

U.S. Department of Labor

Assistant Secretary for  
Employment and Training  
Washington, D.C. 20210

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OCT 13 2009

The Honorable Dave Heineman  
Governor of Nebraska  
Post Office Box 94848  
Lincoln, Nebraska 68509-4848

GOVERNORS OFFICE

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Dear Governor Heineman:

As part of Nebraska's modification to the State Plan for Title I of the Workforce Investment Act (WIA) and the Wagner-Peyser Act, the State submitted waiver plans to request that the State's waivers of statutory and regulatory requirements under WIA be approved for the remainder of Program Year (PY) 2009 (copy enclosed). These requests are written in the format identified in WIA section 189(i)(4) (B) and 20 CFR 661.420(c) and appear to meet the standard for approval at 20 CFR 661.420(e). 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 following is the disposition of the State's submission.

In a letter dated June 29, 2009, ETA granted approval of the following waivers through June 30, 2010:

- Waiver of the provision at 20 CFR 663.530 that prescribes a time limit on the period of initial eligibility for training providers.
- Waiver to permit the State to replace the performance measures at WIA Section 136(b) with the common measures.

The approvals for these waivers remain in effect. The letter dated June 29, 2009 granted temporary extensions of the remainder of Nebraska's waiver requests. The previous approval of the extensions is hereby terminated and replaced by decisions set forth in this letter. Unless otherwise indicated, all waiver approvals that follow apply to both WIA formula funds and funds made available under the American Recovery and Reinvestment Act of 2009.

**Requested Waivers**

Requested Waiver: 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

transfer authority will be 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. As stated in ETA Training and Employment Guidance Letter (TEGL) No. 14-08, Section 19, issued on March 18, 2009, this waiver does not apply to funds made available through the American Recovery and Reinvestment Act of 2009. However the State is permitted to transfer up to 30 percent of ARRA funds between programs under WIA and under the Department of Labor Appropriations Act of 2009. This authority is discussed in TEGL No. 14-08, change 1.

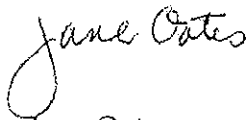
Requested Waiver: Waiver of WIA Section 134 (a) to permit local areas to use a portion of local Adult, Dislocated Worker and Youth funds for statewide activities.

The State previously was granted a waiver of the language that limits the authority to provide statewide activities, identified in WIA Section 134(a)(3), to statewide reserve funds, and to permit local area formula funding to be used for statewide activities. The State did not submit a request to extend this waiver. The waiver approval period has lapsed, and expires as of the date of this letter.

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 required by TEGL No. 14-00, Change 3, the State should address the impact its 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 continuing our partnership with you and achieving better workforce outcomes. If you have any questions related to the issues discussed above, please contact Byron Zuidema, the Regional Administrator for Region V, at 312-596-5403 or [Zuidema.Byron@dol.gov](mailto:Zuidema.Byron@dol.gov).

Sincerely,



Jane Oates  
Assistant Secretary

Enclosure