



JUN 18 2009

The Honorable John E. Baldacci  
Governor of Maine  
Augusta, Maine 04333

Dear Governor Baldacci:

As part of Maine's request for an extension of the State Plan for Title I of the Workforce Investment Act (WIA) and the Wagner-Peyser Act, the State requested an extension of its waiver of statutory and regulatory requirements under WIA (copy enclosed). We are pleased to be able to respond positively to your request to extend the State's waiver into Program Year (PY) 2009. 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.

**Extension of Waiver**

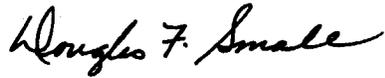
**Requested Waiver: Extension of the waiver of the time limit on the period of initial eligibility at 20 CFR 663.530.**

The State is requesting an extension of the 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, 2010. 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 waiver is 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, we encourage the State to address the impact this waiver has 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, please do not hesitate to call me at (202) 693-2700, or contact your State's Federal Project Officer in the Regional Office.

Sincerely,

A handwritten signature in cursive script that reads "Douglas F. Small".

Douglas F. Small  
Deputy Assistant Secretary

Enclosure

cc: Tim Theberge, Federal Project Officer for Maine, ETA Boston Regional Office



JOHN ELIAS BALDACCI  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF LABOR  
45 COMMERCE CENTER DRIVE, P.O. BOX 259  
AUGUSTA, MAINE  
04333-0259

LAURA A. FORTMAN  
COMMISSIONER

April 7, 2009

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: Janet Sten

Dear Ms. Sten:

The State of Maine's Strategic State Plan for Title I of the Workforce Investment Act (WIA) and the Wagner-Peyser Act will expire on June 30, 2009. In accordance with TEGE No. 14-08, the Maine Jobs Council is requesting that the U.S. Department of Labor extend the life of the existing Maine WIA/Wagner-Peyser Act State Plan into Program Year 2009. The Maine Jobs Council will provide follow up to this request and submit a more detailed WIA Plan Modification by June 30, 2009 to include the state's response to

WIA/Wagner-Peyser Performance Goals for PY 2009

Given the complexity of Maine's economy and the economic downturn that all states are experiencing, Maine's four Local Workforce Boards are concerned that their service providers will continue to under perform against some of the previously negotiated WIA and Wagner-Peyser performance measures. We have completed a detailed analysis of the impact that the state's economy is having on their respective regions ability to achieve successful placement and retention outcomes for WIA Adults, Dislocated Workers and Older Youth and the same for Wagner-Peyser job seekers. The statewide rise of the unemployment rate which is triggered by considerable mass layoffs and plant closings is adversely affecting short term reemployment prospects for many Maine workers. For those who find jobs many are faced with the prospects that they will likely be unemployed again as the economy continues to decline and the number of affected industries and jobs expands. We know that this situation will have a severe and negative impact Maine's workforce system's ability to achieve a strong employment retention rate.

Attachment I is a proposal to reduce by five percent (5%), the entered employment rate and entered employment retention rate for WIA Adults, Dislocated Workers and Older Youth and Wagner-Peyser outcomes for the Program Year beginning July 1, 2009 though June 30, 2010. If this trend toward fewer placements and workers ability to retain employment is somehow reversed throughout the better part of next year, Maine is willing to renegotiate the rates on these measures.

PHONE: (207) 623-7900

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The Maine Department of Labor provides equal opportunity in programs, services and employment.

Waiver Requests

The Maine Jobs Council and the Local Workforce Investment Boards are requesting the extension of one currently approved waiver and approval for three additional waivers for the WIA Youth Program:

**Current Waiver Extension:**

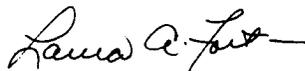
- Request an extension waiver to postpone the “Subsequent Eligibility of Training Providers (ETP)” requirement for “All Students” (Attachment II)

**New Waiver Requests:**

- Request to waive Procurement Requirements for the Youth Summer Jobs Program Providers under ARRA. (Attachment III)
- Request to waive WIA Performance Standards and use only the Work Readiness indicator for youth age 18 through 24 who participate in Work Experience outside the summer months under ARRA. (Attachment IV)
- Request to waive three Service Requirements for the Youth Summer Jobs Program under ARRA. (Attachment V)

If you have any further questions please contact Ned McCann, Director, Bureau of Employment Services or Stephen Duval, Division Director, Policy and Evaluation at 207-623-7981 or at [Edmund.J.McCann@Maine.gov](mailto:Edmund.J.McCann@Maine.gov); [Stephen.R.Duval@Maine.gov](mailto:Stephen.R.Duval@Maine.gov).

Sincerely,



Laura A. Fortman  
Commissioner

LAF/srd  
Attachments (5)

cc: Holly O’Brien, USDOL/ETA, Region I, Acting Regional Administrator  
Tim Theberge, USDOL/ETA, Region I, Federal Project Officer

**Maine Dept. of Labor  
Workforce Investment Act**

**Request to Waive  
Implementation of Subsequent Eligibility of Training Providers**

The Maine Department of Labor, Bureau of Employment Services, the state administrative entity for the Workforce Investment Act is currently operating under an approved waiver to delay the application of "Subsequent Eligibility of Training Providers" requirement for all students expires on June 30, 2009. The state is requesting an extended waiver to postpone the application of "Subsequent Eligibility of Training Providers" requirements for "all students" until June 30, 2010.

The basis for this request is to allow Maine additional time to establish a statewide system for consistently and uniformly collecting performance information among all training providers. Despite that an aggressive effort has been underway since July 2001 to design a system that promotes the intent and spirit of WIA to provide informed customer choice and provider accountability, training providers are struggling to adopt uniform systems for collecting and reporting performance information for "all students". In consultation with the state's relatively small training provider community we are committed to fulfilling the requirements of the Act and will continue in accordance with Maine's plan to implement a Subsequent Eligibility application, review and approval process.

This waiver request is being submitted in the format identified in WIA section 189(i)(4)(B) and WIA Regulations 661.420(c).

- A). Statutory Regulations to be Waived:** Workforce Investment Act (WIA) Section 122(c)(5) and WIA regulations 663.530 citing the provision that the time limit for initial eligibility may be waived for an additional year.
- B). Goals to be Achieved as a Result of the Waiver:** The goals to be achieved by the waiver are:
1. Improve efforts of data collection from training providers.
  2. Increase the amount and accuracy of WIA performance information for training providers by providing better technical assistance.
  3. Allow the CareerCenters more time to become more familiar with the Maine CareerCenter Consumer Report and Individual Training Account system.
  4. Continue to offer customer choice while working with the Department of Labor to identify possible revisions to this section of the Act.
- C). State or Local Statutory or Regulatory Barriers:** There are no existing state or local statutory or regulatory barriers to implementing this request.

- D). Description of the Waiver Goal and Programmatic Outcomes:** The purpose for requesting this waiver is to allow for the programs that are currently eligible to be available to CareerCenter customers who have been issued an Individual Training Account to get the skills training that they need. We are very concerned that a strict enforcement of Subsequent Eligibility guidelines would drastically reduce the limited number of training providers available to our customers.

Maine is a rural state consisting of four Local Workforce Investment Areas and 12 CareerCenter sites. Currently, the number of training providers that have been approved under the Initial Eligibility guidelines is 403. Collectively, these providers are approved for approximately 2,100 programs. Providers include all of Maine's community colleges, a significant number of public and private for profit schools, colleges and universities, Adult Education and Regional Vocational Education providers and non-profit community-based organizations.

The vast majority of providers do not have internal systems or capacity to produce the "all student" performance data in the specified timeframe to meet the re-certification requirements under Subsequent Eligibility. Moreover, for many of the programs that have been approved the data for the number of WIA supported students is grossly insufficient due to the timeframes that they received the training and the calculation of performance outcomes at exit. A complete list of eligible training providers is located at <http://198.182.162.220/mecrs/training.asp>.

The Maine Department of Labor has worked very closely with the four Local Workforce Investment Areas, the Center for Workforce Research and Information (formerly, the Division of Labor Market Information Services and the Department of Education) to market the concept of the Maine CareerCenter Consumer Report System. Throughout the past year we have met with representatives from most of the major educational institutions in the state. We have held several training provider local forums throughout the past year. In addition, the Bureau staff have spent most of the past year providing on-site technical assistance for providers. The Bureau is committed to continuing this work throughout the next program year.

Maine's experience with implementing the subsequent eligibility requirements of the Act mirrors that of most other states. During the series of regional provider forums held this year the concerns of the training providers were largely echoed throughout the state:

1. Maintenance and collection of the "all student" performance data prescribed by the Act will result in a level of financial and human

- resource investment that does not come close to matching the return on investment.
2. The potential of violations of student privacy is not necessary protected under the Family Educational Rights Privacy Act.
  3. Most public and private not-for-profit institutions are facing considerable budget issues and have been working on processes for streamlining student information gathering and record-keeping systems. The WIA requirements would necessitate adding a considerable amount of data collection and intrusive customer follow-up activity.
  4. Many providers, including the adult and regional vocational education, technical college and university system offer non-credit course/programs that are usually the most appropriate for WIA supported student. The "all student" data collection requirements for these courses proves to be extremely cumbersome because students are only interested in obtaining the specific skill instruction and leaving the system.

We have listened to and emphasized with these legitimate concerns. At the same time, we fully support the spirit and intent of the Act to afford customer choice and to hold the system accountable for performance and outcomes. Granting this waiver request will provide Maine with the additional time necessary to work with the Department of Labor and the state's training provider community to identify methods for collecting "substantially similar" performance indicators. In addition, we are committed to promoting and supporting initiatives that offers continued customer choice and system accountability through this waiver plan as follows:

1. Continue to promote the Maine CareerCenter Consumer Report system through an ongoing series of public meetings with training providers in an effort to increase the number of providers and programs that participate in the system (July 1, 2009 through June 30, 2010).
2. Provide training provider on-demand technical assistance to assist with navigating the internet-based application and subsequent performance reporting process. (Ongoing)
3. Continue working with the Center for Workforce Research and Information and training providers to develop an effective mechanism for gathering information and reporting data using the U.I. wage record system. (Ongoing).
4. Work collaboratively with the Local Workforce Investment Boards to develop a better understanding at the local CareerCenter level for utilizing the ITA process and Maine CareerCenter Consumer Report system through staff development and training (Ongoing)

- E). Description of Individuals Impacted by the Waiver:**  
The waiver will positively impact all customers. Individual customers will continue to have choices in selecting training programs that meet their skill development needs. Employers will be assured that they are receiving a skilled and trained workforce. Local Workforce Boards will have an opportunity to evaluate effective measures of training provider performance. Training providers will be given the opportunity to develop meaningful measures of student experiences and outcomes.
- F). Description of the Process to Monitor Progress:**  
The Maine Department of Labor, Bureau of Employment Services will be the entity responsible to implement and monitor the goals and action plans outlined in this request. The BES maintains primary responsibility to meet the goals identified in this plan within the timeframes as established.
- G). Opportunity for Local Boards to Comment on Waiver Request:**  
The Bureau of Employment Services met with the four local board directors on April 10, 2009 and discussed the specific contents of this waiver request. Given that the local areas had routinely initiated a request for a waiver to extend the timeframe for initial eligibility, they unanimously support the contents of the waiver plan.
- H). Public Comment on This Waiver Request:**  
While there has been formal effort to solicit public input for this waiver request, the concerns that this request addresses have been the subject of local and state workforce board meetings that are open to the public.