



The Honorable Jack Markell  
Governor of Delaware  
Tatnall Building  
William Penn Street  
Dover, Delaware 19901

Dear Governor Markell:

This letter provides approval of an extension of Delaware'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 Delaware'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.

#### Extension of State Plan

Delaware'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 Delaware's State Plan for WIA Title I and the Wagner-Peyser Act for FY 2011, July 1, 2011 through June 30, 2012. The State is eligible to receive WIA formula allocations for Adult and Dislocated Worker programs and W-P initial base program allocations, effective July 1, 2011, 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 30<sup>th</sup> each year. Once the final goals are established, the Regional Administrator's letter advising the State of the PY 2011 WIA and W-P final performance goals constitutes a modification to the State Plan. ETA will incorporate Delaware'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 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 Delaware's PY 2010 waivers of statutory and regulatory requirements under WIA for PY 2011. The disposition of the State'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 State was previously granted 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 an extension of this waiver through June 30, 2012. 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 was previously granted 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 an extension of this waiver through June 30, 2012.

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 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 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. 09-10, 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 Plan for PY 2011. If you have any questions related to the issues discussed above, please contact Michael Toops, the Federal Project Officer for Delaware, at 215-861-5217 and Toops.Michael@dol.gov.

Sincerely,



Jane Oates  
Assistant Secretary

Cc: Lenita Jacobs-Simmons, Regional Administrator, ETA Philadelphia  
Regional Office  
Michael Toops, Federal Project Officer



**STATE OF DELAWARE**  
**DEPARTMENT OF LABOR**  
**DIVISION OF EMPLOYMENT AND TRAINING**  
4425 NORTH MARKET STREET, THIRD FLOOR  
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March 7 2010

Kimberly Vitelli  
Division of Workforce System Support  
Employment and Training Administration  
U.S. Department of Labor  
200 Constitution Avenue, NW, Room S-4231  
Washington, DC 20210

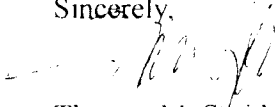
Dear Ms. Vitelli:

As per guidance contained in Training and Employment Guidance Letter (TEGL) Number 17-10, dated December 30, 2010, this is to request a one-year extension of our current PY' 10 WIA/Wagner-Peyser Act State Plan. This is also to request an extension of our current waivers as follows (copies attached):

- Extension of Initial Eligibility for all Training Providers on the State List of Eligible Training Providers
- Implementation of Common Measures
- Transfer of Workforce Investment Act (WIA) Title I Funds between the Adult and Dislocated Worker Funding Streams

Thank you in advance for your consideration of our request. If you have any questions or need additional information, please feel free to contact Lori Reeder at [lori.reeder@state.de.us](mailto:lori.reeder@state.de.us) by phone at 302-761-8101.

Sincerely,

  
Thomas M. Smith  
Director

CC: Lori Reeder  
Gwen Jones  
Jeff Bross

*Mission Statement:*

*"To provide services enabling employers and job seekers to make informed employment and training choices leading to employment."*

**State of Delaware**  
**Waiver Request**

**Extension of Initial Eligibility for all Training Providers on  
the State List of Eligible Training Providers**

Statutory/Regulatory Provisions	Extension of Initial Eligibility for Training Providers on the State List of Eligible Training Providers Under the Workforce Investment Act Title I
Citations	The Workforce Investment Act (WIA) Section 122(c)(5) and 20 CFR WIA Final Rules 663.530.
Entity	State of Delaware

**Statutory and Regulatory Sections to be Waived:**

WIA Section 122(c)(5) and WIA Final Regulations at 20 CFR Section 663.530 require time limit observance for initial eligibility of providers of training services before being considered for subsequent eligibility for inclusion on the State List of Eligible Training Providers. This waiver request, if approved, would extend the period of initial eligibility through June 30, 2010.

**State and Local Statutory or Regulatory Barriers:**

There are no State or local statutory or regulatory barriers to impede the implementation of the proposed waiver. State of Delaware policies are in compliance with current Federal guidelines. Upon notification of approval this waiver request, state policies will be amended to comply with the terms of the waiver.

**Goals to be Achieved by the Waiver:**

The State of Delaware has developed and maintains an Eligible Training Provider list. In addition to requiring information related to WIA funded students, the Act requires performance information for all students participating in the eligible training provider's programs. A strict enforcement of this provision by the State unduly limits the training services available for WIA clients. While most training providers supply the State with performance information on "all students", some do not. In some cases, some providers, notably post secondary public and private colleges, do not provide social security numbers. Consequently, the State is not able to test the veracity of the training provider's information in all cases.

The State fully understands the need for accountability and supports efforts to ensure that customers are making informed decisions based on quality data; however, the ability to collect the required data is limited and the results could adversely impact customer choice and limit training opportunities for clients. The goal of this request is to increase the quality and quantity of all performance information for training providers on the State list of Eligible Training Providers. The State will continue to pursue this goal but does not want to be in the position of forcing the elimination of quality training providers,

especially the State's Community Colleges and Vocational Schools, or have providers opt out on the WIA system in the interest of complying with the privacy concerns of their non-WIA clients.

The approval of this waiver will allow the State to expand an established system that will continue to collect better and better performance information from individual providers on the State list.

**Individuals Impacted by the Waiver:**

Approval of this waiver will positively impact the Delaware Workforce Investment Board (DWIB), training providers, One-Stop staff, and customers.

**Process Used to Monitor the Progress in Implementing the Waiver:**

The Delaware Department of Labor, Division of Employment and Training (DOL/DET) and the Delaware Workforce Investment Board (DWIB) serve as the co-administrative entity for Workforce Investment Act and State Blue Collar Jobs Act programs. Further, the DOL/DET serves as the administrative entity for Wagner-Peyser, Veterans, and Trade Act Assistance programs. The waiver provides the DOL/DET and the DWIB with the flexibility to implement a seamless delivery of services and to customize the planning and delivery of services for applicable programs. The DOL/DET and the DWIB will monitor the implementation and impact of the waiver through a combination of performance reporting, evaluations, and discussions with stakeholders regarding our progress towards expected outcomes. The DOL/DET and the DWIB will review applicable policies and procedures and modify them accordingly. The DOL/DET and the DWIB will submit both an interim and final report to the USDOL detailing the impact of the waiver.

**Process for Notice to Local Boards and Opportunity to Comment:**

The waiver request was discussed during a meeting of the Executive Committee of the Delaware Workforce Investment Board held on January 27, 2009 at which time they expressed their endorsement.

**State of Delaware**  
**Waiver Request**

**Implementation of Common Measures**

Statutory/Regulatory Provisions	Performance Measures for Workforce Investment Act Title I
Citations	The Workforce Investment Act (WIA) and the Wagner-Peyser Act WIA Section 136(b); 20 CFR WIA Final Rules 652.3, 661.400, 661.410, 661.420, 666.100, and 666.120; and Training and Employment Guidance letter (TEGL 17-05 issued February 17, 2006; and Employer Guidance Letter 29-05 issued May 12, 2006
Entity	State of Delaware

**Statutory and Regulatory Sections to be Waived:**

The State of Delaware is seeking a waiver of Section 136(b) which defines the current WIA Title I performance measures. We are requesting that the State be allowed to replace the 17 measures (15 core and 2 customer satisfaction) with the Common Measures delineated in TEGL 17-05. Starting July 1, 2009, the State would be operating under nine (9) measures: Adult Entered Employment, Adult Retention, Adult Average Earnings, Dislocated Worker Entered Employment, Dislocated Worker Retention, Dislocated Worker Average Earnings, Youth Placement in Employment and Education, Youth Attainment of a Degree or Certificate, and Youth Literacy and Numeracy Gains.

**State and Local Statutory or Regulatory Barriers:**

The State has taken significant actions over the last 2 years to streamline services, increase flexibility and integration, and eliminate unnecessary duplication. Actions include implementation of Delaware JobLink (a comprehensive and integrated one-stop management information system), offering GED and ABE assessments and classroom instruction at one-stop centers, improving the quality and quantity of courses on the Certified Training Provider List, reaching out to faith-based organizations and implementing Delaware Share Network Access Points, purchasing a remote one-stop van, initiating a one-stop system continuous improvement plan, and revitalizing the Delaware Workforce Investment Board's strategic planning process. While these actions have had significant benefits, we believe that the waiver will allow us to continue to integrate our workforce development programs and accelerate the benefits to our customers.

**Goals to be Achieved by the Waiver:**

- Provides for a simplified and streamlined performance measurement system.
- Allows the State to take full advantage of the forthcoming Workforce Investment Streamlined Performance Reporting (WISPR) system.

- Provides for integrated system-wide performance accountability. Granting the waiver is critical for successful integration with Wagner-Peyser, Veterans, and Trade Act Assistance Programs which have already moved to the Common Measures.
- Reduces paperwork and labor costs associated with data collection.
- Provides for a more useful program management and evaluation tool.
- Provides clear and understandable information to State Board Members, legislative leaders, and the general public concerning the use public funds.
- Provides for better service coordination and information sharing among programs.
- Provides an opportunity for the State to better implement the United States Department of Labor's Youth Vision, which includes a youth program focused on out-of-school populations with increased accountability for employment and/or increased secondary and post-secondary education outcomes.

**Individuals Impacted by the Waiver:**

Approval of this waiver will positively impact all customers of the State's workforce investment system by providing accountability while improving program integration, management, and evaluation.

**Process Used to Monitor the Progress in Implementing the Waiver:**

The Delaware Department of Labor, Division of Employment and Training (DOL/DET) and the Delaware Workforce Investment Board (DWIB) serve as the co-administrative entity for Workforce Investment Act and State Blue Collar Jobs Act programs. Further, the DOL/DET serves as the administrative entity for Wagner-Peyser, Veterans, and Trade Act Assistance programs. The waiver provides the DOL/DET and the DWIB with the flexibility to implement a seamless delivery of services and to customize the planning and delivery of services for applicable programs. The DOL/DET and the DWIB will monitor the implementation and impact of the waiver through a combination of performance reporting, evaluations, and discussions with stakeholders regarding our progress towards expected outcomes. The DOL/DET and the DWIB will review applicable policies and procedures and modify them accordingly. The DOL/DET and the DWIB will submit both an interim and final report to the USDOL detailing the impact of the waiver.

**Process for Notice to Local Boards and Opportunity to Comment:**

The waiver request was discussed during a meeting of the Executive Committee of the Delaware Workforce Investment Board held on January 27, 2009 at which time they expressed their endorsement.

**State of Delaware**  
**Waiver Request**

**Transfer of Workforce Investment Act (WIA) Title I Funds between**  
**the Adult and Dislocated Worker Funding Streams**

Statutory/Regulatory Provisions	Transfer of Funds Under the Workforce investment Act Title I
Citations	The Workforce Investment Act (WIA) Section 133(b)(4)(A) and (B), and 20 CFR WIA Final Rules 667.140(a).
Entity	State of Delaware

**Statutory and Regulatory Sections to be Waived:**

WIA Section 133(b)(4)(A) and (B), and WIA Final Regulations at 20 CFR Section 667.140 (a) provide that, with the approval of the Governor, Local Workforce Investment Boards may transfer up to 20% of a program year's allocation for adult employment and training activities and up to 20% of a program year's allocation for dislocated worker employment and training activities between the two programs. The State of Delaware is requesting a general waiver of the legal requirement that limits the transfer of funds between the adult and dislocated worker programs to no more than 20% of a program year's allocation. The waiver would grant the transfer of funds up to 100% of a program year's allocation between the adult and dislocated worker funding streams. The granting of this waiver will ensure the flexibility necessary to respond to the critical workforce needs of Delaware residents as we strive to better prepare them for the challenges inherent in responding to the current economic downturn and successfully competing in the local, statewide, regional, and global economies.

**State and Local Statutory or Regulatory Barriers:**

There are no State or local statutory or regulatory barriers to impede the implementation of the proposed waiver. State of Delaware policies are in compliance with current Federal guidelines. Upon notification of approval this waiver request, state policies will be amended to comply with the terms of the waiver.

**Goals to be Achieved by the Waiver:**

- Provide for increased responsiveness to changes in the labor market.
- Provide greater flexibility in designing and implementing WIA programs.
- Provide greater flexibility in applying funds more strategically where they are most needed.
- Improve the ability to design programs and provide targeted assistance in response to customer needs.
- Improve the ability to respond to employer needs for workers trained in employer-specific skills
- Improve performance outcomes.

**Individuals Impacted by the Waiver:**

Approval of this waiver will positively impact the Delaware Workforce Investment Board (DWIB), job seekers, employers, and services providers.

- The DWIB will have the flexibility to design programs based on local needs and priorities.
- The DWIB will have the flexibility to move funds to where they are most needed and most effective.
- WIA program participants will have greater access to appropriate core, intensive, and training services.
- Employers will be better served through participants that acquire skills specific to employer's needs.

**Process Used to Monitor the Progress in Implementing the Waiver:**

The Delaware Department of Labor, Division of Employment and Training (DOL/DET) and the Delaware Workforce Investment Board (DWIB) serve as the co-administrative entity for Workforce Investment Act and State Blue Collar Jobs Act programs. Further, the DOL/DET serves as the administrative entity for Wagner-Peyser, Veterans, and Trade Act Assistance programs. The waiver provides the DOL/DET and the DWIB with the flexibility to implement a seamless delivery of services and to customize the planning and delivery of services for applicable programs. The DOL/DET and the DWIB will monitor the implementation and impact of the waiver through a combination of performance reporting, evaluations, and discussions with stakeholders regarding our progress towards expected outcomes. The DOL/DET and the DWIB will review applicable policies and procedures and modify them accordingly. The DOL/DET and the DWIB will submit both an interim and final report to the USDOL detailing the impact of the waiver.

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