



**Pete Ricketts**  
Governor

## STATE OF NEBRASKA

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November 17, 2016

Secretary Thomas E. Perez  
U.S. Department of Labor  
200 Constitution Avenue NW  
Washington, DC 20210

Dear Secretary Perez,

As permitted under Section 189(i)(3)(B) of the Workforce Innovation and Opportunity Act (WIOA), Nebraska hereby requests a waiver of certain requirements, as described in the attached waiver request, so that Nebraska may enhance its ability to improve the statewide workforce development system to achieve the goals and purposes of WIOA.

As required under WIOA Sec. 189(i)(3)(B) and 20 CFR § 679.620(d), Nebraska submits the attached waiver request and plan to improve Nebraska's statewide workforce development system.

Sincerely,

Pete Ricketts  
Governor

attachment

cc: Portia Wu, Assistant Secretary, Employment and Training Administration,  
U.S. Department of Labor  
Christine Quinn, Regional Administrator, Region V, U.S. Department of Labor  
Corey Bulluck, Regional Director, Region V, U.S. Department of Labor  
Stacy Davis O'Keefe, Workforce Development Specialist, Region V,  
U.S. Department of Labor  
John H. Albin, Commissioner, Nebraska Department of Labor  
Joan Modrell, Director, Office of Employment and Training,  
Nebraska Department of Labor

## Waiver Request and Plan to Improve Nebraska's Statewide Workforce Development System

### 1. Statutory Requirements to be Waived<sup>1</sup>

#### Designated Regions

In its letter dated June 29, 2016 regarding requested revisions to the Combined State Plan for Nebraska's Workforce System (the Combined State Plan), the U.S. Department of Labor Employment and Training Administration (ETA) states that Nebraska must reconfigure its regions so that the two counties that comprise the Greater Lincoln Local Workforce Development Area are not split between two regions.

Based on its responses in the final WIOA Labor-only Rules to comments on 20 CFR § 679.210, the ETA interprets WIOA Sec. 106(a)(2) and 20 CFR § 679.210 to say that a local area cannot be split across two planning regions. Neither WIOA Sec. 106(a)(2) nor 20 CFR § 679.210 states that a local area cannot be split across two planning regions. Rather, WIOA Sec. 106(a)(2) and 20 CFR § 679.210 say that a region must consist of one local area or two or more contiguous local areas. Assignment of Nebraska's initially-designated local areas<sup>2</sup> to the planning regions originally designated by the Governor<sup>3</sup> meets the criteria established under WIOA Sec. 106(a)(2) and 20 CFR § 679.210 in that all three of Nebraska's local areas are contiguous.

The designated planning regions identified in the Combined State Plan include contiguous counties from two of the state's three local areas. If one or more contiguous counties from a local area cannot be a part of a planning region, then Nebraska finds itself supporting service delivery and planning regions structured exactly as the local areas, which were established more than 30 years ago; and these local areas then become *de facto* planning regions.

#### Designated Local Areas

On September 26, 2016, following Nebraska's reconfiguration of its planning regions as required pursuant to the ETA's letter of June 29, 2016, Commissioner John Albin, was notified by email and through the WIOA State Plan Portal that Nebraska must reconfigure its local areas so that no local area is split between two regions.

Under WIOA Sec. 106(b)(2), 20 CFR § 679.250(a), and TEGL 27-14, the Governor is required to approve a request for initial designation as a local area from any local area that was designated as a local area for purposes of the Workforce Investment Act of 1998 (WIA) for the 2-year period preceding the date of enactment of WIOA; provided the local area had performed successfully and sustained fiscal integrity during that 2-year period. Because each of Nebraska's local areas met these criteria and one local area requested its initial designation as a local area continue under WIOA as it had under WIA; therefore, Nebraska's local area boundaries remain unchanged.

Based on the requirements of WIOA Sec. 106(b)(2) and 20 CFR § 679.250(a), the Governor is not permitted to reconfigure Nebraska's initially-designated local areas. Prior to any determination of subsequent designation, which is scheduled for early Spring 2017, the Governor will again consult with local area Chief Elected Officials and Local Workforce Development Boards and attempt realignment of local area

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<sup>1</sup> WIOA Sec. 189(i)(3)(B)(i) and 20 CFR § 679.620(d)(1)

<sup>2</sup> See Attachment 1 to this waiver request for a map of Nebraska's designated local areas

<sup>3</sup> See Section VI.a.1.A of the Combined State Plan; see also Attachment 2 of this waiver request



boundaries. Implementing the planning regions as originally designated will greatly facilitate the alignment of the local area and regional boundaries.

#### Requested Waiver

Nebraska requests that the ETA waive its required reconfiguration of Nebraska's designated regions and local areas, as requested in the ETA's June 29, 2016 letter to Governor Ricketts and in the September 26, 2016 email to Commissioner Albin, because:

- Nebraska's designated planning regions meet the criteria established under WIOA Sec. 106(a)(2) and 20 CFR § 679.210; and
- the Governor is permitted to reconfigure an initially-designated local area only:<sup>4</sup>
  - after the local area's two (2) year period of initial designation; and
  - in the event that the local area fails to perform successfully and sustain fiscal integrity as defined in WIOA Sec. 106(e)(1) and (2) and 20 CFR § 679.260.

#### 2. Actions Undertaken to Remove State and Local Barriers<sup>5</sup>

In July and August of 2015, the Governor held focus groups across the state, including the communities of Omaha, Lincoln, Grand Island, Norfolk, Scottsbluff, and North Platte. These public focus groups were attended by more than 250 workforce system representatives, including employers, state and local workforce development board members, community college representatives, one-stop partners, representatives of economic development entities, elected officials, and other interested parties.

Nebraska's then-proposed planning regions were determined based on analysis of empirical regional economic and labor market data, performed by the Nebraska Department of Labor Office of Labor Market Information. The analysis was a main topic of discussion at the focus group events. Data analyzed included:

- commuting patterns;
- numbers of employers and jobs supported regionally;
- projections of regional job growth, particularly in H3 occupations ("H3" refers to high wage, high skill, high demand);
- locations of training facilities;
- targeted industry growth patterns; and
- workforce system service delivery patterns.

Based on the empirical data and related input from the focus groups in August 2015, the Governor took the proposed planning regions to each local area's Chief Elected Official and Workforce Development Board with the idea of aligning local area boundaries with the proposed planning regions. Two of Nebraska's three local areas agreed with the realignment of local area boundaries; one did not. However, *all three local areas agreed that the then-proposed planning regions were appropriate* and supported the submission of the Combined State Plan with the planning regions included in the originally submitted Combined State Plan. There is *no objection by any of Nebraska's three local areas* to being "split" for the purpose of establishing planning regions.

When contacted about this waiver request, all three local area Chief Elected Officials and Local Workforce Development Board Chairs, in addition to the Chair of the Nebraska Workforce Development Board and

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<sup>4</sup> WIOA Sec. 106(b)(3); 20 CFR § 679.250(b)

<sup>5</sup> WIOA Sec. 189(i)(3)(B)(i) and 20 CFR § 679.620(d)(2)

the Commissioner of the Nebraska Department of Labor, expressed continued support of the original planning region designation, which is evidenced by their signatures to this waiver request.

Nebraska's large land mass (77,421 square miles) supports only three WIOA local workforce development areas. The ability to consolidate two or more total local workforce development areas is practically non-existent without going to a two local area or single state local area design. While this might make sense in the future, the Chief Elected Officials and Local Workforce Development Boards are not ready. However, designating planning regions does provide the vehicle to align workforce services and delivery with regional economies. The current local area configuration has been in place since 1983, established under the Job Training Partnership Act (JTPA). This configuration, particularly in the eastern, most populated portion of Nebraska, has not represented economic or service patterns for a number of years.

As stated above, under WIOA Sec. 106(b)(2), 20 CFR § 679.250(a), and TEGL 27-14, the Governor is required to approve a request for initial designation as a local area from any local area that was designated as a local area for purposes of WIA for the 2-year period preceding the date of enactment of WIOA; provided the local area performed successfully and sustained fiscal integrity during that 2-year period. Again, because each local area met these criteria and one local area requested its initial designation as a local area continue under WIOA as it had under WIA, Nebraska's local area boundaries remain unchanged.

Designating planning regions in Nebraska that align with outdated local area boundaries *does not* meet with the spirit of 20 CFR § 679.200, which defines the purpose of identifying regions as alignment of workforce development activities and resources with larger regional economic development areas and available resources to provide coordinated and efficient services to both job seekers and employers. Aligning workforce development services and programs with the designated planning regions which reflect current economic conditions, workforce patterns, and employment projections is critical in creating Nebraska's workforce system.

If Nebraska's current local area boundaries, which are over 30 years old, become Nebraska's planning region boundaries, alignment of the workforce development activities and resources of the local areas with larger regional economic areas and resources through the planning activities required under 20 CFR § 679.510 *will not* occur.

### 3. Goals of the Waiver and Expected Programmatic Outcomes<sup>6</sup>

Waiver of the ETA's requested reconfigurations will allow Nebraska to not only comply with the requirements of WIOA Section 106(a) and 20 CFR Part 679 Subpart D but also ensure that Nebraska's workforce system is aligned and based on the development of employment and training systems tailored specifically to regional economies.

In its Combined State Plan, Nebraska identifies four goals which are aligned with and supported by the structure of Nebraska's planning regions as identified in this waiver request:

- Goal 1. Nebraska *will* enhance coordination between plan partners and other key stakeholders at all stages of the workforce development spectrum to ensure jobseekers and businesses are provided highly coordinated and seamless services, reducing duplication of effort, better understanding the needs of employers and workers, and maximizing the resources available to the state's workforce partners.

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<sup>6</sup> WIOA Sec. 189(i)(3)(B)(iii) and 20 CFR § 679.620(d)(3)



- Goal 2. Nebraska *will* increase workforce participation by expanding access, support and service to assessment, education, training, employment services and other forms of assistance that prepare Veterans, low-income individuals, English Language Learners, single parents, farmworkers, in-school and out-of-school youth, the unemployed and other disadvantaged populations for rewarding careers within the state.
- Goal 3. Nebraska *will* enhance employer engagement between secondary and post-secondary education institutions and training programs to better meet employers' workforce needs through industry-driven strategies. These strategies will incorporate the proactive use of available workforce and industry data to help determine future industry needs, potential workforce disruptions, and to ensure the availability of a skilled workforce to drive growth within the state's high-wage, high-skill and high-demand industries and occupations.
- Goal 4. Nebraska will promote self-sufficiency among Nebraska's disadvantaged populations by eliminating barriers to employment and providing coordinated services that lead to family-sustaining employment.

The Combined State Plan partners developed each of these goals based on the practical reality of the data analyzed by the Nebraska Department of Labor Office of Labor Market Information *and* the formation of planning regions based on that data. Retaining the original boundaries of Nebraska's designated planning regions will ensure collaboration across local area boundaries in support of the goals established in the Combined State Plan. Without this waiver, the Combined State Plan goals are compromised due to the misalignment of education and training programs and partner services.

#### 4. Alignment with the U.S. Department of Labor's Policy Priorities<sup>7</sup>

Under 20 CFR § 675.100, four of the eight identified purposes of Title I of WIOA include priorities involving activities at the regional level:<sup>8</sup>

- enhancing the strategic role for states and elected officials, and Local Workforce Development Boards in the public workforce system by increasing flexibility to tailor services to meet employer and worker needs at State, regional, and local levels;
- supporting the alignment of the workforce investment, education, and economic development systems in support of a comprehensive, accessible, and high-quality workforce development system at the Federal, state, and local and regional levels;
- improving the quality and labor market relevance of workforce investment, education, and economic development efforts by promoting the use of industry and sector partnerships, career pathways, and regional service delivery strategies in order to both provide America's workers with the skills and credentials that will enable them to secure and advance in employment with family-sustaining wages, and to provide America's employers with the skilled workers the employers need to succeed in a global economy; and
- increasing the prosperity and economic growth of workers, employers, communities, regions, and States.

These four priorities are the very basis of Nebraska's workforce system stakeholders' support for the originally designated planning regions. Designing and implementing Nebraska's workforce system based on current economic and labor market data will result in a service delivery system that "makes sense" to employers and job seekers and greatly improves alignment with Nebraska's community colleges and the

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<sup>7</sup> 20 CFR § 679.620(d)(4)

<sup>8</sup> 20 CFR § 675.100(b), (d), (e), and (g)

service delivery areas of the one-stop partners. The stakeholders fully support the development of comprehensive regional partnerships and alignment of workforce development activities with regional economic development activities, as well as the execution and implementation of sector strategies and career pathways.

#### 5. Individuals impacted by the waiver<sup>9</sup>

First and foremost, employers and job seekers are impacted by the misalignment of local area boundaries serving as the boundaries of planning regions.

Beneficiary of the establishment of this waiver is the entirety of Nebraska's workforce system, including:

1. employers;
2. job seekers, including WIOA priority population groups;<sup>10</sup>
3. local area one-stop partners and delivery systems;
4. Local Workforce Development Boards;
5. economic development entities; and
6. the Nebraska Workforce Development Board (state board).

Designing and implementing regional plans that align with the economic, labor market, and service-delivery patterns will provide increased access to workforce services for employers and job seekers, which truly aligns with the full intent of WIOA.

#### 6. Process for Monitoring the Progress of Waiver Implementation<sup>11</sup>

The process for monitoring the implementation of the Governor's designated planning regions will be done through the Nebraska Workforce Development Board (state board) and its Strategic Direction Committee. Each Local Workforce Development Board responsible for their region will submit a regional plan that aligns job seeker and employer services with regional economies. The Strategic Direction Committee will monitor progress by:

- measuring partnerships developed, participants served regionally (including co-enrollments), and employers served; and
- gathering feedback from the Local Workforce Development Boards on the alignment of job seeker and employer services from a regional perspective.

Nebraska's designated planning region structure includes three (3) regional planning areas, which are outlined below and depicted in Attachment 2, *WIOA Planning Regions*:<sup>12</sup>

1. Metro Region - covers Dodge, Douglas, Cass, Sarpy, Saunders, and Washington counties, with Douglas County being the focal county;
2. Southeast Region - covers Fillmore, Gage, Jefferson, Johnson, Lancaster, Nemaha, Otoe, Pawnee, Richardson, Saline, Seward, Thayer, and York counties, with Lancaster County being the focal county; and

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<sup>9</sup> WIOA Sec. 189(i)(3)(B)(iv) and 20 CFR § 679.620(d)(5)

<sup>10</sup> WIOA Sec. 134(c)(3)(E), TEGL 10-09; VPL 07-09: recipients of public assistances, other low-income individuals, individuals who are basic skills deficient, and Veterans.

<sup>11</sup> WIOA Sec. 189(i)(3)(B)(v) and 20 CFR § 679.620(d)(6)(i)

<sup>12</sup> The term *focal county* refers to the main county or counties in a region to which employees from other counties commute for work. Each region has at least one (1) focal county.



3. Greater Nebraska Region - covers the remaining seventy-four (74) counties in Nebraska and includes 10 focal counties: Adams, Buffalo, Cheyenne, Hall, Holt, Lincoln, Madison, Platte, Red Willow, and Scotts Bluff counties.

Under Nebraska's regional configuration, local areas are assigned to the planning regions as described below. For each planning region, one local board is designated as the "lead local board."

1. Metro Region
  - a. Greater Omaha Workforce Development Board is assigned to the Metro Region and is the lead local board for the planning region.
  - b. Greater Omaha Workforce Development Board is responsible for:
    - i. coordinating the Metro regional planning activities, including collaborating with the:
      - (a) one-stop and workforce system partners, which must include representatives from the Greater Nebraska and Greater Lincoln Workforce Development Area WIOA Title I (Adult, Dislocated Worker, and Youth programs) service providers in Cass, Dodge, and Saunders counties; and
      - (b) Greater Lincoln and Greater Nebraska Workforce Development Boards, which have oversight of Cass, Dodge, and Saunders counties; and
    - ii. preparing and submitting the Metro Region regional plan and the Greater Omaha local area plan.
2. Southeast Region
  - a. Greater Lincoln Workforce Development Board is assigned to the Southeast Region and is the lead local board for the planning region.
  - b. Greater Lincoln Workforce Development Board is responsible for:
    - i. coordinating the Southeast regional planning activities, including collaborating with the:
      - (a) one-stop and workforce system partners, which must include representatives from the Greater Nebraska Workforce Development Area WIOA Title I (Adult, Dislocated Worker, and Youth programs) service providers in Fillmore, Gage, Jefferson, Johnson, Nemaha, Otoe, Pawnee, Richardson, Saline, Seward, Thayer, and York counties; and
      - (b) Greater Nebraska Workforce Development Board, which has oversight of Fillmore, Gage, Jefferson, Johnson, Nemaha, Otoe, Pawnee, Richardson, Saline, Seward, Thayer, and York counties; and
    - ii. preparing and submitting the Southeast Region regional plan and the Greater Lincoln local area plan.
3. Greater Nebraska Region
  - a. Greater Nebraska Workforce Development Board is assigned to the Greater Nebraska Region.<sup>13</sup>
  - b. Greater Nebraska Workforce Development Board is responsible for:
    - i. coordinating the Greater Nebraska in regional planning activities, including collaborating with the:
      - (a) WIOA Title I (Adult, Dislocated Worker, and Youth programs) service providers in the remaining 74 counties in Nebraska; and
      - (b) Workforce system representatives in each of the 10 focal counties; and

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<sup>13</sup> The Greater Nebraska Workforce Development Board is the only Local Workforce Development Board in the Greater Nebraska Region. However, because the Greater Nebraska Workforce Development Area includes 5 local area regions having 8 areas of economic concentration, Greater Nebraska will participate in regional planning activities.

- ii. preparing and submitting the Greater Nebraska Region regional plan and the Greater Nebraska local area plan.

#### 7. Process for Notifying Affected Local Workforce Development Boards<sup>14</sup>

The Nebraska Department of Labor notified local area Chief Elected Officials and Workforce Development Boards of its intent to submit this waiver request on October 25, 2016.

#### 8. Process for Providing Local Workforce Development Boards Opportunity to Comment<sup>15</sup>

As stated in Section 2, when consulted about this waiver request on October 25, 2016, all three local area Chief Elected Officials and Local Workforce Development Board Chairs, in addition to the Chair of the Nebraska Workforce Development Board and the Commissioner of the Nebraska Department of Labor, expressed continued support of the original planning region designation, which is evidenced by their signatures to this waiver request.

#### 9. Process for Ensuring Meaningful Public Comment<sup>16</sup>

This waiver request is publicly accessible on the Nebraska Department of Labor WIOA [Manuals, Plans, and Report](#) page. Because of the Governor's extensive public consultation process during July and August of 2015, as described in Section 2, the Nebraska Department of Labor elects to provide a public comment period concurrent with the submission of this waiver request.

#### 10. Process for Collecting and Reporting Information on Waiver Outcomes in Nebraska's WIOA Annual Report<sup>17</sup>

Nebraska will collect information relating to this waiver through the Strategic Direction Committee's progress-monitoring activities, which are described in Section 6. This information will be analyzed and reported in Nebraska's WIOA Annual Report.

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<sup>14</sup> WIOA Sec. 189(i)(3)(B)(v) and 20 CFR § 679.620(d)(6)(ii)

<sup>15</sup> WIOA Sec. 189(i)(3)(B)(v) and 20 CFR § 679.620(d)(6)(iii)

<sup>16</sup> 20 CFR § 679.620(d)(6)(iv)

<sup>17</sup> 20 CFR § 679.620(d)(6)(v)





11/03/2016

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Mark Moravec  
Business Development Manager, Chief Industries, Inc.  
Chair, Nebraska Workforce Development Board

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Date

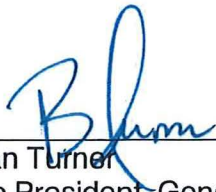
*Jean Stothert*

Jean Stothert  
Mayor, City of Omaha

*11/2/2014*

Date





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Brian Turner  
Vice President, General Manager, Distefano Technology &  
Manufacturing  
Chair, Greater Omaha Workforce Development Board

10.28.16

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Date



Chris Beutler  
Mayor, City of Lincoln

10-31-16

Date



CSA

10/27/16

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Carol Swigart

President, Hillaero Modification Center

Chair, Greater Lincoln Workforce Development Board

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Date

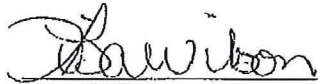
*Pam Lancaster*

Pam Lancaster  
County Commissioner, Hall County, Nebraska  
Chair, Chief Elected Officials Board

10/31/2016

Date






Lisa Wilson

Plant HR Manager, Case New Holland Industrial

Chair, Greater Nebraska Workforce Development Board

10-28-2016

Date



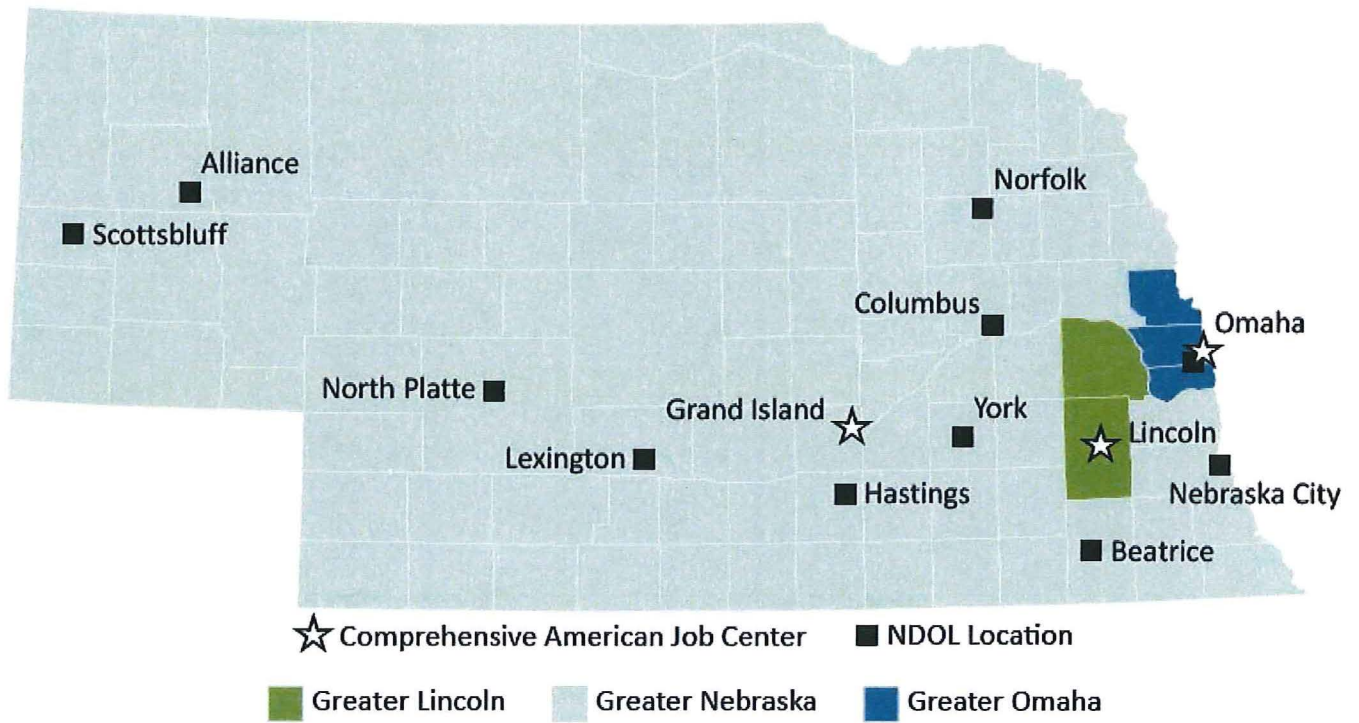
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John H. Albin  
Commissioner, Nebraska Department of Labor  
State WIOA Liaison

Mar 17, 2016  
Date

Attachment 1

WIOA Local Areas





## Attachment 2

### WIOA Planning Regions

