



JUN 13 2009

The Honorable Dave Heineman  
Governor of Nebraska  
State Capitol  
Lincoln, Nebraska 68509

Dear Governor Heineman:

The Employment and Training Administration (ETA) is pleased to be able to respond positively to Nebraska's request for a waiver 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. This request is written in the format identified in WIA section 189(i)(4)(B) and 20 CFR 661.420(c), and appears to meet the standard for approval at 20 CFR 661.420(e). The following is the disposition of the State's submission (copy enclosed).

Requested Waiver: Waiver of performance measures for youth who participate in work experience only.

The State has requested a waiver of the common performance measures for out-of-school youth ages 18 to 24 who participate in work experience that occurs outside of the summer months. The waiver is approved and allows the State to use the work readiness indicator as the only indicator of performance for such youth. The waiver is intended to facilitate implementation of WIA Youth services under the Recovery Act and to serve youth ages 18 to 24 through work experience in a time of difficult employment for young people.

The waiver only applies to youth served through WIA Youth program funds made available through the Recovery Act. The waiver is only applicable for October 1, 2009, through March 31, 2010, the first six months following the summer of 2009.

Requested Waiver: Waiver of certain provisions under WIA section 129 and 20 CFR 664 to provide program design flexibility in serving youth who participate in work experience only.

The State has requested a waiver of certain provisions under WIA section 129 and 20 CFR 664, requiring the design framework of youth local programs to include 10 elements for improving the educational and skill competencies of its participants. Through this waiver, the State will be able to provide program design flexibility in serving out-of-school youth ages 18 to 24 who only participate in work experience that occurs outside of the summer months.

When submitting a plan to request this waiver, the State must provide a justification for the waiver and address continued service plans for participants served under the waiver, such as transition to the WIA Adult program (i.e., co-enrollment in WIA Adult services) or further education and training activities under WIA or Recovery Act-funded youth services. See TEGL No. 14-08, Section 19, issued by ETA on March 18, 2009. The State's written request meets the ETA requirements outlined above.

The State's waiver request is approved. Specifically, the State is granted a waiver of statutory and regulatory provisions as follows:

- Waiver of the requirement at WIA section 129(c)(2)(I) and 20 CFR 664.450(b) to provide a minimum of 12 months of follow-up services, to allow local areas to provide follow-up services with Recovery Act funds as deemed appropriate for such youth participants.
- Waiver of the requirement at WIA section 129(c)(1)(A) and 20 CFR 664.405(a)(1) to provide an objective assessment and the requirement at WIA section 129(c)(1)(B) and 20 CFR 664.405(a)(2) to develop an individual service strategy (ISS), to allow local areas to provide an assessment or ISS as deemed appropriate for such youth participants.

This waiver only applies to youth participants served through WIA Youth program funds made available through the Recovery Act. The waiver is only applicable from October 1, 2009, through March 31, 2010, the first six months following the summer of 2009.

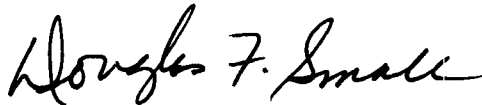
In recognition that many older and out-of-school youth need supportive services to enable them to participate in work experience, this waiver can be applied to out-of-school youth ages 18 to 24 that receive supportive services in addition to participating in work experience. The waiver would not apply to such youth participating in other WIA youth program elements.

As part of its request for program design flexibility, the State requests a waiver for LWIBs to have the flexibility in determining which youth program elements they provide with Recovery Act funds for older youth served outside of the summer months. The State does not need a waiver for this. TEGL 14-08, Section 16.E. specifies that local areas have the flexibility to determine which program elements to provide with Recovery Act funds. This applies to all youth served with Recovery Act funds.

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, we encourage the State to 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, please do not hesitate to call me at (202) 693-2700, or contact your Federal Project Officer in the Regional Office.

Sincerely,

A handwritten signature in black ink that reads "Douglas F. Small". The signature is written in a cursive style with a large initial 'D'.

Douglas F. Small  
Deputy Assistant Secretary

Enclosure

cc: Rebekah Woolley, Federal Project Officer for Nebraska, ETA Chicago Regional Office

Catherine D. Lang  
Commissioner



Dave Heineman  
Governor

May 15, 2009

Nicholas Lammers, Acting Reg'l Adm'r.  
US Dept. of Labor – ETA, Region V  
John C. Kluczynski Building  
230 South Dearborn Street, 6<sup>th</sup> Floor  
Chicago, IL 60604

Janet Sten  
Division of Workforce System Support  
U.S. Department of Labor - ETA  
200 Constitution Ave., NW, Rm. S-4231  
Washington, DC 20210

Re: Performance Measures for Youth Who Participate in Work Experience Only Waiver Request

Mr. Lammers and Ms. Sten:

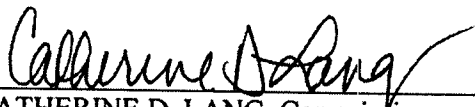
Attached is a Waiver Request seeking to waive the reporting of the common measures for out-of-school youth ages 18-24 served with Recovery Act funds beyond the summer months who participate in work experience only. This waiver would be applicable October 1, 2009 through March 31, 2010.

Please contact Joan Modrell if you have any questions or concerns regarding this Waiver Request.

Sincerely,

DAVE HEINEMAN  
Governor

By:

  
CATHERINE D. LANG, Commissioner of Labor  
Workforce Investment Act Liaison

Attachment

cc: Rebekah Woolley, USDOL Region V  
Joan Modrell, Employment & Training Director  
John H. Albin, Agency Legal Counsel

DEPARTMENT OF LABOR

**State of Nebraska  
Workforce Investment Act  
Waiver Request  
Performance Measures for Youth Who Participate in Work Experience Only**

The Nebraska Workforce Development/Department of Labor as the WIA Title I Grant Recipient Agency in Nebraska requests a waiver of the three Youth Common Measures for out-of-school youth ages 18-24 served with Recovery Act funds beyond the summer months (October 1, 2009 through March 31, 2010) who participate in work experience only. This waiver would allow Nebraska to use the work readiness indicator as the only indicator of performance for such youth.

In keeping with the guidelines set forth at WIA Section 189(i)(4)(B) and 20 CFR Part 661.420(c), please accept the following as a request for a waiver.

**A. Statutory or Regulatory Requirements to be Waived**

Nebraska currently operates the Workforce Investment Act Title 1B under a Common Measure waiver that permits the State to replace the performance measures at WIA Section 136(b) with the common measures.

WIA Section 129(c) and 20 CFR Part 664.405 – Youth Program design  
20 CFR Part 664.410 – Ten Program Elements  
20 CFR Part 664.450(b) – Follow Up Services for Youth

**B. Specific Waiver Request**

In accordance with Section 19 of TEGL 14-08, the State of Nebraska requests that NWD-DOL be allowed to waive the reporting of the common measures for out-of-school youth ages 18-24 served with Recovery Act funds beyond the summer months who participate in work experience only. The only indicator of performance for such youth would be the work readiness indicator, the same measure that applies to summer youth only participants. This waiver would be applicable October 1, 2009 through March 31, 2010.

This waiver will continue the program design flexibility for youth who participant in work experience only that applied to the Recovery Act Summer Employment activity including:

- waiver of requirement to make all 10 program elements available;
- flexibility in providing the required 12 months of follow-up services; and
- flexibility to determine appropriate type of assessment and Individual Service Strategy.

**C. Justification for the Waiver**

This waiver will allow 18-24 year old out-of-school youth to continue participating in work experience for six additional months. The extended timeframe will provide a bridge that will enable a portion of this group of youth to transition into a training activity. The additional six months of work experience for this target population will allow us to take more youth beyond just a summer job and into a skill training that will give the youth tools to enter higher wage jobs. This will be accomplished through their enrollment into the year round Youth Program or Adult Program, whichever is appropriate for their age. The additional time in the work experience activity will allow

the Youth to make an educated choice of the field of study they will enter, which will lead to long term employment and a sustainable career path. The additional six months of work experience will keep the Youth engaged until a training program begins prior to April 1, 2010.

Having an additional six months of work experience for this target population will also allow the local areas and the State to expend the majority of the Recovery Act funding in a reasonable time period.

**D. Actions Taken to Remove State or Local Statutory or Regulatory Barriers**

There is no State or local statutory or regulatory barrier to implementing the proposed waiver.

**E. Programmatic Outcomes and Goals Expected to be Achieved If the Request is Granted**

The State will meet or exceed the goal set for the Work Readiness Measure. The number of Youth served will increase. Youth exposed to the WIA program through a positive work experience will be more inclined to continue in the WIA program.

**F. Individuals Impacted by the Waiver**

Out-of-School Youth 18-24 will be impacted in a positive way from the waiver by keeping them engaged. This will be a positive experience that may cause them to be more inclined to continue in the WIA program.

**G. Process for Monitoring Implementation of the Waiver**

The Nebraska Workforce Development/Department of Labor as the State administrator and overseer of WIA programs will monitor the Youth participating through this waiver. The State's current monitoring policy and procedures will be modified to ensure compliance with the intent of this waiver.

Information contained in the State's management information system will be reviewed and reported to the local areas on a regular basis.

**H. Opportunity for Public Comment**

This waiver request has been posted on NebraskaWorkforce.com (go to: Information/Workforce Investment Act/State Plans). The waiver request was discussed at meetings with administrative staff of the Local Workforce Investment Boards. All three of the local areas support the State requesting this waiver.