

JUN 21 2011

The Honorable Matthew Mead
Governor of Wyoming
State Capitol Building
Cheyenne, Wyoming 82002-0010

Dear Governor Mead:

This letter provides approval of an extension of Wyoming's current Workforce Investment Act (WIA) and Wagner-Peyser Act (W-P) State Plan for Program Year (PY) 2011. This letter also provides approval of extensions for Wyoming's waivers. Training and Employment Guidance Letter (TEGL) No. 17-10, issued on December 30, 2010, provides guidance for states to secure approval of their WIA/W-P State Plans and waivers for PY 2011.

Extension of State Plan

Wyoming's existing State Plan will expire on June 30, 2011. This letter constitutes a written determination under WIA Section 112 (29 USC 2822) that the Employment and Training Administration (ETA) is extending the approval of Wyoming's State Plan for WIA Title I and the Wagner-Peyser Act for PY 2011, July 1, 2011 through June 30, 2012. The State has already received its formula allotment for the WIA Youth program for PY 2011. 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 2011 annual funding agreement for WIA and the PY 2011/Fiscal Year 2012 annual funding agreement for W-P.

Performance Levels

Wyoming's requested to extend its existing PY 2010 WIA and W-P performance goals for PY 2011. ETA has incorporated these performance goals, identified as PY 2011 performance goals, into the Regional and National Office copies of the State Plan. Please include these PY 2011 goals in the State's official copy of the State Plan.

Waivers

As part of the State's extension of the WIA/W-P State Plan, and as described in TEGL No. 17-10, the State requested extensions of Wyoming's PY 2010 waivers of statutory and regulatory requirements under WIA for PY 2011. 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 June 30, 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 June 30, 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.

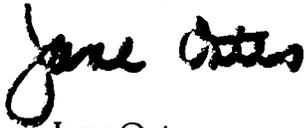
The State was previously granted a waiver of the time limit on the period of initial eligibility of training providers provided at 20 CFR 663.530. The State is granted an extension of this waiver through June 30, 2012. Under the waiver, the State is allowed to postpone the determination of subsequent 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. 09-10, page 3, the State should address the impact these waivers have had on the State's performance in the WIA annual performance report, due on October 1 of each year.

We look forward to working together as you implement your State Plan for PY 2011. If you have any questions related to the issues discussed above, please contact Jesús Morales, the Federal Project Officer for Wyoming, at 972-850-4616 or Morales.Jesus@dol.gov

Sincerely,

A handwritten signature in black ink that reads "Jane Oates". The signature is written in a cursive style with a large initial "J".

Jane Oates
Assistant Secretary

Enclosure

cc: Joseph C. Juarez, Regional Administrator, ETA Dallas Regional Office
Jesús Morales, Federal Project Officer for Wyoming

ATTACHMENT E

STATE OF WYOMING WAIVER REQUEST WORKFORCE INVESTMENT ACT

Transfer of WIA funds between Adult and Dislocated Worker Programs

The Wyoming Department of Workforce Services (DWS), the state entity responsible for administering the Workforce Investment Act (WIA) is requesting to eliminate the 20% limitation on transferring WIA funds between the Adult and Dislocated Worker programs. Approval of this waiver will allow the ability for DWS to transfer appropriate amounts of funds between the Adult and Dislocated Worker programs as needs for these programs change within the state of Wyoming.

This waiver request follows the format identified in WIA Section 189(i)(4)(B), (29USCA section 2939(i)(4)(B) and WIA Regulations at 20 CFR section 661.420 (C).

1. Statutory Regulations to be Waived: WIA section 133(b)(4) (29 USCA section (i)(4)(B) and WIA Regulations 20 CFR section 667.140, provide that the approval of the Governor and State Workforce Investment Board may transfer up to 20 percent of a program year allocation from adult employment and training activities and up to 20 percent of a program year allocation of dislocated worker employment and training activities between the two programs.

Wyoming implemented WIA in 2000 and uses a state developed regional allocation process to distribute adult and dislocated worker funds to the areas of the state that have a need for these funds. The allocation process/formula takes into account the size of the workforce, number of unemployed individuals and the number of businesses in each of the six regions as compared to the state as a whole.

The DWS has established a goal of: “Become an agency that has aligned existing services in an innovative manner to impact Wyoming businesses”. The key strategies to achieve this goal are:

- Develop a service delivery model that integrated all divisions, facilities, outreach offices, communications training and cross-education.
- Create a communication system and brand identity that unifies the agency internally and externally.
- Adopt an agency-wide customer service philosophy, culture and training program.
- Reinvent our programs and program policies to serve the agency mission and vision, and Wyoming. Increase emphasis on business services and economic development.

2. State or Local Statutory Regulatory Barriers: There are no state or local statutory or regulatory barriers to implementing this waiver. Upon notification of the approval of this waiver, the Department will amend necessary policies to comply with the terms of the waiver.

3. Goals to be Accomplished by the Waiver:

- Increase the Department and Board's ability to respond to changes within the state and regions;
- Increase business collaboration between industry need and worker training;
- Increase accountability at the state, regional and local levels; and
- Provide greater flexibility to the Department and Board in designing and delivering WIA programs and services.

4. Individuals Impacted by the Waiver: Approval of this waiver will impact Wyoming's businesses, job seekers, and Workforce Center staff. The following are additional impacts of approval of this waiver:

- Wyoming businesses will benefit due to the Department's ability to design appropriate programs based on regional and state needs; and
- Increased utilization by both adults and dislocated workers as appropriate, resulting in more job seekers being served.

5. Process used to Monitor Progress and Implementing the Waiver:

DWS has a pro-active fiscal and program monitoring system that tracks program costs and measures the results of job seekers using the Wyoming Workforce System. DWS is in the process of developing measures and tracking system that will measure the results of businesses using the Wyoming Workforce System. The Department continually reviews and analyzes performance reports and compares performance against established performance goals. DWS will monitor progress on this waiver by reviewing monthly expenditure, enrollment and performance reports generated by our automated management information system.

STATE OF WYOMING
NEW WAIVER REQUEST
WORKFORCE INVESTMENT ACT

Subsequent Eligibility Determination of Eligible Training Providers

The Wyoming Department of Workforce Services (DWS), the state entity responsible for administering the Workforce Investment Act (WIA) is requesting to postpone the implementation of the subsequent eligibility process for Eligible Training Providers as described in the Workforce Investment Act, Section 122(c)(5) and WIA Regulations 663.530 until June 30, 2010.

1. Statutory Regulations to be Waived: This waiver is to be incorporated into the existing plan regarding the Workforce Investment Act's (WIA) time limit on the period of initial eligibility of training providers (20 CFR 663.530), through June 30, 2010, the end of the existing plan.

2. Stat or Local Statutory Regulatory Barriers: There are no state or local statutory barriers to implementing the requested waiver.

3. Goals to be Accomplished by the Waiver: Wyoming requests this waiver to better determine the most effective and efficient method of collecting the training provider's performance data as well as alleviate our provider's concerns with the types and amount of information being requested.

4. Individuals impacted by the Waiver: Many of Wyoming's training providers have expressed strong concerns with the implementation of the subsequent eligibility requirements. The concerns include the following:

- Confidentially
- Excessive administrative burden and costs associated with tracking all students
- Cost and time involved in developing a reporting system which will gather information relating to wages and/or placement of those individuals participating in their programs.

This waiver will also allow Wyoming the opportunity to complete the design of our Eligible Training Provider website. This website will be available to all participants, training providers and service providers and will allow them to view training information, eligibility status and on-line application submission.

Wyoming feels that this waiver will help retain the providers currently providing training services to our participants while encouraging the increase of new providers.

5. Processes Used to Provide Notice to any Local Board Affected by the Waiver: Opportunities for comment regarding the request of this waiver were provided to the state's Workforce Development Council.

STATE OF WYOMING
WAIVER REQUEST
WORKFORCE INVESTMENT ACT

Performance Measures Required Under Title I of the Workforce Investment Act

The Wyoming Department of Workforce Services (DWS), the state entity responsible for administering the Workforce Investment Act (WIA) is requesting to replace the current indicators of performance for employment and training activities with the common performance measures set forth by the U.S. Department of Labor in Training and Employment Guidance Letter (TEGL) 17-05.

1. Statutory and Regulatory Requirements To Be Waived: The State of Wyoming is seeking a waiver of the 17 (15 core and two customer satisfaction) indicators of performance for employment and training activities authorized under Section 136(b) of the Workforce Investment Act, and 20 CFR 660.100, and desires to replace them with the common performance measures set forth by the U.S. Department of Labor, Employment and Training Administration (ETA) in Training and Employment Guidance Letter (TEGL) 17-05. Wyoming's vision is to report the three Adult Common Measures for WIA Adult and WIA Dislocated Worker Programs and the three Youth Common Measures for the WIA Youth program, to ETA for a total of nine measures. Wyoming is continuing to integrate and coordinate program services and looks to the reporting of only Common Measures as a tool to further this effort. This waiver request will enable Wyoming's workforce development system to implement the new common performance measures while reducing redundancy and confusion, as well as the added burden of reporting the 15 core and two customer satisfaction measures.

Citations: WIA §136(b), §189(i)(4), §129, §134, §168; 20 CFR WIA Final Rules §652.3, §660.100, §661.400, §661.410, §661.420, §661.100

Background

For a number of years Wyoming has worked to coordinate services and performance reporting between programs and agencies, for the benefit of its customers and state government. The state welcomes this opportunity to further simplify and streamline its performance accountability system, in accordance with provisions of the Workforce Investment Act. Wyoming has found that adding the new common measures to the 15 core WIA measures makes it difficult for staff to keep track of performance goals and requirements. This in turn makes it more difficult to focus on serving customers according to their needs.

2. State or Local Statutory or Regulatory Barriers: No state or local barriers exist that would prohibit Wyoming from choosing the Common Measures over the 17 existing WIA measures. Most of the integration and collaboration barriers encountered by the State of Wyoming, over time, have been federally imposed, making it difficult at times for coordination to occur between state agencies and programs. However, the state has been able to work around many of these existing barriers through the agreement process. Also, Wyoming has aggressively implemented the One-Stop system, and a common management information system, for WIA and the Labor

Exchange (LE), to bring services to its customers. Other actions include cross training of LE and WIA staff, implementation of a common LE and WIA case management system, and the further development of services to serve the needs of WIA and Wagner-Peyser business partners and service providers. We believe that this waiver will allow Wyoming to continue to streamline services and enhance the benefits to all of our customers.

3. Goals to be Accomplished by the Waiver: There are numerous benefits to be gained from the waiver:

- A simplified and streamlined performance measurement system, which is not only more cost effective, but is more transparent to our business partners and our service providers.
- A more demand-driven system, governed by a business-led Workforce Investment Board (WIB). The existing 17 measures are difficult for staff to manage and for WIB members to understand and successfully monitor.
- Integrated system-wide common performance accountability. This will also allow for more complete integration with the Trade Act programs, which has already adopted common measures. To continue Wyoming's successful integration of services in the One-Stops, we need to be working toward common goals.
- Reduced paperwork and labor costs associated with performance data collection. This also makes it easier for the state to design, implement, and track other measures that it deems useful as management tools.
- Provision of clear and understandable information to Congressional and legislative leaders and the general public concerning the use of public funds and return on investment.
- A more useful program management tool.
- Customer-driven outcomes instead of program-driven outcomes.
- Better service coordination and information sharing among programs.
- An opportunity for the State to better implement ETA's Youth Vision which includes a youth program focused on out-of-school populations with increased accountability for employment and/or increased secondary and post-secondary education outcomes.

4. Individuals Impacted by the Waiver: Approval of this waiver will positively impact all customers of the workforce investment system by allowing streamlined service delivery while improving program management and performance. It is expected that Wyoming will be able to concentrate more on the provision of customer services to adults, dislocated workers, youth, and business and training providers.

5. Processes Used to:

Monitor the Progress in Implementing the Waiver

The Wyoming Department of Workforce Services (DWS) is the administrative entity for WIA and Wagner-Peyser programs in the state. The state is served by a single workforce investment board, the Wyoming Workforce Development Council.

Wyoming will monitor the implementation and impact of the waiver, as well as progress toward expected outcomes, through its Employment Services Division and the Workforce Development Council. State oversight and evaluation will make effective use of reporting, state and local monitoring, and other means to identify and address obstacles. The State will review applicable policies and procedures and modify them accordingly. Also, the State will report to ETA on its experience with the waiver through the quarterly reporting process and its annual ETA 9090 report at the end of the program year.

Provide Notice to any Local Board Affected by the Waiver

The State is providing opportunities for comment and input on the waiver request, including:

- Dissemination of the waiver request to the Wyoming Workforce Development Council chair and members (which includes representatives of organized labor and business).
- Posting of the waiver request on the DWS website with opportunity for public comment during a two-week period.

STATE OF WYOMING
NEW WAIVER REQUEST
WYOMING SUMMER JOBS PROGRAM FOR YOUTH
American Recovery and Reinvestment Act (Recovery Act)

Request to Waive Youth Performance Measures under the Recovery Act

The Department of Workforce Services, as the State of Wyoming's administrator for the Workforce Investment Act (WIA) and the American Recovery and Reinvestment Act ("Recovery Act"), is requesting the U.S. Department of Labor (DOL) to waive the youth common measures for out-of-school youth ages 18 to 24 served with Recovery Act funds beyond the summer months who participate in work experience only. This waiver will allow Wyoming to use the work readiness indicator as the only indicator of performance for such youth, the same measure that applies to summer youth only participants (May 1, 2009 through September 30, 2009). This waiver is being requested for the first six months following the summer of 2009 (October 1, 2009 through March 31, 2010).

As stated in Training and Employment Guidance Letter (TEGL) NO. 14-08, Section 16.A., "In order to implement the Congressional intent to offer expanded summer employment opportunities, it may be necessary to provide additional flexibility for youth served with Recovery Act funds who participate in summer employment only". Wyoming is requesting this additional flexibility under TEGL NO. 14-08, Section 16.A to be utilized for youth ages 18 to 24 served with Recovery Act funds beyond the summer months, participating in a work experience only. The following items are being requested through this waiver:

- Local Workforce Investment Board (WIB) has the flexibility to determine which program elements they provide with Recovery Act funds.
- WIB will provide follow-up services when deemed appropriate for such individuals.
- WIB has the flexibility to determine the type of assessment and Individual Service Strategy (ISS) for youth served with Recovery Act funds during the summer months only and provide the type of assessment deemed appropriate for each individual.
- WIB has the flexibility to determine whether it is appropriate that academic learning be directly linked to summer employment for each youth served with Recovery Act funds during the summer months only.
- Finally, as stated in paragraph one, Wyoming is requesting that the work readiness indicator be the only indicator of performance for youth ages 18 to 24 who participate in work experience only beyond the summer months (October 1, 2009 through March 31, 2010).

Justification for this Waiver

Governor Freudenthal has charged the Department of Workforce Services (DWS) with the responsibility of providing Wyoming Youth with opportunities to seek high quality jobs through the Recovery Act. Wyoming is implementing the Summer Jobs Program for Youth so that the Recovery Act funds provide youth with work experience in areas of their occupational interest, while also being placed with a worksite that can train the youth to be prepared for jobs in growth

occupations; emerging and/or regionally specific industries; and to include “green jobs”, such as utilities or alternative energy. DWS plans to provide as many of these out-of-school youth as possible with work experience outside of the summer months.

DOL Revision 4/1/09

Focusing on the work readiness portion of performance allows Wyoming and the local workforce investment board to give youth a unique opportunity to explore work experiences that may not have been possible without Recovery Act funds. Without this waiver, the performance requirements would impede the true intent of this program as concerns over performance would overshadow the great opportunities and choices given to Wyoming’s youth during these challenging economic times.

Continued Service Plans for Participants Served Under this Waiver

Youth who are assessed in need of additional work experience under the Recovery Act shall have the justification documented in their ISS. These youth will continue to be measured for the work readiness indicator only, as long as they complete by March 31, 2010.

Youth who fall into this category but then are determined in need of services beyond their additional work experience will be enrolled into other services such as Recovery Act funded youth services or co-enrolled into a WIA Adult program or services. Examples of other services that would lead to continuing a youth’s service plan would be to further the youth’s education or other training activities.

Priority of meeting the youth’s needs will be the deciding factor on continuing the youth into other services, not whether they’ll be accountable to other common measures beyond the work readiness indicator.

DWS will provide policy and guidance through an agency issuance if this waiver is approved. This waiver request adheres to the format provided in WIA ss189(i)(4)(B) and WIA Regulations 20 CFR 661.420(c).

1. Statutory or Regulatory Requirement to be Waived

Wyoming is seeking a waiver of certain provisions of the requirements of the Workforce Investment Act of 1998, Sections 136 youth measures, along with TEGl 17-05, and 17-05, Change 1, which relate to common measures for youth only. The State of Wyoming requests this waiver based on TEGl 14-08, page 37 “Waiver of performance measures for youth who participate in work experience only.”

2. State or Local Statutory or Regulatory Barriers

There are no known state or local statutory or regulatory barriers to implementing this waiver. Upon notification on the approval of this waiver, DWS will incorporate it into policy and distribute the new policy to the WIB.

3. Goals and Expected Programmatic Outcomes of this Waiver

The goal of this waiver request is to provide a simplified and streamlined performance measure for the WIB to track youth's success in completing work experience beyond the summer months. This also promotes an exciting time in allowing youth the creativity to try new opportunities, such as "green jobs" and other career interests while not penalizing the WIB in meeting additional youth common measures.

4. Individuals Affected by this Waiver

A granting of this waiver would be in alignment with Wyoming's strategic goal of streamlining the performance accountability system so that there is an increased focus on the system's enrollment of youth into the Recovery Act.

5. Processes Used to:

Monitor the Progress in Implementing the Waiver

DWS is the entity responsible for the Recovery Act summer employment program affected by this waiver, and if this waiver is granted, DWS will assume the lead role in monitoring the implementation of the waiver.

Provide Notice to any Local Board Affected by the Waiver

Prior to the submission of the waiver request, DWS will inform the WIB of its intent via an email memorandum, with this waiver request attached.

Provide any Local Board Affected by the Waiver an Opportunity to Comment on the Request

A 5-day comment period from the date of written notification will be given to allow WIB an opportunity to provide comments on the waiver request.

Ensure Meaningful Public Comment on the Waiver Request

A 5-day comment period began on March 27, 2009 with the publication of this waiver on the State's website <http://wyomingworkforce.org> . The wyomingworkforce.org Network is a unique network, reaching out to workforce development partners, faith-based and community organizations, businesses and government agencies. DWS also sent an electronic memorandum advising the workforce investment board leaders of the opportunity to provide comment.

MATTHEW H. MEAD
GOVERNOR



STATE CAPITOL
CHEYENNE, WY 82002

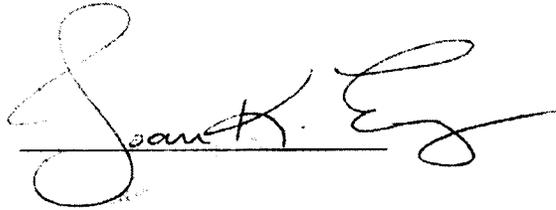
Office of the Governor

Joseph C. Juarez, Regional Administrator
US Department of Labor
Dallas Regional Office
525 South Griffin Street, Room 317
Dallas, TX 75202

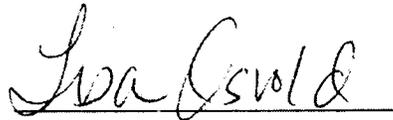
Dear Mr. Juarez:

Following the merger of Wyoming's Department of Employment (DOE) with our Department of Workforce Services (DWS), I hereby designate the following signatories to sign official documents on my behalf for all Department of Labor, Employment and Training Administration (ETA) programs. In addition, all ETA grants to DOE should be reassigned to DWS at the address provided below.

Joan K. Evans, Director
Department of Workforce Services
122 W. 25th St., H2E
Cheyenne, WY 82002

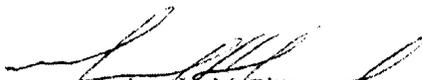


Lisa Osbold, Deputy Director
Department of Workforce Services
122 W. 25th St., H2E
Cheyenne, WY 82002



If you have any questions, please feel free to contact me.. Thank you for your help in this matter.

Sincerely,



Matthew H. Mead
Governor

PHONE: (307) 777-7434

FAX: (307) 632-3909