



MAY 18 2009

The Honorable Timothy M. Kaine  
Governor of Virginia  
State Capitol Building  
Richmond, Virginia 23219

Dear Governor Kaine:

This is to respond to the letter of April 14, 2009, in which the Commonwealth of Virginia (1) requests an extension of its current Strategic State Plan for title I of the Workforce Investment Act (WIA) and the Wagner-Peyser (W-P) Act, (2) requests an extension of the Commonwealth's waivers currently in effect and (3) addresses performance goals for Program Year (PY) 2009. Training and Employment Guidance Letter (TEGL) No. 14-08, issued on March 18, 2009, provides guidance on extending the life of State Plans and existing waivers into PY 2009. We appreciate Virginia's prompt response to this guidance. This letter addresses the State Plan extension request and performance goals for PY 2009. The State's waiver requests will be addressed in a separate letter.

#### Extension of Strategic State Plan

Virginia's existing State Plan expires on June 30, 2009, and the Commonwealth is requesting an extension of the Plan into PY 2009. 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 Virginia's Strategic Plan for title I of the Workforce Investment Act and the Wagner-Peyser Act into PY 2009. The approved State Plan as extended will remain in effect until such time as the Department provides notice of our determination upon review of the State Plan modification, which is required to be submitted under TEGL No. 14-08. This modification is due June 30, 2009, and is required to address how the Commonwealth of Virginia will use funding under the American Recovery and Reinvestment Act (ARRA) to meet the growing demand for workforce development services. Upon approval of this modification of the PY 2009 Plan, the modified State Plan will take effect and the extension of the current extended Plan will be terminated.

The Grant Officer will issue a Notice of Obligation for the "July portion" of the WIA formula allocations for Adult and Dislocated Worker programs, effective July 1, 2009, under the PY 2009 Annual Funding Agreement. The Wagner-Peyser Act programs annual funding agreement for Program Year 2009/Fiscal Year 2010 will be sent to the designated state grantee agency for signature and return to the Grant Officer for execution, effective July 1, 2009. The Wagner-Peyser Act annual funding agreement will provide for the initial base allocation of PY 2009 funds. The Grant Officer has issued separate Notices of Obligation for ARRA funding allocations to supplement PY 2008 WIA title I Youth, Adult and Dislocated Worker programs and Wagner-Peyser Act programs per TEGL No. 13-08.

### Performance Goals

The Commonwealth of Virginia renegotiated both the WIA and Wagner-Peyser performance levels for PY 2008. The Regional Administrator is working with Virginia to negotiate WIA and Wagner-Peyser Act performance goals for PY 2009. We are confident that negotiations will proceed at a timely pace. The Regional Administrator's letter confirming the agreed-upon performance goals for PY 2009 will constitute a modification to the State Plan. Once finalized, ETA will incorporate the Commonwealth's agreed-upon performance goals for PY 2009 into the Regional and National Office copies of the State Plan. Virginia should ensure that the agreed-upon goals are included in its official copy of the Plan.

Again, we appreciate your prompt response to TEGL No. 14-08 and your efforts to move quickly to extend your Plan and waivers for PY 2009. If you have any questions related to the issues discussed above, please contact Jeffrey Gabriel, the Federal Project Officer for Virginia, at 215-861-5207 or Gabriel.jeffrey@dol.gov.

Sincerely,



LENITA JACOBS-SIMMONS  
Regional Administrator  
Employment and Training  
Administration



GAY M. GILBERT  
Administrator  
Office of Workforce Investment  
Employment and Training  
Administration

cc: Peter Blake, Vice Chancellor for Workforce Development, Virginia  
Community College System  
Ms. Dolores A. Esser, Commissioner, Virginia Employment Commission  
Janet Sten, Federal Coordinator for Plan Review and Approval  
Thomas Martin, Grant Officer  
Jeffrey Gabriel, Federal Project Officer for Virginia

# COMMONWEALTH of VIRGINIA

Office of the Governor

Timothy M. Kaine  
Governor

April 14, 2009

Mr. Douglas F. Small, Deputy Assistant Secretary  
United States Department of Labor (USDOL)  
Employment and Training Administration  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

*Sent via email to Janet Sten, Federal Coordinator for Plan Review and Approval at  
wia.plan@dol.gov*

**Re: Virginia Request for Approval Extension of the Workforce Investment Act  
(WIA) and Wagner-Peyser State Plan**

Dear Mr. Small:

Virginia's Strategic State Plan for Title I of the WIA and Wagner-Peyser Act will expire on June 30, 2009. As the signatory officials designated by Governor Kaine with respect to the WIA and Wagner-Peyser programs in Virginia, we respectfully request extension of our currently approved State Plan into Program Year 2009 in accordance with TEGL 14-08.

We are addressing program levels of performance and currently approved WIA waivers as follows:

1) **WIA and Wagner-Peyser Performance Levels**

At the time of this letter, re-negotiations for PY 2008 and negotiations for PY 2009 have not been completed with the Regional Office. The performance numbers we propose are included as Attachment 1 of this letter. These numbers are also being posted for public review and comment.

2) WIA Waivers

Virginia requests a temporary extension into Program Year 2009 of all currently approved waivers with respect to WIA Title I funding and WIA funds under the American Recovery and Reinvestment Act of 2009 (2009) where permitted. These waivers are listed at Attachment 2.

Our intent to extend the current plan and WIA waivers was posted for public comment, along with a link to the currently approved plan. We understand that a subsequent modification to our State Plan will be required by June 30, 2009 as further outlined in TEG 14-08.

We thank you in advance for your consideration of this request. Please do not hesitate to let us know of any questions or concerns.

Sincerely,



Peter Blake  
Vice Chancellor for Workforce Development  
Virginia Community College System  
*WIA Signatory*  
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Dolores A. Esser  
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Virginia Employment Commission  
*Wagner-Peyser Signatory*  
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Copy: Lenita Jacobs-Simmons, Region 2 Administrator

VIRGINIA PERFORMANCE LEVELS – PROPOSED**Workforce Investment Act – Title IB**

<b>Performance Measure</b>	<b>PY 2008 – Re-negotiated Levels Requested</b>	<b>Proposed Levels for PY 2009</b>
<b>Adults</b>		
Entered Employment Rate	78.85	78.85
Employment Retention Rate	82.65	82.65
Average Earnings	\$11,060	\$11,060
Employment and Credential Rate	61.75	61.75
<b>Dislocated Workers</b>		
Entered Employment Rate	81.70	81.70
Employment Retention Rate	88.35	88.35
Average Earnings	\$13,775	\$13,775
Employment and Credential Rate	65.55	65.55
<b>Older Youth (age 19 -21)</b>		
Entered Employment Rate	72.20	72.20
Employment Retention Rate	80.75	80.75
Earnings Change	\$3,040	\$3,040
Credential Rate	65.55	65.55
<b>Younger Youth (age 14 – 18)</b>		
Skill Attainment Rate	83.60	83.60
Diploma or Equivalent Rate	65.55	65.55
Retention Rate	63.65	63.65
<b>Customer Satisfaction</b>		
Participant	81.00	81.00
Employer	81.00	81.00

Rev 4/10/2009

**Wagner-Peyser**

	<b>PY 08 Re-negotiated Levels Requested</b>	<b>Proposed Levels for PY09</b>
Entered Employment Rate	70%	66.5%
Employment Retention Rate	81%	77%
Average Earnings	\$11,642	\$11,642

**Commonwealth of Virginia  
Request for Temporary Extension of All  
Workforce Investment Act (WIA) Waivers as Currently Approved by the  
United States Department of Labor (DOL)**

**April 2009**

*This request is submitted concurrently with the request to temporarily extend approval of Virginia's current WIA and Wagner-Peyser State Plan. The Commonwealth intends for these waivers to apply to both "regular" WIA formula funds and WIA funds made available under the American Recovery and Reinvestment Act (ARRA), with the exception that the Commonwealth understands that DOL has determined that waivers 1 and 4 will not apply to ARRA funds.*

**Request #1**

Extension of the waiver of the funds transfer limitation at WIA Section 133 (b)(4) wherein the Commonwealth can approve local requests to transfer up to 100% of local area allocations between WIA Adult and Dislocated Worker programs.

**Request #2**

Extension of waiver to permit the use of up to 25% of local area formula adult and dislocated worker funds so that local areas may provide incumbent worker training activities.

**Request #3**

Extension of the waiver of reallocation provisions of WIA Section 128(c)(2) and 133 (c)(2) and 20 CFR 667.160 wherein the Commonwealth may recapture funds from local areas that have not expended at least 80 percent of their local funds in the first year to be used for statewide use or reallocated to other eligible local areas.

**Extension #4**

Extension of waiver to permit the use of up to 50 percent of rapid response funds at the state level for other allowable statewide employment and training activities.

**Extension #5**

Extension of waiver to permit the use of Individual Training Accounts for older and out-of-school youth program participants wherein current law prohibits this activity for these populations.