

TRAINING AND EMPLOYMENT NOTICE	NO. 41-07
	DATE May 14, 2008

TO: ALL STATE WORKFORCE AGENCIES
ALL STATE WORKFORCE ADMINISTRATORS
ALL STATE WORKFORCE LIAISONS

FROM: GAY M. GILBERT *Gay M. Gilbert*
Administrator
Office of Workforce Investment

SUBJECT: WIA/Wagner-Peyser Act State Planning Guidances for PY 2009
and Consultations on Guidances for PY 2010 and Subsequent Years

1. Purpose.

To notify States of the Federal Register Notice for public comment on the WIA/Wagner-Peyser Act State Planning Guidances for Program Year (PY) 2009, and notify States of planned consultations for the development of Planning Guidances for PY 2010 and subsequent years.

2. References.

- Wagner-Peyser Act, as amended (29 U.S.C. 49 et seq.)
- Workforce Investment Act of 1998 (WIA), as amended (29 U.S.C. 2801 et seq.)
- WIA Final Rule, 20 C.F.R. parts 660-671
- Planning Guidance and Instructions for Submission of the Strategic Five-Year State Plan for Title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act: Extension with Changes to Approved Collection: Comment Request (73 FR 24614 (May 5, 2008))
- Planning Guidance for the State Unified Plans Submitted under Section 501 of the Workforce Investment Act of 1998: Extension with Changes to Approved Collection: Comment Request (73 FR 24613 (May 5, 2008))
- Training and Employment Guidance Letter (TEGL) 13-06 "Instructions for Workforce Investment Act and Wagner-Peyser Act State Planning and Waiver Requests for Years Three and Four of the Strategic Five-Year State Plan (Program Years 2007 and 2008)"

3. Background.

The WIA/Wagner-Peyser Act State Planning Guidances constitute information collections under the Paperwork Reduction Act. Therefore, the Department of Labor Employment and Training Administration (ETA) must seek approval from the Office of Management and Budget (OMB) for their use. The Guidances for both Stand-alone and Unified Plans were last approved in October 2005, and expire on October 31, 2008.

4. State Planning Guidances Public Comment Period.

ETA is now seeking OMB approval to extend the use of the Guidances, so that States may continue to use these Guidances for the remainder of the PY 2005-PY 2009 five-year planning cycle. As the first step in this approval process, ETA published the Planning Guidances for Stand-alone and Unified Plans in the Federal Register (73 FR 24614 (May 5, 2008) and 73 FR 24613 (May 5, 2008)) for 60 days of public comment. Note also that ETA plans to engage States to gain ideas and input for the PY 2010 and subsequent years Planning Guidances. See section 5 below.

The Guidances submitted for public comment and for use in the PY 2009 State Planning process are substantially the same as the Guidances published in the Federal Register April 12, 2005 (70 FR 19206) and currently in use. The changes to these Guidances include a revision to the National Strategic Direction. This Strategic Direction, incorporated in the revised Guidances published in the May 5, 2008 Federal Register, was previously published in Training and Employment Guidance Letter 13-06. There are also minor technical and grammatical changes in the actual information collection, i.e., the State Planning Instructions that contain the action items to which States are required to respond.

5. Submission of PY 2009 State Plans.

All State Plans and waivers will expire June 30, 2009, the end of PY 2008. States must have approved State Plans in place to receive formula allotments under the Act. Therefore, States are required to submit one of the following, depending on the State's circumstances, in order to extend the life of the existing Plan for PY 2009, the last year of the five-year planning cycle:

- A one-year extension of their current State Plan, or
- A modification to their State Plan.

ETA encourages States to modify their State Plans at regular intervals in order to maintain Plans as "living documents" that accurately reflect the current status of the State's workforce investment system and strategies and

respond to the evolution of ETA's national strategic direction. Additionally, the WIA regulations at 20 CFR 661.230 require a modification when:

1. Changes in Federal or State law or policy substantially change the assumptions upon which the Plan is based.
2. There are changes in either
 - a. Statewide vision,
 - b. Strategies,
 - c. Policies,
 - d. Performance indicators,
 - e. The methodology used to determine local allocation of funds,
 - f. Reorganizations which change the working relationship with system employees,
 - g. Organizational responsibilities,
 - h. The membership structure of the State Board or alternative entity, or
 - i. Similar substantial changes to the State's workforce investment system.
3. The State has failed to meet performance goals, and must adjust service strategies.

In developing their State Plan modifications, States will use one of the State Planning Guidances (Stand-alone or Unified) that will be published in the Federal Register on or before October 31, 2008. ETA will publish further guidance on the PY 2009 State Plan submission process, including guidance on performance negotiations and waiver submissions, in November 2008.

6. Consultations on State Planning Guidances for PY 2010 and Subsequent Years.

ETA intends to engage all States in consultations starting in late summer 2008 regarding State Planning Guidances for the planning cycle that begins in PY 2010. In this process, ETA will seek input from States on an approach to satisfying the statutory requirement for State Plans that is meaningful and useful, including suggested formats for a State Plan and identification of the most important factors that should be included in the State Plan. ETA is seeking fresh ideas and all States will be given an opportunity to communicate with ETA on a revised State Planning process. ETA will publish further details on the State Planning Guidance consultations in July 2008.

7. Inquiries.

Inquiries should be directed to the appropriate Regional Office.