



JUN 4 - 2012

The Honorable Earl Ray Tomblin
Governor of West Virginia
1900 Kanawha Street
Charleston, West Virginia 25305

Dear Governor Tomblin:

This letter provides approval of an extension of West Virginia'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 West Virginia'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

West Virginia'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 West Virginia'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

West Virginia 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

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 West Virginia'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 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 was previously granted 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. The State is granted this waiver an extension of this waiver through December 31, 2012.

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

The State was previously granted a waiver of the required 50 percent employer contribution for customized training to permit the use of a sliding scale for the employer contribution based on the size of the business. The State is granted an extension of this waiver through December 31, 2012. Under the waiver, the following sliding scale is permitted: 1) no less than 10 percent match for employers with 50 or fewer employees, and 2) no less than 25 percent match for employers with 51-250 employees. For employers with more than 250 employees, the current statutory requirements (50 percent contribution) continue to apply. When determining the funding source for customized training, the State must use the appropriate program funds for the appropriate WIA-eligible population. The State and local area may provide customized training to individuals over age 18 with WIA Adult funds and must provide priority to low-income individuals when funds are limited; the State and local area may provide customized training to dislocated workers with WIA Dislocated Worker funds. Customized training provided with statewide funds must serve WIA eligible individuals.

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

The State 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.

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 was previously granted a waiver of the requirement to provide local workforce investment areas incentive grants to reward regional cooperation, local coordination of activities, and exemplary performance. The State is granted this waiver an extension of this waiver through December 31, 2012.

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

The State was previously granted 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 an extension of this waiver through December 31, 2012. Under the waiver, the following reimbursement amounts will be permitted: 1) up to 90 percent for employers with 50 or fewer employees, and 2) up to 75 percent for employers with 51-250 employees. For employers with more than 250 employees, the current statutory requirements (50 percent reimbursement) will continue to apply. When determining the funding source for on-the-job training, the State must use the appropriate program funds for the appropriate WIA-eligible population. The State and local area may provide on-the-job training to individuals over age 18 with WIA Adult funds and must provide priority to low-income individuals when funds are limited; the State and local area may provide on-the-job training to dislocated workers with WIA Dislocated Worker funds. On-the-job training provided with statewide funds must serve WIA eligible individuals.

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

The State was previously granted a waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts (ITAs) for older youth and out-of-school youth program participants. The State is granted an extension of this waiver through December 31, 2012. Under this waiver, the State can use ITAs for older youth and out-of-school youth program participants. The State must continue to make the 10 youth program elements available as described at WIA Section 129(c)(2). The State should ensure that funds used for ITAs are tracked and that the ITAs are reflected in the individual service strategies for these youth.

The approved waivers are incorporated by reference into the State's WIA Grant Agreement, as provided for under paragraph 3 of the executed Agreement, and

this constitutes a modification of the State Plan. A copy of this letter should be filed with the State's WIA Grant Agreement and the approved State Plan. In addition, as described in TEGE 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 Matthew Heaney, the Federal Project Officer for West Virginia, at Heaney.Matthew@dol.gov and (215) 861-5227.

Sincerely,


Jane Oates
Assistant Secretary

Enclosure

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

April 11, 2012

Lenita Jacobs-Simmons, Regional Administrator
U.S. Department of Labor
Employment and Training Administration
The Curtis Center
170 South Independence Mall West, Suite 825 East
Philadelphia, PA 19106-3315

Dear Ms. Jacobs-Simmons:

The State of West Virginia's Strategic State Plan for Title I of the Workforce Investment Act (WIA) and the Wagner Peyser Act will expire on June 30, 2012. In accordance with Training and Employment Guidance Letter (TEGL) Number 21-11, West Virginia is requesting that the United States Department of Labor (USDOL) grant a temporary extension of the West Virginia WIA/Wagner Peyser State Plan and waivers through August 15, 2012. This also includes a request for an extension of our current negotiated performance targets until new goals can be requested.

The request to extend the current plan is to allow time to facilitate cross-program strategic planning. More specifically, this will allow us time to coordinate and integrate the Trade Adjustment Assistance Program and the Agricultural Outreach Plan into the WIA/W-P State Plan.

As indicated in TEGL Number 21-11, the State of West Virginia will negotiate the WIA/Wagner Peyser performance goals for PY 2012.

With regard to waiver requests, below is a description of each of the six (6) currently approved waivers that we wish to continue in PY 2012:

- **Waiver of the Funds Transfer Limitation at WIA Section 133(b)(4):**
This waiver allows the State to approve local area requests to transfer up to 50 percent of local area allocations between the WIA Adult and Dislocated Worker funding streams.
- **Extension of the Waiver of the Time Limit on the Period of Initial Eligibility for Training Providers at 20 CFR 663.530:**
Under this waiver, the State will be able to provide an opportunity for training providers to re-enroll and be considered enrolled as initially eligible providers.

112 California Avenue
Charleston, West Virginia 25305

An agency of the Department of Commerce

An equal opportunity employer/program and auxiliary aids are available upon request to individuals with disabilities.

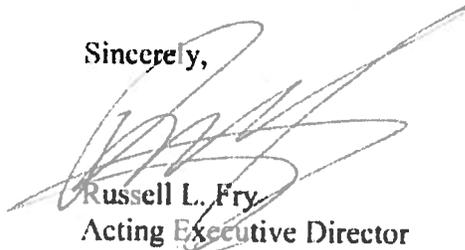
www.workforcewv.org

Lenita Jacobs-Simmons
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- ***Extension of a Waiver to Permit the use of Individual Training Accounts (ITAs) for Older Youth Program Participants:***
This waiver will allow the State to increase training options for youth.
- ***Extension of the Waiver to Replace the 17 Current Performance Measures with the Common Measures:***
This waiver will allow the State to report WIA outcomes against the common performance measures only, rather than the performance measures described at WIA Section 136(b).
- ***Extension of the Waiver of WIA Section 101(31)(B) to increase the employer reimbursement for on-the-job training; and***
- ***Extension of the Waiver of the required 50 percent employer contribution for customized training at WIA Section 101(8)(C).***

If you have questions or comments, or require further information, please do not hesitate to contact me at (304) 558-7024.

Sincerely,



Russell L. Fry
Acting Executive Director

RF: nb