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Pat George, Secretary

Sam Brownback, Governor

January 19, 2012

Division of Workforce System Support
Employment and Training Administration
U.S. Department of Labor
200 Constitution Avenue, NW
Room S-4231
Washington, D.C. 20210

Dear Federal Coordinator for Plan Review and Approval,

Kansas respectfully submits the attached waiver request per TEGL 09-11 and its attached Waiver Template. The plan was posted for public comment per state policy. Any comments received and state responses are included with the waiver request as required. Due to the substantial cut in WIA funds set aside for statewide activities, Kansas is grateful for the waiver opportunities presented in TEGL 09-11 to remain flexible in our responses to local needs.

Please let me know if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Asher", written over a faint circular stamp.

Caleb D. Asher
Deputy Secretary of Workforce Services

Workforce Investment Act Waiver Request

To submit a waiver request, e-mail this completed form (or state-developed form) along with a cover letter to WIA.Plan@dol.gov and the appropriate ETA regional administrator.

ETA will also accept hard copy submissions with an original signature sent to the Federal Coordinator for Plan Review and Approval and to the appropriate ETA Regional Administrator. The address for the Federal Coordinator is as follows:

Division of Workforce System Support,
Employment and Training Administration
U.S. Department of Labor 200 Constitution Ave., NW, Room S-4231 Washington, DC 20210 ATTN: Federal
Coordinator for Plan Review and Approval

Date: January 19, 2012

State: Kansas

Agency: Department of Commerce

Statutory and/or regulatory requirements to be waived

Kansas will seek each of the three waivers listed below:

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.

Waiver of 20 CFR 665.200(b)(3) requiring dissemination of training provider performance and cost information.

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 state'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, incentive grants to local areas and dissemination of training provider performance, with current costs estimated at \$350,273.00. This total is comprised of up to \$200,000.00 in incentives for Local Areas and approximately \$150,273.60 in program staff salaries resulting from unfilled**

Kansas Department of Commerce

positions. Required activities will be performed by a smaller staff, with work divided among remaining staff members. The state's reduced funds are being used to cover the following required activities:

Required Activities (Section 665.200)

Goals and expected programmatic outcomes of waiver: (continued)

- State Administration (limited to five percent maximum);
- Rapid Response (paid through Rapid Response fund stream);
- Disseminating: Eligible Training Provider information;
- Assure information on Training Providers is widely available;
- Conducting Evaluations under section 134(a)(2)(B)(ii) and 20 CFR 665.200(d);
- Providing incentive grants;
- Providing technical assistance;
- Assisting in the establishing and operation of One-Stop delivery systems;
- Providing additional assistance to local areas that have high concentrations of eligible youth;
- Operating a fiscal and management accountability information system.

Our goal in seeking this waiver is to ensure that the state may prioritize the use of Governor's Reserve funds for the required activities we deem 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 State will monitor progress and ensure accountability for Federal funds in connection with these waivers by reviewing monthly expenditure, performance and other reports, through regular contact with the ETA Regional Office liaisons, and through its monitoring and performance accountability system.

Notice to affected local boards

Local Workforce Investment Boards will be addressed personally through Commerce's attendance at regularly scheduled Kansas Association of Workforce Boards meeting.

Public Comment

Commerce posted the waiver request on the KANSASWORKS website and sent direct emails to interested parties per state policy. Public Comments were accepted and addressed as attached.

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;

- *Can you please clarify the specific activities that will not occur if waivers are approved? Please also include who is responsible for these activities currently as well as if this creates an additional burden to local areas in regard to monitoring.*

Thank you,

*Deb Scheibler
Program Director
Kansas WorkforceONE
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631 E. Crawford, Suite 206
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Recommended Action(s):

	Change Waiver Request
	Address through other Waiver Requests
X	No change to Waiver Request
X	State staff contact individual and answer questions or clarify issues

Workforce Compliance and Oversight will continue to conduct all required oversight activities; therefore no additional burden for monitoring will be created for Local Areas.

What is the difference between the evaluations the waiver will end and those they plan to continue?

What are the actual savings from eliminating dissemination of ETP performance and cost (which providers enter) and dissemination of ETP information which they will continue to do since all this is automated? Where do the savings come from?

What additional assistance to local areas having high concentrations of eligible youth is available and where is it being spent?

The operations budget for WIA administration at the state level should be shared to determine what impact the requested waivers would have on local operations. There is too little information presented to have an opinion.

*Keith Lawing
Executive Director*

Recommended Action(s):

X	Change Waiver Request
	Address through other Waiver Requests
	No change to Waiver Request
X	State staff contact individual and answer questions or clarify issues

Waiver Request modified to further clarify cost savings.