



APR 17 2012

The Honorable Paul LePage
Governor of Maine
Office of the Governor
#1 State House Station
Augusta, Maine 04333-0001

Dear Governor LePage:

We are pleased to respond to your request for a waiver of statutory and regulatory requirements under the Workforce Investment Act (WIA) submitted on February 12, 2012. This request is written in the format identified in WIA Section 189(i)(4)(B) and 20 CFR 661.420(c), and meets the standard for approval at 20 CFR 661.420(e). The following is the disposition of the State'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 Waiver:

Waiver of WIA Section 134(a) to permit local areas to use a portion of local funds for incumbent worker training.

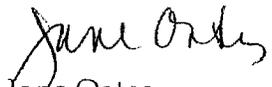
The State is requesting a waiver to permit local areas to conduct allowable statewide activities as defined under WIA Section 134(a)(3) with local WIA formula funding, specifically incumbent worker training. The State is granted this waiver through June 30, 2012. Under this waiver, the State is permitted to allow local areas to use up to 10 percent of local Dislocated Worker funds and up to 10 percent of local Adult funds for incumbent worker training only as part of a layoff aversion strategy. Use of Adult funds must be restricted to serving lower income adults under this waiver. ETA believes limiting incumbent worker training to the specified level and requiring it to be a part of layoff aversion is the best use of funds in the current economic climate where serving unemployed workers is a paramount responsibility of the workforce system. All training delivered under this waiver is restricted to skill attainment activities. Local areas must continue to conduct the required local employment and training activities at WIA Section 134(d), and the State is required to report performance outcomes for any individual served under this waiver in the Workforce Investment Act Standardized Record Data system (WIASRD), field 309. TEGL No. 26-09, Section 7A, "Workforce

Investment Act (WIA) Waiver Policy and Waiver Decisions for PY 2009 and 2010" and TEGL No. 30-09, "Layoff Aversion Definition and the Appropriate Use of Incumbent Worker Training for Layoff Aversion Using a Waiver" provide policy guidance related to implementation of this waiver.

The approved waiver is incorporated by reference into the State'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 State's WIA Grant Agreement and the approved State Plan. In addition, as described by TEGL No. 09-10, the State should address the impact its 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 continuing our partnership with you and achieving better workforce outcomes. If you have any questions related to the issues discussed above, please contact Carmen Rodriguez, the Federal Project Officer for Maine at (617) 788-0110 or Rodriguez.Carmen@dol.gov.

Sincerely,


Jane Oates
Assistant Secretary

Enclosure



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF LABOR
BUREAU OF EMPLOYMENT
SERVICES
55 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0055

ROBERT J. WINGLASS
COMMISSIONER

February 14, 2012

Division of WIA Adult Services and Workforce System
Employment and Training Administration
U.S. Department of Labor
200 Constitution Ave., NW, Room S-4209
Washington, DC 20210
ATTN: Heather Fleck

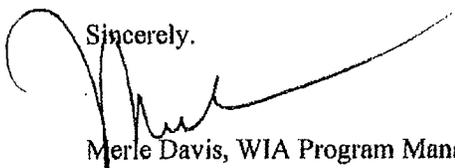
Dear Ms Fleck:

The Maine Department of Labor's Bureau of Employment Services (BES) in coordination with the Governor's Workforce Investment Board and the four local area Workforce Investment Boards (Northern Maine Workforce Investment Board, Tri-County Workforce Investment Board, Central/Western Workforce Investment Board, and Coastal Counties Workforce Investment Board) submits this request for a waiver allowing a portion of WIA program (Adult, Dislocated Worker and Youth) funds to be utilized to operate an incumbent worker training program at the local workforce investment board (LWIB) level.

These funds would be utilized as statewide activities funding for incumbent worker programs specifically for layoff aversion at the local level. Employers will be selected where economic indicators demonstrate a need for incumbent worker training as part of an employer outreach strategy to avert a layoff occurrence. Through a robust communication outreach approach, the LWIBs will pro-actively assess potential human resources needs to local businesses and recommend worker retention strategies such as the incumbent skills training.

To avert layoffs, training will provide the skills that result in the employer being able to adjust to a changing economic climate by providing the jobs necessary to do so. It will be the responsibility of the LWIBs to set priorities for the use of incumbent worker training as part of a business outreach and layoff aversion strategy.

Sincerely,



Merle Davis, WIA Program Manager

Cc: Peter Pare', BES Bureau Director
Stephen Duval, BES Division Director
Michael Bourret, Coastal Counties Workforce Investment Board Director
Joanna Russell, Tri- County Workforce Investment Board Director
Jeffrey Sneddon, Central/Western Workforce Investment Board Director
Ryan Pelletier, Northern Maine Workforce Investment Board



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF LABOR
BUREAU OF EMPLOYMENT SERVICES
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ROBERT J. WINGLASS
COMMISSIONER

State of Maine Waiver Request Incumbent Worker Training using WIA Program Funds

The Maine Department of Labor's Bureau of Employment Services (BES) in coordination with the Governor's Workforce Investment Board and the four local area Workforce Investment Boards (Northern Maine Workforce Investment Board, Tri-County Workforce Investment Board, Central/Western Workforce Investment Board, and Coastal Countries Workforce Investment Board) submits this request for a waiver allowing a portion- (10% for Adult only) or (10% for DW only) or (10% for Adult and 10% for DW) – to be utilized to operate an incumbent worker training program at the local workforce investment board (LWIB) level.

These funds would be utilized as statewide activities funding for incumbent worker programs specifically for layoff aversion at the local level. Employers will be selected where economic indicators demonstrate a need for incumbent worker training as part of an employer outreach strategy to avert a layoff occurrence. By the time the State receives a WARN notice, it is often too late for incumbent worker training to avert the layoff. Early warning of layoffs will most often occur at the local level through established partner networks or because of longstanding relationships with individual employers. As an example, the LWIBs have developed local business assistance teams whose main responsibility is to stay connected to the local business community. Through this communication outreach approach, the LWIBs can pro-actively assess potential human resources needs to local businesses and recommend worker retention strategies such as the incumbent skills training. Criteria will be collaboratively developed by the LWIBs in collaboration with state agencies, service providers, organized labor and economic development agencies, etc.

To avert layoffs, training will provide the skills that result in the employer being able to adjust to a changing economic climate by providing the jobs necessary to do so. It will be the responsibility of the LWIBs to set priorities for the use of incumbent worker training as part of a business outreach and layoff aversion strategy.

Date: February 15, 2012

State: Maine

Agency: Maine Department of Labor/Bureau of Employment Services

Statutory and/or regulatory requirements to be waived

The Maine Department of Labor's Bureau of Employment Services (BES) in coordination with the Governor's Workforce Investment Board and the four local area Workforce Investment Boards submits this request for a waiver of WIA Section 134 (use of funds for employment and training activities), as well as a waiver from the provisions of WIA 20 CFR 663.220(b) and 20 CFR 663.310.

The Maine Department of Labor provides equal opportunity in employment and programs.
Auxiliary aids and services are available to individuals with disabilities upon request.

Actions undertaken to remove state or local barriers

There are no state or local statutory or regulatory barriers to implementing the proposed waiver.

Goals and expected programmatic outcomes of waiver

The mission/vision of Maine's workforce development system is that economic success will be enhanced through world-class workforce development, contributing to a high quality of life and prosperous business communities. Employers will have a competitively skilled workforce and workers will have quality employment and opportunities for career advancement.

The implementation of the incumbent worker program waiver will enhance overall WIA programs and activities at the local level. Providing additional flexibility for the use of the formula funds will enable the LWIBs to tailor their programs to meet demands of local employers, and the needs of incumbent workers.

- Target industries such as advanced manufacturing, information technology, marine occupations, wood products production and health care occupations which offer high skill and high wage jobs, as part of Maine's layoff aversion strategy
- Training will be provided to affected incumbent workers at risk of layoff due to the skill requirements they need in order for the employer to remain competitive.
- Enhance the LWIBs ability to respond more quickly and efficiently to immediate local needs of employers and workers to avert a layoff.
- Supports projects that further job retention and career development for improved economic self-sufficiency for the employed workers including those most vulnerable to job loss.
- Investing public resources to support occupational, technical and/or soft skills training of incumbent workers as a practical layoff aversion strategy.
- Provides support to projects that increase the capacity of businesses to access and retain skilled workers.

The granting of this waiver would ensure that the critical workforce needs of underemployed workers and workers whose skills require upgrading in order to maintain employment are met, as well as strengthening the Department's workforce investment system by addressing the needs for more skilled workers and facilitating business retention. With the economic downturn in Maine and across the country, it is in the best interest of Maine its employers and citizens to seek a waiver allowing LWIBs to operate an incumbent worker program at the local level.

The waiver provides the flexibility for the LWIBs to increase their services and become more responsive and innovative in meeting the needs of employers in the local area. It is anticipated that the waiver will enhance the ability of the LWIBs to improve job retention, and avoid layoffs. If approved, this waiver will allow the LWIBs the opportunity to provide incumbent worker training as an initial course of active in a layoff aversion strategy.

Individuals impacted by the waiver

This waiver will benefit the participating employers and incumbent workers. For the purposes of this program, an incumbent worker is defined as a worker currently employed in a Maine business that:

- Does not have marketable, in-demand skills
- No formal layoff notice has been received.
- The new skills can be attained in a reasonable period of time
- There exists a strong possibility of a job, either with the existing employer or new employer if the worker attains new skills.

Process for monitoring progress in implementation

The Maine Department of Labor/Bureau of Employment Services will monitor the implementation and impact of the waiver through quarterly and fiscal reviews and reports. The LWIBs will be required to report on the following participant data:

- Number of participants
- Number of participants who complete training
- Type of training provided
- Length of training provided
- Number of program participants who received a credential or certificate
- Program participant's wage at completion of training and six months after completion
- Number of participants whose job classification changed or skills were upgraded.

Notice to affected local boards

Guidelines outlining the Incumbent Worker training waiver requests were electronically submitted to LWIB requesting for comments and/or questions on their understanding of the waiver and their input on how they plan to implement the waiver if approved. Their comments and input were included in the completed waiver request. Endorsement of this waiver request has been received from all four LWIBs.

Public Comment

The completed waiver was posted to the home page of the Maine Department of Labor/ Bureau of Employment Services (BES) for public comment prior to the formal submission to USDOL-ETA. <http://www.maine.gov/labor/> and on the individual websites of each LWIBs.



BANGOR REGION
CHAMBER OF COMMERCE

Feb. 10, 2010

Attention: Merle Davis
Maine Department of Labor/
Bureau of Employment Service
55 State House Station
Augusta, ME 04333

Ladies and Gentlemen:

I am writing on behalf of the Bangor Region Chamber of Commerce in response to the department's solicitation of public comment on the request for a federal waiver with regard to the Workforce Investment Act.

Our organization is opposed to the granting of this waiver, as we believe it would undermine successful workforce training efforts in our region.

At its December meeting, the Board of Directors of the Bangor Region Chamber of Commerce, in reaction to the creation of a statewide Workforce Investment Board, voted to endorse the current system in our region for delivering services under the act. Specifically, we support continued administration and delivery of services by Eastern Maine Development Corporation in the three counties it serves.

The current system aligns our region's workforce training seamlessly with collaborative economic development efforts. Through the Mobilize Eastern Maine network, of which we are a part, there is near constant communication among employers, economic development professionals and our workforce training specialists.

Further, we do not support, as has been suggested by the current administration, a plan to transfer responsibility for the collection of employer feedback to chamber of commerce organizations such as ours.

Speaking for our Chamber, we have neither the resources nor the expertise to conduct a scientifically valid survey of employers. We are a membership and advocacy organization, focused on providing resources to businesses and advocating for them in the political arena. Data collection for the purpose of informing a workforce-training program is not part of our mission or a core competency.

Thank you for this opportunity to comment and register our opposition to the waiver currently sought by your department.

Regards,



John Porter
President & CEO