



JUN 27 2011

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

Dear Governor LePage:

This letter provides approval of an extension of Maine'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 an extension for Maine's waiver. 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.

Extension of State Plan

Maine's existing State Plan will expire on June 30, 2011. This letter constitutes a written determination under WIA Section 112 (29 USC 2822) that the Employment and Training Administration (ETA) is extending the approval of Maine's State Plan for WIA Title I and the Wagner-Peyser Act for PY 2011, July 1, 2011 through June 30, 2012. The State has already received its formula allotment for the WIA Youth program for PY 2011. The State 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

Maine requested to extend its existing PY 2010 WIA and W-P performance goals for PY 2011. ETA has incorporated these performance goals, identified as PY 2011 performance goals, into the Regional and National Office copies of the State Plan. Please include these PY 2011 goals in the State's official copy of the State Plan.

Waivers

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

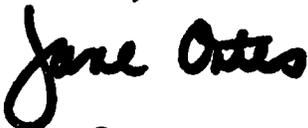
Waiver of the provision at 20 CFR 663.530 that prescribes a time limit on the period of initial eligibility for training providers.

The State 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 State is granted an extension of this waiver through June 30, 2012. 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, as described in TEGL No. 09-10, page 3, the State should 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 working together as you implement your State Plan for PY 2011. If you have any questions related to the issues discussed above, please contact Carmen Rodriguez, the Federal Project Officer for Maine, at either (617) 788-0110 or Rodriguez.Carmen@dol.gov.

Sincerely,



Jane Oates
Assistant Secretary

Enclosure

cc: Holly O'Brien, Regional Administrator, ETA Boston Regional Office
Carmen Rodriguez, Federal Project Officer for Maine



STATE OF MAINE
DEPARTMENT OF LABOR
54 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0054

Paul R. LePage
GOVERNOR

Laura L. Boyett
ACTING COMMISSIONER

March 23, 2011

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:

In accordance with TEGL 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 2011. Maine is also requesting that the 2010 WIA Negotiated Performance Goals be extended for PY2011, and that the current WIA Waiver concerning "Implementation of Subsequent Eligibility of Training Providers" be extended until June 30, 2012.

Maine is requesting that the currently approved WIA/W-P State Strategic Plan be extended for one year for PY 2011.

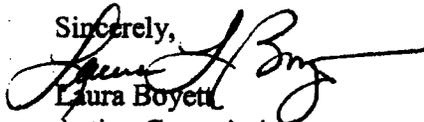
Regarding the WIA/Wagner-Peyser Performance Goals, Maine is requesting that the negotiated 2010 Performance Goals be extended for PY 2011. Attached is the 2009-2010 Negotiated Performance Goals table.

In reference to WIA Waivers, Maine is requesting an extension of the waiver currently in place, "To Waive Implementation of Subsequent Eligibility of Training Providers". Attached is the rationale for the request to extend the existing Waiver.

Maine will inform the public of its intent to extend the WIA State Strategic Plan, WIA Negotiated Performance Goals and current WIA Waiver by posting this letter and accompanying attachments on the Maine Jobs Council website located at <http://www.maine.gov/labor/mjc/index.shtml>

If you have any questions regarding this request please contact Dawn Mealey, Acting Bureau Director, Bureau of Employment Services, or Steve Duval, Division Director, Policy & Evaluation at (207) 623-7981 or at dawn.e.mealey@maine.gov ; stephen.r.duval@maine.gov

Sincerely,


Laura Boyett
Acting Commissioner

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**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, 2011. The state is requesting an extended waiver to postpone the application of "Subsequent Eligibility of Training Providers" requirements for "all students" until June 30, 2012.

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 500. Collectively, these providers are approved for approximately 3,000 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, 2011 through June 30, 2012).
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 consulted with the four local board directors on March 21, 2011 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.