



JUN 11 2013

The Honorable Margaret Wood Hassan  
Governor of New Hampshire  
State House  
107 North Main Street  
Concord, New Hampshire 03301

Dear Governor Hassan:

This letter provides approval of New Hampshire's State Plan for Title I of the Workforce Investment Act (WIA), the Wagner-Peyser Act (W-P), including W-P Agricultural Outreach Plan, and plans for coordination with Trade Adjustment Assistance (TAA). The Employment and Training Administration (ETA) received the State Plan on April 16, 2013. This letter also responds to New Hampshire's WIA waiver requests.

Training and Employment Guidance Letter (TEGL) Number 21-11, issued on March 27, 2012, provides guidance for states to submit their State Workforce Plans and waivers for Program Year (PY) 2012 and beyond. We appreciate the State's responsiveness to this guidance.

#### **Plan Review and Approval**

ETA reviewed the New Hampshire State Plan in accordance with Title I of WIA, the Wagner-Peyser Act, the Trade Act (as amended), the corresponding regulations, the State Integrated Workforce Plan Requirements for Workforce Investment Act Title I/Wagner-Peyser Act and Department of Labor Workforce Programs (<http://www.doleta.gov/usworkforce/wia-planning/docs/integrated-planning-guidance.pdf>), and TEGL No. 21-11. Pursuant to 20 CFR 661.230(e), this letter constitutes a written determination under WIA Section 112 (29 USC 2822) that ETA is approving the WIA Title I, W-P and TAA portions of New Hampshire's State Plan for the period July 1, 2013 through June 30, 2017, PY 2013-PY 2016. The annual W-P Agricultural Outreach Plan (AOP) is approved through June 30, 2013. The PY 2013 AOP must be developed and submitted in accordance with guidance in TEGL No. 23-12. The State is eligible to receive WIA formula allotments for Adult, Dislocated Worker, and Youth programs, and W-P program allotments, effective July 1, 2013 through June 30, 2017.

#### **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. Once the final goals are established, the Regional Administrator's letter advising the State of the PY 2013 WIA and W-P final performance goals constitutes a modification to the State Plan. ETA will incorporate New Hampshire's final performance goals for PY 2013 into the Regional and National Office copies of the State Plan. Please include these final PY 2013 goals in the State's official copy of the State Plan.

## Waivers

As part of New Hampshire's State Plan, the State submitted requests for waivers of statutory and regulatory requirements under WIA (copy enclosed). The State's requests for waivers are written in the format identified in WIA Section 189(i)(4)(B) and 20 CFR 661.420(c). The disposition of the State's waiver requests 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 134(a)(2)(B)(ii) and 20 CFR 665.200(d) to exempt the state from the requirement to conduct evaluations.

The State requested a waiver of the requirement to conduct evaluations of workforce investment activities for adults, dislocated workers, and youth in order to establish and promote continuous improvement of the statewide workforce investment system. The State is granted this waiver through June 30, 2014.

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

The State requested a waiver of the time limit on the period of initial eligibility of training providers provided at 20 CFR 663.530. The State is granted this waiver through June 30, 2017. 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.

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

The State requested a waiver that allows the State to replace the 17 performance measures under WIA Section 136(b) with the common measures. The State is granted this waiver through June 30, 2017.

This waiver permits the State to negotiate and report WIA outcomes against the common performance measures only, rather than the performance measures described at WIA Section 136(b). The State will no longer negotiate goals with 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 State will use the three adult common performance measures to negotiate goals and report outcomes for the WIA Adult and WIA Dislocated Worker programs. The State 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 WIA Section 101(31)(B) to increase the employer reimbursement for on-the-job training.

The State is requesting a waiver to permit an increase in employer reimbursement for on-the-job training through a sliding scale based on the size of the business. The State is granted this waiver through June 30, 2017. Under the waiver, the following reimbursement amounts will be permitted: 1) up to 90 percent for employers with 50 or fewer employees, and 2) up to 75 percent for employers with 51-250 employees. For employers with more than 250 employees, the current statutory requirements (50 percent reimbursement) will continue to apply. When determining the funding source for on-the-job training, the State must use the appropriate program funds for the appropriate WIA-eligible population. The State and local area may provide on-the-job training to individuals age 18 and older with WIA Adult funds and must provide priority to low-income individuals when funds are limited; the State and local area may provide on-the-job training to dislocated workers with WIA Dislocated Worker funds. On-the-job training provided with statewide funds must serve WIA eligible individuals.

Waiver of WIA Section 134(d)(4)(G) to allow the local areas within the state to contract for training with WIA funds instead of using Individual Training Accounts (ITAs).

This waiver is not needed. The FY 2011 and FY 2012 Department of Labor Appropriations Acts allow local areas to contract with providers for class-size training in high-demand occupations, if it does not limit customer choice, and this language remains in effect under the FY 2013 Continuing Resolution. A waiver is not necessary for PY 2011, 2012, or 2013 WIA funds, and the State may allow local areas to contract for training with WIA funds instead of using ITAs.

Waiver of the WIA regulations at 20 CFR 666.100 to exempt the state from including credential attainment outcomes for participants enrolled in on-the-job training in the credential performance measure calculations.

This waiver is not needed. New Hampshire is now approved to replace the performance measures at WIA Section 136(b) with the common measures.

Waiver of WIA Section 134(a)(2)(B)(iii) and 20 CFR 665.200(e) to exempt a state from the requirement to provide local workforce investment area incentive grants.

This waiver is not needed. New Hampshire is a single-area state.

Waiver of 20 CFR 665.200(b)(3) to exempt the state from the requirement to disseminate training provider performance and cost information.

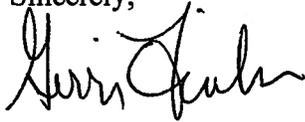
ETA denies this waiver. As discussed in TEGL No. 27-12, ETA has determined that the benefit of sharing training provider information with customers outweighs the relatively low costs associated with dissemination of such information.

The approved waivers are 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, as described in TEGl No. 29-11, the State should address the impact these 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 working together as you implement your State Integrated Workforce Plan for PY 2013 and beyond. If you have any questions related to the issues discussed above, please contact Kathleen McLaughlin, the Federal Project Officer for New Hampshire, at (617) 788-0126 or [McLaughlin.Kathleen@dol.gov](mailto:McLaughlin.Kathleen@dol.gov).

Sincerely,



Gerri Fiala  
Acting Assistant Secretary

Enclosure

cc: Holly O'Brien, Regional Administrator, ETA Boston Regional Office  
Kathleen McLaughlin, Federal Project Officer for New Hampshire

**Date:** March, 2013  
**State:** New Hampshire  
**Agency:** NH Dept. of Resources and Economic Development  
**Office of Workforce Opportunity**

This waiver seeks to exempt the state from the requirement to conduct evaluations.

A similar waiver has been approved in Rhode Island, also in Region I.

**Statutory/Administrative Requirements to be waived**

WIA Section 134(a) (2) (B) (ii) and 20 CFR 665.200 (d) requiring the conduct of evaluations for workforce investment activities for adults, dislocated workers, and youth.

**Actions undertaken to remove state or local barriers**

To the best of our knowledge there is not any state or local barrier.

**Goals and expected programmatic outcomes of the waiver**

The reduction to five percent in the WIA allotment Governor's Reserve funds results in an *annual loss of approximately \$700,000* 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 limited to approximately \$300, 000 annually for the support of five staff and related overhead costs*, leaving insufficient funds to cover the *cost of third party program evaluations with any estimated cost of anywhere from \$20,000 to \$40,000 each year*. The state's reduced funds are being used to cover required activities such as those outlined below, leaving no opportunity to support any other activities:

- Operating fiscal and management accountability information systems
- Submitting required reports
- Disseminating the list of eligible training providers for adults and dislocated workers
- Providing technical assistance to poor performing contractors

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. *In addition, in recent years we have had to share staff functions with our state sponsored Job Training Fund program in order to continue to support the level of staff necessary to effectively respond to the myriad of federal reports, requirements and other mandates from USDOL, the State Board and oversight of the NH Works one-stop system. NH has always maintained a frugal approach to state-level grant management utilizing other grant resources to supplement WIA state formula fund Governor's reserve funds to the extent possible/available to ensure sufficient funds are in place from year-to- year to avoid staff cuts*

*that would jeopardize the state's ability to maintain a minimum level of services in accordance with federal and state policy and procedures.*

**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 so 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 this waiver by reviewing monthly expenditure, performance another reports, regular contact with the ETA Regional Office liaisons, and through its monitoring and performance accountability system.

**Notice to affected local boards**

New Hampshire is a single-state Workforce Investment board. The waiver requested was submitted for approval at the March 20<sup>th</sup>, 2013 state board meeting.

**Public Comment:**

Upon approval from the NH Workforce Investment Board the waiver will be posted on the [www.nhworks.org](http://www.nhworks.org) website for public comment for 30 days.

## WIA WAIVER REQUESTS

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*"Must attach a waiver plan for each waiver requested"*

New Hampshire is seeking renewal of two previously approved waivers: 1) Subsequent Eligibility of Training Providers and 2) Common Measures Program and approval for six additional waivers: 3) Conduct Evaluations; 4) Provide Incentive Grants to Local Areas; 5) Disseminate Training Provider Information; 6) OJT Sliding Scale Reimbursements; 7) Exempt from Credential Performance for OJT and 8) Exempt from Individual Training Accounts – Class Size Training.

### ELIGIBLE TRAINING PROVIDERS:

The New Hampshire Department of Resources and Economic Development, Office of Workforce Opportunity, the state administrative entity for the Workforce Investment Act seeks a waiver to delay the application of "Eligibility of Training Providers" requirement for all students through June 30, 2014.

The basis for this request is to allow New Hampshire 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" and the WIA sample pool size is insufficient to determine renewal criteria. 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 New Hampshire'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).  
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. There is no existing State or local statutory or regulatory barriers to implementation of this waiver request.

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 increased period of time thus providing larger data pool for determination of subsequent eligibility.
3. Continue to offer customer choice while working with the Department of Labor to identify possible revisions to this section of the Act.

State or Local Statutory or Regulatory Barriers:

There are no existing state or local statutory or regulatory barriers to implementing this request.

Description of the Waiver Goal and Programmatic Outcomes:

The purpose for requesting this waiver is to allow the programs that are currently eligible to be available to NH Works customers continue without an Initial Eligibility evaluation review. We are very concerned that a strict enforcement of Initial Eligibility guidelines would drastically reduce the limited number of training providers available to our customers.

New Hampshire is a rural state consisting of a Single Workforce Investment Area and twelve (12) one-stop centers. Currently, the number of training providers that have been approved under the Initial Eligibility guidelines is 122. Collectively, these providers are approved for approximately 2,266 programs. Providers include all of NH'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 Initial 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 [www.nscite.org](http://www.nscite.org)

New Hampshire's experience with implementing the initial eligibility requirements of the Act mirrors that of most other states.

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.

The potential of violations of student privacy is not necessarily protected under the Family Educational Rights Privacy Act.

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.

Granting this waiver request will provide New Hampshire 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:

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. Additional time will allow the state to evaluate effective measures of training provider performance. Training providers will be given the opportunity to develop meaningful measures of student experiences and outcomes.

Description of the Process to Monitor Progress: The Office of Workforce Opportunity, NH Department of Resources and Economic Development will be the entity responsible to implement and monitor the goals and action plans outlined in this request. The OWO maintains primary responsibility to meet the goals identified in this plan within the timeframes as established.

Timeline: It is the State's intention to continue our 2011 waiver for initial eligibility requirements through June 30, 2014 or seek a waiver extension should a sufficient sample size not exist.

COMMON MEASURES PROGRAM WAIVER REQUEST:

Statutory/Regulatory Provision to be Waived: The NH Department of Resources and Economic Development, Office of Workforce Opportunity and the State Workforce Investment Board are requesting a waiver of Sections 136(b) which defines the current WIA Title I performance measures. New Hampshire is requesting continued replacement of the seventeen (17) statutory performance measures with the nine (9) Common Measures defined in TEGL 17-05. New Hampshire seeks the waiver to operate under these nine (9) Common Measures:

- Adult Entered Employment Rate
- Adult Employment Retention Rate
- Adult Average Six Month Earnings
- Dislocated Worker Entered Employment Rate
- Dislocated Worker Employment Retention Rate
- Dislocated Worker Average Six Month Earnings
- Youth Placement in Employment or Education
- Youth Attainment of a Degree or Certificate
- Youth Literacy and Numeracy Gains

This request is to commence with Program Year 2012 (July 1, 2012-June 30, 2013) and continuing for each program year thereafter, until superseded by WIA reauthorization.

State or Local Statutory or Regulatory Barriers: There is no State or local statutory regulation barriers to implement the requested waiver. Nothing in this waiver is intended to prevent the State or its single workforce board from implementation of additional measures to assess performance in the future.

Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Renewed: This continuous improvement waiver will provide New Hampshire a simplified and streamlined

performance measurement system that is more cost effective and understandable to contractors and business-led boards. It is believe that case management, customer service, and operational effectiveness will be enhanced through implementation of this waiver. Furthermore, this waiver will provide a single set of measures for youth, thus eliminating the need to track younger and older youth separately, and reduce the challenges faced in meeting performance measures when the older youth sample size is small. More specifically:

- Adult and dislocated worker measures would be combined.
- All youth would be served by the same set of measures, eliminating the need to track and report older and younger youth separately.
- The credential measure for adults and dislocated workers would be removed; certificate attainment will continue to be a focus for youth.
- “Skill attainment” would be eliminated as a measure for youth.
- Customer Satisfaction would be removed from the measures.

Description of Individuals Impacted by the Waiver: All customers of the workforce system will benefit from this waiver. The quality and quantity of services to participants will be enhanced by focusing on fewer targeted federal outcomes. Providers will have clearer performance directives and able to focus on designing services around one set of performance criteria, thus spending less time on duplicative tracking and reporting and more time on direct customer service.

Description of the Process to Monitor Progress: The Office of Workforce Opportunity within the NH Department of Resources and Economic Development, in conjunction with its contractors will monitor the implementation and impact of the waiver, as well as the progress toward meeting expected outcomes. This will be achieved by:  
Eteams participant tracing system will be used to monitor the data collection and reporting of the common measures. The system has already been developed and implemented.  
Applicable Request for Proposals, policies, procedures, and manuals will be reviewed and updated accordingly.

NH will report performance on the common measures to the US Department of Labor both quarterly and annual in accordance with US DOL prescribed procedures.

The Office of Workforce Opportunity will monitor the implementation of the waiver through appropriate training, meetings, and regular contact with sub recipient contractors.

Opportunity for Local Board and Public Comment on the Waiver Request: As a single state workforce board, the State Workforce Board approved the waiver request at the September 15, 2010 meeting. The waiver request was posted on the NH Works website for public input and comment for which none was received.

PROVISION OF INCENTIVE GRANTS FOR LOCAL AREAS:

This waiver seeks to exempt the state from the requirement to provide incentive grants in our single-state workforce board area.

Statutory/Administrative Requirements to be waived

WIA Section 134(a)(2)(B)(iii) and 20 CFR 665.200(e) provision of incentive grants to local areas.

Actions undertaken to remove state or local barriers

There are no state or local barriers.

Goals and expected programmatic outcomes of the waiver

The reduction to five percent in the WIA allotment for Program Year (PY) 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 and incentive grants to local areas. The state's reduced funds are being used to cover the following required activities:

- Operating fiscal and management accountability information systems
- Submitting required reports
- Disseminating the list of eligible training providers for adults and dislocated workers
- Providing technical assistant to poor performing contractors

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 this waiver by reviewing monthly expenditure, performance and other reports, regular contact with the ETA Regional Office liaisons, and through its monitoring and performance accountability system.

Notice to affected local boards

New Hampshire is a single-state Workforce Investment board. The waiver requested was approved at the March 20<sup>th</sup> 2013 state board meeting.

Public Comment:

Currently posted on the [www.nhworks.org](http://www.nhworks.org) website for public comment for 30 days.

WAIVER FROM REQUIREMENT TO CONDUCT PROGRAM EVALUATIONS:

This waiver seeks to exempt the state from the requirement to conduct evaluations.

Statutory/Administrative Requirements to be waived

WIA Section 134(a) (2) (B) (ii) and 20 CFR 665.200 (d) requiring the conduct of evaluations for workforce investment activities for adults, dislocated workers, and youth.

Actions undertaken to remove state or local barriers

There are no state or local barriers.

### Goals and expected programmatic outcomes of the waiver

The reduction to five percent in the WIA allotment 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 and incentive grants to local areas. The state's reduced funds are being used to cover the following required activities:

- Operating fiscal and management accountability information systems
- Submitting required reports
- Disseminating the list of eligible training providers for adults and dislocated workers
- Providing technical assistance to poor performing contractors
- 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 so 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 this waiver by reviewing monthly expenditure, performance another reports, regular contact with the ETA Regional Office liaisons, and through its monitoring and performance accountability system.

### Notice to affected local boards

New Hampshire is a single-state Workforce Investment board. The waiver requested was approved at the March 20<sup>th</sup> 2013 state board meeting.

### Public Comment:

This waiver is current posted on the [www.nhworks.org](http://www.nhworks.org) website for public comment for 30 days.

### WAIVER TO EXCLUDE CREDENTIAL OUTCOMES FOR OJT:

This waiver seeks to exempt the State from including credential attainment outcomes for On-the-Job (OJT) participants in the performance calculation.

#### Statutory/Administrative Requirements to be waived

WIA Section 20 CFR 66.100 (a) (1) (iv) for adults and 20 CFR 666.100 (a) (2) (iv) that requires attainment of a recognized credential certificate for performance. This waiver is being requested to exclude the individuals who are participating in OJT program services from inclusion in the WIA credential/certificate attainment standards. These clients will continue to be included in all other applicable performance standards.

#### Actions undertaken to remove state or local barriers

There are no state or local barriers.

#### Goals and expected programmatic outcomes of the waiver

As a result of this waiver, the state expects that the OJT program services will expand to reach more employers and trainees alike. The goal of the waiver is to provide greater flexibility and access to use the OJT program for both clients and employers without negatively impacting upon credential/certificate-related performance standards. Eliminating the credential/certificate reporting requirement for those participating in the OJT program will encourage its use and have a positive effect on retention and average earnings performance outcomes.

Increase employment opportunities for harder to serve individuals such as the long-term unemployed, older workers and those with limited or sporadic job histories.

Increase the percentage of employers using OJT as a means of hiring and retaining a skilled workforce.

Increase the number and percentages of workers trained and hired through OJT programs.  
Raise skill proficiencies for workers that will result in increased worker viability.

Individuals impacted by the waiver

Adults and dislocated workers as well as participating employers will be impacted by the waiver in that the OJT program will be more responsive to their needs.

Process for monitoring progress in implementation

Both the Office of Workforce Opportunity (state) and our WIA Adult and Dislocated Worker Contractor (Southern NH Services) are responsible for monitoring of all WIA funded activities and will incorporate the implementation of this waiver into existing procedures.

Notice to affected local boards

New Hampshire is a single-state Workforce Investment board. The waiver was approved at the March 20<sup>th</sup>, 2013 state board meeting.

Public Comment:

This waiver is currently posted on the [www.nh.gov](#) website for public comment for 30 days.

WAIVER FROM INDIVIDUAL TRAINING ACCOUNTS – CLASS SIZE TRAINING

Statutory/Administrative Requirements to be waived

WIA Section 134(d)(4)(G)(i): WIA Implementing Rule 20 CFR Part 663.400; and WIA Implementing Rule 20 CFR Part 663.430

Actions undertaken to remove state or local barriers

There are no state or local barriers.

Exemption from Individual Training Accounts – Class Size Training

The state is requesting a waiver to allow class-sized training contracts to be used in addition to use Individual Training Accounts, which is the primary means of purchasing occupational training services with WIA allocated formula dollars for adults and dislocated workers. This waiver would facilitate the training of multiple individuals in high demand

occupations, while increasing training capacity. Customer choice would not be limited. Allowing regular formula funds to be used in this manner, expands the pool of resources available to local areas in ensuring training capacity can be quickly ramped up. The waiver would also help New Hampshire advance the Administration's goal of increasing credential, degree, and certificate attainment as articulated in TEGL 15-10.

#### Goals and expected programmatic outcomes of the waiver

The requested waiver is consistent with the national strategic direction that was articulated in TEGL 14-08 with the precedent being set in the use of American Recovery and Reinvestment Act funds. In addition, the requested waiver is consistent with the national strategic direction as described in TEGL 15-10, and in particular supports the following strategic priorities:

Enable WIA formula funds to be more responsive and expeditious to the Community College System of New Hampshire's TAACCCT grant and its WIA eligible customers in obtain training (associate degrees, certificates, and short-term courses) and placement in the advanced manufacturing industry. Support an increase in education, training enrollments, and capacity in a time when many states and educational institutions are experiencing budget short falls; target services to meet the changing needs of workers and employers; build a demand-driven system within a regional economic development context; strengthen partnership with community and faith-based organizations; increase the use of flexibility provisions in WIA to design innovative programs that fuel economic competitiveness and create employment opportunities for career seeker customers; and utilize an integrated and enhanced performance accountability system

#### Individuals impacted by the waiver

Adults and Dislocated Workers – WIA participants will be afforded an additional avenue in which to receive training and may benefit from a quicker process in which to begin training. Employers and Training Providers: This waiver will allow personnel to work with employers and training providers to develop class size contracts with WIA funds. This will enable WIA fund to be used to address critical capacity problems by providing WIA funds for training program development. The waiver will enable New Hampshire personnel to respond directly to employer requests for significant numbers of persons training in a particular occupation, because

they will be able to enter into a direct class-size contract with one or more training providers to conduct the training.

Process for monitoring progress in implementation

The state will carefully monitor the implementation of this waiver at the local level including collection of the following elements:

The number of contracts for development on new training capacity.

The industries and occupations for which such contracts are developed and

The number of persons trained via such contracts.

Notice to affected local boards

New Hampshire is a single-state Workforce Investment board. The waiver request was approved at the March 20<sup>th</sup> 2013 state board meeting.

Public Comment:

This waiver will be posted on the [www.nh.gov](http://www.nh.gov) website for public comment for 30 days.

WAIVER FROM REQUIREMENT TO DISSEMINATE TRAINING PROVIDER  
PERFORMANCE AND COST INFORMATION:

This waiver seeks to exempt the state from the requirement to disseminate training provider performance and cost information.

Statutory/Administrative Requirements to be waived

WIA 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 the waiver

The reduction to five percent in the WIA allotment for Program Year (PY) 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 dissemination of training provider performance and cost information. The state's reduced funds are being used to cover the following required activities:

- Operating fiscal and management accountability information systems
- Submitting required reports
- Disseminating the list of eligible training providers for adults and dislocated workers
- Providing technical assistant to poor performing contractors
- 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 this waiver by reviewing monthly expenditure, performance another reports, regular contact with the ETA Regional Office liaisons, and through its monitoring and performance accountability system.

#### Notice to affected local boards

New Hampshire is a single-state Workforce Investment board. The waiver request was approved at their March 20<sup>th</sup> 2013 state board meeting.

#### Public Comment:

This waiver is currently posted on the [website](#) for public comment for 30 days.

### WAIVER TO IMPLEMENT A SLIDING REIMBURSEMENT SCALE FOR OJT:

This waiver seeks the implementation of a sliding reimbursement scale, based on company size, for employers participating in the On-the-Job Training (OJT) program consistent with the National Emergency OJT guidelines. The following reimbursement amounts will be utilized:

Up to 90 percent for employers with 50 or fewer employees

Up to 75 percent for employers with 51-250 employees

For employers with more than 250 employees, the current statutory requirements (50 percent reimbursement) will continue to apply.

### Statutory/Administrative Requirements to be waived

WIA Section 101 (31) (B) and 20 CFR 663.710.

### Actions undertaken to remove state or local barriers

There are no state or local barriers.

### Goals and expected programmatic outcomes of the waiver

With the consistency of requirements for an OJT between long-term unemployed funded with the National Emergency grant funds and economically disadvantaged, the state expects that the OJT program services will expand to reach more employers and trainees alike. The goal of the waiver is to provide the state a greater flexibility in responding to the local labor markets and reduce employer confusion when two clients from different funding sources are being considered for an OJT. In addition, this increase will support job creation and create the necessary flexibility for employers to be reimbursed at a level more suitable to their needs thus resulting in an increase of business participation and an improvement of the percentage of job seekers that receive training and training-related employment.

Increase employment opportunities for harder to serve economically disadvantaged individuals including long-term unemployed, older workers, and those with limited or sporadic job histories. Increase the percentage of employers using OJT as a means of hiring and retaining a skilled workforce. Raise skill proficiencies for workers that will result in increased worker viability.

Individuals impacted by the waiver

Adults and dislocated workers as well as participating employers will all be impacted by the waiver in that the OJT program will be more responsive to their needs.

Process for monitoring progress in implementation

Both the Office of Workforce Opportunity (state) and our WIA Adult and Dislocated Worker Contractor (Southern NH Services) are responsible for monitoring of all WIA-funded activities and will incorporate the implementation of this waiver into existing procedures.

Notice to affected local boards

New Hampshire is a single-state Workforce Investment board. This waiver request was approved at the March 20<sup>th</sup> 2013 state board meeting.

**Public Comment:**

This waiver is posted on the [www.wia.nh.gov](http://www.wia.nh.gov) website for public comment for 30 days.

WAIVER TO EXCLUDE CREDENTIAL OUTCOMES FOR OJT

This waiver seeks to exempt the State from including credential attainment outcomes for On-the-Job (OJT) participants in the performance calculation.

Statutory/Administrative Requirements to be waived

WIA Section 20 CFR 66.100 (a) (1) (iv) for adults and 20 CFR 666.100 (a) (2) (iv) that requires attainment of a recognized credential certificate for performance. This waiver is being requested to exclude the individuals who are participating in OJT program services from inclusion in the WIA credential/certificate attainment standards. These clients will continue to be included in all other applicable performance standards.

### Actions undertaken to remove state or local barriers

There are no state or local barriers.

### Goals and expected programmatic outcomes of the waiver

As a result of this waiver, the state expects that the OJT program services will expand to reach more employers and trainees alike. The goal of the waiver is to provide greater flexibility and access to use the OJT program for both clients and employers without negatively impacting upon credential/certificate-related performance standards. Eliminating the credential/certificate reporting requirement for those participating in the OJT program will encourage its use and have a positive effect on retention and average earnings performance outcomes.

- Increase employment opportunities for harder to serve individuals such as the long-term unemployed, older workers and those with limited or sporadic job histories.
- Increase the percentage of employers using OJT as a means of hiring and retaining a skilled workforce.
- Increase the number and percentages of workers trained and hired through OJT programs.
- Raise skill proficiencies for workers that will result in increased worker viability.

### Individuals impacted by the waiver

Adults and dislocated workers as well as participating employers will be impacted by the waiver in that the OJT program will be more responsive to their needs.

### Process for monitoring progress in implementation

Both the Office of Workforce Opportunity (state) and our WIA Adult and Dislocated Worker Contractor (Southern NH Services) are responsible for monitoring of all WIA funded activities and will incorporate the implementation of this waiver into existing procedures.

### Notice to affected local boards

New Hampshire is a single-state Workforce Investment board. The waiver was approved at the March 20<sup>th</sup> 2013 state board meeting.

Public Comment:

This waiver is currently posted on the [www.nh.gov](#) website for public comment for 30 days.

WAIVER FROM INDIVIDUAL TRAINING ACCOUNTS – CLASS SIZE TRAINING

Statutory/Administrative Requirements to be waived

WIA Section 134(d)(4)(G)(i): WIA Implementing Rule 20 CFR Part 663.400; and WIA Implementing Rule 20 CFR Part 663.430

Actions undertaken to remove state or local barriers

There are no state or local barriers.

Exemption from Individual Training Accounts – Class Size Training

The state is requesting a waiver to allow class-sized training contracts to be used in addition to use Individual Training Accounts, which is the primary means of purchasing occupational training services with WIA allocated formula dollars for adults and dislocated workers. This waiver would facilitate the training of multiple individuals in high demand occupations, while increasing training capacity. Customer choice would not be limited. Allowing regular formula funds to be used in this manner, expands the pool of resources available to local areas in ensuring training capacity can be quickly ramped up. The waiver would also help New Hampshire advance the Administration's goal of increasing credential, degree, and certificate attainment as articulated in TEGL 15-10. This waiver has been previously been approved for the states of Illinois and Virginia.

Goals and expected programmatic outcomes of the waiver

The requested waiver is consistent with the national strategic direction that was articulated in TEGL 14-08 with the precedent being set in the use of American Recovery and Reinvestment Act funds. In addition, the requested waiver is consistent with the national strategic direction as described in TEGL 15-10, and in particular supports the following strategic priorities:

- Enable WIA formula funds to be more responsive and expeditious to the Community College System of New Hampshire's TAACCCT grant and its WIA eligible customers in obtain training (associate degrees, certificates, and short-term courses) and placement in the advanced manufacturing industry.
- Support an increase in education, training enrollments, and capacity in a time when many states and educational institutions are experiencing budget shortfalls;
- Target services to meet the changing needs of workers and employers
- Build a demand-driven system within a regional economic development context
- Strengthen partnership with community and faith-based organizations;
- Increase the use of flexibility provisions in WIA to design innovative programs that fuel economic competitiveness and create employment opportunities for career seeker customers; and
- Utilize an integrated and enhanced performance accountability system

#### Individuals impacted by the waiver

Adults and Dislocated Workers – WIA participants will be afforded an additional avenue in which to receive training and may benefit from a quicker process in which to begin training.

Employers and Training Providers: This waiver will allow personnel to work with employers and training providers to develop class size contracts with WIA funds. This will enable WIA fund to be used to address critical capacity problems by providing WIA funds for training program development. The waiver will enable New Hampshire personnel to respond directly to employer requests for significant numbers of persons training in a particular occupation, because they will be able to enter into a direct class-size contract with one or more training providers to conduct the training.

#### Process for monitoring progress in implementation

The state will carefully monitor the implementation of this waiver at the local level including collection of the following elements:

- The number of contracts for development on new training capacity.
- The industries and occupations for which such contracts are developed and
- The number of persons trained via such contracts.

Notice to affected local boards

New Hampshire is a single-state Workforce Investment board. The waiver request was approved at the March 20<sup>th</sup> 2013 state board meeting.

Public Comment:

This waiver will be posted on the [www.nh.gov](http://www.nh.gov) website for public comment for 30 days.

WAIVER FROM REQUIREMENT TO DISSEMINATE TRAINING PROVIDER PERFORMANCE AND COST INFORMATION:

This waiver seeks to exempt the state from the requirement to disseminate training provider performance and cost information.

Statutory/Administrative Requirements to be waived

WIA 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 the waiver

The reduction to five percent in the WIA allotment for Program Year (PY) 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 dissemination of training provider performance and cost information. The state's reduced funds are being used to cover the following required activities:

- Operating fiscal and management accountability information systems
- Submitting required reports

- Disseminating the list of eligible training providers for adults and dislocated workers
- Providing technical assistant to poor performing contractors
- 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 this waiver by reviewing monthly expenditure, performance another reports, regular contact with the ETA Regional Office liaisons, and through its monitoring and performance accountability system.

#### Notice to affected local boards

New Hampshire is a single-state Workforce Investment board. The waiver request was approved at their March 20<sup>th</sup> 2013 state board meeting.

#### Public Comment:

This waiver is currently posted on the [www.dhs.gov](http://www.dhs.gov) website for public comment for 30 days.

#### WAIVER TO IMPLEMENT A SLIDING REIMBURSEMENT SCALE FOR OJT:

This waiver seeks the implementation of a sliding reimbursement scale, based on company size, for employers participating in the On-the-Job Training (OJT) program consistent with the National Emergency OJT guidelines. The following reimbursement amounts will be utilized:

- Up to 90 percent for employers with 50 or fewer employees
- Up to 75 percent for employers with 51-250 employees
- For employers with more than 250 employees, the current statutory requirements (50 percent reimbursement) will continue to apply.

Statutory/Administrative Requirements to be waived

WIA Section 101 (31) (B) and 20 CFR 663.710.

Actions undertaken to remove state or local barriers

There are no state or local barriers.

Goals and expected programmatic outcomes of the waiver

With the consistency of requirements for an OJT between long-term unemployed funded with the National Emergency grant funds and economically disadvantaged, the state expects that the OJT program services will expand to reach more employers and trainees alike. The goal of the waiver is to provide the state a greater flexibility in responding to the local labor markets and reduce employer confusion when two clients from different funding sources are being considered for an OJT. In addition, this increase will support job creation and create the necessary flexibility for employers to be reimbursed at a level more suitable to their needs thus resulting in an increase of business participation and an improvement of the percentage of job seekers that receive training and training-related employment.

- Increase employment opportunities for harder to serve economically disadvantaged individuals including long-term unemployed, older workers, and those with limited or sporadic job histories.
- Increase the percentage of employers using OJT as a means of hiring and retaining a skilled workforce.
- Raise skill proficiencies for workers that will result in increased worker viability.

Individuals impacted by the waiver

Adults and dislocated workers as well as participating employers will all be impacted by the waiver in that the OJT program will be more responsive to their needs.

Process for monitoring progress in implementation

Both the Office of Workforce Opportunity (state) and our WIA Adult and Dislocated Worker Contractor (Southern NH Services) are responsible for monitoring of all WIA-funded activities and will incorporate the implementation of this waiver into existing procedures.

Notice to affected local boards

New Hampshire is a single-state Workforce Investment board. This waiver request was approved at the March 20<sup>th</sup>, 2013 state board meeting.

**Public Comment:**

This waiver is posted on the [www.nh.woms.org](http://www.nh.woms.org) website for public comment for 30 days.

**From:** [Bonnie St. Jean](#)  
**Date:** Tuesday, April 16, 2013 10:12:55 AM  
**Posted At:** WIA.PLAN  
**Conversation:** NH Integrated Workforce Services State Plan for 2012-2016  
**Subject:** NH Integrated Workforce Services State Plan for 2012-2016  
**Attachments:** [State Workforce Plan final 4-13.pdf](#)  
[WOC State Plan Attachment A 4 15 13.pdf](#)  
[WOC Waiver Request 4 15 13.pdf](#)

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Good Morning:

Please find attached the NH Integrated Workforce Services Plan for Program Years 2012-2016, Attachment A-- Program Administration Designees and Plan Signatures, and Waiver Request Letter from Governor Hassan.

If you have any questions, please let us know.

Many thanks for your assistance.

Bonnie St. Jean for  
Jacqueline Heuser, Director  
Office of Workforce Opportunity  
NH Department of Resources and Economic Development