U.S. Department of Labor

Assistant Secretary for
Employment and Training
Washington, D.C. 20210

JUN 28 2011

The Honorable Benígno Fitial
Governor of the Commonwealth of the Northern Marianas Islands
Caller Box 10007
Capitol Hill
Saipan, Commonwealth of the Northern Mariana Islands 96950

Dear Governor Fitial:

This letter provides approval of an extension of the Commonwealth of the Northern Mariana Islands (CNMI) current Workforce Investment Act (WIA) Plan for Program Year (PY) 2011. This letter also provides approval of extension for CNMI's waiver. Training and Employment Guidance Letter (TEGL) No. 17-10, issued on December 30, 2010, provides guidance for states and territories to secure approval of their WIA/Wagner-Peyser Plans and waivers for PY 2011.

Extension of WIA Plan

CNMI's existing 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 CNMI's Plan for WIA Title I for PY 2011, July 1, 2011 through June 30, 2012. CNMI has already received its formula allotment for the WIA Youth program for PY 2011. CNMI is eligible to receive WIA formula allotments for Adult and Dislocated Worker programs under the PY 2011 annual funding agreement for WIA.

Performance Levels

CNMI requested to extend its existing PY 2010 WIA 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 Plan. Please include these PY 2011 goals in the Commonwealth's official copy of the Plan.

Waiver

As part of the extension of the Plan, and as described in TEGL No. 17-10, CNMI requested an extension of its PY 2010 waiver of statutory and regulatory requirements under WIA for PY 201. The disposition of the CNMI waiver extension 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 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. CNMI 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.

The approved waiver is incorporated by reference into the Commonwealth's WIA Grant Agreement, as provided for under paragraph 3 of the executed Agreement, and this constitutes a modification of the Plan. A copy of this letter should be filed with the WIA Grant Agreement and the approved CNMI Plan. In addition, as described in TEGL No. 09-10, page 3, the Commonwealth should address the impact these waivers have had on its performance in the WIA annual performance report, due on October 1 of each year.

We look forward to working together as you implement your WIA Plan for PY 2011. If you have any questions related to the issues discussed above, please contact John Jacobs, the Federal Project Officer for CNMI, at 415-625-7940 or Jacobs.John@dol.gov.

Sincerely,

Jane Oates

Jane Oates
Assistant Secretary

Enclosure

cc: Richard Trigg, Administrator, ETA San Francisco Regional Office
John Jacobs, Federal Project Officer for CNMI

CNMI Statewide Investment Board
Workforce Investment Act of 1998

WAIVER REQUEST

PY 2007 AND SUBSEQUENT YEARS

A. Statutory or Regulatory Requirements to be Waived

The CNMI State respectfully requests to extend the statutory Governor's transfer authority between the adult and dislocated worker programs as described at WIA section 133(b)(4) and Title 20 of the Code of Federal Regulations Section 667.140, from 30% to 100%.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

The CNMI State jurisdiction has consistently seen an increase of adults seeking WIA services, while at the same time has been unable to expend the available Dislocated Worker funds due to the lack of applicants that will comply with the statutory definition to be considered eligible dislocated worker participant. The approval of this request will provide the CNMI State jurisdiction with greater flexibility to provide training to those who are most in need, thus supporting its efforts to transform the CNMI's workforce system aligning it with the New National Strategic Direction (WIRED) initiatives in demand-driven sectors and industries with programmatic outcome expectations of benefiting individuals empowered with the necessary education and talent that will build a CNMI workforce that will be able to compete on both the local and global workforce standards.

C. State Regulatory Barriers

There is no State statutory or regulatory barrier to the implementation of the proposed waiver.

D. Description of Individuals Impacted by the Waiver

The proposed waiver will greatly benefit individuals seeking employment and training opportunities in demand driven careers in sectors and industries that provides a more promising and sustainable employment that ultimately leads to greater individual self-sufficiency.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

This request is submitted as a result of the state administrative agency's increased demand from the private sector industries for an educated, talented and skillful workforce. Additionally, the CNMI Statewide Investment Board through frequent partner communications, open public board meeting discussions in compliance with the Open Government Act under the authority of the CNMI Governor ensures on the collection and immediate addressing of concerns and effects of such waivers. The active participation of all stakeholders at the board level will ensure the optimum positive effects of such waivers in the transformation of the CNMI's workforce on a U.S. or global standard. Furthermore, the CNMI's State jurisdiction's Workforce Investment Agency (WIA) is the administrative entity entrusted with WIA Title I activities with oversight and monitoring responsibilities as established in its State Administrative Policies and Procedures in unison with the CNMI Statewide Investment Board.