



JUN 4 - 2012

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

Dear Governor Markell:

This letter provides approval of an extension of Delaware's current Workforce Investment Act (WIA) and Wagner-Peyser Act (W-P) State Plan for a portion of Program Year (PY) 2012. This letter also provides approval of extensions for Delaware's waivers. Training and Employment Guidance Letter (TEGL) No. 21-11, issued on March 27, 2012, provides guidance for states to secure approval of their WIA/W-P State Plans and waivers for PY 2012. In accordance with TEGL No. 21-11 and your extension request, the State must submit a full five-year WIA/W-P State Plan and annual W-P Agricultural Outreach Plan by September 15, 2012.

Extension of State Plan

Delaware's existing State Plan will expire on June 30, 2012. This letter constitutes a written determination under WIA Section 112 (29 USC 2822) that the Employment and Training Administration (ETA) is temporarily extending the approval of Delaware's State Plan for WIA Title I and the Wagner-Peyser Act into PY 2012, July 1, 2012 through December 31, 2012. The State has already received its formula allotment for the WIA Youth program for PY 2012. The State is eligible to receive WIA formula allotments for Adult and Dislocated Worker programs and W-P initial base program allotments under the PY 2012 annual funding agreement for WIA and the PY 2012/Fiscal Year 2013 annual funding agreement for W-P.

Performance Levels

Delaware requested to temporarily extend its existing PY 2011 WIA and W-P performance goals for a portion of PY 2012. ETA has incorporated these performance goals, identified as PY 2012 performance goals, into the Regional and National Office copies of the State Plan. Please include these PY 2012 goals in the State's official copy of the State Plan. As required by TEGL 21-11, the State must renegotiate its new PY 2012 goals upon submission of its full State Plan.

Waivers

As part of the State's extension of the WIA/W-P State Plan, and as described in TEGL No. 21-11, the State requested temporary extensions of Delaware's PY 2011 waivers of statutory and regulatory requirements under WIA for PY 2012. The disposition of the State's waiver extensions is outlined below. This action is taken under the Secretary's authority at WIA Section 189(i) to waive certain requirements of WIA Title I, Subtitles B and E, and Sections 8-10 of the Wagner-Peyser Act.

Waiver of WIA Section 133(b)(4) to increase the allowable transfer amount between Adult and Dislocated Worker funding streams allocated to a local area.

The State was previously granted a waiver to permit an increase in the amount a state is allowed to transfer between the Adult and Dislocated Worker funding streams. The State is granted an extension of this waiver through December 31, 2012. Under the waiver, transfer authority is limited to 50 percent. This limitation provides states flexibility while ensuring consistency with Congressional intent regarding the level of funding appropriated for the WIA Adult and Dislocated Worker programs.

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

The State was previously granted a waiver that allows the State to replace the 17 performance measures under WIA Section 136(b) with the common measures. The State is granted an extension of this waiver through December 31, 2012.

This waiver permits the State to negotiate and report WIA outcomes against the common performance measures only, rather than the performance measures described at WIA Section 136(b). The State will no longer negotiate and report to ETA on the following WIA measures: WIA adult and dislocated worker credential rates; participant and employer customer satisfaction; older youth measures; and younger youth measures. The State will use the three adult common performance measures to negotiate goals and report outcomes for the WIA Adult and WIA Dislocated Worker programs. The State will use the three youth common performance measures to negotiate goals and report outcomes for the WIA Youth program. Workforce Investment Act Standardized Record Data system (WIASRD) item 619, Type of Recognized Credential, should be completed for each individual as appropriate, regardless of this waiver to report on common performance measure outcomes only.

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

The State was previously granted a waiver of the time limit on the period of initial eligibility of training providers provided at 20 CFR 663.530. The State is granted an extension of this waiver through December 31, 2012. Under the waiver, the State is allowed to postpone the determination of subsequent eligibility of training providers. The waiver also allows the State to provide an opportunity for training providers to re-enroll and be considered enrolled as initially eligible providers.

The approved waivers are incorporated by reference into the State's WIA Grant Agreement, as provided for under paragraph 3 of the executed Agreement, and this constitutes a modification of the State Plan. A copy of this letter should be filed with the State's WIA Grant Agreement and the approved State Plan. In addition, as 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 receiving your full State Plan for PY 2012 and working together as you implement it. If you have any questions related to the issues discussed above, please contact Jeffrey Gabriel, the Federal Project Officer for Delaware, at 215-861-5207 and Gabriel.Jeffrey@dol.gov.

Sincerely,



Jane Oates
Assistant Secretary

Enclosure

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

From: Avila, Linda - ETA
Sent: Monday, April 16, 2012 11:54 AM
To: Fleck, Heather - ETA; Gabriel, Jeffrey - ETA; Avila, Linda - ETA
Subject: FW: Delaware Request for Extension

Heather,
We received this email from Delaware about the State Planning Process.
If you have any questions please feel free to call me.

Linda A. Avila
FPO

From: Strong Robert (DOL) [<mailto:Robert.Strong@state.de.us>]
Sent: Monday, April 16, 2012 11:33 AM
To: Jacobs-Simmons, L - ETA
Cc: McMahon John (DOL); Jones Gwendolyn (DWIB); Potter William (DWIB); Avila, Linda - ETA; Gabriel, Jeffrey - ETA; Bistany Patricia K. (DOL); Smilth Thomas M (DOL)
Subject: Delaware Request for Extension

Ms. Jacobs-Simmons,

In accordance with the ETA March 9, 2012 email requiring additional information for extending the current state plan, please accept this note as the Delaware Department of Labor's formal request for such extension (s) with requested information below:

1. Statement that the state needs a temporary extension of its current WIA/W-P State Plan and current negotiated performance targets into PY 2012; 2).

The Delaware Department of Labor requests an extension of its current Workforce Investment Act (WIA) and Wagner Peyser Act State Plan. This extension includes all modifications and waivers through September 15, 2012

2. Currently approved waivers.

Please see list of current waivers below.

3. The date when the state will submit its five-year plan (between April 17 and September 15, 2012).

Delaware intends to submit its five year plan no later than August 31, 2012.

4. A justification which describes how the added time will be used for greater involvement of partners in the state's planning process.

This extension will ensure continuity of service for programs funded under the current plan and allow Delaware to develop a new integrated state plan beyond the current deadline of June 30, 2012. This extension provides an opportunity for in depth reviews and discussions with Delaware Department of Labor internal partners; Delaware Workforce Investment Board's partners and stakeholders; and business for discussion with leaders from throughout the state.

John J. McMahon, Jr., Secretary of Labor

Waivers

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NCURRENCES	Initials	JS	HP	CO	ALA	JCO		
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	Date	5/23/12	5/24/12	5-24-12	5/25/12	5/29/12		
	<							
Last Name	FOX	FLECK	OLLIS	AHLSTRAND	FIALA	OATES		
Office Symbol	DWASWS	DWASWS	DWASWS	OWI	OASET	OASET		
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