

JUN 29 2011

The Honorable Vincent Gray
Mayor of District of Columbia
John A. Wilson Building
Suite 316
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Dear Mayor Gray:

This letter provides approval of a temporary extension of the District of Columbia's current Workforce Investment Act (WIA) and Wagner-Peyser Act (W-P) State Plan for Program Year (PY) 2011. This letter also provides approval of extensions for District of Columbia's waivers. Training and Employment Guidance Letter (TEGL) No. 17-10, issued on December 30, 2010, provides guidance for states to secure approval of their WIA/W-P State Plans and waivers for PY 2011.

Expected Modification

The District of Columbia failed its WIA Youth performance measures for two consecutive years, and must adjust service strategies. Such a failure of performance requires a State Plan modification under the WIA regulations at 20 CFR 661.230(b)(3). In conversations with the Philadelphia Regional Office, the District has informed the Employment and Training Administration (ETA) that it will submit a plan modification by July 1, 2011. The District of Columbia must describe its plan to address its failed performance outcomes, as well as describe any other substantial changes to its workforce investment system, such as updated statewide policies or governance-related changes, as necessary. The Plan modification should be submitted by July 1, 2011 to the Federal Coordinator for Federal Plan Review and Approval at WIA.PLAN@dol.gov, with a copy to Lenita Jacobs-Simmons, the Regional Administrator for the ETA Philadelphia Regional Office.

Extension of State Plan

The District of Columbia's existing State Plan will expire on June 30, 2011. This letter constitutes a written determination under WIA Section 112 (29 USC 2822) that ETA is temporarily extending the approval of District of Columbia's State Plan for WIA Title I and the Wagner-Peyser Act for PY 2011, July 1, 2011 through September 30, 2011. The District has already received its formula allotment for

the WIA Youth program for PY 2011. The District is eligible to receive WIA formula allotments for Adult and Dislocated Worker programs and W-P initial base program allotments under the PY 2011 annual funding agreement for WIA and the PY 2011/Fiscal Year 2012 annual funding agreement for W-P.

Performance Levels

Each year, the Regional Administrator negotiates the forthcoming Program Year's performance goals with each state. Negotiations are completed by June 30th each year. The District of Columbia requested to extend its existing PY 2010 WIA performance goals for PY 2011 and is re-negotiating PY 2010 Wagner-Peyser performance goals. The District of Columbia has elected to carry forward the renegotiated Wagner-Peyser levels to PY 2011. Once the final goals are established, the Regional Administrator's letter advising the District of the PY 2011 WIA and W-P final performance goals constitutes a modification to the State Plan. ETA will incorporate the District of Columbia's final performance goals for PY 2011 into the Regional and National Office copies of the State Plan. Please include these final PY 2011 goals in your official copy of the State Plan.

Waivers

As part of the District's extension of the WIA/W-P State Plan, and as described in TEGL No. 17-10, the District requested extensions of the District of Columbia's PY 2010 waivers of statutory and regulatory requirements under WIA for PY 2011. The disposition of the District's waiver extensions 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.

Extension of Waivers

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 District was previously granted a waiver to permit an increase in the amount it is allowed to transfer between the Adult and Dislocated Worker funding streams. The District is granted an extension of this waiver through September 30, 2011. 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.

Waiver to permit the State to replace the performance measures at WIA Section 136(b) with the common measures.

The District was previously granted a waiver that allows the District to replace the 17 performance measures under WIA Section 136(b) with the common measures. The District is granted an extension of this waiver through September 30, 2011.

This waiver permits the District to negotiate and report WIA outcomes against the common performance measures only, rather than the performance measures described at WIA Section 136(b). The District will no longer negotiate and report to ETA on the following WIA measures: WIA adult and dislocated worker credential rates; participant and employer customer satisfaction; older youth measures; and younger youth measures. The District will use the three adult common performance measures to negotiate goals and report outcomes for the WIA Adult and WIA Dislocated Worker programs. The District will use the three youth common performance measures to negotiate goals and report outcomes for the WIA Youth program. Workforce Investment Act Standardized Record Data system (WIASRD) item 619, Type of Recognized Credential, should be completed for each individual as appropriate, regardless of this waiver to report on common performance measure outcomes only.

Waiver of the provision at 20 CFR 663.530 that prescribes a time limit on the period of initial eligibility for training providers.

The District was previously granted a waiver of the time limit on the period of initial eligibility of training providers provided at 20 CFR 663.530. The District is granted an extension of this waiver through September 30, 2011. Under the waiver, the District is allowed to postpone the determination of subsequent eligibility of training providers. The waiver also allows the District to provide an opportunity for training providers to re-enroll and be considered enrolled as initially eligible providers.

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

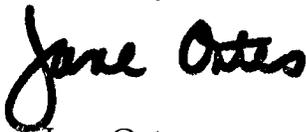
The District was previously granted a waiver to permit local areas to conduct allowable statewide activities as defined under WIA Section 134(a)(3) with local WIA formula funding, specifically incumbent worker training. The District is granted an extension of this waiver through September 30, 2011. Under this waiver, the District is permitted 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 District is required to report performance outcomes for any individual served under this waiver in the 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 waivers are incorporated by reference into the District'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 District's WIA Grant Agreement and the approved State Plan. In addition, as described in TEGL No. 09-10, page 3, the District should address the impact these waivers have had on the District's performance in the WIA annual performance report, due on October 1 of each year.

We look forward to working together as you implement your State Plan for PY 2011. If you have any questions related to the issues discussed above, please contact Dennis Dougherty, the Federal Project Officer for the District of Columbia, at 215-861-4838 and Dougherty.Dennis@dol.gov.

Sincerely,



Jane Oates
Assistant Secretary

Enclosure

cc: Lenita Jacobs-Simmons, Regional Administrator, ETA Philadelphia
Regional Office
Dennis Dougherty, Federal Project Officer for District of
Columbia

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

VINCENT C. GRAY
MAYOR



DR. ROCHELLE L. WEBB
ACTING DIRECTOR

March 30, 2011

Division of Workforce System Support
Employment and Training Administration
U.S. Department of Labor (DOL-ETA)
200 Constitution Ave., NW, Room S-4231
Washington, DC 20210

ATTN: Janet Sten

by electronic mail to: WIA.PLAN@dol.gov

Dear Ms. Sten:

This is to officially request a one-year extension of the District of Columbia's (District) current Strategic Workforce Investment Plan (State Plan) and accompanying waivers, under Title I of the Workforce Investment Act of 1998 (WIA) and Wagner-Peyser Act. This extension will ensure that the District has an approved State Plan and waivers in place by the beginning of Program Year 2011 and covering the period of July 1, 2011 – June 30, 2012. The District will submit substantive modifications to the State Plan later this year, in accord with the workforce objectives developed by this new administration.

Upon approval of this request, the District will post notice of the extension on the agency web site: www.does.dc.gov, and will continue to make the current State Plan available to the public.

Thank you for this opportunity to extend our WIA/Wagner-Peyser State Plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Rochelle Webb".

Dr. Rochelle L. Webb
Acting Director
Department of Employment Services

CC: Lenita Jacobs-Simmons, Regional Administrator