

ALABAMA WORKFORCE INVESTMENT SYSTEM

**Department of Economic and Community Affairs
Workforce Development Division
401 Adams Avenue
Post Office 5690
Montgomery, Alabama 36103-5690**

March 10, 2014

GOVERNOR'S WORKFORCE DEVELOPMENT DIRECTIVE NO. PY2013-07

SUBJECT: Workforce Investment Act (WIA) and Wagner-Peyser Act (W-P) Alabama State Integrated Workforce Plan and approved waivers

1. Purpose. To transmit approval letter of Alabama's current Workforce Investment Act (WIA) and Wagner-Peyser Act State Plan, including approval of waivers, and approval letter for separately requested waivers.

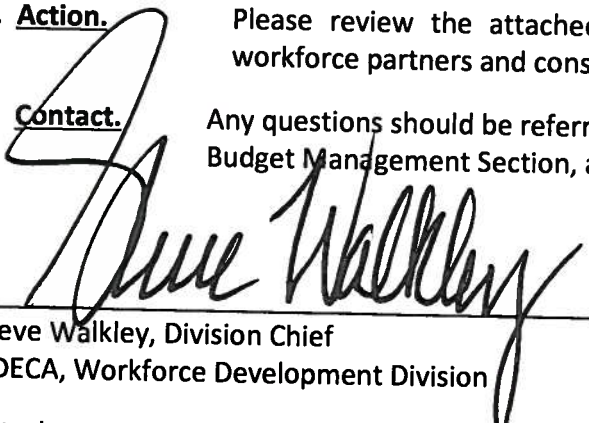
2. Discussion. The Alabama State Integrated Workforce Plan has been approved for WIA Title I and the Wagner-Peyser Act for the period July 1, 2012 through June 30, 2017. The annual W-P Agricultural Outreach Plan included in the Alabama State Integrated Workforce Plan was approved for the period July 1, 2012 through June 30, 2013.

All waivers were approved through June 30, 2017, except for two, incentive grants and conducting evaluations of workforce programs. These were initially approved through June 30, 2013. These two were subsequently requested for Program Year 2013 and approved through June 30, 2014.

Additionally, as part of the State's submission of the WIA/W-P State Plan, and as described in TEGl 21-11, Change 1, ETA has made determinations regarding approval of Alabama's waivers of statutory and regulatory requirements under WIA. The State also submitted a separate request for a new waiver and continuation of two waivers set to expire at June 30, 2013. (copy attached)

3. Action. Please review the attached documents and convey the information to pertinent workforce partners and consider these in planning your workforce programs.

4. Contact. Any questions should be referred to Lorilei Sanders, ADECA State Programs and Divisional Budget Management Section, at (334) 353-1632 or lorilei.sanders@adeca.alabama.gov.


Steve Walkley, Division Chief
ADECA, Workforce Development Division

Attachments:

- Letter dated December 5, 2012 concerning approval of WIA/W-P Alabama State Integrated Workforce Plan and USDOL/ETA Alabama Waivers
- Letter dated August 28, 2013 concerning approval of waivers



DEC - 5 2012

The Honorable Robert Bentley
Governor of Alabama
State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130-2751

Dear Governor Bentley:

This letter provides approval of Alabama's State Integrated Workforce 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) program. The Employment and Training Administration (ETA) received the State Integrated Workforce Plan on September 7, 2012. This letter also addresses Alabama's WIA waiver requests.

Training and Employment Guidance Letter (TEGL) No. 21-11, issued on March 27, 2012, and TEGL No. 21-11, Change 1 issued on August 8, 2012 provide 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 has reviewed the Alabama State Integrated Workforce 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>), TEGL No. 21-11, and the corresponding Change 1. Pursuant to 20 CFR 661.230(e), this letter constitutes a written determination under WIA Section 112 (29 USC 2822), and WIA section 501 (20 USC 9271) which pertains to State Unified Plans, that ETA is approving those portions of the Alabama State Integrated Workforce Plan that relate to Title I of WIA, the Wagner-Peyser Act, and TAA for Program Years 2012-2016, July 1, 2012 through June 30, 2017. The annual W-P Agricultural Outreach Plan is approved for the period July 1, 2012 through June 30, 2013.

The State is eligible to receive WIA formula allotments for Adult, Dislocated Worker, and Youth programs, and W-P program allotments, effective July 1, 2012 through June 30, 2017.

Performance Levels

As you are aware, the Regional Administrator annually negotiates with State representatives the performance goals for the WIA and W-P programs. As required by TEGLs No. 21-11 and 38-11 dated June 18, 2012, the negotiations of PY 2012 goals were completed in September 2012, well before the deadline of December 31, 2012. On September 17, 2012, the Regional Administrator forwarded to Alabama a letter advising the State of the PY 2012 WIA and W-P final performance

goals. The letter constitutes a modification to the State Integrated Workforce Plan. ETA will incorporate Alabama's final performance goals for PY 2012 into the Regional and National Office copies of the State Integrated Workforce Plan. Please include these final PY 2012 goals in the State's official copy of the State Workforce Plan.

Waivers

As part of Alabama's State Integrated Workforce Plan, the State submitted waiver 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 133(b)(4) to increase the allowable transfer amount between Adult and Dislocated Worker funding streams allocated to a local area.

The State is requesting a waiver to permit an increase in the amount a state is allowed to transfer between the Adult and Dislocated Worker funding streams. The State is granted this waiver through June 30, 2017. 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 State is requesting 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 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 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 the provision at 20 CFR 663.530 that prescribes a time limit on the period of initial eligibility for training providers.

The State is requesting 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 of WIA Section 134(a) to permit local areas to use a portion of local funds for incumbent worker training.

The State is requesting a waiver to permit local areas to conduct allowable statewide activities as defined under WIA Section 134(a)(3) with local WIA formula funding, specifically incumbent worker training. The State is granted this waiver through June 30, 2017. Under this waiver, the State is permitted to allow local areas to use up to 10 percent of local Dislocated Worker funds and up to 10 percent of local Adult funds for incumbent worker training only as part of a layoff aversion strategy. Use of Adult funds must be restricted to serving lower income adults under this waiver. ETA believes limiting incumbent worker training to the specified level and requiring it to be a part of layoff aversion is the best use of funds in the current economic climate where serving unemployed workers is a paramount responsibility of the workforce system. All training delivered under this waiver is restricted to skill attainment activities. Local areas must continue to conduct the required local employment and training activities at WIA Section 134(d), and the State is required to report performance outcomes for any individual served under this waiver in the Workforce Investment Act Standardized Record Data system (WIASRD), field 309. TEGL No. 26-09, Section 7A, "Workforce Investment Act (WIA) Waiver Policy and Waiver Decisions for PY 2009 and 2010" and TEGL No. 30-09, "Layoff Aversion Definition and the Appropriate Use of Incumbent Worker Training for Layoff Aversion Using a Waiver" provide policy guidance related to implementation of this waiver.

Waiver of WIA Section 134(a)(1)(A) to permit a portion of the funds reserved for rapid response activities to be used for incumbent worker training.

The State is requesting a waiver to permit use of rapid response funds to conduct allowable statewide activities as defined under WIA Section 134(a)(3), specifically incumbent worker training. The State is granted this waiver through June 30, 2017. Under this waiver, the State is permitted to use up to 20 percent of rapid response funds for incumbent worker training only as part of a layoff aversion strategy. ETA believes limiting incumbent worker training to 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. The State is required to report performance outcomes for any incumbent workers served under this waiver in the Workforce Investment Act Standardized Record Data system (WIASRD), field 309. TEGL No. 26-09, Section 7A, "Workforce Investment Act (WIA) Waiver Policy and Waiver Decisions for PY 2009 and 2010" and TEGL No. 30-09, "Layoff Aversion Definition and the Appropriate Use of Incumbent Worker Training for Layoff Aversion Using a Waiver" provide policy guidance related to implementation of this waiver.

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.

The State is requesting a waiver of the requirement to provide local workforce investment area incentive grants to reward regional cooperation, local coordination of activities, and exemplary performance. The State is granted this waiver effective through June 30, 2013.

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 is requesting 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 effective through June 30, 2013.

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

The State is requesting a waiver of the requirement to disseminate training provider performance and cost information. The State is granted this waiver through June 30, 2013.

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 are incorporated into the State Integrated Workforce Plan. A copy of this letter should be filed with the State's WIA Grant Agreement and with the approved State Plan. In addition, as described in TEG L 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 2012 and beyond. As discussed in TEG L 36-11, we strongly encourage State WIA grantees to adopt the use of the American Job Center brand for your physical One-Stop Career Centers and online tools. We are available to provide technical assistance. If you have any questions related to the issues discussed above, please contact Terri Lonowski, the Federal Project Officer for Alabama, at (404) 302-5377 and Lonowski.Terri@dol.gov.

Sincerely,


Jane Oates
Assistant Secretary

Enclosures

cc: Helen Parker, Regional Administrator, ETA Atlanta Regional Office
Terri Lonowski, Federal Project Officer for Alabama

Alabama Department of Economic
and Community Affairs
Workforce Development Division
Phone: 334.353.1632
Fax: 334.242.5855

From: Calhoun, Sara
Sent: Friday, September 07, 2012 8:04 AM
To: 'WIA.PLAN@dol.gov'; Heather Fleck; Helen Parker
Cc: Terri Lonowski; Brad Sickles; Byard, Jim; Walkley, Steve; Hornsby, Bill; Hopper, Dennis; Hutto,
Mickey; Farmer, Tammy; Hollingsworth, Ken; Koorangi, Melody; Patterson, Lillian; Surtees, Tom;
Brantley, Robert; Spears Griffin; AnnElizabeth McGowin; Tim Alford; Perry, David
Subject: 2012-2016 WIA/Wagner-Peyser Alabama Integrated Workforce Plan

Attached please find the Governor approved WIA and Wagner-Peyser Alabama Integrated Workforce Plan for PY2012 – PY2016 with waiver requests (subject to review and necessary revisions as requested by USDOL). Per TEG 21-11 the Program Administration Designees and Plan Signatures pages (attached within Plan) are being submitted in hard copy with an original signature to the Federal Coordinator for Plan Review and Approval, with a copy to the ETA Regional Administrator.

The PY2012-PY2016 WIA/Wagner-Peyser Alabama Integrated Workforce Plan has been posted on the Alabama Department of Economic and Community Affairs website and can be accessed through the following link: [http://www.adeca.alabama.gov/Divisions/wdd/Documents/2012-2016 WIA and Wagner-Peyser State Integrated Workforce Plan.pdf](http://www.adeca.alabama.gov/Divisions/wdd/Documents/2012-2016%20WIA%20and%20Wagner-Peyser%20State%20Integrated%20Workforce%20Plan.pdf)

Should you experience any problems accessing this information please contact:

Sara Calhoun
Alabama Department of Economic and Community Affairs
Workforce Development Division
Sara.Calhoun@adeca.alabama.gov
334-353-1632 phone

Thank you,

Sara Calhoun

Alabama Department of Economic
and Community Affairs
Workforce Development Division
Phone: 334.353.1632
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AUG 28 2013

The Honorable Robert Bentley
Governor of Alabama
State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130-2751



Dear Governor Bentley:

The Employment and Training Administration (ETA) is pleased to respond to your requests for waivers of statutory and regulatory requirements under the Workforce Investment Act (WIA). This action is taken under the Secretary's authority to waive certain requirements of WIA Title I, Subtitles B and E, and sections 8-10 of the Wagner-Peyser Act. The original requests were written in the format identified in WIA section 189(i)(4)(B) and 20 CFR 661.420(c), and meet the standard for approval at 20 CFR 661.420(e). The following is the disposition of the State's waiver extension requests (copy enclosed).

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(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.

The State has requested an extension of the waiver of the requirement to provide local workforce investment areas incentive grants to reward regional cooperation, local coordination of activities, and exemplary performance. The State is granted an extension of this waiver through June 10, 2014.


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 has requested an extension of the 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. The State must continue to comply with customer satisfaction measurement requirements discussed in WIA section 136(b)(2)(B).

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 required by TEGL No. 29-11, 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 continuing our partnership with you and achieving better workforce outcomes. If you have any questions related to the issues discussed above, please contact Terri Lonowski, the Federal Project Officer for Alabama, at (404) 302-5377 and Lonowski.Terri@dol.gov.

Sincerely,


Eric M. Seleznow
Acting Assistant Secretary

Enclosures

cc: Eugene Caso, Acting Regional Administrator, ETA Atlanta Regional Office
Terri Lonowski, Federal Project Officer for Alabama