



JUN 29 2018

The Honorable Peter Ricketts
Governor of Nebraska
Office of the Governor
Post Office Box 94848
Lincoln, Nebraska 68509-4848

Dear Governor Ricketts:

Thank you for your waiver request of certain statutory and regulatory provisions of the Workforce Innovation and Opportunity Act (WIOA) and the accompanying plan to improve the statewide workforce development system, submitted as part of your WIOA State Plan modification on April 2, 2018 (copy enclosed). This letter provides the Employment and Training Administration's (ETA) official response to the State's requests and memorializes that Nebraska will meet the outcomes and implement the measures identified in its plan to ensure accountability agreed to by Nebraska 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: The State is requesting a waiver of WIOA Section 106(a)(2) and 20 CFR 679.210 to allow the State to assign a single local workforce development area to multiple planning regions.

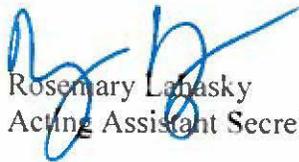
The State is requesting a waiver of the requirement that a planning region consist of one local workforce development area, two or more intrastate local areas, or two or more interstate local areas to better align its local areas with its regions. This would allow the State to assign a single local workforce development area to more than one planning region. In its WIOA State Plan and waiver request, Nebraska identified regions in the State that correspond with its economy, the labor market, and other factors. However, the existing geography of designated local workforce development areas spans multiple regions. The State and local workforce areas indicate local areas have experienced success in planning and delivering services in the context of the State's identified regions in their early efforts. ETA reviewed the State's waiver request and plan and has determined that the requirements requested to be waived impede the ability of Nebraska to implement its plan to improve the workforce development system. Therefore, ETA approves this waiver for Program Years 2018 and 2019 (July 1, 2018 through June 30, 2020) on the condition that the State provide information to ETA regarding how it will minimize the regional and local area planning burden to local areas that are assigned to more than one region.

Requested Waiver: The State is requesting a waiver of 20 CFR 652.202 and 678.315, which prohibit the existence of stand-alone Wagner-Peyser Employment Service affiliate American Job Centers (AJCs) and require the physical presence of one or more required one-stop partners more than 50 percent of the time.

Unfortunately, ETA is unable to grant this waiver request. The Secretary's waiver authority extends to statutory and regulatory provisions related to WIOA Title I Subtitles A, B, and E, as well as the Wagner-Peyser Act Sections 8 – 10. The particular provisions the State seeks to waive implement Section 3(d) of the Wagner-Peyser Act and thus, are outside of ETA's waiver authority. ETA is available for further discussion and to provide technical assistance to the State to support achieving its goals, including expanding service delivery in rural areas.

The Department of Labor has proposed additional flexibility in its Fiscal Year 2019 Budget in order to give governors more flexibility to meet the workforce needs of their states. If Congress passes legislation signed by the President with new legal authority, we will be happy to revisit the areas that cannot currently be waived. Should you have questions or wish to explore additional flexibility, feel free to contact my office at (202) 693-2772.

Sincerely,



Rosemary Labasky
Acting Assistant Secretary

Enclosure

cc:

John Albin, Commissioner, Nebraska Department of Labor

Christine Quinn, ETA Chicago Regional Administrator, Employment and Training Administration

Christopher Mendoza, Federal Project Officer, Employment and Training Administration