WIA training providers, collection of all required elements has been problematic and inconsistent over the years. Contributing factors to this fact include:

- Creation and maintenance of a data collection system around WIA requirements would be costly and burdensome, particularly with the volumes of individuals that some training providers serve.
- From the total class rolls, the relatively few numbers of WIA participants in comparison using Individual Training Accounts at institutions may not justify the resources necessary to develop and utilize reporting systems that WIA requirements create.
- There exists a potential to violate creating data privacy components of the Family Educational Rights Privacy (FERPA)

- WIA data requirements can have the effect of asking training entities and students to provide more information at a time when business are trying to streamline processes and be more customer friendly and the national director is for the workforce development system to do the same.

With consistent and strict enforcement of all reporting requirements, Virginia, like most other states, runs the risk over time of losing training providers for the WIA system. This could be particularly devastating in the many rural areas of Virginia which are already challenged in the numbers and availability of training providers.

By allowing Virginia to reissue policy guidance to local workforce investments boards to focus only on collection of the information required for the initial eligibility period until Congress and the Department of Labor can address the challenges identified above at a national level (again, evidenced in the fact that 74% of states have this particular waiver), we can convey our commitment to accountability while ensuring that we do not end up losing training providers at a time when they are most needed to meet the increasing number of youth, adults and dislocated workers we are being challenged to place into training.

The state policy guidance for initial eligibility will be modified to indicate that training providers must supply some form of performance outcomes to the local workforce board that placed them on the list annually that offer an indication of how the institution and programs rate in general terms of topics that may include credentials or certificates earned, employment placement, earnings and customer satisfaction through existing means or mechanisms as they have available.

Local areas would continue to have the ability to add additional reporting should they so desire. In all cases customer choice will continue to be main factor and sufficient information about training providers will continue to be available to the customers as they weigh the options with their case managers based upon choice and other factors.

#### **Individuals impacted by the waiver**

All customers will be positively impacted by this waiver. Individual customers will continue to have choice in selecting training providers, employers will benefit through a continued pipeline of skilled individuals and quality training providers will continue to serve current and new customers.

#### **Process to use in monitoring progress in implementing the waiver**

Virginia WIA Policy 00-7, "Certification Process for WIA Training Providers", will be modified to incorporate the elements outlined in this waiver request if approved. Annual

program monitoring reviews of the local areas already conducted by the state will be modified and used to monitor on-going waiver implementation.

#### 7. Waiver of requirements to competitively select providers of youth program elements.

##### ***Requested Applicability: WIA Formula funds***

##### **Statutory Provisions to be Waived**

WIA section 123 requirements to competitively select providers of youth program elements which applies to section 129(c)(2)(D),(G), (H), (I) and (J) ; and 20 CFR 664.410(a)(4), (7), and (8),(9), and (10)

Consistent with the nature of approvals granted to 20 other states, Virginia is seeking a waiver of the competitive procurement requirements for the following WIA youth program elements if they are provided by the grant recipient, fiscal agent, one-stop centers or partner agencies:

- Paid and unpaid work experience, including internships and job shadowing
- Supportive services
- Adult Mentoring
- Comprehensive Guidance and Counseling
- Follow-up services for not less than 12 months after the completion of participation

##### **Goals and Programmatic Outcomes to be Achieved by the Waiver**

The waiver will allow WIBs to more effectively and efficiently identify potential providers for delivery of youth program elements, by working with existing entities that are already engaged in such efforts. This will enable WIA funds to be used more efficiently in those local areas where there are limited numbers of providers or where the size of the program is small enough that competitive procurement of these elements is not an efficient solution to program management. In many cases, the amount of efforts to acquire these services through a RFP process does not match the availability of providers. In some LWIAs there are no providers for these services. Rural areas in particular often encounter problems in identifying service providers that are capable of or effective in the delivery of the elements that would be covered by this waiver.

This would be expected to lead to increases in the numbers of youth served in these areas, or increases in the investments in occupational skills training, since more resources will be available for this purpose.

The greater flexibility resulting from this waiver would also allowed workforce centers to improve the continuity of services to youth, implement a more cost-effective and integrated service delivery system, and develop stronger ties with work experience/internship host agencies and employers. This waiver will allow Virginia's local areas the ability to achieve efficiencies in the delivery of all youth services; keep the administrative costs of competitive procurement processes at a minimal level; and direct more funds to program activities that lead toward performance improvement.

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

- Local boards needing to minimize administrative costs and redirect those funds to additional program activities that assist youth participants and lead to performance improvement.
- Older, out-of-school, low-income and disconnected youth, who have demonstrated the need for additional youth program services.
- Community and partner organizations seeking to partner with workforce boards to meet the needs of disconnected youth populations that their current resources alone cannot address.

### **Process Used to Monitor Progress in Implementing the Waivers**

If this waiver is granted, the state will accept requests from LWIBs to forego competitive procurement of the five identified youth program elements. Such requests will provide a description of the alternative service delivery arrangements, who the provider would be, a justification as to why these arrangements will enable improved service to customers, and a description of how these benefits will be measured on an ongoing basis, including how the waiver will enable increased investments in educational and skills gains. In particular, the state will review requests to ensure that the overall efficiency of program operation is being advanced by the waiver request, and will not approve requests where cost savings are not apparent.

Once requests are approved, the state's youth program consultant will monitor implementation efforts on a regular and ongoing basis to ensure that service delivery and performance results are positive, and the state's WIA annual monitoring efforts will also be modified to add this element to the list of youth items that are reviewed from a compliance perspective.

### **8. Waiver to allow class-sized training contracts to be used in addition to use of Individual Training Accounts.**

***Requested Applicability: WIA Formula funds***

**Statutory/ Administrative Requirements to be waived**

WIA Section 134 (d)(4)(G)(i); WIA Implementing Rule 20 CFR Part 663.400; and WIA Implementing Rule 20 CFR Part 663.430

**Exemption from Individual Training Accounts - Class Sized Training**

The state is requesting a waiver to allow class-sized training contracts to be used in addition to use Individual Training Accounts, which is the primary means of purchasing occupational training services with WIA allocated formula dollars for adults and dislocated workers. This waiver would facilitate the training of multiple individuals in high demand occupations, while increasing training capacity. Customer choice would not be limited. Allowing regular formula dollars to be used in this manner, expands the pool of resources available to local areas in ensuring training capacity can be quickly ramped up. The waiver would also help Virginia advance the Administration's goal of increasing credential, degree and certificate attainment as articulated in TEGL 15-10. This waiver has previously been approved for the state of Illinois.

**Goals of the waiver and expected outcomes**

The requested waiver is consistent with the national strategic direction that was articulated in TEGL 14-08, with the precedent being set in the use of American Recovery and Reinvestment Act funds. In addition, the requested waiver is consistent with the national strategic direction as described in TEGL 15-10, and in particular supports the following strategic priorities:

- Support an increase in education, training enrollments, and capacity in a time when many states and educational institutions are experiencing budget shortfalls;
- Target services to meet the changing needs of workers and employers;
- Build a demand-driven system within a regional economic development context;
- Implement system reform, with streamlined governance and alignment of economic and workforce development regions;
- Strengthen partnerships with community and faith-based organizations;
- Increase the use of flexibility provisions in WIA to design innovative programs that fuel economic competitiveness and create employment opportunities for career seeker customers; and
- Utilize an integrated and enhanced performance accountability system.

**Individuals impacted by the waiver**

WIBs and employers - The waiver will allow LWIBs to work with employers and training providers to develop class size contracts with WIA funds. This will enable WIA funds to be

used to address critical capacity problems by providing WIA seed funds for training program development. It will also encourage training providers to invest in increased capacity because they will be more likely to do so if there is a prospect of a longer term relationship with the LWIB. Finally, the waiver will enable LWIBs to respond directly to employer requests for significant numbers of persons trained in a particular occupation, because they will be able to enter into a direct class-size contract with one or more training providers to conduct the training.

Adults and Dislocated Workers – WIA participants will be afforded an additional avenue in which to receive training, and may benefit from a quicker process in which to begin training.

**Process to use in monitoring progress in implementing the waiver**

The state will carefully monitor the implementation of this waiver at the local level, including collection of the following elements:

- The number of LWIBs who develop direct training contracts;
- The number of contracts for development on new training capacity;
- The industries and occupations for which such contracts are developed; and
- The number of persons trained via such contracts.

**Subject:** FW: Youth waiver

**From:** Najmah Thomas [mailto:nthomas@vccs.edu]

**Sent:** Monday, November 19, 2012 10:27 AM

**To:** Avila, Linda - ETA; Willis, Toby - ETA

**Subject:** RE: Youth waiver

Good morning Linda and Toby,

Please see below for our updated waiver request.

### 7. Waiver of requirements to competitively select providers of youth program elements.

#### ***Requested Applicability: WIA Formula funds***

#### **Statutory Provisions to be Waived**

WIA section 123 requirements to competitively select providers of youth program elements which applies to section 129(c)(2)(D),(G), (H), (I) and (J) ; and 20 CFR 664.410(a)(4), (7), and (8),(9), and (10)

Consistent with the nature of approvals granted to 20 other states, Virginia is seeking a waiver of the competitive procurement requirements for the following WIA youth program elements if they are provided by the grant recipient, fiscal agent, one-stop centers or partner agencies:

- Paid and unpaid work experience, including internships and job shadowing
- Supportive services
- Comprehensive Guidance and Counseling
- Follow-up services for not less than 12 months after the completion of participation

#### **Goals and Programmatic Outcomes to be Achieved by the Waiver**

The waiver will allow WIBs to more effectively and efficiently identify potential providers for delivery of youth program elements, by working with existing entities that are already engaged in such efforts. This will enable WIA funds to be used more efficiently in those local areas where there are limited numbers of providers or where the size of the program is small enough that competitive procurement of these elements is not an efficient solution to program management. In many cases, the amount of efforts to acquire these services through a RFP process does not match the availability of providers. In some LWIAs there are no providers for these services. Rural areas in particular often encounter problems in identifying service providers that are capable of or effective in the delivery of the elements that would be covered by this waiver.

This would be expected to lead to increases in the numbers of youth served in these areas, or increases in the investments in occupational skills training, since more resources will be available for this purpose.

The greater flexibility resulting from this waiver would also allowed workforce centers to improve the continuity of services to youth, implement a more cost-effective and integrated service delivery system, and develop stronger ties with work experience/internship host agencies and employers. This waiver will allow Virginia's local areas the ability to achieve efficiencies in the delivery of all youth services; keep the administrative costs of competitive procurement processes

at a minimal level; and direct more funds to program activities that lead toward performance improvement.

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

- Local boards needing to minimize administrative costs and redirect those funds to additional program activities that assist youth participants and lead to performance improvement.
- Older, out-of-school, low-income and disconnected youth, who have demonstrated the need for additional youth program services.
- Community and partner organizations seeking to partner with workforce boards to meet the needs of disconnected youth populations that their current resources alone cannot address.

### **Process Used to Monitor Progress in Implementing the Waivers**

If this waiver is granted, the state will accept requests from LWIBs to forego competitive procurement of the four identified youth program elements. Such requests will provide a description of the alternative service delivery arrangements, who the provider would be, a justification as to why these arrangements will enable improved service to customers, and a description of how these benefits will be measured on an ongoing basis, including how the waiver will enable increased investments in educational and skills gains. In particular, the state will review requests to ensure that the overall efficiency of program operation is being advanced by the waiver request, and will not approve requests where cost savings are not apparent.

Once requests are approved, the state's youth program consultant will monitor implementation efforts on a regular and ongoing basis to ensure that service delivery and performance results are positive, and the state's WIA annual monitoring efforts will also be modified to add this element to the list of youth items that are reviewed from a compliance perspective.

Make it a great day! Najmah



*Najmah Thomas, PhD*

WIA Programs Administrator

Workforce Data Quality Initiative Grant Manager

Workforce Development Services - Virginia Community College System

James Monroe Building

101 N. 14th Street, 17th Floor

Richmond, VA 23219

[nthomas@vccs.org](mailto:nthomas@vccs.org)

Office: 804.819.1666

Fax: 804.819.1699

**Subject:** FW: Youth waiver

**From:** Najmah Thomas [mailto:nthomas@vccs.edu]

**Sent:** Monday, November 19, 2012 10:27 AM

**To:** Avila, Linda - ETA; Willis, Toby - ETA

**Subject:** RE: Youth waiver

Good morning Linda and Toby,

Please see below for our updated waiver request.

## 7. Waiver of requirements to competitively select providers of youth program elements.

### ***Requested Applicability: WIA Formula funds***

#### **Statutory Provisions to be Waived**

WIA section 123 requirements to competitively select providers of youth program elements which applies to section 129(c)(2)(D),(G), (H), (I) and (J) ; and 20 CFR 664.410(a)(4), (7), and (8),(9), and (10)

Consistent with the nature of approvals granted to 20 other states, Virginia is seeking a waiver of the competitive procurement requirements for the following WIA youth program elements if they are provided by the grant recipient, fiscal agent, one-stop centers or partner agencies:

- Paid and unpaid work experience, including internships and job shadowing
- Supportive services
- Comprehensive Guidance and Counseling
- Follow-up services for not less than 12 months after the completion of participation

#### **Goals and Programmatic Outcomes to be Achieved by the Waiver**

The waiver will allow WIBs to more effectively and efficiently identify potential providers for delivery of youth program elements, by working with exiting entities that are already engaged in such efforts. This will enable WIA funds to be used more efficiently in those local areas where there are limited numbers of providers or where the size of the program is small enough that competitive procurement of these elements is not an efficient solution to program management. In many cases, the amount of efforts to acquire these services through a RFP process does not match the availability of providers. In some LWIAs there are no providers for these services. Rural areas in particular often encounter problems in identifying service providers that are capable of or effective in the delivery of the elements that would be covered by this waiver.

This would be expected to lead to increases in the numbers of youth served in these areas, or increases in the investments in occupational skills training, since more resources will be available for this purpose.

The greater flexibility resulting from this waiver would also allowed workforce centers to improve the continuity of services to youth, implement a more cost-effective and integrated service delivery system, and develop stronger ties with work experience/internship host agencies and employers. This waiver will allow Virginia's local areas the ability to achieve efficiencies in the delivery of all youth services; keep the administrative costs of competitive procurement processes

at a minimal level; and direct more funds to program activities that lead toward performance improvement.

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

- Local boards needing to minimize administrative costs and redirect those funds to additional program activities that assist youth participants and lead to performance improvement.
- Older, out-of-school, low-income and disconnected youth, who have demonstrated the need for additional youth program services.
- Community and partner organizations seeking to partner with workforce boards to meet the needs of disconnected youth populations that their current resources alone cannot address.

### **Process Used to Monitor Progress in Implementing the Waivers**

If this waiver is granted, the state will accept requests from LWIBs to forego competitive procurement of the four identified youth program elements. Such requests will provide a description of the alternative service delivery arrangements, who the provider would be, a justification as to why these arrangements will enable improved service to customers, and a description of how these benefits will be measured on an ongoing basis, including how the waiver will enable increased investments in educational and skills gains. In particular, the state will review requests to ensure that the overall efficiency of program operation is being advanced by the waiver request, and will not approve requests where cost savings are not apparent.

Once requests are approved, the state's youth program consultant will monitor implementation efforts on a regular and ongoing basis to ensure that service delivery and performance results are positive, and the state's WIA annual monitoring efforts will also be modified to add this element to the list of youth items that are reviewed from a compliance perspective.

Make it a great day! Najmah



*Najmah Thomas, PhD*

WIA Programs Administrator

Workforce Data Quality Initiative Grant Manager

Workforce Development Services - Virginia Community College System

James Monroe Building

101 N. 14th Street, 17th Floor

Richmond, VA 23219

[nthomas@vccs.org](mailto:nthomas@vccs.org)

Office: 804.819.1666

Fax: 804.819.1699

**From:** Avila, Linda - ETA [<mailto:Avila.Linda@dol.gov>]  
**Sent:** Friday, November 16, 2012 8:49 AM  
**To:** Najmah Thomas; Willis, Toby - ETA; Avila, Linda - ETA  
**Subject:** RE: Youth waiver

Good Morning Najmah,

Can you send me an electronic waiver plan with the information requested below to add the comprehensive guidance and counseling component in the waiver.

In addition, you will also need to change the highlighted portion in the monitoring section of the waiver.

Process Used to Monitor Progress in Implementing the Waivers If this waiver is granted, the state will accept requests from LWIBs to forego competitive procurement of the five ( four) identified youth program elements. Such requests will provide a description of the alternative service delivery arrangements, who the provider would be, a justification as to why these arrangements will enable improved service to customers, and a description of how these benefits will be measured on an ongoing basis, including how the waiver will enable increased investments in educational and skills gains. In particular, the state will review requests to ensure that the overall efficiency of program operation is being advanced by the waiver request, and will not approve requests where cost savings are not apparent.

Once requests are approved, the state's youth program consultant will monitor implementation efforts on a regular and ongoing basis to ensure that service delivery and performance results are positive, and the state's WIA annual monitoring efforts will also be modified to add this element to the list of youth items that are reviewed from a compliance perspective.

Thank you.

Linda A. Avila  
FPO

---

**From:** Najmah Thomas [<mailto:nthomas@vccs.edu>]  
**Sent:** Friday, November 16, 2012 6:53 AM  
**To:** Avila, Linda - ETA; Willis, Toby - ETA  
**Cc:** Najmah Thomas  
**Subject:** RE: Desired Youth Waiver

Good morning Linda and Toby,

We are interested in included the comprehensive guidance and counseling component in the waiver.

Thank you and make it a great day,  
Najmah

-----Original Message-----

From: Avila, Linda - ETA [<mailto:Avila.Linda@dol.gov>]  
Sent: Thu 11/15/2012 4:12 PM  
To: Najmah Thomas; Willis, Toby - ETA; Avila, Linda - ETA  
Subject: RE: Desired Youth Waiver

Najmah,

I am following- up to Toby's email to you yesterday.

Please note that consideration is being given to the comprehensive guidance and counseling component that was requested by Virginia for the waiver of Section 123 that requires that providers of Youth Program elements be selected on a competitive basis.

It will require adding the additional "comprehensive guidance and counseling" wording added to the waiver request/plan.

In addition, you will also need to change the highlighted portion in the monitoring section of the waiver.

Process Used to Monitor Progress in Implementing the Waivers If this waiver is granted, the state will accept requests from LWIBs to forego competitive procurement of the five ( four) identified youth program elements. Such requests will provide a description of the alternative service delivery arrangements, who the provider would be, a justification as to why these arrangements will enable improved service to customers, and a description of how these benefits will be measured on an ongoing basis, including how the waiver will enable increased investments in educational and skills gains. In particular, the state will review requests to ensure that the overall efficiency of program operation is being advanced by the waiver request, and will not approve requests where cost savings are not apparent.

Once requests are approved, the state's youth program consultant will monitor implementation efforts on a regular and ongoing basis to ensure that service delivery and performance results are positive, and the state's WIA annual monitoring efforts will also be modified to add this element to the list of youth items that are reviewed from a compliance perspective.

This can be done separately from the Plan and get approved.

If it is still something that is desired, please email me by November 19, 2012.

Linda A. Avila

Federal Project Officer

U.S. Department of Labor

170 S. Independence Mall West, Suite 825 East

Philadelphia, PA 19106

Tel. 215-861-5227

Fax: 215-861-5260

"Live your dream....make a difference."

From: Willis, Toby - ETA  
Sent: Wednesday, November 14, 2012 11:02 AM  
To: 'Najmah Thomas'  
Cc: Avila, Linda - ETA  
Subject: Desired Youth Waiver

Hello Najmah,

I hope that this email finds you well. In regards to the Commonwealth's request to waive requirements to competitively procure certain youth elements, there has been a new interpretation. Apparently, consideration is being given to the comprehensive guidance and counseling component requested. If it is still something that is desired, please email Linda Avila at [avila.linda@dol.gov](mailto:avila.linda@dol.gov). It will require adding the additional "comprehensive guidance and counseling" wording added to the waiver request/plan. This can be done separately from the Plan and get approved. I apologize for any inconvenience. Enjoy your day.

Kind regards,

Tobby

Please be aware that e-mail communication can be intercepted in transmission or misdirected. Please do not send any protected Personally Identifiable Information (PII) by telephone, fax, mail, or email. Examples of protected PII include, but are not limited to, social security numbers (SSNs), credit card numbers, bank account numbers, home telephone numbers, ages, birthdates, marital status, spouse names, educational history, biometric identifiers (fingerprints, voiceprints, iris scans, etc.), medical history, financial information and computer passwords. The information contained in this message may be privileged and confidential. If you are NOT the intended recipient, please notify the sender immediately.