



APR 3 - 2012

The Honorable Tom Corbett  
Governor of Pennsylvania  
Room 225  
Main Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Governor Corbett:

We are pleased to be able to respond to your request for waivers of statutory and regulatory requirements under the Workforce Investment Act (WIA). These requests are written in the format identified in WIA Section 189(i)(4)(B) and 20 CFR 661.420(c), and meet the standard for approval at 20 CFR 661.420(e). The following is the disposition of the Commonwealth's submission (copy enclosed). This action is taken under the Secretary's authority to waive certain requirements of WIA Title I, Subtitles B and E, and Sections 8-10 of the Wagner-Peyser Act.

Requested Waivers

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 Commonwealth is requesting 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 Commonwealth is granted this waiver effective July 1, 2011 through June 30, 2012. This waiver only applies to Program Year (PY) 2011 WIA funds.

Waiver of WIA Section 134(a)(2)(B)(iii) and 20 CFR 665.200(e) to exempt the State from the requirement to provide local workforce investment area incentive grants.

The Commonwealth is requesting 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 Commonwealth is granted this waiver effective July 1, 2011 through June 30, 2012. This waiver only applies to PY 2011 WIA funds.

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 it constitutes a modification of the State Plan. A copy of this letter should be filed with

the Commonwealth's WIA Grant Agreement and the approved State Plan. In addition, as described by TEGL No. 09-10, the Commonwealth should address the impact its 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 continuing our partnership with you and achieving better workforce outcomes. If you have any questions related to the issues discussed above, please contact Michael Toops the Federal Project Officer for Pennsylvania, at (215) 861-5206 or [Toops.Michael@dol.gov](mailto:Toops.Michael@dol.gov).

Sincerely,

A handwritten signature in dark ink, appearing to read "Jane Oates". The signature is written in a cursive style with a large initial "J".

Jane Oates  
Assistant Secretary

Enclosure



BUREAU OF WORKFORCE DEVELOPMENT PARTNERSHIP

January 25, 2012

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

Dear Ms. Jacobs-Simmons:

The Commonwealth of Pennsylvania is requesting the following waivers as authorized by U.S. Department of Labor's Employment and Training Administration Training Employment and Guidance letter (TEGL) No. 9-11:

- Conduct evaluations (WIA Section 134(a)(2)(B)(ii) and 20 CFR 665.200(d)), and
- Provide incentive grants to local areas (WIA Section 134(a)(2)(B)(iii) and 20 CFR 665.200(c).

The Bureau of Workforce Development Partnership thereby submits this waiver request as attached for your approval. This waiver request was posted on the Commonwealth's official website from January 9, 2012 through January 20, 2012. Stakeholders were notified via e-mail regarding the posting of the waiver and the opportunity to comment. One public comment was received in support of this waiver request.

Please address any questions or concerns to Michael White, Supervisor, Planning Coordination Services at (717) 214-7173 or by e-mail at [michwhite@pa.gov](mailto:michwhite@pa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "D. Kuba", is written over a faint, larger version of the same signature.

Daniel D. Kuba  
Director

Enclosure

**Subject:** Required Statewide Activities  
**Date:** January 25, 2012  
**State:** Commonwealth of Pennsylvania  
**Agency:** PA Department of Labor and Industry (L&I)

Statutory and/or regulatory requirements to be waived:

Waiver of WIA Section 134 (a)(2)(B)(ii) and 20 CFR 665.200 (d) requiring the conduct of evaluations of workforce investment activities for adults, dislocated workers, and youth.

Waiver of WIA Section 134 (a)(2)(B)(iii) and 20 CFR 665.200 (e) requiring provision of incentive grants to local areas.

Actions undertaken to remove state or local barriers: There are no state or local barriers.

Goals and expected programmatic outcomes of waiver:

The reduction to five percent in the WIA allotment for Program Year 2011 Governor's Reserve funds restricts the commonwealth's ability to effectively fund and carry out all of the required statewide workforce investment activities. The current funding level in the Governor's Reserve is insufficient to cover the cost of evaluations and incentive grants to local areas.

The commonwealth's reduced funds are being used to cover all other applicable required activities per WIA Section 134 (a)(2) and 20 CFR 665.200 (Final Regulations).

Our goal in seeking this waiver is to ensure that the commonwealth may prioritize the use of Governor's Reserve funds for the required activities deemed most essential to the basic functions of the workforce investment system.

Individuals impacted by the waiver:

This waiver will provide the state agency with more flexibility in directing Governor's Reserve funds to those activities that best preserve basic functions of the statewide workforce investment system.

Process for monitoring progress in implementation:

The commonwealth will monitor progress and ensure accountability for federal funds in connection with these waivers by reviewing monthly expenditure, performance, and other reports; contacting the ETA Regional Office liaisons regularly; and using its monitoring and performance accountability system.

Notice to affected local boards:

The proposed waiver request was posted on the Commonwealth's official website from January 9, 2012 through January 20, 2012. Stakeholders were notified via e-mail regarding the posting of the waiver and the opportunity to comment. Pennsylvania's final waiver request was submitted to USDOL on January 25, 2012.

Public comment:

One public comment was received in support of this waiver request.



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## Pennsylvania's Workforce Development Website



Pennsylvania's workforce development system enables businesses and workers to compete in the worldwide, knowledge-based economy. The workforce system will enhance employer competitiveness and innovation, while preparing Pennsylvanians for new careers in higher-wage jobs, effectively improving the quality of life for our most valuable resource—our citizens.

## News

January 9, 2012  
**Public Comment Sought on Waiver of Required Activities under the Workforce Investment Act of 1998 (WIA)**  
 Pennsylvania's Proposed Waiver for Some Requirements of the Workforce Investment Act of 1998 Due to Decreased Funding, Governors' Reserve; Public Comment Notice [Read More](#)

December 15, 2011  
**Pennsylvania's Employment Situation for November: 2011**

Pennsylvania's seasonally adjusted unemployment rate was 7.9 percent in November, down from 8.1 percent in October. [Read More](#)

November 17, 2011  
**Pennsylvania's Employment Situation for October 2011**

Pennsylvania's seasonally adjusted unemployment rate was 8.1 percent in October, down from 8.3 percent in September. [Read More](#)

October 20, 2011  
**Pennsylvania's Employment Situation: September 2011**

Pennsylvania's seasonally adjusted unemployment rate was 8.3 percent in September, up from 8.2 percent in August. [Read More](#)

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## News for Immediate Release

January 9, 2012

# Public Comment Sought on Waiver of Required Activities under the Workforce Investment Act of 1998 (WIA)

## NOTICE

### DEPARTMENT OF LABOR & INDUSTRY

#### **Pennsylvania's Proposed Waiver for Some Requirements of the Workforce Investment Act of 1998 Due to Decreased Funding, Governors' Reserve; Public Comment Notice**

The Department of Labor & Industry invites comment on Pennsylvania's request for the U. S. Department of Labor's approval to waive some requirements of the Workforce Investment Act of 1998 (WIA), which are funded through the Governor's Reserve.

The waiver request is available on this website by clicking "Workforce Professionals," then "Reports/Policy Documents," then "Policy Documents."

#### Background:

On Oct. 26, 2011, ETA issued a Training and Employment Guidance Letter (TEGL) No. 9-11, which provided states with revised levels for WIA Adult and Dislocated Worker Fiscal Year 2012 "advance" funds, and clarified that the Governors' Reserve (statewide set-aside funds) is set at 5 percent for all Program Year 2011 WIA funds. Additionally, this TEGL clarified TEGL 26-10, issued May 10, 2011, which announced Program Year (PY) 2011 WIA allotments to states. In TEGL No. 26-10, states were informed that Congress decreased the level of PY2011 base funds that governors may reserve for statewide activities by 10 percentage points, from 15 to 5 percent. In TEGL No. 9-11, ETA allows states to request a waiver to exempt them from the requirement to carry out some of the required statewide activities described at 20 CFR 665.200(b)(i) that would have been financed with PY2011 funds. Pennsylvania is requesting a waiver that exempts the commonwealth from the requirements to:

- Conduct evaluations (WIA Section 134(a)(2)(B)(ii) and 20 CFR 665.200(d)), and
- Provide incentive grants to local areas (WIA Section 134(a)(2)(B)(iii) and 20 CFR 665.200(e))

**Any interested party wishing to comment on the waiver request must do so in writing by nine o'clock AM (9:00 AM) on Monday, Jan. 23, 2012. Comments may be e-mailed to [RA-LI-BWDP-Planning@pa.gov](mailto:RA-LI-BWDP-Planning@pa.gov).**

Comments received during this period will be addressed prior to the waiver request's submission to ETA on or before Jan. 31, 2012.



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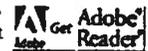
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## Policy Documents

Waiver of Required Activities under the Workforce investment Act of 1998 (WIA)

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**White, Michael (L&I/BWDP)**

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**From:** Jones, Dawn on behalf of Kuba, Daniel  
**Sent:** Wednesday, January 11, 2012 2:42 PM  
**To:** 005/095-Pashman, Stefani; 015-McCann, Ed; 015-Moser, John; 020-Walsh, Elizabeth; 030-Bokovitz, Patrick; 035 Carey, Frank; 045-Thompson, William J.; 055-Turano, Virginia; 06C-Sheely, Scott; 070-Dischinat, Nancy; 075-Vierling, Lucy Ann; 080-Birkelbach, Gerald; 080-Mellor, Dee (Birkelbach); 090-Shope-Koppel, Meg; 100-Whisler, Susan; 110-Fornataro, Fred; 125-Snelick, Susan; 130-Thompson, Frank; 135-Sebelin, Joseph; 145-Dogan, Gregg K.; 165-Bell, Linda; 170-Zieziula, Michele; 175-Smith, Rachel; 180-Kaufman, Terri; 005-Cherna, Mark; 015-Murr, Pat; 020-Joe Farrell; 030-Urban, Butch; 045-Tim Yurcisin; 055-Fred Lettieri; 060-Anna Ramos; 070-Edward Murray; 075-Angelo Salvatore; 075-Gerald Fallabel; 075-Sharon Angelo; 080-Richard Weed; 090-Chekemma Fulmore-Townsend; 090-Edwards, Mark; 095-Kight, Ellen; 100-Cheryl Johnson; 100-Lisa Beam; 100-Phyllis J. Bandstra; 100-Terry Sheffield; 110-Amanda Riskosky; 110-Larry Garvin; 110-William Clevenger; 125-Larry Horning; 130-Mowry, Tammi; 130-Penne Watkins; 135-Cynthia DeFebo; 135-Garry Wentz; 135-John Casella; 135-Marie McDonnell; 145-Sam Gianetti; 165-Deborah Newton; 165-Lisa Neil; 170 Stuart, Colleen A.; 170-Amos Goodwine Jr.; 170-Cindy Belczyk; 170-Jean Burrell; 175-Adele Craig; 175-Barry McLaughlin; 180 Reiner, Cindy; 180-Lynne Dillard; 005-0611 Betsy Neidle; 005-0626 Jim Hann; Adamczyk, Patricia; 020-0107 Norman Brewer; Mirarchi, Margaret; 035-0108 Susan Bond; Albright, Janice; O'Domes, Richard; Monaghan, Eileen; Bakaysa, Michael (L&I/BWDP); 060-0312 Lori Rank; 070-0202 John Haupt; Stalfa, Elaine; 075-0822 Christine Jensen; Drummond, Patricia; 090-0122 Lisa Derrickson; Ortiz, Emanuel; 090-0124 Joseph West; Woods, Nicki; 090-0139 Ed Sikina; 095-0636 Tiffanee Heywood; 095-0653 Eric Pferdekemper; 100-0502 Chuck McClellan; DeArmin, John; O'Leary, Dennis (L&I/BWDP); Lilly, Cathy; Weckerly, Margaret; Lazor, Kevin; Dillon-Griffith, Marie; Vanderburgh, Todd (L&I); Cole, Terry; Bogacki, Thomas; 130-0818 & 0820 Melissa Fleming; Palumbo, Angela; 145-0728 Eileen Borrelli; Stoner, Dianne; Brickner, Patricia; Sninsky, Nancy; Cole, Barbara; 170-0708, 0718, 0726 Pam Watkins; Ramalho, Erika; 170-0716 Randy Rice; 175-0402 & 0414 Penny Hess; 175-0404 Marjorie Eby; Jones, Bruce (L&I/BWDP); 175-0416 Jessica Bilger; 175-0418 Sue Snyder; 175-0421 Linda VanDer Pool; 180-0302 Marcia Myers; Donnell, Derrick; Dudley, Alan; 180-0310 Susan Harwood; 180-0318 Curtis Tribue; Marte, Samuel; Moulfair, William; Nichols, James; Schell, Linda; Staszko, Franky; Stratico, Joseph; 005 Onorato, Dan; 015 Scott, Mark; 020 Martin, Charles; 030 Farrell, Terrance; 035 Whelan, John J.; 045 Bayla, Tom; 055 O'Brien, Corey; 055 Washo, Michael; 060 Scott, Martin; 060 Stuckey, Dennis; 070 Cunningham Jr., Donald; 070 Stoffa, John; 075 Gallagher, Mantura; 075 Petrilla, Maryanne; 080 Matthews, James; 090 Nutter, Michael; 095 Ravenstahl, Luke; 095 Ravenstahl, Luke; 100 Howsare, Steven; 110 Pinkerton, Dale; 125 Sorg, June; 130 Warren, MaryAnn; 135 O'Gurek, William; 145 Beader, Brian; 165 Maggi, Larry; 170 Reddinger, Tim; 175 Bossert, Tom; 180 Ziobrowski, Robert; 005/095 Richter, Mary; 015 Kramer, Albert; 020 Jones, Dennis; 030 Rhoads, Thomas; 035 Danish, Albert; 045 Woods, Phil; 055 Burke, Austin; 060 Leese, Sharon; 070 Ervin, Eugene; 075 Herron, Martha; 080 Portner, Harvey; 090 Donald, David; 100 Brulia, Julia; 110 Ferguson, Jim; 125 Drukenbrod, Sharon; 130 Harting, Craig; 135 Revitt, Frank; 145-Durniok, Brian; 165 Bassi, Neil; 170 Schwab, Kerry; 175 Aurand, Jamie; 180 Mastrella, Shelley; Alan Slobojan; Amar da Riskosky; Amy Kacmar; Andy Pondish; Barbara Miller; Beth; Bill Clevenger; Bill Magda; Bob Laick; Bob Richter; Hallick, Brian; Farr, Catherine E; Celeste Dute; Linker, Christopher; Christine Lysinger; Dan Hiwiler; Deb Reesman; Dianne Niedderriter; Varan, Everett; Fran Cubberly; Fred Lettieri; George Sheehan; Lezanic, Gregory; Laumakis, Jacquelyn; Shaffer-Yoder, Janell; Blumberg, Jeffrey, Jim; Nichols, James; Joe Farrell; John Brown; John Sammartino; Joyce Chester; Joyce Taylor; Kathy Brauner; Kathy Mularski; Kelly Overland; Sand, Kevin; Kim Sullenberger; Larry Garvin; Lisa Neil; Lori Cannarozzi, Louis; Louise; Mark; Mark; Mary Kay Mikalic; Mike Ross; Mike Wakefield; Nancy Rockey; Nancy Woods; Peggy Doyle; Phil Rosenbauer; Phil Semenza; Rich Ammon; Walters, Richard (L & I, OVR); Robert Brandt; Patrick, Robert; Roe Falcone; Rose Higby; Dunmore, Sharon; Sue Gutshow; Swartz, Susan R; Tricia Rummel; Schabener, William  
**Cc:** Rabenold, James; Annaguey, Leona G; Baker, Keith (L&I); Block, Jeanne; Bohanick, David; DiBenedetto, James; Fuller, Michael; Johnson-Moser, Dayna; Kerlin, Doris; Lay, Danette; Lotz, Ruth; Picioccio, Michael; Pollard, Dennis; Reeves-Luckette, Areles; Shirk, Gregory; Stoltz, John; White, Michael (L&I/BWDP); Zimmerman, Terri  
**Subject:** Proposed Waiver (Re: Statewide Activity Funding) -- Notification of Public Notice

**A notice inviting public comment has been posted on the [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us) website under “News, January 9, 2012”. Pennsylvania is requesting the U. S. Department of Labor Employment and Training Administration’s (ETA) approval of a proposed waiver of certain requirements under the Workforce Investment Act of 1998 (WIA). The notice provides a link to the request for approval of the proposed waiver.**

Background: On October 26, 2011, ETA issued a Training and Employment Guidance Letter (TEGL) No. 9-11, which provided states with revised levels for WIA Adult and Dislocated Worker Fiscal Year 2012 “advance” funds, and clarified that the Governors’ Reserve (statewide set-aside funds) is set at five percent for all Program Year 2011 WIA funds. Additionally, this TEGL clarified TEGL 26-10, issued May 10, 2011, which announced Program Year (PY) 2011 WIA allotments to states. In TEGL No. 26-10, states were informed that Congress decreased the level of PY2011 base funds that Governors may reserve for statewide activities by 10 percentage points, from 15 to 5 percent. In TEGL No. 9-11, ETA allows states to request a waiver to exempt them from the requirement to carry out some of the required statewide activities described at 20 CFR 665.200(b)(i) that would have been financed with PY2011 funds. Pennsylvania is requesting a waiver that exempts the Commonwealth from the requirements to:

- Conduct evaluations (WIA Section 134(a)(2)(B)(ii) and 20 CFR 665.200(d)), and
- Provide incentive grants to local areas (WIA Section 134(a)(2)(B)(iii) and 20 CFR 665.200(e))

**Any interested party wishing to comment on the waiver request must do so in writing by nine o'clock AM (9:00 AM) on Monday, January 23, 2012. Comments may be e-mailed to [RA-LI-BWDP-Planning@pa.gov](mailto:RA-LI-BWDP-Planning@pa.gov).**

Comments received during this period will be addressed prior to the waiver request’s submission to ETA on or before January 30, 2012.

Daniel D. Kuba | Director  
Bureau of Workforce Development Partnership  
PA Department of Labor & Industry  
651 Boas Street | Harrisburg, PA 17121  
Phone: 717.705.8821 | Fax: 717.783.7115  
[www.dli.state.pa.us](http://www.dli.state.pa.us)  
[www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)

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**White, Michael (L/BWDP)**

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**From:** LI, BWDP-PLANNING  
**Sent:** Thursday, January 19, 2012 8:48 AM  
**To:** Branca, Michael; Chambers, Barbara; Green, Tonikay; Snyder, Terry; Turner, Tracey; Ward, Keith; White, Michael (L&I/BWDP)  
**Subject:** FW: Comments from the Berks County Workforce Investment Board on Waiver Request

Comment from Ed McCann on our waiver request posted on PA Workforce.

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**From:** Ed McCann [<mailto:emccann@bccl.org>]  
**Sent:** Thursday, January 12, 2012 8:02 AM  
**To:** LI, BWDP-PLANNING  
**Subject:** Comments from the Berks County Workforce Investment Board on Waiver Request

**To:** [RA-LI-BWDP-Planning@pa.gov](mailto:RA-LI-BWDP-Planning@pa.gov)

**Subject:** Public comments submitted in response to the waiver request submitted by the Bureau of Workforce Development Partnership (BWDP) of the Commonwealth of Pennsylvania's Department of Labor and Industry for approval by the U.S. Department of Labor to waive some requirements of the Workforce Investment Act of 1998 (WIA) which are funded through the Governors' Reserve

**Comments from the Berks County Workforce Investment Board**

The Berks County Workforce Investment Board (WIB) is in full support of the waiver request submitted on behalf of the Commonwealth and respectfully requests USDOL's favorable consideration for the exemptions from requirement cited.

What the Commonwealth requests is both reasonable and constructive, reasonable in that PA will no longer have available to it the 10% Governors' Reserve which in the past would have funded the activities they would be obliged to evaluate, and constructive in that this policy makes those funds available to Local WIBs, to at least partially compensate for declining availability of funds to serve their customers, especially through training services.

Our WIB is appreciative of the request.

Ed McCann  
Chief Operating Officer  
Berks County Workforce Investment Board  
501 Crescent Avenue  
Reading, PA 19605-3050  
610-988-1363  
[emccann@bccl.org](mailto:emccann@bccl.org)