



DEC 21 2018

The Honorable John Carney  
Carvel State Office Building  
820 N. French Street, 12<sup>th</sup> Floor  
Wilmington, Delaware 19801

Dear Governor Carney:

Thank you for your waiver request on October 8, 2018, regarding certain statutory and regulatory provisions of the Workforce Innovation and Opportunity Act (WIOA) and the accompanying plan to improve the statewide workforce development system (copy enclosed). This letter provides the Employment and Training Administration's (ETA) official response to the State's request and memorializes that Delaware will meet the outcomes and implement the measures identified in its plan to ensure accountability agreed to by Delaware and ETA. This action is taken under the Secretary's authority to waive certain requirements of WIOA Title I, Subtitles A, B, and E, and Sections 8 – 10 of the Wagner-Peyser Act in WIOA Section 189(i).

Requested Waiver: Waiver of the obligation of eligible training providers (ETPs) to collect performance data on all students in a training program at WIOA Sections 116(d)(4)(A) and 122 and 20 CFR 677.230(a)(4) and (5) and 20 CFR 680.

ETA Response: The State's request to waive the obligation of ETPs to collect and report performance data on all students in a training program is approved through June 30, 2020. ETA reviewed the State's waiver request and plan and has determined that the requirements requested to be waived impede the ability of Delaware to implement its plan to improve the workforce development system. The State must provide information regarding how the Governor will take into account the outcomes of all students in an ETP program of study, with respect to their employment and earnings, as required for the demonstration of continued eligibility in 20 CFR 680.460(f)(1)(iii) and WIOA Section 122. The State will continue to collect and report data for all WIOA-funded participants in accordance with all statutory and regulatory requirements, including WIOA Sections 116 and 122, and as specified at 20 CFR 677.230 and 680.460. While ETA recognizes the importance of informing consumer choice through the provision of quality data on training outcomes, we also recognize that the systems and willingness to collect the required performance data from providers may discourage training provider participation, which is a critical component of the workforce development system.

ETA is available for further discussion and to provide technical assistance to the State to support achieving its goals. The Department of Labor has proposed additional flexibility in its Fiscal Year 2019 budgets to give governors more decision-making authority to meet the workforce needs of their states.

If you have questions or wish to explore additional flexibility, feel free to contact my office at 202-693-2772.

Sincerely,

A handwritten signature in blue ink that reads "Molly E. Conway". The signature is written in a cursive style with a large, looping 'y' at the end.

Molly E. Conway  
Acting Assistant Secretary

Enclosure

cc:

William J. Potter, Executive Director, Delaware Workforce Development Board

Leo Miller, Acting Philadelphia Regional Administrator, Employment and Training Administration

Matthew Capucini, Federal Project Officer, Employment and Training Administration



Gary R. Stockbridge, Chairman  
William J. Potter, Executive Director

Phone: (302) 761-8160  
Fax: (302) 762-2138

October 8, 2018

Dear Waiver Authority:

The State of Delaware requests approval of the enclosed waiver in accordance with the Secretary's authority of the Workforce Innovation and Opportunity Act at Section 198 (i) (3) (B) to waive certain requirements of WIOA Title I, Sections 116 (related to performance) and 122 (related to the Eligible Training Provider List). We believe this waiver will:

- Ease recruiting of new providers
- Ease the addition of new training programs from current providers
- Improve assessment of provider performance
- Ensure greater accuracy relative to consumer choice as prospective WIOA students will view outcomes of current previous WIOA students.
- Improve employer participation in WIOA customized training programs. Employers will benefit by having a labor pool with the marketable skills they require

This waiver was posted for public comment for more than 30 days; no comments were received. Your review and consideration of the attached waiver is appreciated. If you have questions, do not hesitate to call.

Sincerely,



William J. Potter  
Executive Director  
Delaware Workforce Development Board

1. Enclosure: Waiver Request

## State of Delaware Waiver Request

As part of its 2 year State Plan modification being submitted for Program Years 2018 -- 2020, the State of Delaware requests consideration of the following waiver which is currently not in effect.

### Eligible Training Provider Performance reporting for Non-WIOA Participants

<b>Statutory/Regulatory Provisions</b>	<b>Eligible Training Provider Performance reporting for Non-WIOA Participants</b>
<b>Citations</b>	WIOA, Sections 116 (related to performance) and 122 (related to the Eligible Training Provider List), and at 20 Code of Federal Regulations (CFR) 677.230 and 20 CFR 680.400-680.530.
<b>Entity</b>	State of Delaware

### Eligible Training Provider Reporting for Non-WIOA Participants

The Delaware Department of Labor, Division of Employment and Training, and the Delaware Workforce Development Board are requesting a waiver to absolve the approved providers on the Delaware ETPL based on the undue burden it will cause for the providers, staff and participants.

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

WIOA, Sections 116 (related to performance) and 122 (related to the Eligible Training Provider List), and at 20 Code of Federal Regulations (CFR) 677.230 and 20 CFR 680.400-680.530.

#### Actions undertaken to remove state or local barriers:

Delaware has worked closely with providers to develop procedures providers to help providers meet this requirement. We've had forums, planning sessions, and one-on-one technical assistance, but through it all the complexity of such reporting is universally perceived as onerous, intrusive, and burdensome.

#### State strategic goals and Department of Labor priorities supported by the Waiver:

Among Delaware Strategic Goals is its Pathways initiative. Attainment of this goal requires alignment of the Eligible Training Provider Lists (ETPL) with 14 designated Pathways. Aligning the ETPL with Pathways

entails recruitment of new training providers. Many potential and current providers have balked at joining or expanding (respectively) their presence on the ETPL due to – what they believe – are onerous tracking/reporting requirements. As we attempt to expand opportunities for Delawareans waiving the reporting requirement would facilitate recruiting and retaining quality providers.

**Projected Programmatic Outcomes from Implementation of Waiver:**

- Ease recruiting of new providers
- Ease the addition of new training programs from current providers
- Improve assessment of provider performance
- Ensure greater accuracy relative to consumer choice as prospective WIOA students will view outcomes of current previous WIOA students.
- Employer participation in WIOA customized training programs. Employers will benefit by having a labor pool with the marketable skills they require.

**Individuals Impacted By the Waiver:**

Delaware Job Seekers, America’s Job Center Staff, DWDB Staff and last but not least Training Provider Staff as they will be doing the Lion’s share of the data collection for reporting.

**How the state plans to monitor waiver implementation, including collection of wavier outcome information.**

The DWDB Staff will continue to hold annual site reviews and the annual provider renewals for the Eligible Training Provider List, with special attention on validating negotiated performance measures to ensure state and Federal monies are well and correctly spent. As well as the collection of pertinent information such as updated licenses, financial statements, surety bond certificates of insurance and DE Department of Education certification. The DOL/DET and the DWDB will submit both an interim and final report to the USDOL detailing the impact of the waiver.

**Public Comment:**

This Waiver request was posted for public comment for more than 30 days. : No comments were received. It was posted on Twitter, Facebook, LinkedIn, WordPress, and at <https://wib.delawareworks.com/documents/wioa/Non%20WIOA%20Reporting%20Waiver.pdf>.