

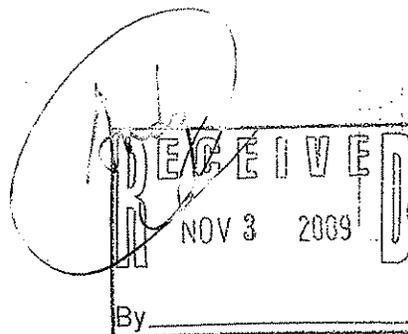
U.S. Department of Labor

Assistant Secretary for  
Employment and Training  
Washington, D.C. 20210



OCT 13 2009

The Honorable Donald L. Carcieri  
Governor of Rhode Island  
State Capitol  
Providence, Rhode Island 02903



Dear Governor Carcieri:

As part of Rhode Island's modification to the State Plan for Title I of the Workforce Investment Act (WIA) and the Wagner-Peyser Act, the State submitted waiver plans to request that the State's waivers of statutory and regulatory requirements under WIA be approved for the remainder of Program Year (PY) 2009 (copy enclosed). These requests are written in the format identified in WIA section 189(i)(4)(B) and 20 CFR 661.420(c) and appear to meet the standard for approval at 20 CFR 661.420(e). The following is the disposition of the State's submission. This action is taken under the Secretary's authority to waive certain requirements of WIA Title I, Subtitles B and E, and sections 8-10 of the Wagner-Peyser Act.

In a letter dated June 18, 2009, ETA granted Rhode Island approval of the following waivers through June 30, 2010:

- Waiver of the provision at 20 CFR 663.530 that prescribes a time limit on the period of initial eligibility for training providers.
- Waiver of the required 50 percent employer contribution for customized training at WIA Section 101(8)(C).
- Waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts for older and out-of-school youth.

The approvals for these waivers remain in effect. The letter dated June 18, 2009 granted temporary extensions of the remainder of Rhode Island's waiver requests. The previous approval of the extensions is hereby terminated and replaced by decisions set forth in this letter. All waiver approvals that follow apply to both WIA formula funds and funds made available under the American Recovery and Reinvestment Act of 2009.

Requested Waivers

Requested Waiver: Extension of the waiver of the State Workforce Board membership requirements at WIA Section 111(b).

The State wishes to continue operating with a streamlined State Workforce Investment Board. The State is granted a waiver extension of the State Board membership

requirements at WIA Section 111(b) through June 30, 2010. Under this waiver, the State will continue to meet the requirements for a business majority and a business chairperson, described in WIA Sections 111(b)(3) and 111(c), respectively.

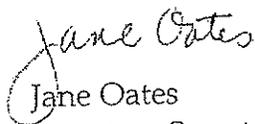
Requested Waiver: Waiver of WIA Section 123 that requires that providers of Youth program elements be selected on a competitive basis.

On April 13, 2009, the State requested a waiver of WIA Section 123 requirement for competitive procurement of service providers for all ten youth program elements. The State has revised its waiver plan, and now requests a waiver of the WIA Section 123 requirement for competitive procurement of service providers for three of the ten youth program elements: follow-up services, supportive services, and work experience. The State is granted this waiver through June 30, 2010. Under this waiver, the State is permitted to allow its One-Stop Career Centers or partner agencies to directly provide the youth program elements of follow-up services, supportive services, and work experience. In utilizing this waiver, the State and local areas must still meet Office of Management and Budget requirements (codified in 29 CFR Parts 95.40-95.48 and 97.36) and all state and local procurement laws and policies.

The approved waivers are incorporated by reference into the State's WIA Grant Agreement, as provided for under paragraph 3 of the executed Agreement, and this constitutes a modification of the State Plan. A copy of this letter should be filed with the State's WIA Grant Agreement and the approved State Plan. In addition, as required by TEGL No. 14-00, Change 3, the State should address the impact these waivers have had on the State's performance in the WIA annual performance report, due on October 1 of each year.

We look forward to continuing our partnership with you and achieving better workforce outcomes. If you have any questions related to the issues discussed above, please contact Holly O'Brien, the Acting Regional Administrator for Region I, at 617-788-0166 or [Obrien.Holly@dol.gov](mailto:Obrien.Holly@dol.gov).

Sincerely,

  
Jane Oates  
Assistant Secretary

Enclosure

cc: Bert Camarata, Federal Project Officer for Rhode Island, ETA Boston Regional Office  
Holly O'Brien, Acting Regional Administrator, ETA Boston Regional Office