

WIOA TRANSMITTAL #5

WIOA COMBINED STATE PLAN REVISIONS

October 26, 2016

TO: Workforce Development Council

FROM: Amelia Valasek, State Coordinator for WIOA Title II (Adult Education)

SUBJECT: Summary of the revision process for Idaho's WIOA Combined State Plan

ACTION REQUESTED: Information Only

REFERENCE: WIOA Section 103 (Combined State Plan), Required Elements for State Plan Submission 2/18/2016 (ICR OMB Control Number 1205-0522)

ATTACHMENTS: Letter to the Governor

SUMMARY:

Idaho's WIOA State Plan team submitted the plan to the Federal Departments on March 29, 2016. The Departments had 90 days to review the plan for compliance. On June 28, 2016 the Departments sent a letter to the State Governor which indicated the plan was substantially approved, subject to certain considerations. The letter also outlined specific deficiencies with the plan that the State was required to address and re-submit to the Departments no later than September 1, 2016. Those items which the state could not reasonably address prior to September 1st required a corrective action plan in which the state identified steps for addressing the deficiencies.

The letter identified seventeen (17) specific deficiencies in the Common Elements of the plan, as well as specific deficiencies in several of the program-specific plans. These revisions primarily entailed adding greater specificity to the plan and clarifying the information presented. The revisions did not entail any substantial changes to the content, strategies, timelines, or obligations of the original plan as approved by the Council. Because these changes were considered "non-substantial" the plan was not released for further public comment or updated approval from the Council.

Idaho's State Plan team worked cooperatively to address the cited deficiencies and submitted its revisions prior to the September 1st deadline. The State did submit corrective action plans for two areas where further guidance or technical assistance was deemed necessary. The first of these areas is in regards to data collection and reporting for Eligible Training Providers under Title I-B of WIOA (Adult, Dislocated, Youth). The second is in regards to requirements of the State Monitor Advocate under Title III (Wagner Peyser) of WIOA.

Currently, the revised state plan is only available for access through the national submittal portal. Upon final approval of the revised state plan, the WIOA State Plan team will follow up to format the plan in a publishable format and ensure that the plan is posted publicly on the Workforce Development Council's website. Until that time, the public can access the version of the plan which was submitted for public comment in January 2016.

For additional questions regarding the Combined State Plan, please contact Amelia Valasek, State Coordinator for Title II (Adult Education) at (208) 429-5541 or amelia.valasek@cte.idaho.gov.



JUN 28 2016

The Honorable C.L. "Butch" Otter
Governor of Idaho
700 West Jefferson
Second Floor
Boise, ID 83702

Dear Governor Otter:

After careful review, the U.S. Departments of Labor and Education (Departments) are pleased to inform you that we have determined that Idaho's four-year Workforce Innovation and Opportunity Act (WIOA) Combined State Plan (Combined State Plan or State Plan), submitted on March 30, 2016, is substantially approvable. Therefore, the Departments have approved your Combined State Plan, which covers the period July 1, 2016 through June 30, 2020, subject to conditions discussed below. Although the Departments have approved the four-year plan, you must submit a State Plan modification in 2018, as required by sections 102(c)(3)(A) and 103(b)(1) of WIOA.

WIOA represents a fundamental transformation of the workforce system to deliver integrated, job-driven services to job seekers, workers, and employers. It supports the development of strong regional economies, and it improves performance accountability so that consumers and investors can get information about programs and services that work. The Departments are encouraged by the progress that Idaho has made to implement and operationalize WIOA. We look forward to working with you to continue this important work to strengthen your current plan to continue to take the workforce system to a new level of innovation.

The Departments approved your Combined State Plan, subject to conditions, after reviewing it in light of the requirements contained in sections 102 and 103 of WIOA, and the WIOA State Plan Information Collection Request (ICR), Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications under the Workforce Innovation and Opportunity Act, as well as the program-specific requirements for the included Departments of Labor and Education programs. This decision constitutes a written determination that covers the joint planning elements, or "common elements," as well as the program-specific requirements for the six core programs: the Adult, Dislocated Worker, and Youth programs authorized under title I of WIOA and administered by the Department of Labor; the Adult Education and Family Literacy Act (AEFLA) program authorized under title II of WIOA and administered by the Department of Education; the Employment Service program authorized under the Wagner-Peyser Act (Wagner-Peyser), as amended by title III of WIOA and

administered by the Department of Labor; and the Vocational Rehabilitation program, authorized under title I of the Rehabilitation Act of 1973, as amended by title IV of WIOA, and administered by the Department of Education.

This decision also constitutes a written determination that covers the program-specific requirements for the Combined State Plan programs that Idaho included in its State Plan that are administered by the Department of Labor: the Jobs for Veterans State Grants program authorized under 38 U.S.C 4100, et. seq.; the Senior Community Service Employment Program authorized under title V of the Older Americans Act of 1965; and the Trade Adjustment Assistance for Workers program authorized under chapter 2 of title II of the Trade Act of 1974 .

The Departments have approved the State Plan subject to conditions because there are a number of deficiencies set forth in Attachment A to this letter that must be remedied. No later than September 1, 2016, Idaho must correct the deficiencies identified in Attachment A that can be fully remedied by that date by submitting revised State Plan descriptions that comply with statutory and ICR requirements to the portal at <https://rsa.ed.gov/>. We expect that by September 1, 2016, States will make maximum efforts to correct the deficiencies that can be corrected by that date. However, we recognize that some deficiencies will take longer to remedy. For those deficiencies identified in Attachment A that cannot be remedied by September 1, 2016, Idaho must provide the Departments with an action plan for correcting each of those deficiencies to WIOA.Plan@dol.gov. Idaho must include in its action plan the specific steps that will be taken to remedy the deficiencies, benchmarks that will be used to monitor progress, and the timeline for correcting each of the remaining deficiencies. Your acceptance of any funds pursuant to this approval with conditions constitutes your agreement to remedy each of the deficiencies identified in Attachment A to the satisfaction of the Departments, and the Notices of Award and Grant Award Notifications used to award Idaho's funds will include this condition. A determination on any title I waivers requested by Idaho is provided in Attachment B.

The Departments recognize the unique challenges States faced in developing the initial State Plan required by WIOA, particularly given that: the State Plan requirements under WIOA are substantially different from those required by the Workforce Investment Act of 1998 (WIA); the State Plan information collection request was published on February 22, 2016; and the final regulations are not expected to be publicly available until late June. As such, the Departments are exercising the transition authority provided by section 503 of WIOA to develop a process that ensures the orderly transition from the requirements of WIA to those of WIOA and its strategic vision. As part of this process, however, it is critical that Idaho work to address the deficiencies in the State Plan in the manner described above and to the satisfaction of the Departments. In the case of those deficiencies that require a longer period for Idaho to address, the Departments will monitor Idaho's progress to ensure that the State Plan fully reflects WIOA's planning requirements. If Idaho fails to make progress in remedying the deficiencies in the State Plan, the Departments may take enforcement actions that are available to them, and Idaho's funding could be affected.

Finally, per the Departments' State Plan ICR, the State Plan included expected levels of performance for certain primary indicators of performance. Those indicators are the basis for negotiations that the Departments and Idaho use to establish negotiated levels of performance, which are incorporated into the Combined State Plan and will apply for the first two years.

For the WIOA Adult, Dislocated Worker, Youth, and Wagner-Peyser programs, the Department of Labor is using transition authority in WIOA sec. 503(a) to extend the negotiation period for those indicators past June 30, 2016; negotiations are to conclude no later than August 15, 2016. For the AEFLA program, the Department of Education will complete negotiations by June 30, 2016. For the Vocational Rehabilitation program, the Department of Education is using the transition authority to take the time necessary to implement a negotiation process for the first time for this program, and the program, therefore, will not have negotiated indicators of performance for the first two years of this Plan. For all WIOA core programs, all primary indicators of performance that are not subject to negotiations are designated as baseline indicators for these two years. For those indicators not subject to negotiations, the State was not required to include expected levels of performance in the State Plan.

The Departments will provide ongoing technical assistance to help Idaho realize the vision of WIOA. Following the release of the final regulations, the Departments will provide training on the final regulations and issue additional guidance. The Departments' staff will work with you and your agencies and staff to address important qualitative issues in the initial State Plan that are not listed on the attachment because they do not rise to the level of non-compliance, in order to help Idaho better position itself to submit a 2018 State Plan modification that reflects its significant experience in implementing WIOA, and articulates the integration and innovations it has undertaken. In other words, the Departments anticipate that the 2018 State Plan modification will be a key step in demonstrating the workforce system transformation envisioned by WIOA.

We appreciate your efforts in submitting this Combined State Plan and commitment to working together with other States and the Departments to support the public workforce system. We look forward to working with you to ensure that the revisions are submitted in a timely manner. If you have any questions, please contact Virginia Hamilton, Employment and Training Administration, San Francisco Regional Administrator, (415) 625-7900 and email: Hamilton.Virginia@dol.gov.

Sincerely,



Portia Wu
Assistant Secretary
Employment and Training Administration

Johan E. Uvin
Deputy Assistant Secretary
Delegated the Duties of the Assistant Secretary for Career, Technical, and Adult Education

Sue Swenson
Acting Assistant Secretary
Office of Special Education and Rehabilitative Services

Janet LaBreck
Commissioner
Rehabilitation Services Administration

for Mike Michaud
Assistant Secretary
Veterans' Employment and Training Service

Attachments

cc:

Virginia Hamilton, Regional Administrator
Kenneth Edmunds, State Workforce Agency
Amelia Valasek, State Adult Education Agency
Jane Donnellan, State Vocational Rehabilitation Agency
Beth Cunningham, State Vocational Rehabilitation Agency
Kevin Thompson, Federal Panel Lead
Raul Enriquez, SCSEP
Pam Langley, DVET

ATTACHMENT A

Idaho Combined State Plan Deficiencies

Following is an itemized list of the Idaho Combined State Plan sections that the Departments determined were deficient, including a summary of the reason for the deficiency. Idaho must submit revisions for these items in its State Plan or describe its action plan for addressing them no later than September 1, 2016, as described in the Departments' decision letter. The Departments will provide technical assistance to assist Idaho in making the required revisions to its State Plan. Items below reflect the corresponding requirement in the State Plan ICR.

Common Elements

- II.a.1.A.iii — Employers' Employment Needs. The State provided a response to this element; however, the State did not address the coverage of credentials and licensing for the identified industry sectors and occupations.
- II.b.2—Goals. The State did not identify goals for individuals with barriers to employment.
- II.b.4 — Assessment. The State provided a response to this element; however, it did not provide adequate information regarding how it will assess the overall effectiveness of the workforce development system in relation to its vision statement and the goals expressed in sections II.b.1 and II.b.2. This section must further explain how the results of the assessment and other feedback gained during WIOA implementation will be applied for continuous quality improvements.
- II.c.2 — State Strategy (Alignment of Core Programs). The State's response lacked adequate detail. The State must clarify what is meant by "youth ages 16 - 24 in the workforce" in this section and in others. This explanation will inform an analysis of the State's ability to meet the WIOA-required investment in out-of-school youth.
- III.a.1 — State Board Functions. The State's response did not adequately address how the State Board will implement all the functions listed in WIOA section 101(d). The State did not provide a description of the key decision-making processes to ensure such functions are carried out.
- III.a.2.C — Coordination, Alignment and Provision of Services to Individuals. The State provided a response to this element; however, the narrative did not include coordination of activities and resources with Unemployment Insurance as a one-stop partner to ensure the delivery of necessary services to unemployed individuals.
- III.a.2.D — Coordination, Alignment and Provision of Services to Employers. The State provided a response to this element; however, the State must further describe how the AEFLA program will coordinate activities and resources to provide comprehensive, high-quality services to employers to meet their current and projected workforce needs.

- III.a.2.E — Partner Engagement with Educational Institutions. The State’s response lacked adequate detail in the description of the specific roles of the education partners in the engagement and creation of a job-driven education and training system.
- III.a.2.H — Improving Access to Postsecondary Credentials. The State provided a response to this element; however, the State did not directly address its strategies to improve access to activities leading to Registered Apprenticeships.
- III.b.3.B.i — Membership roster. The State’s response did not include each State Board member’s affiliation and did not explain how the roster meets membership requirements in section 101(a) of WIOA and described in Training and Employment Guidance Letter 27-14.
- III.b.4.B — Assessment of One-Stop Partner Programs. The State provided a response to this element; however, it did not address how the State will take into account local and regional planning goals.
- III.b.5.A.i — Distribution of Funds for Title I Youth Activities. The State policy for distribution of youth funds to local areas must be updated to remove capping distribution of funds at 130% of the allocation percentage for the preceding fiscal year.
- III.b.5.A.ii — Distribution of Funds for Title I Adult Training Activities. The State policy for distribution of adult funds to local areas must be updated to remove capping distribution of funds at 130% of the allocation percentage for the preceding fiscal year.
- III.b.5.A.iii — Distribution of Funds for Dislocated Worker Employment and Training Activities. The State policy for distribution of dislocated worker funds to local areas must be updated to reflect that each region is guaranteed to receive an allocation percentage for a year that is no less than 90% of the average allocation percentage of the local area for the prior two years.
- III.b.5.B.i — Multi-year grants or contracts. The State did not adequately describe the State's competitive process and identify how many years will be awarded in multi-year grants or contracts.
- III.b.5.B.ii — Ensure direct and equitable access. The State did not indicate in the Plan that the same announcement, application, and process will be used for all applicants for each Request for Proposal it intends to issue.
- III.b.7 — Priority of Service for Veterans. The State provided a response to this element; however, this narrative must clearly summarize the respective roles within the State’s one-stop centers regarding responsibility in serving veterans, including the role of the Local Veterans’ Employment Representatives. The narrative should clearly describe the division of labor between and among the staff.

Title I

- VI.a.1.D — Provide the appeals process referred to in section 121(h)(2)(E) of WIOA relating to determinations for infrastructure funding. The State's response indicates that policy is under development. The Department requires an update on its development in the State's resubmission of its Plan.
- VI.a.2.A — Provide State policies or guidance for the statewide workforce development system and for use of State funds for workforce investment activities. The State provided a response to this element; however it was through the inclusion of a web link. All content required to respond to this element must be put in the portal rather than provided through a link. In addition, the State's policies must be updated to reflect WIOA requirements.
- VI.a.2.C — In addition, describe the State policies and procedures to provide Rapid Responses in cases of natural disasters including coordination with FEMA and other entities. The State did not address this element in its Plan.
- VI.b.1 — Work-based Training Models. The State provided a response to this element; however, the State did not address incumbent worker training, transitional jobs, and customized training.
- VI.b.3 — Training Provider Eligibility Procedure. The State provided a response to this element; however, the State did not address the requirement for provider information on the performance accountability measures per WIOA Section 122(b)(2).
- VI.c.1 — Identify the state-developed criteria to be used by local boards in awarding grants for youth workforce investment activities and describe how the local boards will take into consideration the ability of the providers to meet performance accountability measures based on primary indicators of performance for the youth program as described in section 116(b)(2)(A)(ii) of WIOA in awarding such grants. The State did not address this element in its Plan.
- VI.c.2 — Describe the strategies the State will use to achieve improved outcomes for out-of-school youth as described in 129(a)(1)(B), including how it will leverage and align the core programs, and Combined State Plan partner programs included in this Plan, required and optional one-stop partner programs, and any other resources available. The State provided a response to this element; however, the State did not describe the specific strategies it will use to achieve improved outcomes for out-of-school youth as described in 129(a)(1)(B), including how it will leverage and align the core programs, Combined State Plan partner programs included in this Plan, required and optional one-stop partner programs, and any other resources available.
- VI.c.3 — Describe how the State will ensure that all 14 program elements described in WIOA section 129(c)(2) are made available and effectively implemented. The State provided a response to this element in terms of availability; however, the State did not

describe how they will ensure that all 14 program elements will be effectively implemented.

- VI.d.3 — The type and availability of WIOA Title I Youth Activities, including an identification of successful providers of such activities. (WIOA section 108(b)(9).) The State provided a response to this element; however, the State did not adequately address available activities for youth with disabilities.

Wagner Peysers

- VI.c — Describe the State’s strategy for providing reemployment assistance to Unemployment Insurance claimants and other unemployed individuals. The State’s response lacked adequate detail in its description of how it will provide reemployment assistance to UI claimants who were not selected for the Reemployment Services and Eligibility Assessment (RESEA) program and other unemployed individuals.
- VI.e.1.A — An assessment of the agricultural activity in the State means: 1) identifying the top five labor-intensive crops, the months of heavy activity, and the geographic area of prime activity; 2) Summarize the agricultural employers’ needs in the State (i.e. are they predominantly hiring local or foreign workers, are they expressing that there is a scarcity in the agricultural workforce); and 3) Identifying any economic, natural, or other factors that are affecting agriculture in the State or any projected factors that will affect agriculture in the State. The State provided a response to this element; however, the State did not identify the top five labor-intensive crops.
- VI.e.1.B — An assessment of the unique needs of farmworkers means summarizing Migrant and Seasonal Farm Worker (MSFW) characteristics (including if they are predominantly from certain countries, what language(s) they speak, the approximate number of MSFWs in the State during peak season and during low season, and whether they tend to be migrant, seasonal, or year-round farmworkers). The State provided a response to this element; however, the State did not describe the months of peak activity and where migrant seasonal farmworkers originate from and what languages they speak.
- VI.e.2.A — Contacting farmworkers who are not being reached by the normal intake activities conducted by the employment service offices. The State’s response lacked adequate detail in its description of how outreach activities will be conducted.
- VI.e.2.B — Providing technical assistance to outreach workers. Technical assistance must include trainings, conferences, additional resources, and increased collaboration with other organizations on topics such as one-stop center services (i.e. availability of referrals to training, supportive services, and career services, as well as specific employment opportunities), the employment service complaint system, information on the other organizations serving MSFWs in the area, and a basic summary of farmworker rights, including their rights with respect to the terms and conditions of employment. The State did not address this element at its Plan.

- VI. e.2.C — Increasing outreach worker training and awareness across core programs including the Unemployment Insurance (UI) program and the training on identification of UI eligibility issues. The State’s response lacked adequate detail in its specific description of how outreach workers will increase awareness of UI Programs to the MSFW population.
- VI.e.3.B — Marketing the employment service complaint system to farmworkers and other farmworker advocacy groups. The State did not describe how the complaint system is marketed to other groups.
- VI.e.3.C — Marketing the Agricultural Recruitment System to agricultural employers and how it intends to improve such publicity. The State did not describe how it intends to market the Agricultural Recruitment System and improve publicity efforts.
- VI.e.4.A — Collaboration. Describe any collaborative agreements the state workforce agency (SWA) has with other MSFW service providers including NFJP grantees and other service providers. Describe how the SWA intends to build upon/increase collaboration with existing partners and in establishing new partners over the next four years (including any approximate timelines for establishing agreements or building upon existing agreements). The State’s response lacked adequate detail in its description of how it will increase collaboration with existing and potential partners in the next four years.
- VI.e.4.E — State Monitor Advocate. The Plan must contain a statement confirming the State Monitor Advocate has reviewed and approved the Agricultural Outreach Plan (AOP). The State provided a response to this element; however, the State did not make an affirmative statement that the State Monitor Advocate reviewed and approved the AOP.

Adult Education and Family Literacy Act Program

- VI.b — Local Activities. The activities listed in the Plan are not consistent with those listed in section 203(2) of WIOA. The Plan did not identify what activities would be provided concurrent with other activities. The Plan did not address the scope, content, and organization of its local activities.
- VI.c — Corrections Education and other Education of Institutionalized Individuals. The State did not describe how it will carry out activities in a way that is consistent with section 225 of WIOA.
- VI.f — Assessing Quality. The State did not describe how it will assess the quality of its professional development programs designed to improve: (1) instruction in the essential components of reading instruction, (2) instruction related to the specific needs of adult learners, (3) instruction provided by volunteers or paid personnel, and (4) dissemination of information about models and promising practices.

Jobs for Veterans State Grants (JVSG)

- VII.a — How the State intends to provide employment, training and job placement services to veterans and eligible persons under the JVSG. The State provided a response to this element; however, it did not address the referral process of veterans to the Disabled Veterans Outreach Program (DVOP) specialist, utilizing the most current guidance.

ATTACHMENT B

Idaho Waiver Requests

As part of Idaho's WIOA State Plan, the State submitted requests for waivers of certain statutory requirements under titles I and III of WIOA. The Department of Labor, which administers the programs affected by the waiver requests, has made determinations regarding those waiver requests as outlined below. This action is taken under the Secretary of Labor's authority at WIOA Section 189(i) to waive certain requirements of WIOA Title I, Subtitles A, B, and E and Sections 8 through 10 of the Wagner-Peyser Act.

Requested Waiver: Application of WIA regulations at WIOA Section 107(b) to allow the State Board to carry out the roles of a Local Board.

The State requested a waiver of WIOA 107(b) to allow the State to use the State Workforce Development Board to carry out the functions of the Local Workforce Development Board.

ETA is approving this waiver through the Secretary's waiver authority under WIOA sec. 189(i)(3)(A)(i). Under the waiver, the Governor may designate the State Board to carry out the roles and responsibilities of the Local Boards in the state. As a condition of this approval, the State must continue to include local input in its activities and allocate funding to the local areas for which the State Board is carrying out Local Board functions. This waiver is approved through June 30, 2018.

Requested Waiver: Required activities provision at WIOA Section 134(a)(2)(B)(vi) and WIOA Section 129(b)(1)(A) to allow the State to suspend the requirements that the State conduct evaluations on workforce investment activities for adults, dislocated workers, and youth with Governor's Reserve funds.

The State requested a waiver of WIOA Sections 134(a)(2)(B)(vi) and 129(b)(1)(A) in order to suspend the required statewide activity to conduct evaluations. ETA is denying this waiver request. ETA approved waivers of some required statewide activities under WIA when the Governor's Reserve was reduced below 15 percent. The PY 2015 allotment increased statewide funds to 10 percent. The PY 2016 allotment will reinstate the Governor's Reserve to 15 percent. Because the Governor's Reserve will be 15 percent, ETA has concluded this level of funding is adequate for the State to conduct all required statewide activities.

Requested Waiver: Required activities provision at WIOA Section 129(b)(1)(F) to allow the State to suspend the requirements that the State to provide additional assistance to areas with high concentrations of eligible youth with Governor's Reserve funds.

The State requested a waiver of WIOA 129(b)(1)(F) in order to suspend the required statewide activity to provide additional assistance to areas with high concentrations of eligible youth. ETA is denying this waiver request. ETA approved waivers of some required statewide activities under WIA when the Governor's Reserve was reduced below 15 percent. The PY 2015 allotment increased statewide funds to 10 percent. The PY 2016 allotment will reinstate the

Governor's Reserve to 15 percent. Because the Governor's Reserve will be 15 percent, ETA has concluded this level of funding is adequate for the State to conduct all required statewide activities.