

*Note to reviewer: ETA will use this draft Training and Employment Guidance Letter (TEGL) to announce the State Planning Guidances to respondents and the public. Please note that this is draft will not be finalized until OMB approval. This TEGL will also convey information related to waivers, negotiation of performance level, and other matters. These sections, identified in this draft, are still under development.*

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<b>EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210</b>	<b>CLASSIFICATION</b>
	<b>CORRESPONDENCE SYMBOL</b> OWI
	<b>DATE</b>

**ADVISORY:** TRAINING AND EMPLOYMENT GUIDANCE LETTER  
NO.

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

**FROM:** BRENT R. ORRELL  
Deputy Assistant Secretary

**SUBJECT:** Instructions for Workforce Investment Act and Wagner-Peyser Act State Planning and Waiver Requests for Year Five of the Strategic Five-Year State Plan (Program Year 2009)

**1. Purpose.**

- To provide instructions to states for modifying their State Strategic Plans for Title I of the Workforce Investment Act of 1998 (WIA) and the Wagner-Peyser Act (“the State Plan”) for Program Year 2009;
- To provide instructions to states for extending existing waivers and requesting new waivers; and
- To announce renewal of Office of Management and Budget (OMB) approval for Stand-Alone and Unified Strategic State Planning Guidances.

**2. References.**

- Wagner-Peyser Act, as amended (29 U.S.C. 49 et seq.)
- Workforce Investment Act of 1998, 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 (**FRN REFERENCE**)

- Planning Guidances for the State Unified Plans Submitted Under Section 501 of the Workforce Investment Act (**FRN REFERENCE**)

**3. Background.** State Plans for the Program Years 2007 - 2008 for all states, and all approved waivers currently in place, will expire on June 30, 2009. In the Planning Guidances (stand-alone and unified) issued on April 12, 2005, the Employment and Training Administration (ETA) only required states to submit a State Plan for the first two years of the five-year planning cycle because of the anticipated reauthorization of WIA. Given the continued uncertainty of WIA reauthorization, in Training and Employment Guidance Letter (TEGL) 13-06, ETA required states to submit a modification request to extend the life of the State Plan for two additional years, Program Years 2007 and 2008. States are now required to submit a letter requesting an extension or a modification request to extend the life of the existing State Plan for an additional year, Program Year 2009, the final year of the five-year planning cycle.

**4. OMB Approval of Planning Guidances under Paperwork Reduction Act.** Both Guidances include revisions to the National Strategic Direction, which were incorporated in the revised Guidances published in the May 5, 2008 Federal Register, was previously published in TEGL Letter 13-06. There are also minor revisions in the Planning Instructions of some questions to which the States are required to respond, to improve clarity, as well as deletions of those action items which are no longer relevant.

The reporting requirements for submission of modifications using the Stand-Alone Planning Guidance, "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," are approved by OMB (OMB Approval No. 1205-0398) pursuant to the Paperwork Reduction Act of 1995, expiration date **XXXX**.

The reporting requirements for submission of modifications using the Unified Planning Guidance, "Planning Guidances for the State Unified Plans Submitted Under Section 501 of the Workforce Investment Act," are approved by OMB (OMB Approval No. 1205-0407) pursuant to the Paperwork Reduction Act of 1995, expiration date **XXXX**.

## **5. Modification of the Existing State Plan.**

### **A. State Plan for Year Five of the Five-Year Planning Cycle (Program Year 2009).**

States must have approved State Plans in place to receive formula allotments under WIA. Therefore, States are required to submit one of the following in order to extend the life of the existing Plan for Program Year 2009:

- A letter requesting a one-year extension of their current State Plan, without revisions to the Plan, or
- A modification request that revises the current State Plan and extends the life of the Plan for one year.

When preparing the modifications, states are required to follow the state planning instructions included in Part II of the Stand-Alone Planning Guidance or Part III of the Unified Planning Guidance, published in the XXXX Federal Register and available through [www.doleta.gov](http://www.doleta.gov).

### **B. Public Comment and Review.**

The WIA regulations at 20 C.F.R. 661.230(d) provide that modifications to the State Plan are subject to the same public review and comment requirements that apply to the development of the original plan. To facilitate public review and comment, as well as DOL review of the modified plans, ETA recommends those states submitting a modification request integrate the proposed modifications into existing plans following the format provided in either the Stand-Alone Planning Guidance issued on DATE, or Unified Planning Guidance, also issued on DATE, and attach a list to identify modified portions of the plan. Providing an opportunity for meaningful public input and comment during the development of the State Plan is a critical part of the strategic planning process.

**6. Extension of Existing Waivers.** [Placeholder for waiver approval process]

**7. Technical Assistance on State Planning Guidance.**  
[Placeholder for discussion on planned TA]

**8. Negotiation of Levels of Performance.** [Placeholder for explanation of how states will negotiate performance levels.]

- 9. Submission of Modifications, New Waiver Requests, and Waiver Extension Requests.** [Placeholder for instructions on submitting mods and waivers, i.e., due date, possible formats for submitting State Plans, etc..]
- 10. Inquiries.** Questions regarding this guidance should be directed to Janet Sten, the Federal Coordinator for Plan Review and Approval, at [sten.janet@dol.gov](mailto:sten.janet@dol.gov), or Robin Fernkas at [fernkas.robins@dol.gov](mailto:fernkas.robins@dol.gov). Both can be reached by calling (202) 693-3045.