

BEFORE THE STATE WORKFORCE DEVELOPMENT COUNCIL

In the matter of the appeals of:)
)
PANHANDLE AREA COUNCIL (Region)
I), CLEARWATER ECONOMIC)
DEVELOPMENT ASSOCIATION (Region)
II), SAGE COMMUNITY RESOURCES)
(Region III), REGION IV)
DEVELOPMENT ASSOCIATION (Region)
IV) and SOUTHEAST IDAHO COUNCIL)
OF GOVERNMENTS, INC. (Region IV),)
)
Appellants,)
)
_____)

**RECORD OF
ADMINISTRATIVE HEARING**

For Appellants Regions I, III, IV and V:

BY: Starr Kelso
Attorney at Law
P.O. Box 1312
Coeur d'Alene, ID 83816-1312

**For the Idaho Department of
Commerce and Labor:**

BY: Craig G. Bledsoe
Deputy Attorney General
317 W. Main Street
Boise, ID 83735

For Appellant Region II:

By: Wanda Keefer
Clearwater Economic Development
Assoc.
1626 6th Ave. North
Lewiston, ID 83501

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IDAHO STATE DEPARTMENT OF COMMERCE AND LABOR
WORKFORCE DEVELOPMENT COUNCIL

In the matter of the appeals of:

PANHANDLE AREA COUNCIL,
CLEARWATER ECONOMIC
DEVELOPMENT ASSOCIATION, SAGE
COMMUNITY RESOURCES, REGION IV
DEVELOPMENT ASSOCIATION and
SOUTHEAST IDAHO COUNCIL OF
GOVERNMENTS

Appellants

HEARING OFFICER'S FINDINGS OF
FACT, CONCLUSIONS OF LAW AND
RECOMMENDATIONS FOR FINAL
ORDER

A hearing was held pursuant to notice on Wednesday, September 28, 2005, in conference facilities at the Idaho Department of Commerce and Labor, Boise, Idaho. The following parties were present: Craig G. Bledsoe, deputy attorney general, for the Idaho Department of Commerce and Labor; Starr Kelso, attorney at law, for Regions I, III, IV and V; and Wanda Keefer, Executive Director of Clearwater Economic Development Association, for Region II. Hearing officer Duff McKee conducted the hearing. Alice Taylor, administrative assistant from the Department of Commerce and Labor monitored the conference as clerk.

At this hearing, an opportunity was offered to all parties to present evidence and arguments to the hearing officer in support of the respective positions of the parties. Following the conclusion of the hearing officer advised all parties that he would hold the record open until Friday, September 30, for submission of additional written arguments. If written arguments were

submitted, the hearing officer would hold the record open until Monday, October 3, 2005, for submission of any reply or rebuttal.

All written arguments have been submitted and the record is now closed. The hearing officer has been fully and duly advised of the evidence and all arguments the parties wish to make. Therefore, the hearing officer now makes and enters the following findings of fact and conclusions of law, and the following recommendations for order.

Facts and Procedural History

The salient facts of this case, insofar as are germane to the issues within reach of the hearing officer in these proceedings, are not in dispute. The petitioners in this matter are all regional associations of local governmental units within the state of Idaho that have been serving as “Local Workforce Investment Areas” (LWIAs) under the federal Workforce Investment Act (WIA) of 1998¹. Generally, the Panhandle Area Council, or Region I, serves the northern counties around and above Coeur d’Alene, the Clearwater Economic Development Association, or Region II, serves the central panhandle counties centered on Lewiston, the Sage Community Resources, or Region III, serves the 10 southwestern counties surrounding Boise, the Region IV Development Association serves the south central counties around Twin Falls, and the Southeast Idaho Council of Governments, or Region V, serves the eastern central counties around Pocatello. All are non-profit corporations, the constituents of which are the governmental units – counties and municipalities – making up the respective service areas. All are or were organized to accomplish the administration and implementation of grant programs such as the federal WIA.

The WIA was enacted in 1998 as a federal job training program to replace other federal programs – notably, the federal Job Training Partnership Act. The act became effective in 2000. It is administered on the national level by the U.S. Department of Labor. The federal WIA called

¹112 Stat. 936, enacted as Pub. L. No. 105-220 August 7, 1998,

for implementation of the new federal act by the states through five year plans to be adopted in accordance with federal guidelines by the several states and approved by the Secretary or his delegate. The five year plan for Idaho was adopted and approved for Idaho in 2000, and implemented by then Governor Phil Batt. The five appellants were designated Governor Batt as LWIAs for their respective service areas, and each has served as an LWIA for the five year period from July 1, 2000 through June 30, 2005.

Wanda Keefer, executive director of Region II, reported with considerable pride that Idaho, largely through the efforts of the regional LWIAs, had built an impressive record of achievements in the area of workforce development during the five years that the first WIA plan was in operation in Idaho. There is no suggestion in any of the materials submitted, or in the testimony offered at hearing, that the LWIAs in place in Idaho did a superlative job during the five years of the initial WIA plan.

The federal participation however, changed. The law did not change, but the funding under the law did. Beginning in 2002, federal funds available for grants under state programs were reduced considerably – from \$15.2 million in 2002 to \$9.6 million in 2005, or a cut of over 37%.² A determination was made by the state executive branch – the Governor's office and the Department of Commerce and Labor – to restructure the WIA plan for the next two year period.

According to the initial plan adopted and approved for Idaho, the federal act and the federal regulations developed by the U.S. Department of Commerce pertaining to the federal act, the initial state plan terminated or expired on June 30, 2005. A new, two-year state plan was to be prepared by each state and submitted for approval by federal authorities for the period commencing July 1, 2005. A new state plan for Idaho was developed and presented to the federal authorities for approval in the spring of 2005. The new plan was prepared by the staff of the

² Hearing Exhibit 8 – Memorandum from Roger Madsen to Workforce Development Council, May 11, 2005

Idaho Department of Commerce and Labor and submitted over the governor's signature. It was approved by the federal authorities on June 29, 2005.³

The significant change in the plan, as is relevant to these proceedings, was the reorganization of the LWIAs into two units – one statewide unit and one unit comprised essentially of Region VI from the old plan, but with both units being administered through the state office of Commerce and Labor. The objective of the reorganization was to reduce or eliminate the \$1.3 million in administrative expenses required to staff and operate the LWIAs by consolidating all administration into the state office.

As a consequence of this restructuring of the LWIAs under the new state plan, each of the five regions identified above – being all but Region VI – were advised by letter dated June 9, 2005, that they would no longer be designated as LWIAs under the new Workforce Investment Act plan beginning July 1, 2005. Each of the regions received an identical letter from Roger Madsen, Director of the Department of Commerce and Labor, acting as Governor Kempthorne's designee. In this letter, Director Madsen advised the regions that their current designation as a local workforce investment area under the current WIA plan was to expire on June 30, 2005. The letter further advised that the regions did not meet the statutory criteria for mandatory designation as LWIAs under the new plan, and that any request for discretionary designation was being denied. It explained that the region could appeal the decision if it felt that it did meet the statutory criteria.

The five regions submitted letters to the Chair of the Workforce Development Council stating their desire to appeal the decision of the governor.

³ Hearing Exhibit B – Letter from U.S. Department of Labor, Employment and Training Administration, Washington D.C. to Governor Dirk Kempthorne, re: Idaho's Strategic Plan for Title I of the Workforce Investment Act and the Wagner-Peyser Act, dated June 29, 2005.

Jurisdiction of Hearing Officer

The statutory basis for these proceedings is set forth in Section 116(a)(5) of the federal act⁴:

(5) Appeals.--A unit of general local government (including a combination of such units) or grant recipient that requests but is not granted designation of an area as a local area under paragraph (2) or (3) may submit an appeal to the State board under an appeal process established in the State plan. If the appeal does not result in such a designation, the Secretary, after receiving a request for review from the unit or grant recipient and on determining that the unit or grant recipient was not accorded procedural rights under the appeal process established in the State plan or that the area meets the requirements of paragraph (2) or (3), as appropriate, may require that the area be designated as a local area under such paragraph.

In Idaho, the Workforce Investment Council has been designated as the "state board" under the WIA act. The powers of the Council, as relevant here, are found in Section 111 of the federal act:

(a) In General.--The Governor of a State shall establish a State workforce investment board to assist in the development of the State plan described in section 112 and to carry out the other functions described in subsection (d).

(d) Functions.--The State Board shall assist the Governor in--

- (1) development of the State plan;
- (2) development and continuous improvement of a statewide system of activities that are funded under this subtitle or carried out through a one-stop delivery system described in section 134(c) that receives funds under this subtitle (referred to in this title as a "statewide workforce investment system"), including--
 - (A) development of linkages in order to assure coordination and non-duplication among the programs and activities described in section 121(b); and
 - (B) review of local plans;
- (3) commenting at least once annually on the measures taken pursuant to section 113(b)(14) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C 2323(b)(14));
- (4) designation of local areas as required in section 116;
- (5) development of allocation formulas for the distribution of

⁴ All references to the federal act mean The Workforce Investment Act Of 1998, Public Law 105-220, enacted by the 105th Congress on Aug. 7, 1998, and found at 112 Stat. 936.

funds for adult employment and training activities and youth activities to local areas as permitted under sections 128(b)(3)(B) and 133(b)(3)(B);

(6) development and continuous improvement of comprehensive State performance measures, including State adjusted levels of performance, to assess the effectiveness of the workforce investment activities in the State as required under section 136(b);

(7) preparation of the annual report to the Secretary described in section 136(d);

(8) development of the statewide employment statistics system described in section 15(e) of the Wagner-Peyser Act; and

(9) development of an application for an incentive grant under section 503.

The criteria for selection of LWIAs is spelled out in Sections 116(a)(2) through (4) of the federal act. As is relevant to these proceedings, these sections of the federal act provide as follows:

(2) Automatic designation.--The Governor shall approve any request for designation as a local area--

(A) from any unit of general local government with a population of 500,000 or more;

(B) of the area served by a rural concentrated employment program grant recipient of demonstrated effectiveness that served as a service delivery area or substate area under the Job Training Partnership Act, if the grant recipient has submitted the request; and

(C) of an area that served as a service delivery area under section 101(a)(4)(A)(ii) of the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act) in a State that has a population of not more than 1,100,000 and a population density greater than 900 persons per square mile.

(3) Temporary and subsequent designation.--

(A) Criteria.--Notwithstanding paragraph (2)(A), the Governor shall approve any request, made not later than the date of submission of the initial State plan under this subtitle, for temporary designation as a local area from any unit of general local government (including a combination of such units) with a population of 200,000 or more that was a service delivery area under the Job Training Partnership Act on the day before the date of enactment of this Act

(B) Duration and subsequent designation.--A temporary designation under this paragraph shall be for a period of not more than 2 years, after which the designation shall be extended until the end of the period covered by the State plan

(C) Technical assistance.--The Secretary shall provide the States with technical assistance in making the determinations required by this paragraph. The Secretary shall not issue regulations governing determinations to be made under this paragraph.

(4) Designation on recommendation of state board.--The Governor may approve a request from any unit of general local government (including a combination of such units) for designation (including temporary designation) as a local area if the State board determines, taking into account the factors described in clauses (i) through (v) of paragraph (1)(B), and recommends to the Governor, that such area should be so designated.

According to the authority granted to me as hearing officer and as contained in the letter of appointment issued to me by the chair of the Workforce Development Council, I have been appointed pursuant to the provisions of Section 116(a)(5) of the federal Workforce Investment Act and Section VIII (A)(3) of the current state plan. As such, I am a hearing officer for the Workforce Development Council under the specific quoted section of the federal act. I do not have plenary jurisdiction to hear any grievance that might be presented to me.

For reasons stated herein, this means that the only areas for review in these proceedings are the questions of whether the petitioning entities qualify for automatic designation as LWIAs under Sections 116(a)(2) and 116(a)(3) of the WIA act. There is no provision in the federal act or in the state plan for any administrative appeal from any decision of the Governor, or any recommendation by the Council, for what has been referred to as "optional" designations under Section 116(a)(4) of the federal act.

The scope of administrative appellate review is spelled out in Section 116(a)(5) of the act, which provides in essence that any candidate not granted designation as an LWIA under the

automatic designation criteria of Section 116(a)(2) or the “temporary and subsequent” designation criteria of Section 116(a)(3) may appeal. The issue for determination on appeal becomes whether or not the protesting entity is entitled to a designation as an LWIA as a matter of law.

It is significant to this determination that the hearing officer is an extension of the Workforce Development Council, which in turn is an *advisory* body to the Governor. In the letter of appointment from the chairperson of the council, I am instructed that I am to act as the *Council’s* hearing officer on the matters designated in Section 116(a)(5) of the WIA.

Petitioners argue that a hearing on all relevant issues should be conducted, including issues pertaining to whether the 2005 plan as announced by the Governor and approved by the U.S. Department of Labor is outside of the federal act as enacted in 1998, whether the Governor abused his discretion as granted to him by the federal act in recasting the investment area designations to exclude the five intrastate regions, whether the Workforce Development Council is qualified or eligible under the federal act to be a LWIA, and whether the U.S. Department of Labor correctly approved the 2005 WIA plan advanced by the Governor in violation of the rights of the five petitioning regions. All of these might be appropriate issues to bring before a federal administrative law judge in an administrative appeal to the Secretary of the U. S. Department of Labor under the federal act, but these issues are outside of the designation of issues cataloged in the provisions for appellate review by a state hearing officer under the state plan. I do not have jurisdiction to entertain any of them in a hearing before me, as an arm of the advisory council to the Governor.

Therefore, I conclude that the appellate hearing in this case is limited to consideration of issues presented pertaining to the eligibility or qualification of the petitioning entities for designation as workplace investment areas under Sections 116(a)(2) and 116(a)(3) of the act.

Conclusions of Law

No area of Idaho, and particularly none of the five regions constituting the petitioners in this case, meet the requirements of Section 116(a)(2) of the federal act. The Assistant Deputy Director of the Idaho Department of Commerce and Labor testified to this issue, and presented demographic exhibits that were not refuted. There is no area of local government within the state with a population greater than 500,000, the state does not have a population less than 1.1 million, and none of the special circumstances enumerated in this section of the federal act apply to Idaho, and more particularly, to any of the regions petitioning for consideration in this case.

Region II, Sage Community Resources, served as a LWIA under the initial five year plan under Section 116(a)(3) of the federal act, being the provision for “temporary and subsequent” qualification. The petitioners argue that this classification should continue, and entitle Region II (and any of the others that might qualify) to designation under this section. I am not persuaded.

Under the federal guidelines issued by the U.S. Department of Labor, controlling the state’s implementation of the act, it is clear that the “temporary and subsequent” designation was only available for the initial five year plan under the act. Specifically, the U. S. Department of Labor advised the Idaho Department of Commerce and Labor that “The law contains no provision mandating temporary and subsequent designation following the expiration of the prior plan.”⁵ This is consistent with the wording of Subsection 116(a)(3)(B) of the act, pertaining to duration of the “temporary and subsequent” designation: “A temporary designation under this

⁵ Exhibit F – Letter from Christine D Kulick, Federal Coordinator for Plan Review and Approval, U.S. Department of Labor to John A. McAllister, Deputy Director, Idaho Department of Commerce and Labor, July 14, 2005.

paragraph shall be for a period of not more than 2 years, after which the designation shall be extended until the end of the period covered by the State plan....” Here, the designation was granted initially and thereafter extended until the end of the five year period covered by the initial five year plan. According to U.S. Department of Labor interpretation, as contained in its advice to Idaho, this designation is no longer available under the new plan that came into effect on July 1, 2005.

The only available avenue for the petitioning entities to receive a designation as a LWIA under the new plan placed into effect of July 1, 2005, would be for the Governor to designate such entity as an LWIA under the provisions of Section 116(a)(4) of the WIA. However, it is clear that the designation under this provision of the act is a matter of executive prerogative, to be exercised by the governor upon recommendation of the board. The specific statutory provision is as follows:

Section 116(a)(4) Designation on recommendation of state board.--The Governor may approve a request from any unit of general local government (including a combination of such units) for designation (including temporary designation) as a local area if the State board determines, taking into account the factors described in clauses (i) through (v) of paragraph (1)(B), and recommends to the Governor, that such area should be so designated.

Designation under this section is clearly an executive decision of the Governor, acting with the advice of the Council. I make no finding or nor any recommendation to the council as to whether it should or should not make such recommendation to the Governor on account of any of the applicants in this case. There is no provision in the act or in the plan for any administrative appeal from such decision of either the Council or the Governor under this section of the act.

Accordingly, I conclude that there is no legal basis for a mandatory designation of any of the appellants as LWIAs under the new WIA plan effective July 1, 2005. I leave to the

discretion of the Council the determination of whether any action is to be taken under Section 116(a)(4) of the act.

Other Arguments Raised

The petitioners raised a number of other issues in the pre-hearing materials and in their arguments at hearing. The central theme of the other issues involves the sufficiency or legality of the new two year WIA plan that became effective on July 1, 2005. The petitioners argue that the Governor did not seek collaboration with all of the local government officials in designing the new two year plan and before deciding to eliminate the LWIAs, as is required by the federal act, and that the Governor has created a single-entity, state-wide LWIA under this plan, which is not permitted under the federal act. Petitioners argue that the 2005 plan as announced by the Governor and approved by the U.S. Department of Labor is outside of the federal act as enacted in 1998, that the Governor abused his discretion as granted to him by the federal act in recasting the investment area designations to exclude the five intrastate regions, and that the Workforce Development Council is not qualified or eligible under the federal act to be a LWIA. For these reasons, the petitioners argue that the U.S. Department of Labor should not have approved the 2005 WIA plan advanced by the Governor. Counsel for the Department of Commerce and Labor did not respond to these arguments, urging instead that all of these issues were outside of the jurisdiction of the hearing officer in the instant proceedings.

For the reasons set forth above, I agree with the interpretation advanced by the Department. My function as hearing officer for the Workforce Development Council under Section 116(a)(5) of the WIA is very limited. I am only examining the issue of whether the petitioning entities would qualify for mandatory designation as LWIAs under the provisions of either Section 116(a)(2) or 116(a)(3) of the federal act. None of the other arguments raised by

the petitioner go to this issue of qualification for mandatory designation; all of the arguments raised by the petitioners go to issues surrounding the sufficiency or legality of the Governor's actions in creating the new plan, and the sufficiency or legality of the U.S. Department of Labor in approving it.

These issues, if they are to be addressed at all, must be presented to the Secretary of the U.S. Department of Labor in a federal administrative proceeding or against the Governor and Idaho Department of Commerce and Labor in a judicial action in an appropriate court. I do not intend to comment that any such action might lie, or if so, where. I only comment that redress for the claims raised under these issues is not available in these proceedings under the limited jurisdiction granted to me under the state plan and the federal act.

Recommendations for Final Order

Therefore, and for the reasons stated above, I recommend that the Workforce Development Council conclude that none of the regions who have petitioned for review meet the qualifying criterion for designation as a local workforce investment area under Section 116(a)(2) of the WIA act. I recommend that the Council conclude that the temporary designation of Section 116(a)(3) of the WIA act is no longer available to any of the entities in Idaho. I make no recommendation to the Council on any action to be taken or not taken under Section 116(a)(4) of the act. Under the act, such is exclusively a matter of executive prerogative of the Governor, acting with the advice of the Council, and is not subject to examination on appellate review.

Respectfully submitted this 10th day of October, 2005.



D. Duff McKee, Hearing Officer

Statement of available procedures

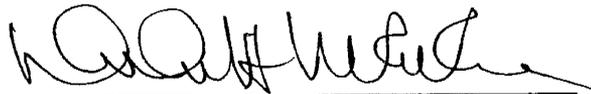
This is a recommended order of the hearing officer. It will not become final without action of the Workforce Development Council.

The Council shall place this recommended decision on the agenda for the next meeting of the Council for disposition. If no regular meeting is scheduled within forty-five (45) days of the date hereof, the Chair shall either call a special meeting of the Council, or shall appoint a special committee of the Council, for the purpose of considering this recommendation, all of which must be conducted within said forty-five (45) day period. The Council may accept, reject or modify the hearing officer's recommended decision.

In reviewing this decision, the Council may consider only the evidence presented at the hearing. The Council shall not receive or consider any evidence not presented to the hearing officer. The final decision of the Council shall be reduced to writing and delivered to the Governor and the appealing party.

If a timely appeal of the decision through the Workforce Investment Council does not result in the requested designation, the unit of general local government or grant recipient may further appeal the designation to the U.S. Secretary of Labor within thirty (30) days after receipt of the Council's written decision. The appeal to the Secretary must be consistent with the requirements of the Workforce Investment Act.

Dated this 10th day of October, 2005.



D. Duff McKee, Hearing Officer



Federal Register

Tuesday,
April 12, 2005

Part III

Department of Labor

Employment and Training Administration

Planning Guidance and Instructions for
Submission of Two Years of the Strategic
Five-Year State Plan for Title I of the
Workforce Investment Act of 1998 and
the Wagner-Peyser Act; Notice

DEPARTMENT OF LABOR

Employment and Training Administration

Planning Guidance and Instructions for Submission of Two Years of the Strategic Five-Year State Plan for Title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act

AGENCY: Employment and Training Administration.

ACTION: Notice.

SUMMARY: The purpose of this notice is to provide interested parties with the planning guidance for use by States in submitting two years of their Strategic Five-Year State Plan for Title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act. The Planning Guidance and Instructions provide a framework for the collaboration of Governors, Local Elected Officials, businesses and other partners to continue the development of workforce investment systems that address customer needs, deliver integrated, user-friendly services; and are accountable to the customers and the public.

FOR FURTHER INFORMATION CONTACT: Ms. Gay Gilbert, Administrator, Office of Workforce Investment, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-4231, Washington, DC 20210. Telephone: (202) 693-3980 (voice) (This is not a toll free number) or (202) 693-7755 (TTY). Information may also be found at the Web site—http://www.doleta.gov/usworkforce.

SUPPLEMENTARY INFORMATION: The Workforce Investment Act (WIA or Act), Pub. L. 105-220 (August 7, 1998) provides the framework for a reformed workforce investment system designed to meet the needs of the nation's employers, job seekers and those who want to further their careers.

In the context of the 21st century innovation economy, the workforce investment system has a critical role to play at every level "local, State, and Federal—to ensure a skilled and competitive workforce. To effectively drive the economic growth of our communities and the nation and to provide the workers of this country with the right skills and opportunities for good jobs with good pay and career pathways, the public investments in workforce development need to be strategic. Strategies for investment need to embrace new methods of engagement with strategic partners as well as new service delivery paradigms that address the ever changing economy and labor market. Innovation and technology are continuously changing the nature of

work at an accelerated pace. Therefore, the strategic planning process for workforce investment must be dynamic, fluid, and future oriented.

The Workforce Investment Act (WIA) of 1998 created dramatic changes to the workforce system. With the overarching goal to streamline, consolidate, and integrate a wide array of employment and training programs, system changes spanned every facet of operation including governance, administration and funding, and service delivery. The vision is for an integrated workforce investment system better able to respond to the needs of its customers. The framework of WIA embodies principles that remain critical to the strategic planning process in today's economy.

Since the passage of WIA, the workforce investment system broadly has made great strides in implementing the principles described above. However, there remains significant opportunity for States and local areas to utilize the framework of WIA to realize the vision these principles reflect. The changes in the WIA State planning process reflected in this document are intended to facilitate a realization of that vision as well as to set the stage for the planning process in the context of the 21st century economy.

Signed at Washington, DC this 5th day of April, 2005.

Emily Stover DeRocco,

Assistant Secretary of Labor, Employment and Training Administration.

State Planning Guidance and Instructions for Title I of the Workforce Investment Act of 1998 (Workforce Investment Systems) and Wagner-Peyser Act

Statement of Purpose

The purpose of this document is to provide planning guidelines to States and localities for the development of the Strategic Five-Year State Plan for title I of the Workforce Investment Act of 1998 (WIA) and the Wagner-Peyser Act (hereinafter referred to as the State Plan.) The State Plan is required in order for States to receive formula allotments under the Act. The current Strategic Five-Year State Plans expire June 30, 2005. The Department of Labor is anticipating the reauthorization of WIA within the next two years. To meet the requirement that States must have approved State plans in place to receive allotments, the Employment and Training Administration (ETA) is requiring states to only develop a plan for the first two years of the five year strategic planning cycle. This will allow States to strategically approach their

workforce investment policies for the immediate future, without requiring a full five year strategic plan, in light of the anticipated reauthorization of WIA. The information required in the Plan is requested in order to meet the information requirements of the act and/or to demonstrate compliance with WIA, the WIA regulations, including 29 CFR part 37, the Wagner-Peyser Act, and the Wagner-Peyser Act regulations.

Background

The Planning Guidance and Instructions provide a framework for the collaboration of Governors, Local Elected Officials, businesses and other partners to design and build workforce investment systems that address customer needs; deliver integrated, user-friendly services; and are accountable to the customers and the public. The document is organized in two distinct sections. The first section of the document is devoted to providing strategic guidance from a national perspective and communicates the current goals and strategic direction for the workforce system of the U.S. Department of Labor. The second section of the document is the actual format and guidance related to content for submission of the State Plan.

The Department of Labor sees as one of its primary roles providing leadership and guidance to support a system that meets the objectives of title I of WIA, and in which State and local partners have flexibility to design systems and deliver services in a manner designed to achieve the goals for WIA based on their particular needs.

Part I. National Strategic Direction

The purpose of this portion of the document is to communicate national direction and strategic priorities for the workforce investment system. Broadly, the Federal goals for the workforce investment system for this planning cycle include:

o Realizing the reforms envisioned by the Workforce Investment Act including:

- Integrated, seamless service delivery through comprehensive One-Stop Career Centers;
- A demand-driven workforce system governed by business-led workforce investment boards;
- Maximum flexibility in tailoring service delivery and making strategic investment in workforce development activities to meet the needs of State and local economies and labor markets;
- Customers making informed choices based on quality workforce information and accessing quality training providers;

- Increased fiscal and performance accountability; and
- A youth program targeting out-of-school populations with increased accountability for employment and/or increased secondary and post-secondary education outcomes.

- Incorporating new statutory and regulatory program requirements that have evolved since the passage of WIA, such as priority of service for veterans as prescribed by the Jobs for Veterans Act (Pub. L. 107-288), (38 U.S.C. 4215).

- Providing the national strategic priorities and direction in the following areas:

- Implementation of a demand-driven workforce system;
- System reform to eliminate duplicative administrative costs and to enable increased training investments;
- Enhanced integration of service delivery through One-Stop delivery systems nationwide;
- A refocusing of the WIA youth investments on out-of-school youth populations, collaborative service delivery across Federal programs, and increased accountability;
- Improved development and delivery of workforce information to support workforce investment boards in their strategic planning and investments; providing tools and products that support business growth and economic development; and providing quality career guidance directly to students and job seekers and their counselors through One-Stop Career Centers;
- Faith-based and community-based organizations playing an enhanced role in workforce development;
- Enhanced use of waivers and workflex provisions in WIA to provide greater flexibility to States and local areas in structuring their workforce investment systems; and
- Reporting against common performance measures across Federal employment and training programs.

Demand-Driven Workforce Investment System

The realities of today's global economy make it imperative that the workforce investment system be demand-driven, providing services that prepare workers to take advantage of new and increasing job opportunities in high growth/high demand and economically vital industries and sectors of the American economy. The foundation of this effort is partnerships that include the workforce system, business and industry, and education and training providers, that develop and implement a strategic vision for economic development. Becoming

demand-driven represents a major transformation of this system, which, for 40 years, framed around individuals needs for service rather than focusing on both the needs of job seekers and the business community.

To be successful, the workforce investment system must begin today to prepare the workforce of tomorrow. Each year, the United States invests approximately \$15 billion in the workforce system. To ensure that this large investment is used effectively, it is imperative that all of the components of the workforce system at the national, State, and local levels become demand-driven and contribute to the economic well-being of communities and the nation by developing a qualified and competitive workforce. Current job opportunities must be known as well as where the good jobs will be in the future by (1) identifying the workforce needs in high-growth, high-demand and economically critical industries and the necessary preparation required to succeed in those occupations and (2) understanding the workforce challenges that must be addressed to ensure a prepared and competitive workforce. This requires all of the key players in the State and local system, including Governors and Local Elected Officials, State and Local Workforce Investment Boards (WIBs), State Workforce Agencies, and One-Stop Career Centers to:

- Have a firm grasp of their State and local economies;
- Strategically invest and leverage their resources;
- Build partnerships between industry leaders and educational institutions that develop solutions to workforce challenges; and
- Allocate training dollars to provide the skills and competencies necessary to support industry now and in the future.

The workforce investment system is a catalyst that links employers, economic development organizations, public agencies, and the education community to build and deliver innovative answers to workforce challenges.

Development of a demand driven strategic plan requires utilizing economic information and analysis to drive strategic investments, identifying strategic partners, and designing effective service delivery systems. Some of the important elements of a demand-driven strategic plan include the following:

- Economic analysis is a fundamental starting point for a demand-driven approach to workforce investment. A wide array of workforce information and data, including economic indicators, labor market information, census data,

educational data, transactional data, projections and data from the private sector, and one-on-one interviews with businesses needs to be collected and analyzed.

- Workforce strategies that target industries that are high growth, high demand and critical to the State and/or local economy are most likely to support economic growth and provide individuals with the opportunities to get good jobs with good pay and career pathways.

- Strategic partnerships among the workforce investment system, targeted businesses and industries, economic development agencies, and education and training providers (including K-12) provide a strong foundation for identifying workforce challenges and developing and implementing innovative workforce solutions focused on a workforce with the right skills. The workforce system must be the catalyst for bringing these target partnerships together.

- A solutions-based approach that brings the right strategic partners and resources to the table promotes a comprehensive analysis of workforce challenges and also provides the synergy for successful, innovative workforce solutions and the opportunity to leverage workforce investment resources effectively.

- A demand-driven workforce investment system ensures that the full array of assets available through the One-Stop delivery system is available to support individual workers as well as to provide solutions to workforce issues identified by business and industry.

- Translating the demand for workers with the skills businesses need into demand-driven career guidance must be one of the human resource solutions provided broadly by the workforce investment system.

The proposed State planning guidance includes new language in support of these principles which offers States an opportunity, in the context of the State planning process, to articulate formally demand-driven goals and strategies tailored to the unique needs of the State.

System Reform and Increased Focus on Training

Workforce training is one of the major areas in which the President is focusing reform efforts. In April 2004, he challenged the workforce investment system at the State and local levels to eliminate unnecessary overhead costs and simplify administration in order to preserve more resources for training. The system currently spends approximately 30% of appropriated

funds each year on infrastructure and "other" costs as currently reported by States as part of their routine reporting under WIA. Some of these funds are wisely spent, but clearly more can be made available for training. The President has called for the system to double the number of individuals trained under WIA. Through WIA reauthorization, additional reforms in support of these goals are anticipated.

1. The WIA State Plan provides States with a platform to promote greater efficiencies in the workforce system by articulating administrative policies for State and local governance processes. The State has multiple vehicles to increase consolidation and integration of the infrastructure through policies, required practices, provision of technical assistance and monitoring. The State also can articulate its goals for expenditure of resources for training in industries and occupations critical to the State's economy.

Enhanced Integration Through One-Stop Delivery System

One of the primary expectations of the workforce system under the WIA statutory framework is a seamless, integrated One-Stop delivery system. The expectation for an integrated service delivery system remains firmly embedded as a key principle of a demand-driven workforce system.

The goal of integration is to ensure that the full spectrum of community assets is used in the service delivery system to support human capital solutions for businesses, industry and individual customers. Different programs fund different types of services and serve different populations. These unique program features in the system provide both breadth and depth to the human capital solutions offered to businesses and industry. However, the assets go beyond program funding, and without integration of those assets as well, the system limits its impact and success.

The workforce system has had a vision of integration for over a decade, supported with the Federal investment in One-Stop Centers in the mid-1990s and later realized in statute with the passage of WIA. Despite many efforts, the vision of seamless, integrated service delivery remains unrealized in many areas. It is still all too common to visit local areas across the nation and find a One-Stop office within blocks of a separate "job service" or "affiliate" office or a comprehensive One-Stop Center where programs are co-located, but with little integration. In addition, there is often a lack of consistency in policy and service delivery across

workforce investment areas within a State, which causes customer confusion and frustration. While there are real challenges to achieving the vision of integration, it is a vision that can be realized. Due to strong leadership, creativity, and hard work at the State and local levels, a number of One-Stop Centers have overcome turf issues and administrative challenges to offer integrated service delivery.

Strong State leadership has been identified as one of the key success factors in achieving integration in One-Stop Centers. The WIA State planning process offers a unique opportunity for the Governor and the State workforce investment board to clearly articulate the State's goals for integration and to help remove any barriers. The Employment and Training Administration (ETA) is committed to working with States to support integration efforts.

A New Vision for Serving Youth Most in Need

The Administration is committed to bold, innovative and flexible initiatives to prepare the most at-risk and neediest youth for jobs in our changing economy. ETA, in collaboration with the Departments of Education, Health and Human Services, and Justice, have developed a new strategic vision to more effectively and efficiently serve out-of-school youth and those at risk of dropping out of school (Training and Employment Guidance Notice No. 3-04). Regional Youth Forums were conducted in the fall of 2004 that brought together State youth leaders to develop similar partnerships at the State level, and to begin to develop a common vision and action plan for implementing cross-agency State approaches for serving the neediest youth.

Out-of-school youth (and those most at risk of dropping out) are an important part of the new workforce *supply pipeline* needed by businesses to fill job vacancies in a knowledge-based economy. WIA-funded youth programs should connect these youth with quality secondary and post-secondary educational opportunities and high-growth and other employment opportunities.

ETA's new vision for serving youth will present challenges for how State and local WIA programs interact and link with State and local education and economic development systems. To achieve this vision, States should consider this new strategic approach and associated goals across four major areas:

⇒ *Alternative Education—Goal:* Provide leadership to ensure that youth

served in alternative education programs will receive a high quality education that adheres to the State standards developed in response to the No Child Left Behind (NCLB) legislation.

⇒ *Demand of Business—Goal:* The investment of WIA youth resources will be demand-driven, assuring that youth obtain the skills needed by businesses so that they can succeed in the 21st century economy.

⇒ *Neediest Youth—Goal:* Investments will be prioritized to serve youth most in need including out-of-school youth (and those at risk of dropping out of school), youth in foster care, those aging out of foster care, youth offenders, children of incarcerated parents, homeless youth, and migrant and seasonal farmworker youth.

⇒ *Improved Performance—Goal:* Key initiatives will be implemented to assure that programs are performance-based and focused on outcomes.

ETA has developed strategic partnerships at the Federal level with the Department of Education's Office of Vocational and Adult Education, the Department of Health and Human Services' Administration for Children and Families, and the Department of Justice's Office of Juvenile Justice and Delinquency Prevention. Through the State planning process, Governors have the opportunity to promote strategic partnerships across State agencies serving youth to enhance service delivery and more effectively leverage available resources.

ETA encourages Governors to play a key leadership role in enhancing intra-State coordination among youth serving agencies and to develop cross-agency approaches for serving youth. The WIA State planning process is a vehicle for driving a Statewide youth vision that ensures that previously marginalized youth become an important pipeline of workers that helps drive the State's economy.

A Stronger Workforce Information System

As discussed previously, a strong foundation of economic data and workforce information, along with the ability to analyze the data and transform it into easily understood intelligence, is one of the keys to effective strategic planning for a demand-driven workforce investment system. To achieve that vision, the workforce system needs to move beyond traditional labor market information strategies and develop a workforce information system that helps drive both economic development and workforce investment for the State. In

their lead role, States need to embrace a wide array of data sources, new strategies for making it available to customers, and consider alternative ways to invest and leverage public and private resources to build the State's workforce information system.

Workforce information is critical not only for driving the investments of the workforce system, but it is also a fundamental decision tool for the nation's businesses, students, workers, parents, guidance counselors, and education institutions. The development of workforce information is the responsibility broadly of Governors, State workforce agencies, State agencies designated under WIA as responsible for labor market information, State economic development agencies, and local workforce investment boards. A better alignment of information producers, brokers, and consumers both inside and outside the publicly funded workforce system must occur.

Effective Utilization of Faith-Based and Community Based Organizations

President Bush signed Executive Order 13198 on January 29, 2001, with the goal of removing statutory, regulatory, and procedural barriers that prevent faith-based and community organizations (FBCOs) from participating in the provision of social services. The Department of Labor Center for Faith-based and Community Initiatives, created under the Executive Order, has worked closely with ETA to help increase the opportunities for FBCOs to partner with the workforce investment system. As legal and regulatory barriers have been removed, the Department of Labor has been increasingly focusing on ways to integrate FBCOs into the WIA system at the local level including:

- Expanding the access of faith-based and community organizations' clients and customers to the training, job and career services offered by the local One-Stop Centers;
- Increasing the number of faith-based and community organizations serving as committed and active partners in the One-Stop delivery system.

By integrating the workforce system with the resources available through these organizations, the capacity of the workforce investment system to serve those most in need is significantly expanded. Continuing to promote integration of FBCOs remains a focal point for the President and the Department of Labor. States are encouraged to incorporate strategies that include FBCOs into their State Plans.

Increased Use of Flexibility Provisions in WIA

For the workforce system to be successful in promoting business prosperity and employment opportunities for workers, States must have the flexibility to design innovative programs based on local need and labor markets. WIA as it exists today provides significant opportunities to States to obtain waivers of statutory and regulatory requirements that may impede achieving the State's workforce goals. Therefore, one of the key focal points as States move into a new planning cycle is to encourage States to utilize the full range of flexibility offered under WIA's waiver and workflex provisions. The workflex option has not been utilized by States and may offer the greatest range of opportunity for States. ETA is committed to sharing the waiver strategies States have utilized to date and providing technical assistance to States considering requesting waivers. The State planning guidance is a vehicle for the State to identify waiver opportunities and to formally request waivers in concert with overall strategic planning. Waivers may be requested at other times as well. (Approved waivers are on the DOLETA automated waiver Web site which can easily be linked to from the <http://www.doleta.gov> Web site.)

Performance Accountability and Implementation of Common Performance Measures

Improved performance accountability for customer-focused results is a central feature of WIA and remains a strategic priority for the President and the Department of Labor. In an effective accountability system, a clear link should exist between the State's program design and the results achieved. The performance information should be available to and easily understood by all customers, stakeholders, and operators of the workforce investment system.

To enhance the management of the workforce system and the usability of performance information, the Department, in collaboration with other Federal agencies, has developed a set of common performance measures for federally-funded training and employment programs. The value of common measures is the ability to describe in a similar manner the core purposes of the workforce system—did people find jobs; did people stay employed; and did earnings increase? Standardizing the definitions of the outcomes across programs simplifies

reporting. Coupled with valid and accurate information, use of common measures provides a greater ability to compare and manage results.

It is ETA's intent to begin data collection in support of common measures effective July 1, 2005, for Program Year 2005. This was recently announced in Training and Employment Guidance Letter 18-04, "Announcing the soon-to-be-published Proposed Revisions to Existing Performance Reporting Requirements for the Implementation of Common Measures for title I of the Workforce Investment Act (WIA), the Wagner-Peyser Act (Employment Service (ES)/ Labor Exchange), the Trade Adjustment Assistance Reform Act (TAA), and title 38, chapter 41 Job Counseling, Training, and Placement Service (Veterans' Employment and Training Service (VETS))." Prior to the effective date, ETA will publish proposed revisions to reporting and recordkeeping requirements in support of common measures in a separate Federal Register Notice.

The common measures are an integral part of ETA's performance accountability system. ETA will continue to collect from States and grantees other data on program activities, participants, and outcomes necessary for program management, including data that support the existing WIA performance measures, and to convey full and accurate information on the performance of workforce programs to policymakers and stakeholders.

Part II. State Planning Instructions

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Plan Development Process

WIA gives states and local areas a unique opportunity to develop employment and training systems tailored specifically to state and local area needs. Since the state plan is only as effective as the partnerships that operationalize it, it should represent a collaborative process among state and local elected officials, Boards and partners (including economic development, education and private sector partners) to create a shared understanding of the state's workforce investments needs, a shared vision of how the workforce investment system can be designed to meet those needs, and agreement on the key strategies to attain this vision. This type of collaborative planning at all stages—from the initial planning discussions through drafting the state plan document—will enable the state plan to both drive local system improvements and allow room for strategies tailored to local needs. Plan development must also include an opportunity for stakeholder and public review and comment.

Describe, *in one page or less*, the process for developing the state plan.

1. Include (a) a discussion of the involvement of the Governor and the State Board in the development of the plan, and (b) a description of the manner in which the State Board collaborated with economic development, education, the business community and other interested parties in the development of the state plan. (§ 112(b)(1).)

2. Include a description of the process the State used to make the Plan available to the public and the outcome of the State's review of the resulting public comments. (§§ 111(g), 112(b)(9).)

Plan Submission Requirements

WIA state plans must have an original signature of the Governor, and the name of the Governor must be typed below the signature. The due date for submission of the first two-year period, July 1, 2005 through June 30, 2007, of

the five-year strategic plan is *Tuesday, May 31, 2005*.

States have the option to submit state plans in an electronic, hard copy, or CD-ROM format. The Department of Labor is encouraging states to submit state plans in electronic format to reduce the reporting and processing burden and to ensure timely receipt by the Department. The designated Federal Coordinator for the review and approval process is Christine Kulick, e-mail: kulick.christine@dol.gov; phone: (202) 693-3045.

Options for Submission

Electronic Submission. States can submit a state plan electronically either by posting it on an Internet Web site that is accessible to the Department or by transmitting it through electronic mail to the Department.

Posting State Plans on an Internet Web Site. Under this option, a state need only post its state plan on an Internet Web site; inform the Federal Coordinator and the appropriate ETA Regional Administrator (as listed in Attachment A) through electronic mail of the URL and the location of the document on the Web site; provide contact information in the event of problems with accessing the Web site; and certify that no changes will be made to the version of the state plan posted on the Web site after it has been submitted to the Department, unless the Department grants prior approval for such changes.

Transmitting State Plans by Electronic Mail. States submitting their Plan by electronic mail should send it to WIA.PLAN@DOL.GOV with a copy sent to the appropriate ETA Regional Administrator (as listed in Attachment A).

Other Considerations When Using Electronic Submission. State plan certifications with electronic signatures are acceptable. If a state chooses not to use an electronic signature, then the signature page must be submitted in hard copy. If a state chooses to submit its State plan by transmitting it through electronic mail, the state must submit it in Microsoft Word or PDF format.

Hard Copy or CD-ROM Submission. States choosing to submit a hard copy should submit one copy of the plan (with an original signature) to the appropriate ETA Regional Administrator, as listed in Attachment A, and one copy to Christine Kulick, the Federal Coordinator for Plan Review and Approval.

States submitting a state plan on CD-ROM should submit one copy of the plan to Christine Kulick, the Federal Coordinator for Plan Review and

Approval, and one copy to the appropriate ETA Regional Administrator (as listed in Attachment A). If the state plan on the CD-ROM does not include the signature of the Governor on the signature page, the state must submit separately an electronic signature or a signature page in hard copy. Plans submitted on a CD-ROM must be in Microsoft Word or PDF format.

Any state submitting its plan in hard copy, or on a CD-ROM, should send it to the following address, with a copy to the Regional Administrator: Division of One-Stop Operations, Employment and Training Administration, U.S.

Department of Labor, 200 Constitution Ave., NW., Room S-4231, Washington, DC 20210, Attn: Ms. Christine Kulick.

The Federal Coordinator will confirm receipt of the state plan within two workdays of receipt and indicate the date for the start of the review period. When a state submits an incomplete state plan, the period for review will not start until all required components of the state plan have been received.

Department of Labor Review and Approval

State plans will be reviewed in accordance with 20 CFR 661.220(e), which provides that the Secretary must approve all state plans within 90 days of their submission, unless the Secretary determines in writing that: (1) The state plan is inconsistent with the provisions of title I of WIA or the WIA regulations, including 29 CFR part 37; or (2) the portion of the state plan impacting the Wagner-Peyser Act plan does not satisfy the criteria for approval in section 8(d) of the Wagner-Peyser Act or the Wagner-Peyser Act regulations at 20 CFR part 652. However, for state plans that are submitted by the due date of May 31, 2005, for the two-year planning period, July 1, 2005 through June 30, 2007, the Department of Labor is committed to completing its review of the plan within 30 days.

The appropriate Regional Administrator will advise the state by letter, as soon as possible, that the state plan is approved or disapproved. If the state plan is not approved, the Regional Administrator will clearly indicate the reasons for disapproval and specify what additional information is required or what action needs to be taken for the state plan to be approved.

Negotiated Performance Indicators

WIA allows considerable flexibility in system design and service delivery, in exchange for both accountability for a key set of outcomes and improving those outcomes over time. To

accomplish this, the Secretary of Labor and the Governor of each State must reach agreement on the State's negotiated performance levels for the core indicators of performance, and for customer satisfaction indicators of employers' and participants' satisfaction. These levels of performance become the basis for sanctions for failed performance and, with additional performance levels under Adult Education and Vocational Education, the basis for incentive grants.

At a minimum, the state plan should include proposed performance goals each of the performance indicators for the two program years covered by the Plan for all programs covered in the plan (including Wagner-Peyser). While the state plan is under review, the ETA Regional Administrator and the state will discuss the performance levels, and negotiate on them as appropriate. The Department expects states to enter into preliminary discussions with the local boards and the ETA Regional Administrators before submitting the state plan. States are expected to come to the negotiating table with support from their local boards for the proposed performance goals. Entering into preliminary discussions prior to plan submission will maximize the time available to States, local areas, and the Department to develop a shared set of goals. ETA Regional Administrators will coordinate with other Department of Labor program administrators, including the Veterans' Employment and Training Service (VETS) Regional Administrators, to assure comprehensive Departmental participation. The Department will provide additional guidance regarding the negotiation process at a later date.

Modifications to State Plans

Modifications may be needed in any number of areas to keep the state plan a viable, living document over its two-year life. WIA regulations permit states to modify their plan at any time and 20 CFR 652.212 and 661.230 outline the circumstances under which modifications must be submitted. Modifications are required 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 the Statewide vision, strategies, policies, performance indicators, the methodology used to determine local allocation of funds, reorganizations which change the working relationship with system employees, changes in organizational responsibilities, changes to the membership structure of the State Board

or alternative entity and similar substantial changes to the State's workforce investment system.

(3) The State has failed to meet performance goals, and must adjust service strategies.

The regulations, at 20 CFR 652.212, which relate to the Wagner-Peyser Act portions of the plan, also require modifications when there is any reorganization of the State agency designated to deliver services under the Wagner-Peyser Act, any change in service delivery strategy, any change in levels of performance when performance goals are not met, or any change in services delivered by State merit-staff employees.

In general, it is substantial changes to the Strategic Five-Year Plan that require a modification under the regulations, *i.e.*, any change that significantly impacts the operation of the state's workforce investment system.

Modifications to the state plan are subject to the same public review and comment requirements that apply to the development of the original state plan. States should direct any questions about the need to submit a plan modification to the appropriate ETA Regional Administrator (as listed in Attachment A).

Inquiries

General inquiries about the State Planning Instructions may be directed to Christine Kulick, the Federal Coordinator for Plan Review and Approval. She may be contacted by e-mail at kulick.christine@dol.gov or by phone at (202) 693-3045. Inquiries about specific State issues should be directed to the appropriate ETA Regional Administrator (as listed in Attachment A).

State Vision

Describe the Governor's vision for a Statewide workforce investment system. Provide a *summary* articulating the Governor's vision for utilizing the resources of the workforce system in support of the State's economic development that address the issues and questions below. States are encouraged to attach more detailed documents to expand upon any aspect of the summary response if available. (§ 112(a) and (b)(4)(A-C).)

A. What are the State's economic development goals for attracting, retaining and growing business and industry within the State? (§ 112(a) and (b)(4)(A-C).)

B. Given that a skilled workforce is a key to the economic success of every business, what is the Governor's vision for maximizing and leveraging the broad

array of Federal and State resources available for workforce investment flowing through the State's cabinet agencies and/or education agencies in order to ensure a skilled workforce for the State's business and industry? (§ 112(a) and (b)(4)(A-C).)

C. Given the continuously changing skill needs that business and industry have as a result of innovation and new technology, what is the Governor's vision for ensuring a continuum of education and training opportunities that support a skilled workforce? (§ 112(a) and (b)(4)(A-C).)

D. What is the Governor's vision for bringing together the key players in workforce development including business and industry, economic development, education, and the workforce system to continuously identify the workforce challenges facing the State and to develop innovative strategies and solutions that effectively leverage resources to address those challenges? (§ 112(b)(10).)

E. What is the Governor's vision for ensuring that every youth has the opportunity for developing and achieving career goals through education and workforce training, including the youth most in need of assistance, such as out-of-school youth, homeless youth, youth in foster care, youth aging out of foster care, youth offenders, children of incarcerated parents, migrant and seasonal farmworker youth, and other youth at risk? (§ 112(b)(18)(A).)

II. State Workforce Investment Priorities

Identify the Governor's key workforce investment priorities for the State's workforce system and how each will lead to actualizing the Governor's vision for workforce and economic development. (§§ 111(d)(2) and 112(a).)

III. State Governance Structure (§ 112(b)(8)(A))

A. Organization of State Agencies in Relation to the Governor

1. Provide an organizational chart that delineates the relationship to the Governor of the agencies involved in the public workforce investment system, including education and economic development and the required and optional One-Stop partner programs managed by each agency.

2. In a narrative describe how the agencies involved in the public workforce investment system interrelate on workforce and economic development issues and the respective lines of authority.

B. State Workforce Investment Board
(§ 112(b)(1))

1. Describe the organization and structure of the State Board. (§ 111.)
2. Identify the organizations or entities represented on the State Board. If you are using an alternative entity which does not contain all the members required under section 111(b)(1), describe how each of the entities required under this section will be involved in planning and implementing the State's workforce investment system as envisioned in WIA. How is the alternative entity achieving the State's WIA goals? (§ 111(a-c), 111(e), and 112(b)(1).)
3. Describe the process your State used to identify your State board members. How did you select board members, including business representatives, who have optimum policy-making authority and who represent diverse regions of the State as required under WIA? (20 CFR 661.200.)
4. Describe how the board's membership enables you to achieve your vision described above. (§§ 111(a-c) and 112(b)(1).)
5. Describe how the Board carries out its functions as required in § 111(d) and 20 CFR 661.205. Include functions the Board has assumed that are in addition to those required. Identify any functions required in § 111(d) the Board does not perform and explain why.
6. How will the State board ensure that the public (including people with disabilities) has access to board meetings and information regarding State board activities, including membership and meeting minutes? (20 CFR 661.205.)
7. Identify the circumstances which constitute a conflict of interest for any State or local workforce investment board member or the entity that s/he represents, and any matter that would provide a financial benefit to that member or his or her immediate family. (§§ 111(f), 112(b)(13), and 117(g).)
8. What resources does the State provide the board to carry out its functions, *i.e.*, staff, funding, etc.?

C. Structure/Process for State Agencies and State Board To Collaborate and Communicate With Each Other and With the Local Workforce Investment System (§ 112(b)(8)(A))

1. Describe the steps the State will take to improve operational collaboration of the workforce investment activities and other related activities and programs outlined in section 112(b)(8)(A), at both the State and local level (*e.g.*, joint activities, memoranda of understanding, planned

mergers, coordinated policies, etc.). How will the State board and agencies eliminate any existing State-level barriers to coordination? (§§ 111(d)(2) and 112(b)(8)(A).)

2. Describe the lines of communication established by the Governor to ensure open and effective sharing of information among the State agencies responsible for implementing the vision for the workforce system and between the State agencies and the State workforce investment board.

3. Describe the lines of communication and mechanisms established by the Governor to ensure timely and effective sharing of information between the State agencies/ State Board and local workforce investment areas and local Boards. Include types of regularly issued guidance and how Federal guidance is disseminated to local Boards and One-Stop Career Centers. (§ 112(b)(1).)

4. Describe any cross-cutting organizations or bodies at the State level designed to guide and inform an integrated vision for serving youth in the State within the context of workforce investment, social services, juvenile justice, and education. Describe the membership of such bodies and the functions and responsibilities in establishing priorities and services for youth. How is the State promoting a collaborative cross-agency approach for both policy development and service delivery at the local level for youth? (§ 112(b)(18)(A).)

IV. Economic and Labor Market Analysis (§ 112(b)(4))

As a foundation for this strategic plan and to inform the strategic investments and strategies that flow from this plan, provide a detailed analysis of the State's economy, the labor pool, and the labor market context. Elements of the analysis should include the following:

- A. What is the current makeup of the State's economic base by industry?
- B. What industries and occupations are projected to grow and/or decline in the short term and over the next decade?
- C. In what industries and occupations is there a demand for skilled workers and available jobs, both today and projected over the next decade? In what numbers?
- D. What jobs/occupations are most critical to the State's economy?
- E. What are the skill needs for the available, critical and projected jobs?
- F. What are the current and projected demographics of the available labor pool (including the incumbent workforce) both now and over the next decade?

G. Is the State experiencing any "in migration" or "out migration" of workers that impact the labor pool?

H. Based on an analysis of both the projected demand for skills and the available and projected labor pool, what skill gaps is the State experiencing today and what skill gaps are projected over the next decade?

I. Based on an analysis of the economy and the labor market, what workforce development issues has the State identified?

J. What workforce development issues has the State prioritized as being most critical to its economic health and growth?

V. Overarching State Strategies

A. Identify how the State will use WIA title I funds to leverage other Federal, State, local, and private resources in order to maximize the effectiveness of such resources and to expand the participation of business, employees, and individuals in the Statewide workforce investment system? (§ 112(b)(10).)

B. What strategies are in place to address the national strategic direction discussed in part I of this guidance, the Governor's priorities, and the workforce development issues identified through the analysis of the State's economy and labor market? (§ 112(b)(4)(D), 112(a).)

C. Based on the State's economic and labor market analysis, what strategies has the State implemented or plans to implement to target industries and occupations within the State that are high growth, high demand, and vital to the State's economy? (§ 112(a), 112(b)(4)(A).) The State may want to consider:

1. Industries projected to add a substantial number of new jobs to the economy; or
 2. Industries that have a significant impact on the overall economy; or
 3. Industries that impact the growth of other industries; or
 4. Industries that are being transformed by technology and innovation that require new skill sets for workers; or
 5. Industries that new and emerging and are expected to grow.
- D. What strategies are in place to promote and develop ongoing and sustained strategic partnerships that include business and industry, economic development, the workforce system, and education partners (K-12, community colleges and others) for the purpose of continuously identifying workforce challenges and developing solutions to targeted industries' workforce challenges? (§ 112(b)(8).)

E. What State strategies are in place to ensure that sufficient system resources are being spent to support training of individuals in high growth/high demand industries? (§ 112(b)(17)(A)(i), and 112(b)(4)(A).)

F. What workforce strategies does the State have to support the creation, sustainability, and growth of small businesses and support for the workforce needs of small businesses as part of the State's economic strategy? (§§ 112(b)(4)(A) and 112(b)(17)(A)(i).)

G. How are the funds reserved for Statewide activities used to incent the entities that make up the State's workforce system at the State and local levels to achieve the Governor's vision and address the national strategic direction identified in part I of this guidance? (§ 112(a).)

H. Describe the State's strategies to promote collaboration between the workforce system, education, human services, juvenile justice, and other systems to better serve youth that are most in need and have significant barriers to employment, and to successfully connect them to education and training opportunities that lead to successful employment. (§ 112(b)(18)(A).)

I. Describe the State's strategies to identify State laws, regulations, policies that impede successful achievement of workforce development goals and strategies to change or modify them. (§ 112(b)(2).)

J. Describe how the State will take advantage of the flexibility provisions in WIA for waivers and the option to obtain approval as a workflex State pursuant to § 189(i) and § 192.

VI. Major State Policies and Requirements

Describe major State policies and requirements that have been established to direct and support the development of a Statewide workforce investment system not described elsewhere in this Plan as outlined below. (§ 112(b)(2).)

A. What State policies and systems are in place or planned to support common data collection and reporting processes, information management, integrated service delivery, and performance management? (§§ 111(d)(2) and 112(b)(8)(B).)

B. What State policies are in place that promote efficient use of administrative resources such as requiring more co-location and fewer affiliate sites in local One-Stop systems to eliminate duplicative facility and operational costs or requiring a single administrative structure at the local level to support local boards and to be the fiscal agent for WIA funds to avoid

duplicative administrative costs that could otherwise be used for service delivery and training? The State may include administrative cost controls, plans, reductions, and targets for reductions if it has established them. (§§ 111(d)(2) and 112(b)(8)(A).)

C. What State policies are in place to promote universal access and consistency of service Statewide? (§ 112(b)(2).)

D. What policies support a demand-driven approach, as described in Part I. "Demand-driven Workforce Investment System", to workforce development—such as training on the economy and labor market data for local Board and One-Stop Career Center staff? (§§ 112(b)(4) and 112(b)(17)(A)(iv).)

E. What policies are in place to ensure that the resources available through the Federal and/or State apprenticeship programs and the Job Corps are fully integrated with the State's One-Stop delivery system? (§ 112(b)(17)(A)(iv).)

VII. Integration of One-Stop Service Delivery

Describe the actions the State has taken to ensure an integrated One-Stop service delivery system Statewide. (§§ 112(b)(14) and 121.)

A. What State policies and procedures are in place to ensure the quality of service delivery through One-Stop Centers such as development of minimum guidelines for operating comprehensive One-Stop Centers, competencies for One-Stop Career Center staff or development of a certification process for One-Stop Centers? (§ 112(b)(14).)

B. What policies or guidance has the State issued to support maximum integration of service delivery through the One-Stop delivery system for both business customers and individual customers? (§ 112(b)(14).)

C. What actions has the State taken to promote identifying One-Stop infrastructure costs and developing models or strategies for local use that support integration? (§ 112(b)(14).)

D. How does the State use the funds reserved for Statewide activities pursuant to §§ 129(b)(2)(B) and 134(a)(2)(B)(v) to assist in the establishment and operation of One-Stop delivery systems? (§ 112(b)(14).)

E. How does the State ensure the full array of services and staff in the One-Stop delivery system support human capital solutions for businesses and individual customers broadly? (§ 112(b)(14).)

VIII. Administration and Oversight of Local Workforce Investment System

A. Local Area Designations:

1. Identify the State's designated local workforce investment areas and the date of the most recent area designation, including whether the State is currently re-designating local areas pursuant to the end of the subsequent designation period for areas designated in the previous State Plan. (§ 112(b)(5).)

2. Include a description of the process used to designate such areas. Describe how the State considered the extent to which such local areas are consistent with labor market areas: geographic areas served by local and intermediate education agencies, post-secondary education institutions and area vocational schools; and all other criteria identified in section 116(a)(1) in establishing area boundaries, to assure coordinated planning. Describe the State Board's role, including all recommendations made on local designation requests pursuant to section 116(a)(4). (§§ 112(b)(5) and 116(a)(1).)

3. Describe the appeals process used by the State to hear appeals of local area designations referred to in § 112(b)(5) and § 116(a)(5).

B. Local Workforce Investment Boards—Identify the criteria the State has established to be used by the chief elected official(s) in the local areas for the appointment of local board members based on the requirements of section 117. (§§ 112(b)(6), 117(b).)

C. How will your State build the capacity of Local Boards to develop and manage high performing local workforce investment system? (§§ 111(d)(2) and 112(b)(14).)

D. Local Planning Process—Describe the State mandated requirements for local workforce areas' strategic planning. What assistance does the State provide to local areas to facilitate this process, (112(b)(2) and 20 CFR 661.350(a)(13).) including:

1. What oversight of the local planning process is provided, including receipt and review of plans and negotiation of performance agreements? and

2. How does the local plan approval process ensure that local plans are consistent with State performance goals and State strategic direction?

E. Regional Planning (§§ 112(b)(2), 116(c).)

1. Describe any intra-State or inter-State regions and their corresponding performance measures.

2. Include a discussion of the purpose of these designations and the activities (such as regional planning, information sharing and/or coordination activities) that will occur to help improve performance. For example, regional planning efforts could result in the sharing of labor market information or

in the coordination of transportation and support services across the boundaries of local areas.

3. For inter-State regions (if applicable), describe the roles of the respective Governors and State and local Boards.

F. Allocation Formulas (112(b)(12)).

1. If applicable, describe the methods and factors (including weights assigned to each factor) your State will use to distribute funds to local areas for the 30% discretionary formula adult employment and training funds and youth funds pursuant to §§ 128(b)(3)(B) and 133(b)(3)(B).

2. Describe how the allocation methods and factors help ensure that funds are distributed equitably throughout the State and that there will be no significant shifts in funding levels to a local area on a year-to-year basis.

3. Describe the State's allocation formula for dislocated worker funds under § 133(b)(2)(B).

4. Describe how the individuals and entities on the State board were involved in the development of the methods and factors, and how the State consulted with chief elected officials in local areas throughout the State in determining such distribution.

G. Provider Selection Policies (§§ 112(b)(17)(A)(iii), 122, 134(d)(2)(F)).

1. Identify the policies and procedures, to be applied by local areas, for determining eligibility of local level training providers, how performance information will be used to determine continuing eligibility and the agency responsible for carrying out these activities.

2. Describe how the State solicited recommendations from local boards and training providers and interested members of the public, including representatives of business and labor organizations, in the development of these policies and procedures.

3. Describe how the State will update and expand the State's eligible training provider list to ensure it has the most current list of providers to meet the training needs of customers?

4. Describe the procedures the Governor has established for providers of training services to appeal a denial of eligibility by the local board or the designated State agency, a termination of eligibility or other action by the board or agency, or a denial of eligibility by a One-Stop operator. Such procedures must include the opportunity for a hearing and time limits to ensure prompt resolution.

5. Describe the competitive and non-competitive processes that will be used at the State level to award grants and contracts for activities under title I of

WIA, including how potential bidders are being made aware of the availability of grants and contracts. (§ 112(b)(16).)

6. Identify the criteria to be used by local boards in awarding grants for youth activities, including criteria that the Governor and local boards will use to identify effective and ineffective youth activities and providers of such activities. (§ 112(b)(18)(B).)

H. One-Stop Policies (§ 112(D)(14)).

1. Describe how the services provided by each of the required and optional One-Stop partners will be coordinated and made available through the One-Stop system. Include how the State will consolidate Wagner-Peyser Act funds to avoid duplication of core services. (§ 112(b)(8)(A).)

2. Describe how the State helps local areas identify areas needing improvement and how technical assistance will be provided.

3. Identify any additional State mandated One-Stop partners (such as TANF or Food Stamp Employment and Training) and how their programs and services are integrated into the One-Stop Career Centers.

I. Oversight/Monitoring Process— Describe the monitoring and oversight criteria and procedures the State utilizes to move the system toward the State's vision and achieve the goals identified above, such as the use of mystery shoppers, performance agreements. (§ 112(b)(14).)

J. Grievance Procedures.— Attach a copy of the State's grievance procedures for participants and other affected parties (including service providers.) (§ 122(g) and 181(cc).)

K. Describe the following State policies or procedures that have been developed to facilitate effective local workforce investment systems (§§ 112(b)(17)(A) and 112(b)(2).):

1. State guidelines for the selection of One-Stop providers by local boards;

2. Procedures to resolve impasse situations at the local level in developing memoranda of understanding (MOUs) to ensure full participation of all required partners in the One-Stop delivery system;

3. Criteria by which the State will determine if local Boards can run programs in-house;

4. Performance information that on-the-job training and customized training providers must provide;

5. Reallocation policies;

6. State policies for approving local requests for authority to transfer funds (not to exceed 20%) between the Adult and Dislocated Worker funding streams at the local level;

7. Policies related to displaced homemakers, nontraditional training for

low-income individuals, older workers, low-income individuals, disabled individuals and others with multiple barriers to employment and training;

8. If you did not delegate this responsibility to local boards, provide your State's definition regarding the sixth youth eligibility criterion at section 101(13)(C)(iv) ("an individual who requires additional assistance to complete an educational program, or to secure and hold employment"). (§§ 112(b)(18)(A) and 20 CFR 664.210.)

IX. Service Delivery

Describe the approaches the State will use to provide direction and support to local Boards and the One-Stop Career Center delivery system on the strategic priorities to guide investments, structure business engagement, and inform service delivery approaches for all customers. (§§ 112(b)(17)(A) Activities could include:

A. *One-Stop Service Delivery Strategies* (§§ 112(b)(2) and 111(d)(2))

1. How will the services provided by each of the required and optional One-Stop partners be coordinated and made available through the One-Stop system? (§ 112(b)(8)(A).)

2. How are youth formula programs funded under § 128(b)(2)(A) integrated in the One-Stop system?

3. What minimum service delivery requirements does the State mandate in a comprehensive One-Stop Center or an affiliate site?

4. What tools and products has the State developed to support service delivery in all One-Stop Centers Statewide?

5. What models/templates/approaches does the State recommend and/or mandate for service delivery in the One-Stop Centers? For example, do all One-Stop Centers have a uniform method of organizing their service delivery to business customers? Is there a common individual assessment process utilized in every One-Stop Center? Are all One-Stop Centers required to have a resource center that is open to anyone?

B. *Workforce Information*

A fundamental component of a demand-driven workforce investment system is the integration and application of the best available State and local workforce information including, but not limited to, economic data, labor market information, census data, private sources of workforce information produced by trade associations and others, educational data, job vacancy surveys, transactional data from job boards, and information obtained directly from businesses.

(§§ 111(d)(8), 112(b)(1), and 134(d)(2)(E).)

1. Describe how the State will integrate workforce information into its planning and decision making at the State and local level, including State and local Boards, One-Stop operations, and case manager guidance.

2. Describe the approach the State will use to disseminate accurate and timely workforce information to businesses, job seekers, and employment counselors, in easy to use formats that are readily accessible within One-Stop Career Centers and at remote locations such as libraries, schools, worksites, and at home.

3. Describe how the State's Workforce Information Core Products and Services Plan is aligned with the WIA State Plan to ensure that the investments in core products and services support the State's overall strategic direction for workforce investment.

4. Describe how State workforce information products and tools are coordinated with the national electronic workforce information tools including America's Career Information Network and Career Voyages.

C. Adults and Dislocated Workers

1. Core Services. § 112(b)(17)(a)(i).

a. Describe state strategies and policies to ensure adults and dislocated workers have universal access to the minimum required core services as described in § 134(d)(2).

b. Describe how the state will ensure the three-tiered service delivery strategy for labor exchange services for job seekers and employers authorized by the Wagner-Peyser Act includes: (1) Self-service, (2) facilitated self-help service, and (3) staff-assisted service, and is accessible and available to all customers at the local level.

c. Describe how the state will integrate resources provided under the Wagner-Peyser Act and WIA title I for adults and dislocated workers as well as resources provided by required One-Stop partner programs, to deliver core services.

2. Intensive Services. (§ 112(b)(17)(a)(i).) Describe State strategies and policies to ensure adults and dislocated workers who meet the criteria in § 134(d)(3)(A) receive intensive services as defined.

3. Training Services. (§ 112(b)(17)(A)(i).)

a. Describe the Governor's vision for increasing training access and opportunities for individuals including the investment of WIA title I funds and the leveraging of other funds and resources.

b. Individual Training Accounts:

i. What policy direction has the State provided for ITAs?

ii. Describe innovative training strategies used by the State to fill skills gaps. Include in the discussion the State's effort leverage additional resources to maximize the use of ITAs through partnerships with business, education (in particular, community and technical colleges), economic development agencies, and industry associations and how business and industry involvement is used to drive this strategy.

iii. Discuss the State's plan for committing all or part of WIA title I funds to training opportunities in high-growth, high-demand, and economically vital occupations.

iv. Describe the State's policy for limiting ITAs (*e.g.*, dollar amount or duration).

v. Describe the State's current or planned use of WIA title I funds for the provision of training through apprenticeship.

vi. Identify State policies developed in response to changes to WIA regulations that permit the use of WIA title I financial assistance to employ or train participants in religious activities when the assistance is provided indirectly) such as through an ITA. (Note that the Department of Labor provides Web access to the equal treatment regulations and other guidance for the workforce investment system and faith-based and community organizations at <http://www.dol.gov/cfbci/legalguidance.htm>.)

c. Eligible Training Provider List. Describe the State's process for providing broad customer access to the statewide list of eligible training providers and their performance information including at every One-Stop Career Center. (§ 112(b)(17)(A)(iii).)

d. On-the-Job (OJT) and Customized Training (§§ 112(b)(17)(A)(i) and 134(b)). Based on the outline below, describe the State's major directions, policies and requirements related to OJT and customized training.

i. Describe the Governor's vision for increasing training opportunities to individuals through the specific delivery vehicles of OJT and customized training.

ii. Describe how the State:

- Identifies OJT and customized training opportunities;
- Markets OJT and customized training as an incentive to untapped employer pools including new business to the State, employer groups;
- Partners with high-growth, high-demand industries and economically vital industries to develop potential OJT and customized training strategies;

- Taps business partners to help drive the demand-driven strategy through joint planning, competency and curriculum development; and determining appropriate lengths of training, and

- Leverages other resources through education, economic development and industry associations to support OJT and customized training ventures.

4. Service to Specific Populations. (§ 112(b)(17)(A)(iv).)

a. Describe the State's strategies to ensure that the full range of employment and training programs and services delivered through the State's One-Stop delivery system are accessible to and will meet the needs of dislocated workers, displaced homemakers, low-income individuals migrant and seasonal farmworkers, women, minorities, individuals training for non-traditional employment, veterans, public assistance recipients and individuals with multiple barriers to employment (including older individuals, people with limited English-speaking proficiency, and people with disabilities.)

b. Describe the reemployment services you will provide to unemployment insurance claimants and the Worker Profiling services provided to claimants identified as most likely to exhaust their unemployment insurance benefits in accordance with section 3(c)(3) of the Wagner-Peyser Act.

c. Describe how the State administers the unemployment insurance work test and how feedback requirements (under § 7(a)(3)(F) of the Wagner-Peyser Act) for all UI claimants are met.

d. Describe the State's strategy for integrating and aligning services to dislocated workers provided through the WIA rapid response, WIA dislocated worker, and Trade Adjustment Assistance (TAA) programs. Does the State have a policy supporting co-enrollment for WIA and TAA?

e. How is the State's workforce investment system working collaboratively with business and industry and the education community to develop strategies to overcome barriers to skill achievement and employment experienced by the populations listed in paragraph (a.) above and to ensure they are being identified as a critical pipeline of workers?

f. Describe how the State will ensure that the full array of One-Stop services are available to individuals with disabilities and that the services are fully accessible?

g. Describe the role LVER/DVOP staff have in the One-Stop Delivery System. How will the State ensure adherence to

the legislative requirements for veterans' staff? How will services under this Plan take into consideration the agreement reached between the Secretary and the State regarding veterans' employment programs? (§§ 112(b)(7), 112 (b)(17)(B); 322, 38 U.S.C. chapter 41; and 20 CFR 1001.120.)

h. Department of Labor regulations at 29 CFR 37, require all recipients of Federal financial assistance from DOL to provide meaningful access to limited English proficient (LEP) persons. Federal financial assistance includes grants, training, equipment usage, donations of surplus property, and other assistance. Sub-recipients are also covered when Federal DOL funds are passed through from one recipient to a sub-recipient. Describe how the State will ensure access to services through the State's One-Stop delivery system by persons with limited English proficiency and how the State will meet the requirements of ETA Training and Employment Guidance Letter (TEGL) 26-02 (May 29, 2003), which provides guidance on methods of complying with the Federal rule.

i. Describe the State's strategies to enhance and integrate service delivery through the One-Stop delivery system for migrant and seasonal farm workers and agricultural employers. How will the State ensure that migrant and seasonal farm workers have equal access to employment opportunities through the State's One-Stop delivery system? Include the following:

- The number of Migrant and Seasonal Farmworkers (MSFWs) the State anticipates reaching annually through outreach to increase their ability to access core, intensive, and training services in the One-Stop Career Center System.

5. Priority of Service.

a. What procedures and criteria are in place under 20 CFR 663.600 for the Governor and appropriate local boards to direct One-Stop operators to give priority of service to public assistance recipients and other low-income individuals for intensive and training services if funds allocated to a local area for adult employment and training activities are determined to be limited? (§§ 112(b)(17)(A)(iv) and 134(d)(4)(E).)

b. What policies and strategies does the State have in place to ensure that, pursuant to the Jobs for Veterans Act (Pub. L. 107-288) (38 U.S.C. 4215), that priority of service is provided to veterans (and certain spouses) who otherwise meet the eligibility requirements for all employment and training programs funded by the U.S. Department of Labor, in accordance

with the provisions of TEGL 5-03 (9/16/03)?

D. Rapid Response (112(b)(17)(A)(ii))

Describe how your State provides Rapid Response services with the funds reserved under section 133(a)(2).

1. Identify the entity responsible for providing Rapid Response services. Describe how Rapid Response activities involve local boards and Chief Elected Officials. If Rapid Response activities are shared between the State and local areas, describe the functions of each and how funds are allocated to the local areas.

2. Describe the process involved in carrying out Rapid Response activities.

a. What methods are involved in receiving notice of impending layoffs (include WARN Act notice as well as other sources)?

b. What efforts does the Rapid Response team make to ensure that rapid response services are provided, whenever possible, prior to layoff date, onsite at the company, and on company time?

c. What services are included in Rapid Response activities? Does the Rapid Response team provide workshops or other activities in addition to general informational services to affected workers? How do you determine what services will be provided for a particular layoff (including layoffs that may be trade-affected)?

3. How does the State ensure a seamless transition between Rapid Response services and One-Stop activities for affected workers?

4. Describe how Rapid Response functions as a business service. Include whether Rapid Response partners with economic development agencies to connect employees from companies undergoing layoffs to similar companies that are growing and need skilled workers? How does Rapid Response promote the full range of services available to help companies in all stages of the economic cycle, not just those available during layoffs. How does the State promote Rapid Response as a positive, proactive, business-friendly service, not only a negative, reactive service?

5. What other partnerships does Rapid Response engage in to expand the range and quality of services available to companies and affected workers and to develop an effective early layoff warning network?

6. What systems does the Rapid Response team use to track its activities? Does the State have a comprehensive, integrated Management Information System that includes Rapid Response,

Trade Act programs, National Emergency Grants, and One-Stop activities?

7. Are Rapid Response funds used for other activities not described above; e.g., the provision of additional assistance to local areas that experience increased workers or unemployed individuals due to dislocation events?

E. Youth

ETA's strategic vision identifies youth most in need, such as out of school youth and those at risk, youth in foster care, youth aging out of foster care, youth offenders, children of incarcerated parents, homeless youth, and migrant and seasonal farmworker youth as those most in need of service. State programs and services should take a comprehensive approach to serving these youth, including basic skills remediation, helping youth stay in or return to school, employment, internships, help with attaining a high school diploma or GED, post-secondary vocational training, apprenticeships and enrollment in community and four-year colleges. (§ 112(b)(18).)

1. Describe your State's strategy for providing comprehensive, integrated services to eligible youth, including those most in need as described above. Include any State requirements and activities to assist youth who have special needs or barriers to employment, including those who are pregnant, parenting, or have disabilities. Include how the State will coordinate across State agencies responsible for workforce investment, foster care, education, human services, juvenile justice, and other relevant resources as part of the strategy. (§ 112(b)(18).)

2. Describe how coordination with Job Corps and other youth programs will occur. (§ 112(b)(18)(C).)

3. How does the State plan to utilize the funds reserved for Statewide activities to support the State's vision for serving youth? Examples of activities that would be appropriate investments of these funds include:

a. Utilizing the funds to promote cross agency collaboration;

b. Demonstration of cross-cutting models of service delivery;

c. Development of new models of alternative education leading to employment; or

d. Development of demand-driven models with business and industry working collaboratively with the workforce investment system and education partners to develop strategies for bringing these youth successfully into the workforce pipeline with the right skills.

e. Describe how your State will, in general, meet the Act's provisions regarding youth program design. (§§ 112(b)(18) and 129(c).)

F. Business Services (§§ 112(a) and 112(b)(2))

Provide a description of the State's strategies to improve the services to employers, including a description of how the State intends to:

1. Determine the employer needs in the local areas and on a Statewide basis.
2. Integrate business services, including Wagner-Peyser Act services, to employers through the One-Stop system.
3. Streamline administration of Federal tax credit programs within the One-Stop system to maximize employer participation. (20 CFR part 652.3(b), § 112(b)(17)(A)(i).)

G. Innovative Service Delivery Strategies (§ 112(b)(17)(A))

1. Describe innovative service delivery strategies the State has or is planning to undertake to maximize resources, increase service levels, improve service quality, achieve better integration or meet other key State goals. Include in the description the initiative's general design, anticipated outcomes, partners involved and funds leveraged (e.g., title I formula, Statewide reserve, employer contributions, education funds, non-WIA State funds).
2. If your State is participating in the ETA Personal Re-employment Account (PRA) demonstration, describe your vision for integrating PRAs as a service delivery alternative as part of the State's overall strategy for workforce investment.

H. Strategies for Faith-Based and Community-Based Organizations (§ 112(b)(17)(i))

Reaching those most in need is a fundamental element of the demand-driven system's goal to increase the pipeline of needed workers while meeting the training and employment needs of those most at risk. Faith-based and community organizations provide unique opportunities for the workforce investment system to access this pool of workers and meet the needs of business and industry. Describe those activities to be undertaken to: (1) increase the opportunities for participation of faith-based and community organizations as committed and active partners in the One-Stop delivery system; and (2) expand the access of faith-based and community-based organizations' clients and customers to the services offered by the One-Stops in the State. Outline those action steps designed to

strengthen State collaboration efforts with local workforce investment areas in conducting outreach campaigns to educate faith-based and community organizations about the attributes and objectives of the demand-driven workforce investment system. Indicate how these resources can be strategically and effectively leveraged in the State's workforce investment areas to help meet the objectives of the Workforce Investment Act.

X. State Administration

A. What technology infrastructure and/or management information systems does the State have in place to support the State and local workforce investment activities such as a One-Stop operating system designed to facilitate case management and service delivery across programs, a State job matching system, Web-based self service tools for customers, fiscal management systems, etc.? (§§ 111(d)(2), 112(b)(1), and 112(b)(8)(B).)

B. Describe the State's plan for use of the funds reserved for Statewide activities under WIA § 128 (a)(1).

C. Describe how any waivers or workflex authority (both existing and planned) will assist the State in developing its workforce investment system. (§§ 189(i)(1), 189 (i)(4)(A), and 192.)

D. Performance Management and Accountability. Improved performance and accountability for customer-focused results are central features of WIA. To improve, states need not only systems in place to collect data and track performance, but also systems to analyze the information and modify strategies to improve performance. (See Training and Employment Guidance Letter (TEGL) 15-03, Common Measures Policy, December 10, 2003.) In this section, describe how the State measures the success of its strategies in achieving its goals, and how the State uses this data to continuously improve the system.

1. Describe the State's performance accountability system, including any state-system measures and the state's performance goals established with local areas. Identify the performance indicators and goals the State has established to track its progress toward meeting its strategic goals and implementing its vision for the workforce investment system. For each of the core indicators, explain how the State worked with local boards to determine the level of the performance goals. Include a discussion of how the levels compare with the State's previous outcomes as well as with the State-adjusted levels of performance

established for other States (if available), taking into account differences in economic conditions, the characteristics of participants when they entered the program and the services to be provided. Include a description of how the levels will help the State achieve continuous improvement over the two years of the Plan. (§§ 112(b)(3) and 136(b)(3).)

2. Describe any targeted applicant groups under WIA title I, the Wagner-Peyser Act or title 38 chapters 41 and 42 (Veterans Employment and Training Programs) that the State tracks. (§§ 111(d)(2), 112(b)(3) and 136(b)(2)(C).)

3. Identify any performance outcomes or measures in addition to those prescribed by WIA and what process the State is using to track and report them.

4. Describe the State's common data system and reporting processes in place to track progress. Describe what data will be collected from the various One-Stop partners (beyond that required by DOL), use of quarterly wage records (including how your State accesses wage records), and how the Statewide system will have access to the information needed to continuously improve. (§ 112(b)(8)(B).)

5. Describe any actions the Governor and State Board will take to ensure collaboration with key partners and continuous improvement of the Statewide workforce investment system. (§§ 111(d)(2) and 112(b)(1).)

6. How do the State and local boards evaluate performance? What corrective actions (including sanctions and technical assistance) will the State take if performance falls short of expectations? How will the State and Local Boards use the review process to reinforce the strategic direction of the system? (§§ 111(d)(2), 112(b)(1), and 112(b)(3).)

7. What steps, has the State taken to prepare for implementation of new reporting requirements against the common performance measures as described in Training and Employment Guidance Letter (TEGL), 15-03, December 10, 2003, Common Measures Policy? In addition, what is the State's plan for gathering baseline data and establishing performance targets for the common measures? **Note:** ETA will issue additional guidance on reporting requirements for common measures.

8. Include a proposed level for each performance measure for each of the two program years covered by the Plan. While the plan is under review, the state will negotiate with the respective ETA Regional Administrator to set the appropriate levels for the next two years. States must identify the

performance indicators required under section 136, and, for each indicator, the State must develop an objective and quantifiable performance goal for two program years. States are encouraged to address how the performance goals for local workforce investment areas and training provides will help them attain their statewide performance goals. (§§ 112(b)(3) and 136.)

E. Administrative Provisions.

1. Provide a description of the appeals process referred to in § 116(a)(5)(m).

2. Describe the steps taken by the State to ensure compliance with the non-discrimination requirements outlined in § 188.

XI. Assurances

1. The State assures that it will establish, in accordance with section 184 of the Workforce Investment Act, fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State through the allotments made under sections 127 and 132. (§ 112(b)(11).)

2. The State assures that it will comply with section 184(a)(6), which requires the Governor to, every two years, certify to the Secretary, that—

a. The State has implemented the uniform administrative requirements referred to in section 184(a)(3);

b. The State has annually monitored local areas to ensure compliance with the uniform administrative requirements as required under section 184(a)(4); and

c. The State has taken appropriate action to secure compliance with section 184 (a)(3) pursuant to section 184(a)(5). (§ 184(a)(6).)

3. The State assures that the adult and youth funds received under the Workforce Investment Act will be distributed equitably throughout the State, and that no local areas will suffer significant shifts in funding from year to year during the period covered by this Plan. (§ 112(b)(12)(B).)

4. The State assures that veterans will be afforded employment and training activities authorized in section 134 of the Workforce Investment Act, and the activities authorized in chapters 41 and 42 of title 38 U.S. code. The State assures that it will comply with the veterans priority established in the Jobs for Veterans Act. (38 U.S.C. 4215.)

5. The State assures that the Governor shall, once every two years, certify one local board for each local area in the State. (§ 117(c)(2).)

6. The State assures that it will comply with the confidentiality requirements of section 136(f)(3).

7. The State assures that no funds received under the Workforce Investment Act will be used to assist, promote, or deter union organizing. (§ 181(b)(7).)

8. The State assures that it will comply with the nondiscrimination provisions of section 188, including an assurance that a Methods of Administration has been developed and implemented (§ 188.)

9. The State assures that it will collect and maintain data necessary to show compliance with the nondiscrimination provisions of section 188. (§ 185.)

10. The State assures that it will comply with the grant procedures prescribed by the Secretary (pursuant to the authority at section 189(c) of the Act) which are necessary to enter into grant agreements for the allocation and payment of funds under the Act. The procedures and agreements will be provided to the State by the ETA Office of Grants and Contract Management and will specify the required terms and conditions and assurances and certifications, including, but not limited to, the following:

- General Administrative Requirements:

- 29 CFR part 97—Uniform Administrative Requirements for State and Local Governments (as amended by the Act).

- 29 CFR part 96 (as amended by OMB Circular A-133)—Single Audit Act.

- OMB Circular A-87—Cost Principles (as amended by the Act).

- Assurances and Certifications:

- SF 424 B—Assurances for Non-construction Programs.

- 29 CFR part 37—Nondiscrimination and Equal Opportunity Assurance (and regulation) 29 CFR 37.20.

- CFR part 93—Certification Regarding Lobbying (and regulation).

- 29 CFR part 98—Drug Free Workplace and Debarment and Suspension Certifications (and regulation).

- Special Clauses/Provisions:

Other special assurances or provisions as may be required under Federal law or policy, including specific appropriations legislation, the Workforce Investment Act, or subsequent Executive or Congressional mandates.

11. The State certifies that the Wagner-Peyser Act Plan, which is part of this document, has been certified by the State Employment Security Administrator.

12. The State certifies that veterans' services provided with Wagner-Peyser Act funds will be in compliance with 38 U.S.C. chapter 41 and 20.CFR part 1001.

13. The State certifies that Wagner-Peyser Act-funded labor exchange activities will be provided by merit-based public employees in accordance with DOL regulations.

14. The State assures that it will comply with the MSFW significant office requirements in accordance with 20 CFR part 653.

15. The State certifies it has developed this Plan in consultation with local elected officials, local workforce boards, the business community, labor organizations and other partners.

16. As a condition to the award of financial assistance from the Department of Labor under title I of WIA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

- Section 188 of the Workforce Investment Act of 1998 (WIA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA title I—financially assisted program or activity;

- Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;

- Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

- The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and

- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that it will comply with 29 CFR part 37 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIA title I—financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIA title I—financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

17. The State assures that funds will be spent in accordance with the

Workforce Investment Act and the Wagner-Peyser Act and their regulations, written Department of Labor Guidance implementing these laws, and all other applicable Federal and State laws and regulations.

Attachment A

ETA Regional Administrators: January 2005

Region 1—Boston/New York

Douglas Small, Regional Administrator, U.S. Department of Labor/ETA, JFK Federal Building, Room E-350, Boston, Massachusetts 02203, (617) 788-0170, Fax: (617) 788-0101, *Small.Douglas@dol.gov*.

Region 2—Philadelphia

Lenita Jabobs-Simmons, Regional Administrator, U.S. Department of Labor/ETA, The Curtis Center, 170 South Independence Mall West, Suite 825 East, Philadelphia, Pennsylvania 19106-3315, (215) 861-5205, Fax: (215) 861-5205, *Jacobs-simmons.lenita@dol.gov*.

Region 3—Atlanta

Helen Parker, Regional Administrator, U.S. Department of Labor/ETA, Atlanta Federal Center, Rm. 6M12, 61 Forsyth Street, SW., Atlanta, Georgia 30303, (404) 562-2092, Fax: (404) 562-2149, *parker.helen@dol.gov*.

Region 4—Dallas/Denver

Joseph C. Juarez, Regional Administrator, U.S. Department of Labor/ETA, Federal Building, Rm. 317, 525 Griffin Street, Dallas, Texas 75202, (214) 767-8263, Fax: (214) 767-5113, *Juarez.joseph@dol.gov*.

Region 5—Chicago/Kansas City

Byron Zuidema, Regional Administrator, U.S. Department of Labor/ETA, 230 S. Dearborn Street, Rm. 628, Chicago, Illinois 60604, (312) 596-5400, Fax: (312) 596-5401, *Zuidema.byron@dol.gov*.

Region 6—San Francisco/Seattle

Richard Trigg, Regional Administrator, U.S. Department of Labor/ETA, 71 Stevenson Street, Rm. 830, San Francisco, California 94119-3767, (415) 975-4610, Fax: (415) 975-4612, *trigg.richard@dol.gov*.

Name of WIA Title I Grant Recipient Agency: _____

Attachment B

Program Administration Designees and Plan Signatures

Name of WIA Title I Grant Recipient Agency: _____

Address: _____

Telephone Number: _____

Facsimile Number: _____

E-mail Address: _____

Name of State WIA Title I Administrative Agency (if different from the Grant Recipient): _____

Address: _____

Telephone Number: _____

Facsimile Number: _____

E-mail Address: _____

Name of WIA Title I Signatory Official: _____

Address: _____

Telephone Number: _____

Facsimile Number: _____

E-mail Address: _____

Name of WIA Title I Liaison: _____
Address: _____

Telephone Number: _____

Facsimile Number: _____

E-mail Address: _____

Name of Wagner-Peyser Act Grant Recipient/State Employment Security Agency: _____

Address: _____

Telephone Number: _____

Facsimile Number: _____

E-mail Address: _____

Name and title of State Employment Security Administrator (Signatory Official): _____

Address: _____

Telephone Number: _____

Facsimile Number: _____

E-mail Address: _____

As the Governor, I certify that for the State/Commonwealth of _____,

the agencies and officials designated above have been duly designated to represent the State/Commonwealth in the capacities indicated for the Workforce Investment Act, title I, and Wagner-Peyser Act grant programs. Subsequent changes in the designation of officials will be provided to the U.S. Department of Labor as such changes occur.

I further certify that we will operate our Workforce Investment Act and Wagner-Peyser Act programs in accordance with this Plan and the assurances herein.

Typed Name of Governor: _____

Signature of Governor: _____

Date: _____

Attachment C

Optional Table for State Performance Indicators and Goals¹

WIA requirement at section 136(b)	Corresponding performance indicator(s)	Previous year performance	Performance goals out-years		
			1	2	3
Adults: Entry into Unsubsidized Employment 6-Months Retention in Unsubsidized Employment 6-Months Earnings received in Unsubsidized Employment Attainment of Educational or Occupational Skills Credential					
Dislocated Workers: Entry into Unsubsidized Employment 6-Months Retention in Unsubsidized Employment 6-Months Earnings received in Unsubsidized Employment Attainment of Educational or Occupational Skills Credential					
Youth Aged 19-21: Entry into Unsubsidized Employment 6-Months Retention in Unsubsidized Employment 6-Months Earnings received in Unsubsidized Employment Attainment of Educational or Occupational Skills Credential					
Youth 14-18: Attainment of Basic, Work Readiness and/or Occupational Skills Attainment of Secondary School Diplomas/Equivalents Placement and Retention in Post-Secondary Education/Training, or Placement in Military, Employment, Apprenticeships					

WIA requirement at section 136(b)	Corresponding performance indicator(s)	Previous year performance	Performance goals out-years		
			1	2	3
Participant Customer Satisfaction Employer Customer Satisfaction Additional State-Established Measures					

¹ Further guidance, including definitions of specific indicators, will be provided separately.

Attachment D

Local Planning Guidance for Single Workforce Investment Area States

I. Local Plan Submission

Section 118 of the Workforce Investment Act requires that the Board of each local workforce investment area, in partnership with the appropriate chief elected official, develop and submit a comprehensive Local Plan for activities under title I of WIA to the Governor for his or her approval. In States where there is only one local workforce investment area, the Governor serves as both the State and local Chief Elected Official. In this case, the State must submit both the State and Local Plans to the Department of Labor for review and approval. States may (1) submit their Local Plan as an attachment to the State Plan or (2) include these elements within their State Plan, and reference them in an attachment.

The State Planning Guidance on plan modifications and the plan approval process applies to a single workforce investment area State Local Plan, with one addition: The Department will approve a Local Plan within ninety days of submission, unless it is inconsistent with the Act and its implementing regulations, or deficiencies in activities carried out under the Act have been

identified and the State has not made acceptable progress in implementing corrective measures. (§ 112(c).)

II. Plan Content

In the case of single workforce investment area States, much of the Local Plan information required by section 118 of WIA will be contained in the State Plan. At a minimum, single workforce investment area State Local Plans shall contain the additional information described below, and any other information that the Governor may require. For each of the questions, if the answers vary in different areas of the State, please describe those differences.

A. Plan Development Process

1. Describe the process for developing the Local Plan. Describe the process and timeline used to provide an opportunity for public comment, including how local Chief Elected Officials, representatives of businesses and labor organizations, and other appropriate partners provided input into the development of the Local Plan, prior to the submission of the Plan. (§ 118(b)(7).)

2. Include with the local Plan any comments that represent disagreement with the Plan. (§ 118(c)(3).)

B. Services

1. Describe the One-Stop system(s) that will be established in the State.

Describe how the system(s) will ensure the continuous improvement of eligible providers of services and ensure that such providers meet the employment and training needs of employers, workers and job seekers throughout the State. Describe the process for the selection of One-Stop operator(s), including the competitive process used or the consortium partners. (§ 118(b)(2)(A).)

2. Describe and assess the type and availability of youth activities, including an identification of successful providers of such activities. (§ 118(b)(6).)

C. System Infrastructure

1. Identify the entity responsible for the disbursement of grant funds, as determined by the Governor. Describe how funding for areas within the State will occur. Provide a description of the relationship between the State and within-State areas regarding the sharing of costs where co-location occurs. (§ 118(b)(8).)

2. Describe the competitive process to be used to award the grants and contracts in the State for WIA title I activities. (§ 118(b)(9).)

[FR Doc. 05-7159 Filed 4-11-05; 8:45 am]

BILLING CODE 4510-30-P

U.S. Department of Labor

Employment and Training Administration
200 Constitution Avenue, N.W.
Washington, D.C. 20210



JUN 29 2005

The Honorable Dirk Kempthorne
Governor of Idaho
Office of the Governor
700 West Jefferson, 2nd Floor
Boise, Idaho 83720-0034

RE: Idaho's Strategic State Plan for Title I of the Workforce Investment Act
and the Wagner-Peyser Act

Dear Governor Kempthorne:

This letter provides approval of Idaho's Strategic Plan for Title I of the Workforce Investment Act (WIA) and the Wagner-Peyser Act for the two-year period, July 1, 2005 through June 30, 2007. The Employment and Training Administration (ETA) received your State's proposed Plan on May 31, 2005, and appreciates your timely submission. ETA views the strategic planning process under WIA to be a foundational driver for the State's workforce investment system which is key to economic growth. The role of governors in this process is critical, and we thank you for your leadership and that of your State's Workforce Investment Board.

Plan Review and Approval

ETA has reviewed the Idaho Plan, including supplemental information provided to the initial Plan by the State on June 21 and 22, 2005 (hereafter "the Plan"), in accordance with Title I of the Workforce Investment Act, the Wagner-Peyser Act, the corresponding regulations, and the WIA/Wagner-Peyser Act Planning Guidance issued on April 12, 2005. Pursuant to 20 CFR 661.220(e), this letter constitutes a written determination under WIA section 112(c) (29 USC 2822(c)), that the Plan, for the two-year period, July 1, 2005 through June 30, 2007, is consistent with the requirements of WIA and the Wagner-Peyser Act.

The Grant Officer will issue a Notice of Obligation for the "July portion" of the WIA formula allocations (Youth, Adult and Dislocated Worker), effective July 1, 2005, under the current Program Year 2005 Annual Funding Agreement. The Wagner-Peyser Act program grant documents for Program Year 2005/Fiscal Year 2006 were sent to the designated State grantee agency for signature. Upon return the Grant Officer will execute the grant effective July 1, 2005. These Wagner-Peyser Act documents will provide for the initial base allocation of Program Year 2005 funds.

Performance Levels

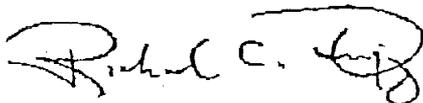
Enclosed are the negotiated Program Year 2005 and 2006 performance levels for WIA which were agreed upon in prior discussions with the Regional Office. These performance levels have been incorporated into the State Plan, and approval of this Plan constitutes formal approval of Idaho's WIA performance levels for Program Years 2005 and 2006.

Waiver Requests

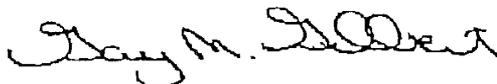
This Plan approval does not include approval of the requests for waivers submitted as part of the Plan. In accordance with 20 CFR 661.220(e)(3) and 661.420(e), the Department has requested additional information required for our determination that the waivers meet the standard for approval. You will soon be receiving a letter from the Assistant Secretary of the Employment and Training Administration advising you of the disposition of these requests.

If you have any questions related to the issues discussed above, please contact Christine Kulick at (202) 693-3045 or kulick.christine@dol.gov, or Todd Yamamoto at (415) 975-4666 or yamamoto.todd@dol.gov.

Sincerely,



Richard C. Trigg
Regional Administrator
Employment and Training
Administration



Gay M. Gilbert
Administrator
Office of Workforce Investment
Employment and Training
Administration

Enclosure

cc: Roger B. Madsen, Director, Idaho Department of Commerce and Labor
Emily Stover DeRocco, Assistant Secretary for Employment and Training
Jack Rapport, Administrator, Office of Field Operations
Christine Kulick, Federal Coordinator for Plan Review and Approval
E. Fred Tello, Grant Officer

WIA Performance Levels for PYs 2005 and 2006

Idaho

	<u>PY 2005</u>	<u>PY 2006</u>
<u>Adult Measures</u>		
Adult entered employment	87.00	87.00
Adult employment retention	84.00	84.00
Adult earnings change	\$3,900.00	\$3,900.00
Adult employment and credential	70.00	73.00
<u>Dislocated Worker Measures</u>		
Dislocated worker entered employment	90.00	90.00
Dislocated worker employment retention	91.00	91.00
Dislocated worker earnings change	(\$1,500.00)	(\$1,500.00)
Dislocated worker employment and credential	72.00	74.00
<u>Older Youth Measures</u>		
Older youth entered employment	83.00	83.00
Older youth employment retention	89.00	89.00
Older youth earnings change	\$3,094.00	\$3,094.00
Older youth credential	58.00	59.00
<u>Younger Youth Measures</u>		
Younger Youth Skill Attainment	92.00	92.00
Younger youth diploma	77.00	77.00
Younger youth retention	78.00	78.00
<u>Customer Satisfaction Measures</u>		
Participant ACSI	85.00	85.00
Employer ACSI	85.00	85.00

Region 6



DIRK KEMPTHORNE
GOVERNOR

June 1, 2005

Roger B. Madsen
Idaho Department of Commerce and Labor
317 West Main Street
Boise, ID 83735

Re: The New WIA State Plan

Dear Roger:

As Director of the Idaho Department of Commerce and Labor, I appoint you as my designee for the purpose of notifying local elected officials and local area boards of my decision to restructure Workforce Investment Act (WIA) services in Idaho so that the recent reduction of federal funding will not adversely affect the ability of Idahoans to receive job training.

Consistent with the requirements of the new WIA State Plan I signed and submitted to the Secretary of the United States Department of Labor on May 31, 2005, please notify local elected officials and current local area boards in areas not being retained that their area designations will expire on June 30, 2005. Also, please notify the area being retained that its area designation under the new plan will begin on July 1, 2005.

Also, since no unit of local government in Idaho qualifies for designation as a local area under sections 116(a)(2) or 116(a)(3) of the WIA, please notify all parties who submitted requests for recognition as a local area under the new WIA State Plan that their requests are denied.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Dirk Kempthorne", written over a circular stamp.

DIRK KEMPTHORNE
Governor

Department's Exhibit C

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IDAHO

COMMERCE & LABOR

DIRK KEMPTHORNE, GOVERNOR
ROGER B. MADSEN, DIRECTOR

June 9, 2005

Mr. Rick Currie, Chair
Panhandle Area Council
Kootenai County Commissioner
P. O. Box 9000
Coeur d'Alene, ID 83816

Re: Expiration of Current Area Designation
Denial of Request for Area Designation

Dear Mr. Currie:

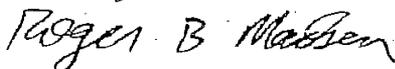
As Governor Kempthorne's designee for the purpose of notifying local elected officials and local area boards of the requirements of the new Workforce Investment Act (WIA) State Plan that the Governor signed and sent to the Secretary of the United States Department of Labor on May 31, 2005, you are hereby given notice of the following:

1. Your current designation as a WIA local area expires on June 30, 2005. The Department's Workforce Systems Bureau will contact you to provide information about close-out procedures and discuss transition activities.
2. Because you do not meet the criteria for designation as a local area under sections 116(a)(2) and 116(a)(3) of the WIA, your request for designation as a local area under the new WIA State Plan is denied. If you believe that you do meet this statutory criteria, you may appeal the Governor's decision by following the appeals procedure in Section VIII(A)(3) of the new WIA State Plan.

This action does not eliminate your local board. It only ends the designation that allows you to receive and administer federal WIA funds.

Governor Kempthorne and I appreciate your efforts and value your support as we join together to ensure that the recent reduction of federal funding will not adversely affect the ability of Idahoans to receive job training.

Sincerely



Roger B. Madsen
Director

cc: Mark Mattke

MAIN STREET OFFICE • 317 West Main Street • Boise, Idaho 83735 • 208-332-3570 • cl.idaho.gov

Equal Opportunity Employer

Department's Exhibit

D

43

IDAHO

COMMERCE & LABOR

DIRK KEMPTHORNE, GOVERNOR
ROGER B. MADSEN, DIRECTOR

June 9, 2005

Mr. John Currin
President
Clearwater Economic Development Assn
1626 6th Avenue N
Lewiston, ID 83501

Re: Expiration of Current Area Designation
Denial of Request for Area Designation

Dear Mr. Currin:

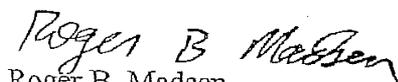
As Governor Kempthorne's designee for the purpose of notifying local elected officials and local area boards of the requirements of the new Workforce Investment Act (WIA) State Plan that the Governor signed and sent to the Secretary of the United States Department of Labor on May 31, 2005, you are hereby given notice of the following:

1. Your current designation as a WIA local area expires on June 30, 2005. The Department's Workforce Systems Bureau will contact you to provide information about close-out procedures and discuss transition activities.
2. Because you do not meet the criteria for designation as a local area under sections 116(a)(2) and 116(a)(3) of the WIA, your request for designation as a local area under the new WIA State Plan is denied. If you believe that you do meet this statutory criteria, you may appeal the Governor's decision by following the appeals procedure in Section VIII(A)(3) of the new WIA State Plan.

This action does not eliminate your local board. It only ends the designation that allows you to receive and administer federal WIA funds.

Governor Kempthorne and I appreciate your efforts and value your support as we join together to ensure that the recent reduction of federal funding will not adversely affect the ability of Idahoans to receive job training.

Sincerely



Roger B. Madsen
Director

cc: Tim Rubio

IDAHO

COMMERCE & LABOR

DIRK KEMPTHORNE, GOVERNOR
ROGER B. MADSEN, DIRECTOR

June 9, 2005

Mr. Dave Jett
President
Sage Community Resources
P. O. Box 70
Mountain Home, ID 83647

Re: Expiration of Current Area Designation
Denial of Request for Area Designation

Dear Mr. Jett:

As Governor Kempthorne's designee for the purpose of notifying local elected officials and local area boards of the requirements of the new Workforce Investment Act (WIA) State Plan that the Governor signed and sent to the Secretary of the United States Department of Labor on May 31, 2005, you are hereby given notice of the following:

1. Your current designation as a WIA local area expires on June 30, 2005. The Department's Workforce Systems Bureau will contact you to provide information about close-out procedures and discuss transition activities.
2. Because you do not meet the criteria for designation as a local area under section 116(a)(2) of the WIA, and because the designation criteria under section 116(a)(3) of the WIA is no longer applicable, your request for designation as a local area under the new WIA State Plan is denied. If you believe that you do meet this statutory criteria, you may appeal the Governor's decision by following the appeals procedure in Section VIII(A)(3) of the new WIA State Plan.

This action does not eliminate your local board. It only ends the designation that allows you to receive and administer federal WIA funds.

Governor Kempthorne and I appreciate your efforts and value your support as we join together to ensure that the recent reduction of federal funding will not adversely affect the ability of Idahoans to receive job training.

Sincerely



Roger B. Madsen
Director

cc: Bob Barber

IDAHO

COMMERCE & LABOR

DIRK KEMPTHORNE, GOVERNOR
ROGER B. MADSEN, DIRECTOR

June 9, 2005

Mr. Brent Jussel, President
Region IV Development Assn.
Seastrom Manufacturing
456 Seastrom St.
Twin Falls, ID 83301

Re: Expiration of Current Area Designation
Denial of Request for Area Designation

Dear Mr. Jussel:

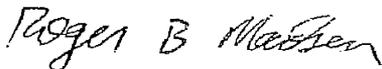
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Governor Kempthorne and I appreciate your efforts and value your support as we join together to ensure that the recent reduction of federal funding will not adversely affect the ability of Idahoans to receive job training.

Sincerely



Roger B. Madsen
Director

cc: Candy McElfresh

IDAHO

COMMERCE & LABOR

DIRK KEMPTHORNE, GOVERNOR
ROGER B. MADSEN, DIRECTOR

June 9, 2005

Mr. Kent Kearns, President
Southeast Idaho Council of Governments
City of Chubbuck Councilman
P. O. Box 5604
Chubbuck, ID 83202

Re: Expiration of Current Area Designation
Denial of Request for Area Designation

Dear Mr. Kearns:

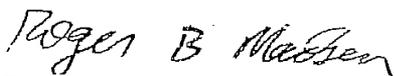
As Governor Kempthorne's designee for the purpose of notifying local elected officials and local area boards of the requirements of the new Workforce Investment Act (WIA) State Plan that the Governor signed and sent to the Secretary of the United States Department of Labor on May 31, 2005, you are hereby given notice of the following:

1. Your current designation as a WIA local area expires on June 30, 2005. The Department's Workforce Systems Bureau will contact you to provide information about close-out procedures and discuss transition activities.
2. Because you do not meet the criteria for designation as a local area under sections 116(a)(2) and 116(a)(3) of the WIA, your request for designation as a local area under the new WIA State Plan is denied. If you believe that you do meet this statutory criteria, you may appeal the Governor's decision by following the appeals procedure in Section VIII(A)(3) of the new WIA State Plan.

This action does not eliminate your local board. It only ends the designation that allows you to receive and administer federal WIA funds.

Governor Kempthorne and I appreciate your efforts and value your support as we join together to ensure that the recent reduction of federal funding will not adversely affect the ability of Idahoans to receive job training.

Sincerely



Roger B. Madsen
Director

cc: Bob Perky

County & City

Population Estimates							
July 1, 2004 Estimate	July 1, 2003 Estimate	July 1, 2002 Estimate	July 1, 2001 Estimate	July 1, 2000 Estimate	Population Estimates Base 2000	Census April 1, 2000	
State of Idaho	1,393,262	1,367,034	1,343,194	1,321,228	1,299,677	1,293,956	1,293,953
Population per Sq. Mile - Idaho	16.8	16.5	16.2	16.0	15.7	15.6	15.6
Ada	332,523	325,482	319,839	312,855	303,059	300,904	300,904
Boise	190,122	190,384	189,956	188,324	186,500	186,057	185,787
Eagle	16,176	15,296	14,580	13,803	12,347	11,981	11,085
Garden City	11,173	11,053	10,951	10,853	10,678	10,637	10,624
Kuna	9,460	8,923	7,855	7,021	5,970	5,705	5,382
Meridian	44,962	41,287	39,292	37,473	35,568	35,090	34,919
Star	2,426	2,202	2,126	2,049	1,870	1,825	1,795
Balance of Ada	58,204	56,337	55,079	53,332	50,126	49,609	51,312
Adams	3,451	3,469	3,478	3,440	3,467	3,476	3,476
Council	733	753	777	788	810	816	816
New Meadows	484	498	513	517	529	533	533
Balance of Adams	2,234	2,218	2,188	2,135	2,128	2,127	2,127
Bannock	75,672	75,492	75,807	75,916	75,594	75,565	75,565
Arimo	333	337	342	346	347	348	348
Chubbuck	10,492	10,142	10,008	9,877	9,734	9,705	9,700
Downey	600	605	607	614	613	613	613
Inkom	715	721	731	739	738	738	738
Lava Hot Springs	522	526	528	527	522	521	521
McCammon	805	799	805	809	805	805	805
Pocatello (pt.)	50,582	50,773	51,160	51,427	51,414	51,444	51,442
Balance of Bannock	11,623	11,589	11,626	11,577	11,421	11,391	11,398
Bear Lake	6,323	6,330	6,303	6,423	6,425	6,411	6,411
Bloomington	242	240	241	249	251	251	251
Georgetown	510	519	522	538	539	538	538
Montpelier	2,600	2,637	2,653	2,742	2,781	2,785	2,785
Paris	538	545	551	567	575	576	576
St. Charles	145	147	148	153	156	156	156
Balance of Bear Lake	2,288	2,242	2,188	2,174	2,123	2,105	2,105
Benewah	8,961	9,032	9,011	9,027	9,195	9,171	9,171
Plummer	962	972	969	973	992	990	990
St. Maries	2,569	2,594	2,594	2,603	2,657	2,652	2,652
Tensed	121	123	123	124	126	126	126
Balance of Benewah	5,309	5,343	5,325	5,327	5,420	5,403	5,338
Bingham	43,205	42,905	42,363	42,259	41,812	41,735	41,735
Aberdeen	1,827	1,838	1,834	1,845	1,840	1,840	1,840
Atomic City	25	25	25	25	25	25	25
Basalt	426	426	422	423	419	419	419
Blackfoot	10,707	10,654	10,538	10,517	10,433	10,419	10,419
Firth	416	415	412	413	409	408	408
Shelley	3,956	3,890	3,834	3,833	3,822	3,822	3,813
Balance of Bingham	25,848	25,657	25,298	25,203	24,864	24,802	24,811
Blaine	21,103	20,731	20,296	19,772	19,127	18,991	18,991
Bellevue	2,201	2,098	1,993	1,916	1,882	1,876	1,876
Carey	521	521	519	516	513	513	513
Hailey	7,462	7,274	7,054	6,761	6,320	6,217	6,200
Ketchum	3,142	3,118	3,092	3,065	3,012	3,003	3,003

Sun Valley	1,453	1,457	1,451	1,445	1,429	1,427	1,427
Balance of Blaine	6,324	6,263	6,187	6,069	5,971	5,955	5,972
Boise	7,362	7,236	7,055	6,923	6,746	6,670	6,670
Crouch	165	163	160	158	155	154	154
Horseshoe Bend	819	814	801	792	777	770	770
Idaho City	487	487	477	472	462	458	458
Placerville	61	61	61	61	60	60	60
Balance of Boise	5,830	5,711	5,556	5,440	5,292	5,228	5,228
Bonner	39,872	39,197	38,226	37,315	37,026	36,835	36,835
Clark Fork	569	562	549	537	533	530	530
Dover	471	465	454	444	442	440	342
East Hope	214	211	206	202	201	200	200
Hope	84	83	81	80	79	79	79
Kootenai	472	466	455	446	443	441	441
Oldtown	204	202	197	193	191	190	190
Ponderay	686	678	662	648	641	638	638
Priest River	1,877	1,854	1,811	1,772	1,762	1,754	1,754
Sandpoint	7,647	7,389	7,175	6,954	6,876	6,835	6,835
Balance of Bonner	27,648	27,287	26,636	26,039	25,858	25,728	25,826
Bonneville	89,653	87,237	85,273	83,866	82,899	82,522	82,522
Ammon	9,763	8,699	7,817	6,935	6,487	6,363	6,187
Idaho Falls	52,148	51,703	51,216	51,076	50,938	50,820	50,730
Iona	1,245	1,224	1,212	1,207	1,204	1,201	1,201
Irwin	156	157	157	157	157	157	157
Ririe (pt.)	24	24	25	25	25	25	25
Swan Valley	226	220	217	215	214	213	213
Ucon	983	970	951	947	945	943	943
Balance of Bonneville	25,108	24,240	23,678	23,304	22,929	22,800	23,066
Boundary	10,396	10,172	9,984	9,874	9,927	9,871	9,871
Bonners Ferry	2,698	2,667	2,631	2,596	2,632	2,623	2,515
Moyie Springs	703	683	669	661	661	656	656
Balance of Boundary	6,995	6,822	6,684	6,617	6,634	6,592	6,700
Butte	2,838	2,858	2,928	2,862	2,899	2,899	2,899
Arco	1,001	1,010	1,035	1,012	1,026	1,026	1,026
Butte City	75	75	77	75	76	76	76
Moore	192	194	198	194	196	196	196
Balance of Butte	1,570	1,579	1,618	1,581	1,601	1,601	1,601
Camas	1,013	1,035	1,038	1,011	981	991	991
Fairfield	375	391	399	394	389	395	395
Balance of Camas	638	644	639	617	592	596	596
Canyon	158,038	151,998	145,546	139,177	133,092	131,441	131,441
Caldwell	32,718	31,201	29,722	28,370	27,136	26,796	25,967
Greenleaf	879	880	878	869	864	862	862
Melba	532	508	502	453	442	439	439
Middleton	4,071	3,674	3,291	3,178	3,021	2,979	2,978
Nampa	68,156	64,804	60,959	57,295	53,756	52,814	51,867
Notus	511	507	495	474	461	458	458
Parma	1,799	1,806	1,808	1,796	1,777	1,771	1,771
Wilder	1,458	1,470	1,477	1,474	1,465	1,462	1,462
Balance of Canyon	47,914	47,148	46,414	45,268	44,170	43,860	45,637
Caribou	7,213	7,194	7,240	7,389	7,309	7,304	7,304
Bancroft	368	369	373	383	382	382	382
Grace	977	973	984	1,007	992	990	990

Soda Springs	3,299	3,296	3,320	3,403	3,379	3,381	3,381
Balance of Caribou	2,569	2,556	2,563	2,596	2,556	2,551	2,551
Cassia	21,393	21,537	21,557	21,554	21,412	21,416	21,416
Albion	259	262	263	263	262	262	262
Burley (pt.)	8,939	9,035	9,062	9,093	9,065	9,074	9,074
Declo	334	337	338	339	338	338	338
Malta	175	177	177	178	177	177	177
Oakley	660	666	668	670	667	668	668
Balance of Cassia	11,026	11,060	11,049	11,011	10,903	10,897	10,897
Clark	906	909	957	972	1,027	1,022	1,022
Dubois	620	624	660	671	709	705	647
Spencer	33	34	36	36	38	38	38
Balance of Clark	253	251	261	265	280	279	337
Clearwater	8,393	8,448	8,467	8,632	8,895	8,930	8,930
Elk River	142	143	143	147	155	156	156
Orofino	3,151	3,176	3,153	3,217	3,246	3,247	3,247
Pierce	556	563	568	583	612	617	617
Weippe	390	386	386	395	413	416	416
Balance of Clearwater	4,154	4,180	4,217	4,290	4,469	4,494	4,494
Custer	4,114	4,118	4,166	4,270	4,340	4,342	4,342
Challis	853	851	866	892	908	909	909
Clayton	26	26	26	27	27	27	27
Mackay	533	535	544	558	566	566	566
Stanley	97	93	95	98	100	100	100
Balance of Custer	2,605	2,613	2,635	2,695	2,739	2,740	2,740
Elmore	28,878	28,742	29,227	29,098	29,088	29,130	29,130
Glenns Ferry	1,502	1,513	1,560	1,574	1,601	1,611	1,611
Mountain Home	11,427	11,330	11,536	11,429	11,280	11,264	11,143
Balance of Elmore	15,949	15,899	16,131	16,095	16,207	16,255	16,376
Franklin	12,199	11,898	11,805	11,500	11,364	11,329	11,329
Clifton	235	229	225	218	214	213	213
Dayton	461	447	446	441	443	444	444
Franklin	673	659	656	643	641	641	641
Oxford	55	53	53	53	53	53	53
Preston	4,962	4,867	4,844	4,745	4,700	4,688	4,682
Weston	449	435	439	433	427	425	425
Balance of Franklin	5,364	5,208	5,142	4,967	4,886	4,865	4,871
Fremont	12,263	12,175	11,897	11,837	11,792	11,819	11,819
Ashton	1,126	1,127	1,113	1,120	1,128	1,133	1,129
Drummond	15	15	15	15	15	15	15
Island Park	223	218	215	215	214	215	215
Newdale	363	362	358	357	357	358	358
Parker	323	322	319	318	318	319	319
St. Anthony	3,414	3,430	3,311	3,326	3,331	3,345	3,342
Teton	577	576	570	568	567	569	569
Warm River	10	10	10	10	10	10	10
Balance of Fremont	6,212	6,115	5,986	5,908	5,852	5,855	5,862
Gem	15,963	15,783	15,583	15,443	15,218	15,181	15,181
Emmett	5,981	5,932	5,798	5,714	5,606	5,586	5,490
Balance of Gem	9,982	9,851	9,785	9,729	9,612	9,595	9,691
Gooding	14,346	14,329	14,235	14,225	14,201	14,158	14,155
Bliss	262	265	266	268	271	271	275
Gooding	3,313	3,330	3,325	3,349	3,386	3,387	3,384

Hagerman	842	844	840	834	822	817	656
Wendell	2,352	2,345	2,347	2,342	2,355	2,352	2,338
Balance of Gooding	7,577	7,545	7,457	7,432	7,367	7,331	7,502
Idaho	15,616	15,490	15,519	15,464	15,473	15,511	15,511
Cottonwood	1,028	1,035	1,023	951	941	944	944
Ferdinand	146	147	149	144	144	145	145
Grangeville	3,156	3,170	3,194	3,207	3,218	3,228	3,228
Kamiah (pt.)	1	1	1	0	0	0	0
Kooskia	662	667	674	678	674	675	675
Riggins	402	405	409	411	409	410	410
Stites	228	225	225	225	225	226	226
White Bird	107	106	106	106	106	106	106
Balance of Idaho	9,886	9,734	9,738	9,742	9,756	9,777	9,777
Jefferson	20,782	20,225	19,784	19,350	19,227	19,155	19,155
Hamer	12	12	12	12	12	12	12
Lewisville	490	482	475	468	468	467	467
Menan	717	717	711	703	707	707	707
Mud Lake	270	272	272	267	270	270	270
Rigby	3,012	3,036	3,003	2,970	2,998	2,998	2,998
Ririe (pt.)	512	517	517	514	520	520	520
Roberts	666	672	672	664	651	647	647
Balance of Jefferson	15,103	14,517	14,122	13,752	13,601	13,534	13,534
Jerome	19,279	18,921	18,694	18,475	18,442	18,342	18,342
Eden	414	411	411	410	412	411	411
Hazelton	731	722	719	714	710	705	687
Jerome	8,377	8,226	8,114	8,054	8,072	8,037	7,780
Balance of Jerome	9,757	9,562	9,450	9,297	9,248	9,189	9,464
Kootenai	122,350	117,614	114,323	111,814	109,539	108,685	108,685
Athol	703	685	678	679	678	676	676
Coeur d'Alene	38,388	37,266	36,468	35,543	34,804	34,529	34,514
Dalton Gardens	2,359	2,308	2,292	2,281	2,283	2,278	2,278
Fernan Lake	187	187	187	188	187	186	186
Harrison	277	272	269	269	268	267	267
Hauser	695	678	672	673	670	668	668
Hayden	11,086	10,417	9,942	9,568	9,306	9,216	9,159
Hayden Lake	525	509	503	502	497	494	494
Huetter	99	97	96	96	96	96	96
Post Falls	21,351	20,024	19,072	18,473	17,843	17,638	17,247
Rathdrum	5,605	5,313	5,097	4,925	4,848	4,816	4,816
Spirit Lake	1,455	1,436	1,414	1,402	1,384	1,376	1,376
State Line	29	28	28	28	28	28	28
Worley	222	222	222	223	223	223	223
Balance of Kootenai	39,369	38,172	37,383	36,964	36,424	36,194	36,657
Latah	35,169	34,986	34,828	35,022	34,858	34,935	34,935
Bovill	295	295	300	302	304	305	305
Deary	528	529	539	545	550	552	552
Genesee	903	906	922	932	942	946	946
Juliaetta	582	583	594	601	606	609	609
Kendrick	356	356	362	365	368	369	369
Moscow	21,900	21,739	21,400	21,527	21,297	21,331	21,291
Onaway	222	222	226	227	229	230	230
Potlatch	760	761	773	780	787	791	791
Troy	769	769	781	787	795	798	798

Balance of Latah	8,854	8,826	8,931	8,956	8,980	9,004	9,044
Lemhi	7,820	7,755	7,753	7,675	7,745	7,806	7,806
Leadore	88	88	89	88	89	90	90
Salmon	3,056	3,046	3,062	3,045	3,093	3,122	3,122
Balance of Lemhi	4,676	4,621	4,602	4,542	4,563	4,594	4,594
Lewis	3,753	3,747	3,725	3,622	3,746	3,747	3,747
Craigmont	551	553	551	536	556	556	556
Kamiah (pt.)	1,151	1,154	1,148	1,118	1,159	1,160	1,160
Nezperce	515	516	515	503	522	523	523
Reubens	74	72	71	69	72	72	72
Winchester	308	308	308	299	308	308	308
Balance of Lewis	1,154	1,144	1,132	1,097	1,129	1,128	1,128
Lincoln	4,326	4,302	4,232	4,164	4,057	4,044	4,044
Dietrich	158	158	156	154	150	150	150
Richfield	424	427	423	419	412	412	412
Shoshone	1,496	1,484	1,456	1,432	1,401	1,398	1,398
Balance of Lincoln	2,248	2,233	2,197	2,159	2,094	2,084	2,084
Madison	30,782	29,725	28,819	27,881	27,421	27,467	27,467
Rexburg	24,733	22,012	18,847	17,595	17,452	17,365	17,257
Sugar City	765	965	1,207	1,247	1,222	1,242	1,242
Balance of Madison	5,284	6,748	8,765	9,039	8,747	8,860	8,968
Minidoka	19,229	19,333	19,443	19,556	20,097	20,174	20,174
Acequia	137	138	139	140	143	144	144
Burley (pt.)	241	240	240	240	245	246	242
Heyburn	2,781	2,790	2,804	2,813	2,889	2,899	2,899
Minidoka	122	123	124	125	128	129	129
Paul	953	961	970	977	1,007	1,012	998
Rupert	5,303	5,348	5,398	5,449	5,620	5,647	5,645
Balance of Minidoka	9,692	9,733	9,768	9,812	10,065	10,097	10,117
Nez Perce	37,823	37,701	37,178	36,993	37,387	37,410	37,410
Culdesac	373	374	372	372	377	378	378
Lapwai	1,119	1,122	1,114	1,113	1,132	1,134	1,134
Lewiston	31,028	30,951	30,552	30,445	30,863	30,906	30,904
Peck	183	184	183	183	186	186	186
Balance of Nez Perce	5,120	5,070	4,957	4,880	4,829	4,806	4,808
Oneida	4,143	4,129	4,131	4,173	4,129	4,125	4,125
Malad	2,098	2,104	2,115	2,147	2,153	2,158	2,158
Balance of Oneida	2,045	2,025	2,016	2,026	1,976	1,967	1,967
Owyhee	10,998	11,102	10,933	10,925	10,692	10,644	10,644
Grand View	477	485	480	481	472	470	470
Homedale	2,548	2,569	2,551	2,569	2,534	2,528	2,528
Marsing	981	976	946	932	898	890	890
Balance of Owyhee	6,992	7,072	6,956	6,943	6,788	6,756	6,756
Payette	21,587	21,476	21,203	20,843	20,635	20,578	20,578
Fruitland	4,181	4,105	4,008	3,926	3,834	3,811	3,805
New Plymouth	1,374	1,389	1,398	1,393	1,399	1,400	1,400
Payette	7,418	7,403	7,337	7,232	7,204	7,195	7,054
Balance of Payette	8,614	8,579	8,460	8,292	8,198	8,172	8,319
Power	7,483	7,358	7,425	7,496	7,514	7,538	7,538
American Falls	3,985	3,943	4,007	4,064	4,093	4,111	4,111
Pocatello (pt.)	141	109	74	49	29	24	24
Rockland	315	306	308	312	315	316	316
Balance of Power	3,042	3,000	3,036	3,071	3,077	3,087	3,087

Shoshone	12,827	12,985	13,077	13,451	13,747	13,771	13,771
Kellogg	2,219	2,247	2,264	2,330	2,389	2,395	2,395
Mullan	777	787	793	817	838	840	840
Osburn	1,434	1,452	1,461	1,506	1,542	1,545	1,545
Pinehurst	1,559	1,578	1,586	1,632	1,660	1,661	1,661
Smelterville	605	613	617	636	650	651	651
Wallace	887	898	905	933	957	960	960
Wardner	199	201	203	209	215	215	215
Balance of Shoshone	5,147	5,209	5,248	5,388	5,496	5,504	5,504
Teton	7,253	7,053	6,815	6,436	6,108	5,999	5,999
Driggs	1,137	1,129	1,143	1,113	1,106	1,100	1,100
Tetonia	253	257	261	250	249	247	247
Victor	1,216	1,099	1,040	894	854	840	840
Balance of Teton	4,647	4,568	4,371	4,179	3,899	3,812	3,812
Twin Falls	67,935	67,055	65,459	64,583	64,348	64,284	64,284
Buhl	3,966	4,006	3,965	3,956	3,981	3,987	3,985
Castleford	272	277	275	275	277	277	277
Filer	1,719	1,688	1,647	1,631	1,622	1,620	1,620
Hansen	964	978	972	967	969	970	970
Hollister	234	238	236	236	237	237	237
Kimberly	2,674	2,693	2,667	2,621	2,616	2,614	2,614
Murtaugh	138	141	138	138	139	139	139
Twin Falls	37,619	36,736	35,652	34,962	34,765	34,714	34,469
Balance of Twin Falls	20,349	20,298	19,907	19,797	19,742	19,726	19,973
Valley	7,970	7,762	7,611	7,694	7,642	7,651	7,651
Cascade	977	968	966	991	993	997	997
Donnelly	132	132	132	136	137	138	138
McCall	2,304	2,210	2,133	2,129	2,095	2,092	2,084
Balance of Valley	4,557	4,452	4,380	4,438	4,417	4,424	4,432
Washington	10,059	10,008	9,961	9,971	9,975	9,977	9,977
Cambridge	355	356	355	358	359	360	360
Midvale	186	182	178	175	176	176	176
Weiser	5,415	5,394	5,389	5,419	5,435	5,439	5,343
Balance of Washington	4,103	4,076	4,039	4,019	4,005	4,002	4,098

Note: The April 1, 2000 Population Estimates Base reflects modifications to the Census 2000 population as documented in the Count Question Resolution program, updates from the Boundary and Annexation Survey, and geographic program revisions.

Suggested Citation:

Table 4: Annual Estimates of the Population for Incorporated Places in Idaho, Listed Alphabetically: April 1, 2000 to July 1, 2004 (SUB-EST2004-04-16)

Source: Population Division, U.S. Census Bureau

Release Date: June 30, 2005



JUL 14 2005

Mr. John A. McAllister
Deputy Director
Idaho Department of Commerce and Labor
317 West Main Street
Boise, ID 83735

Dear Mr. McAllister:

This letter is in response to a number of points of clarification your office requested regarding the Idaho Two Years of the Strategic Five-Year Plan for Title I of the Workforce Investment Act (WIA) of 1998 and the Wagner-Peyser Act. The specific points of clarification are listed below along with the Employment and Training Administration's response:

Confirm that the original Year 2000 Five Year Plan expired June 30, 2005.

Response: The Department of Labor's (DOL) April 12, 2005, Federal Register notice, "Planning Guidance and Instructions for Submission of Two Years of the Strategic Five-Year State Plan for title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act," clearly states that the prior five year plans expired on June 30, 2005. (70 Fed. Reg. 19206 (April 12, 2005.))

Confirm that optional, temporary and subsequent workforce area designations in the Program Year (PY) 2000 Five Year Plan also expired June 30, 2005.

Response: The DOL PY2005 planning guidelines (referenced above) clearly requires states to designate local workforce investment areas for PY 2005 – 2006, and provides that the subsequent designation period for areas designated in the prior five year plan has ended. 70 Fed. Reg. at 19213 (Sec. VII., A,1.).

Confirm that temporary and subsequent workforce area designations were only available in the PY 2000 Plan.

Response: It is DOL policy that the period of subsequent designation under WIA sec. 116(a)(3) extended until the end of the period covered by the prior state plan. The law contains no provision mandating temporary and subsequent designation following the expiration of the prior plan.

Confirm that the PY2000 Five Year Plan could not be extended after June 30, 2005 and why the PY 2000 Plan cannot be extended.

Response: 20 CFR 661.220(b) provides that state workforce investment plans must be submitted in accordance with DOL planning guidelines. The planning guidelines for PY 2005 – 2006, (cited above) required new strategic plans addressing new national priorities and meeting new content requirements. It did not provide an option to extend existing plans.

Confirm that Workforce Investment Act (WIA)/Wagner Peyser funds can not be drawn down from the Federal Treasury unless expended in accordance with the approved Plan.

Response: The WIA Program Annual Funding Agreement, which includes the Notice of Obligation (NOO) that the state must sign and return to the Grant Officer to receive the state's allotment of Federal WIA and Wagner-Peyser funds includes the following statement:

“Funds provided under this grant agreement must be expended in accordance with all applicable federal statutes, regulations and policies, including those of the Workforce investment Act; **the applicable approved State WIA plan including approved modifications and amendments to the plan, and any waiver plan approved under 20 CFR 661.420** (emphasis added)”

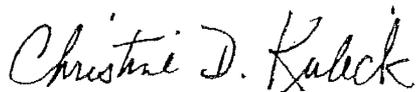
A copy of that document is attached.

Clarify the scope of the appeals process.

Response: State appeal issues should be handled in accordance with the procedures for appeals provided in the state plan. Minimum standards for such procedures are set forth at 20 CFR 667.640(a). The standards for federal review of a final state decision are at 20 CFR 661.280 and 667.645. One component of the federal review is whether the local area was accorded procedural rights under the appeal process.

I hope that these responses adequately clarify the issues identified. Please do not hesitate to contact me in the future if further clarification related to the State Plan or waiver requests arise.

Sincerely,



Christine D. Kulick
Federal Coordinator for Plan Review and Approval

attachment

**WORKFORCE INVESTMENT ACT (WIA) PROGRAM
ANNUAL FUNDING AGREEMENT- PY2005
(& Initial Notice of Obligation)**

Grant/Agreement No. AA -
(To be completed by DOL)

1. **Parties.** Pursuant to the Governor/Secretary Agreement provided for at 20 CFR 667.110 and 20 CFR 667.105, this grant agreement is entered into between the U.S. Department of Labor, Employment and Training Administration (Grantor) and the STATE/COMMONWEALTH of _____ (Grantee).

2. **Grant Funds.** This grant agreement applies to funds appropriated for Program Year (PY) 2005 for WIA Title I, State formula-funded Youth, Adult and Dislocated Worker programs.

3. **Applicable Authority.** Funds provided under this grant agreement must be expended in accordance with all applicable federal statutes, regulations and policies, including those of the Workforce Investment Act (*as presently in effect and as may become effective during the terms of this Agreement*); the applicable approved State WIA plan including approved modifications and amendments to the plan, and any waiver plan approved under 20 CFR 661.420 or Workforce Flexibility (Workflex) plan approved under 20 CFR 661.430; the negotiated performance levels and policies established pursuant to the Secretary's authority under the transition provisions at WIA Section 506 (a); and the applicable provisions in the appropriations act(s).

4. **Grant Period.** This grant agreement is effective April 1, 2005 (required for Youth Program allocations only) and expires June 30, 2008. Commencement of expenditures is subject to the issuance of federal obligation authority.

5. **Notice of Obligation.** Funds shall be obligated and allocated via a Notice of Obligation (NOO). Obligations and costs may not exceed the amount obligated by the NOO unless otherwise modified by the Grantor. This agreement document will also serve as the initial PY 2005, Notice of Obligation. Funds are hereby obligated for the amount indicated below in accordance with the Grantee's approved funding level (Note: If amount is blank, level of entitlement will be inserted at time of execution). This paragraph will be amended by the Grant Officer to increase (or adjust) amounts available to the State as funds become available for obligation and additional Notice of Obligation grant modifications are issued.

Notice Of Obligation

<u>Program</u>	<u>Amount</u>	<u>PMS Document #</u>
WIA Youth/Adult/Dislocated Workers Formula Combined, PY 2005		--
WIA Youth Formula Grants – States CFDA 17.259		AA

6. **Electronic Fund Transfers.** Cash payments shall be made to the Grantee under the Department of Health and Human Services (HHS) Payment Management System (PMS).

7. **Certifications and Assurances.** The following are incorporated by reference and attachment and are a part of this agreement:

- CERTIFICATION REGARDING LOBBYING
(29 CFR Part 93)
- DRUG-FREE WORKPLACE REQUIREMENTS CERTIFICATION
(29 CFR Part 98)
- NONDISCRIMINATION AND EQUAL OPPORTUNITY ASSURANCE
(29 CFR Part 37)
- CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS-- PRIMARY COVERED TRANSACTIONS
(29 CFR Part 98)
- STANDARD FORM 424B STANDARD ASSURANCES (NON CONSTRUCTION PROGRAMS)

8. **Buy American Notice Requirement.** It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under the Workforce Investment Act should be American made. See WIA Section 505--Buy American Requirements.

9. **Signatory Information.** By signing below, the signatories agree to the terms and conditions of this agreement on behalf of their respective agencies indicated below.

GRANTEE:

(State/Commonwealth)

Agency Name

Address

TAX EIN# _____

PMS EIN# _____

PMS PIN# _____

DUNS# _____

BY: _____

Governor/Authorized Representative (Print name)	Signature	Date
	Email Address	_____

FOR GRANTOR: U.S. Department of Labor/Employment and Training Administration
200 Constitution Ave NW; Room N 4438; Washington, DC 20210

E. FRED TELLO Grant Officer Signature Date

Attachment A

Grant Modification #1 Addendum
to the WIA PY 2005 Annual Funding Agreement Clauses:

Clause 8a. Veteran's Priority Provisions: This program is subject to the provisions of the "Jobs for Veterans Act", Public Law 107-288, which provides priority of service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services in any job training program directly funded, in whole or in part, by the Department of Labor. Please note that, to obtain priority service, a veteran must meet the program's eligibility requirements. ETA Training and Employment Guidance Letter (TEGL) No. 03 (September 16, 2003) provides general guidance on the scope of the veterans priority statute and its effect on current employment and training programs. DOL anticipates updating this guidance at the time of WIA reauthorization and issuing individual guidance on each affected employment and training program.

IDAHO

COMMERCE & LABOR

DIRK KEMPTHORNE, GOVERNOR
ROGER MADSEN, DIRECTOR

September 28, 2004

Mr. John Currin, President
Clearwater Economic Development Assn
1626 Sixth Ave N
Lewiston, ID 83501

RECEIVED
OCT 01 2004
C.E.D.A.

Dear Mr. Currin:

As you will recall, local workforce investment areas were required to submit applications for recertification of local *IdahoWorks* Boards to the State earlier this year. These applications were reviewed by State staff, who then made recommendations to the Workforce Development Council regarding recertification of local boards. On September 16, 2004 the Workforce Development Council approved staff recommendations to recertify all six local boards.

On behalf of the Governor, I am therefore pleased to notify you that the State is recertifying the North Central Idaho Works Board as compliant with requirements set forth in the Workforce Investment Act and policy established by the State for Program Years 2004-5.

This legislation has provided Idaho an excellent opportunity to bring together the various partners in the workforce development system at the state and local level to collaboratively streamline service delivery and enhance the ability of the system to meet the needs of its customers. We look forward to continuing our work with you toward this end.

Sincerely,



~~FOR~~ Roger B. Madsen
Director

cc: Brenda Forge
Tim Rubio ✓
Laura Gleason

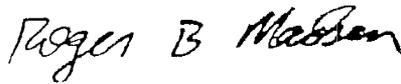
TRANSMITTAL #2

MEMORANDUM

May 11, 2005

TO: Workforce Development Council

FROM: Roger B. Madsen, Director



SUBJECT: Redesignation of Workforce Investment Areas

ACTION REQUESTED: Support the Governor's Proposal for Designation of Workforce Areas

BACKGROUND:

The WIA plan will expire on June 30, 2005, and with it the formal designation of the six workforce areas. This provides an opportunity for the Governor, working in concert with the Workforce Development Council, to determine how the workforce system will best meet the needs of Idaho citizens and businesses. The Governor expressed his desire to move toward a single statewide system after federal funds were cut 37 percent since 2002.

The WIA requires the Governor to consult with the Workforce Development Council and local elected officials before making his designation of workforce areas. On April 15, 2005, Karen McGee and I placed calls to the chairs of the local elected official organizations, their WIB chairs, executive directors and WIB directors to advise them of the Governor's proposal. We also placed calls to the members of this council. On April 18, Karen McGee followed up to share the attached proposal in writing with these and other individuals.

Since then, we have had numerous dialogues with various individuals about this process, have attended board meetings and held public meetings. There have been a number of misconceptions about the process which we hope to further clarify at the meeting on May 11. This will be an opportunity for the council members to enter into a dialogue to share their thoughts and recommendations for the Governor.

Regulations prohibit the Governor from immediately designating a single workforce area. Until those regulatory barriers are removed, the Governor is proposing to designate two workforce areas that will function as a single workforce area operating under a single statewide planning region. The planned structure will be comprised of five former workforce areas and a special region designated as the east-central Idaho planning region. The eastern Idaho district will have the additional responsibility of fostering science and technology employment in conjunction with the Idaho National Laboratory and the state's educational institutions. That region's economy remains the beneficiary of a special \$30 million

fund created in 1995 as part of Idaho's nuclear waste cleanup agreement with the federal government. That area has indicated a willingness to join with the Governor in moving toward a statewide region by participating in the Idaho Workforce Consortium. The request for designation for that area is attached as is the resolution by their board offering to participate in an arrangement that the Governor believes offers the greatest opportunities for creating efficiencies and maximizing services to customers.

Two additional areas have submitted applications for redesignation as workforce areas. These are from Region I, northern Idaho, and Region IV, south-central Idaho. They are requesting continuing designation as workforce areas. An opportunity will be available to representatives from these regions to present their requests for consideration as workforce investment areas. Five of the existing six areas, including these, were appointed under criteria in the law for optional designation. The southwestern Idaho workforce area was designated under criteria available in the law for temporary and subsequent designation. These designation criteria no longer apply. No areas in Idaho are entitled under legal criteria for mandatory designation because none contain a single unit of government with a population of 500,000 or more.

Rationale for Recommendation from the Governor:

In five years, Idaho's programs have trained over 9,500 low-income youth and adults for better jobs at higher pay with prospects for better lives.

But the success to which local Workforce Investment Boards have contributed can only be maintained if significant structural changes are made to cope with severe cuts in federal support. Since 2002, the state's allocation for these federally funded programs has plunged from \$15.2 million to \$9.6 million for the year that begins in July.

Direct local involvement helped focus on the most critical employment needs in each region. But after millions of federal dollars are stripped away, local administrative overhead – and its \$1.3 million price tag – is an expense that is difficult to support.

Eliminating that overhead cost – enough to train 500 workers – was the only reasonable choice. Slashing the number of jobless workers who will receive training would negatively impact our state's economy.

The plan will maintain and likely increase the amount of money spent on direct worker training as President Bush has directed even in the face of the federal budget cuts.

Recommendation:

Staff recommend that the council support the Governor's proposal for designation of two workforce areas comprising the special eastern Idaho district and the remaining 35 counties and the formation of the Idaho Workforce Consortium to allow the state to create efficiencies as it moves toward a statewide area.

Contact:	Primary	Dwight Johnson	(208) 332-3570, ext. 3209
	Secondary	Jay Engstrom	(208) 332-3570, ext. 2121

Attachments

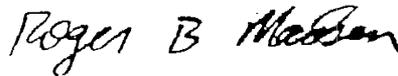
TRANSMITTAL #4

MEMORANDUM

May 11, 2005

TO: Workforce Development Council

FROM: Roger B. Madsen, Director



SUBJECT: Goals and Priorities

ACTION REQUESTED: Affirm or Revise the Goals and Priorities for the WIA Plan

BACKGROUND:

The Workforce Council provides policy direction to the workforce system by establishing goals and objectives and setting priorities. The Workforce Development Council last affirmed its goals and objectives in 1999. In 2004, the Council also adopted the goals and objectives for the Policy Academy. In developing the State WIA Plan, staff utilized these goals and objectives and the priorities set out by the U.S. Department of Labor to articulate priorities for the state's workforce investment system. The national strategic direction set out by the U.S. Department of Labor includes:

- Implementation of a demand driven workforce system;
- System reform to eliminate duplicative administrative costs and to enable increased training investments;
- Enhanced integration of service delivery through One-Stop delivery nationwide;
- A refocusing of the WIA youth investments on youth most in need;
- Improved development and delivery of workforce information;
- Faith-based and community based organizations playing an enhanced role in workforce development;
- Enhanced use of waivers and work-flex provisions in WIA to provide greater flexibility to states and local areas in structuring their workforce investment systems; and
- Implementation of common performance measures across programs.

To a large extent, the goals adopted by the Council are aligned with the national strategic direction articulated by USDOL. Staff wishes to ensure that the Council continues to support these goals and agrees with the priorities set out in the plan. Copies of the Workforce Development Council Goals and objectives, the Goals and Objectives for the Policy Academy and the priorities are attached.

STAFF RECOMMENDATION:

Affirm or modify the goals and priorities for inclusion in the final WLA plan to be submitted to the U.S. Department of Labor on May 31st.

Staff Recommendation

Contact: Primary Cheryl Brush (208) 332-3570, ext. 3312
 Secondary Jay Engstrom (208) 332-3570, ext. 2121

Attachments

DIRK KEMPTHORNE
GOVERNOR



Karen McC
Ch.

Steve Ahre
Vice Ch.

WORKFORCE DEVELOPMENT COUNCIL
317 W. Main Street
Boise, ID 83735-0790

Vision

Idaho will deliver a highly trained, diverse work force through partnerships among business, labor, education, and government. This integrated workforce development system will meet the productivity needs of a market-driven economy – improving profitability, increasing global competitiveness, and enhancing Idaho's quality of life.

MISSION

The Governor's *Workforce Development Council*, understanding the unique needs of business, education, and labor, will develop policy and provide oversight for an integrated Idaho workforce development system, promoted and implemented within established constraints.

GOALS

GOAL I Assess the needs of business and industry to enhance economic development, based on market sensitivity.

1. Develop and conduct a statewide assessment of training and employment needs of business and industry.
2. Develop a system for ongoing assessment and evaluation.

GOAL II Establish a comprehensive workforce development delivery system.

1. Establish partnerships with business, agencies, and education in the development of a workforce system.
2. Promote a system with a comprehensive menu of quality information services.
 - Develop policy recommendations for a One-Stop Career system.
 - Oversee implementation of the One-Stop Career system.
3. Develop, recommend and support a substate governance structure.
 - Integrate planning, oversight and delivery systems at the state and local levels.
 - Approve initiatives, program plans and grant applications to ensure coordination and minimize duplication.

4. Develop and recommend performance and evaluation methods.
 - Support a system that regularly measures progress toward goals and determines customer satisfaction.
5. Support a coordinated marketing campaign for all users.
 - Develop and implement a statewide marketing/public awareness program.

GOAL III Support a comprehensive educational system for all students K-16+ that includes rigorous school-based learning and relevant work-based learning.

1. Promote access for all students to accurate and current information about careers, occupations, and available education and training programs.
 - Promote career information systems for common use throughout the state.
2. Expand opportunities and increase student participation in work-based learning.
 - Promote the development of a wide variety of work-based learning opportunities.
 - Encourage the educational system to recognize and support work-based learning.
 - Broaden the numbers of businesses providing work-based learning opportunities.

GOAL IV Provide opportunities for and encourage life-long skill development for Idaho's current and transitional workers.

1. Ensure access to employment and training services for diverse population groups.
 - Identify and eliminate barriers in the workforce development system.
 - Coordinate with representatives of minority populations to identify their needs.
 - Promote English language training to better prepare limited English speaking Idahoans for the workplace.
2. Facilitate transitions to or within the workforce.
 - Encourage businesses to partner with local instructional providers to offer training for current employees.
 - Support welfare reform efforts.
 - Encourage Idahoans in their efforts to attain economic independence and self-sufficiency.
3. Promote and recognize the interdependence of and need for balance between work and family life.
 - Support community services and employment practices that enable applicants to enter the workforce and continue providing quality family life.
4. Promote use of the Workforce Development Training Fund to deliver customized training for new employees, and upgrade training for current workers who are at risk of being permanently laid off.

GOAL V To advance issues related to Idaho's Workforce Development system by providing recommendations and progress reports to the Governor, State Board of Education and policy makers.

Reaffirmed July 26, 1999

The 21st Century Workforce Policy Academy

Vision

The 21st Century will be a century of opportunity for individual growth and achievement for those who are prepared. Idaho will have a highly skilled and entrepreneurial workforce that retains and attracts globally competitive businesses. The 21st Century workforce system will be demand driven with access to information, training and education services to ensure that all Idahoans have an opportunity for success.

Goal#1

Idaho will have an adaptive workforce development system that responds to the needs of workers and business

1. Improve labor market supply-demand information through partnerships with state and education agencies and worker and business intermediaries
 - a. Combine data from multiple agencies to create an integrated supply demand information system
 - b. Develop an outreach system allowing data analysis and input from business boards, associations and other business interests to improve data quality
 - c. Convert data to useful information for curriculum development and strategic planning for government and business
2. Increase responsiveness of the postsecondary system
 - a. Create an integrated system of professional-technical and community colleges to respond to regional demands
 - b. Ensure seamless transition among all levels of education for transferability of credits
 - c. Create performance reports that measure responsiveness to workforce needs
3. Develop a process to identify and deliver education and workforce services to targeted industries
 - a. Define a set of career clusters and supporting tools useful for career exploration, workforce development, education, and economic development in Idaho
 - b. Develop business-education partnerships to expand the quality and capacity for worker preparation and continuing education
 - c. Develop and pilot innovations in the health care and science and technology sectors
4. Ensure access for business and workers to the full array of workforce and education services and supports
 - a. Enhance the One Stop Career system
 - b. Promote collaborative efforts to expand access to the full array of services
5. Ensure lifelong learning opportunities and create strategies that retain productive mature workers and expand technology skills of Idaho's aging workforce

Goal #2

Idaho's workforce development, education, and economic development systems will be connected

1. Create a policy framework that aligns services across multiple agencies and programs
 - a. Define the workforce development system
 - b. Inventory current workforce development programs
 - c. Identify and fill the gaps in services
 - d. Develop measures to test system effectiveness and responsiveness to the business community
2. Develop innovative approaches to creating awareness of Idaho's investments in workforce development
 - a. Market the workforce development system
 - b. Workforce Investment Boards and Chambers of Commerce to promote the workforce system to the business community
 - c. Engage Workforce Investment Boards to connect business and education
 - d. Expand the awareness and use of the Career Information System (CIS)

Goal #3

Idaho will support an entrepreneurial workforce

1. Provide programs informing primary and secondary students about entrepreneurial careers
2. Extend programs to students in higher education

Workforce Investment Priorities

1. **Eliminate Duplicative Administrative Systems and Maximize Opportunities for Training.** Governor Kempthorne plans to move toward creation of a single workforce area when regulations permit. In the interim, the Governor will name two workforce areas within the state designed to function as a single state area. Throughout this document, the reference to a single state area will be maintained. As the six regional areas are consolidated into a new single statewide area structure, the state will reduce overhead costs from 14 percent to less than 3 percent, a reduction of more than \$1.3 million now spent to support the six-region structure. This efficiency maximizes the available money directed to training and services to business and job seekers in the face of the severe federal budget cuts experienced by the state in the last four years. The State has set a goal of spending 50% of WIA Adult and Dislocated Worker local funds for direct training and support of businesses and participants.
2. **Continue Transformation into a Demand-Driven System.** The new statewide structure will enhance efforts to transform the system into a demand-driven system by further integrating economic development activities into the one stop system. The 24 Commerce and Labor offices across the state will serve as the state's One Stop Centers and will incorporate the full range of economic and community development services in their offerings. The priority for 2005 will be to ensure that all 24 offices have the training and support necessary to become full service business centers. This will build upon efforts started in 2003 to identify opportunities to better serve businesses that culminated in the funding of four incumbent worker/customized training projects in the health care and construction industries. These projects will continue in the first year of the plan and new projects will be identified as funding permits. The State is also embarking on a project identified in the Policy Academy process to organize education, employment and economic development services into career clusters. Business Industry Committees have already been formed in the health care and construction industries and will provide input to these "clusters". These and other critical activities have been chronicled in a monograph that is soon to be published. The monograph documents the extensive training for staff of one stop partner agencies, models that support the view of business as the primary customer and the comprehensive integration of employment, education and economic development services.
3. **Enhance Integration of the One Stop System.** The One Stop system will be enhanced by expanding the number of *IdahoWorks* One Stop Centers from six to twenty-four, broadening the reach to Idaho's citizens and business customers in our urban and rural areas. As indicated above, the focus in year one will be on building the capacity of these centers to offer economic and community development services. During 2005, the Governor's Workforce Development Council will also negotiate new MOUs with One Stop Partner organizations with the goal of expanding their participation in the One Stop system in PY 06 to more fully integrate the wide range of services available at the centers.
4. **Refocus Youth Investments.** The statewide delivery structure also affords an opportunity for the Workforce Development Council, working in concert with the Governor's Coordinating Council for Families and Children, to redesign youth programs, taking fuller advantage of opportunities for leveraging funds among organizations serving youth. During PY'2005, the State will, to the extent possible, honor the commitments made by the six local boards. At the same time, the Workforce Development Council will partner with the Governor's Coordinating Council for Families and Children in a strategic planning process designed to identify gaps and prioritize services to those youth who demonstrate the greatest need.
5. **Implement Reporting for Common Measures and Strengthen Accountability.** The Workforce Development Council will continue efforts initiated under the Policy Academy to develop common measures across programs. While the agencies will meet federally required reporting of new common measures, the Council will also explore the model known as the Integrated Performance Information or IPI which was developed by states as an option for system measures. During PY'05, the State will also integrate systems to track the Trade Adjustment Assistance Program with the WIA data system. Finally, the new statewide structure will strengthen administrative oversight and accountability processes. Administrative deficiencies have resulted in substantial disallowed costs in Idaho's largest Workforce Investment Area. The new strengthened administrative structure will assist Idaho in avoiding future disallowed costs and thus will further enable the redirection of funds from service provider and administration to direct participant training and support.

6. **Improve Workforce Information.** Under the direction of the Council, two primary improvement activities are planned for workforce information. The first is the organization of workforce occupations and skills into career clusters for use in economic development, workforce development and education. The second is improved projections for supply-demand information by working with multiple state and business organizations in critical industries, those that exhibit higher than average wage and job growth potential. Each of these will improve program planning, guide curriculum development and assist individuals and businesses in their labor market decision-making.
7. **Assure a quality pre-K-16 plus system of education and training.** Idaho will focus on building better early learning opportunities, achieving standards in K-12, improving the transition between K-12 and postsecondary education and improving responsiveness and accountability in the postsecondary system. While Idaho enjoys a better than average high school graduation rate, too few students enter and complete postsecondary education. Two "high school reform" initiatives are underway to streamline transition between high school and postsecondary education, and a second project will introduce improvements through the implementation of career clusters. Recommendations by the Governor's 2020 Task Force and the Policy Academy to create an integrated system of community and technical colleges to increase access and improve responsiveness are being implemented through creation of a community college in the state's largest population center. The Council will also explore options for expanding business-education partnerships to support greater opportunities for work-based learning and attainment of skills recognized in the workplace.
8. **Promote Flexible Workplaces.** The Workforce Development Council will partner with the Governor's Coordinating Council for Families and Children to promote flexible workplaces in an effort to support families of young children and those with elder care responsibilities. Workplace sensitivity to the needs of families is key to the retention of experienced workers to meet the skill demands of our growing businesses.
9. **Ensure Lifelong Learning and Work Opportunities.** The U.S. Census Bureau's latest projections place Idaho's population growth at 52% through 2030 (the sixth fastest growing state) with the major contributor to that growth being older individuals. Idaho's aging population base is increasingly important in maintaining an adequate labor force. The Workforce Development Council will explore strategies (a) to help business retain and recruit productive, aging employees and (b) expand the technological skills of Idaho's aging workforce.
10. **Create an Entrepreneurial Workforce.** The state will build on opportunities to create an entrepreneurial workforce and an environment that supports business growth and expansion. Idaho will support entrepreneurial development, provide programs informing primary and secondary students about entrepreneurial careers, and extend programs to students in higher education. A combination of tax credits and training incentives will be used to incent business formation and expansion. The State's Workforce Development Training Fund will be enhanced to encourage higher wage jobs and WIA funds will be used, where appropriate for customized and incumbent worker training to support job creation and increased earnings for participants in high wage, high skill jobs.
11. **Expand Awareness.** The Workforce Development Council identified the need to create system awareness and adopted the *Idaho Works* logo to develop a common brand for the system. The 21st Century Workforce Policy Academy also identified a need to promote the importance of building a quality workforce, engage business in building the workforce and to promote opportunities available through the education, employment and economic development system. This will be a focus of marketing efforts to ensure that business and individual customers, including customers of faith based organizations, are aware and can take advantage of the wide range of services to support the labor market.

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H.R.1385

Workforce Investment Act of 1998 (Enrolled as Agreed to or Passed by Both House and Senate)

SEC. 116. LOCAL WORKFORCE INVESTMENT AREAS.

(a) DESIGNATION OF AREAS-

(1) IN GENERAL-

(A) PROCESS- Except as provided in subsection (b), and consistent with paragraphs (2), (3), and (4), in order for a State to receive an allotment under section 127 or 132, the Governor of the State shall designate local workforce investment areas within the State--

(i) through consultation with the State board; and

(ii) after consultation with chief elected officials and after consideration of comments received through the public comment process as described in section 112(b)(9).

(B) CONSIDERATIONS- In making the designation of local areas, the Governor shall take into consideration the following:

(i) Geographic areas served by local educational agencies and intermediate educational agencies.

(ii) Geographic areas served by postsecondary educational institutions and area vocational education schools.

(iii) The extent to which such local areas are consistent with labor market areas.

(iv) The distance that individuals will need to travel to receive services provided in such local areas.

(v) The resources of such local areas that are available to effectively administer the activities carried out under this subtitle.

(2) AUTOMATIC DESIGNATION- The Governor shall approve any request for designation as a local area--

(A) from any unit of general local government with a population of 500,000 or more;

(B) of the area served by a rural concentrated employment program grant recipient of demonstrated effectiveness that served as a service delivery area or substate area under the Job Training Partnership Act, if the grant recipient has submitted the request; and

(C) of an area that served as a service delivery area under section 101(a)(4)(A)(ii) of the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act) in a State that has a population of not more than 1,100,000 and a population density greater than 20 persons per square mile.

(3) TEMPORARY AND SUBSEQUENT DESIGNATION-

(A) CRITERIA- Notwithstanding paragraph (2)(A), the Governor shall approve any request, made not later than the date of submission of the initial State plan under this subtitle, for temporary designation as a local area from any unit of general local government (including a combination of such units) with a population of 200,000 or more that was a service delivery area under the Job Training Partnership Act on the day before the date of enactment of this Act if the Governor determines that the area--

(i) performed successfully, in each of the last 2 years prior to the request for which data are available, in the delivery of services to participants under part A of title II and title III of the Job Training Partnership Act (as in effect on such day); and

(ii) has sustained the fiscal integrity of the funds used by the area to carry out activities under such part and title.

(B) DURATION AND SUBSEQUENT DESIGNATION- A temporary designation under this paragraph shall be for a period of not more than 2 years, after which the designation shall be extended until the end of the period covered by the State plan if the Governor determines that, during the temporary designation period, the area substantially met (as defined by the State board) the local performance measures for the local area and sustained the fiscal integrity of the funds used by the area to carry out activities under this subtitle.

(C) TECHNICAL ASSISTANCE- The Secretary shall provide the States with technical assistance in making the determinations required by this paragraph. The Secretary shall not issue regulations governing determinations to be made under this paragraph.

(D) PERFORMED SUCCESSFULLY- In this paragraph, the term "performed successfully" means that the area involved met or exceeded the performance standards for activities administered in the area that--

(i) are established by the Secretary for each year and modified by the adjustment methodology of the State (used to account for differences in economic conditions, participant characteristics, and combination of services provided from the combination assumed for purposes of the established standards of the Secretary); and

(ii)(I) if the area was designated as both a service delivery area and a substate area under the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act)--

(aa) relate to job retention and earnings, with respect to activities carried out under part A of title II of such Act (as in effect on such day); or

(bb) relate to entry into employment, with respect to activities carried out under title III of such Act (as in effect on such day);

(II) if the area was designated only as a service delivery area under such Act (as in effect on such day), relate to the standards described in subclause (I)(aa); or

(III) if the area was only designated as a substate area under such Act (as in effect on such day), relate to the standards described in subclause (I)(bb).

(E) SUSTAINED THE FISCAL INTEGRITY- In this paragraph, the term "sustained the fiscal integrity", used with respect to funds used by a service delivery area or local area, means that the Secretary has not made a final determination during any of the last 3 years for which data are available, prior to the date of the designation request involved, that either the grant recipient or the administrative entity of the area misexpended the funds due to willful disregard of the requirements of the Act involved, gross negligence, or failure to observe accepted standards of administration.

(4) DESIGNATION ON RECOMMENDATION OF STATE BOARD- The Governor may approve a request from any unit of general local government (including a combination of such units) for designation (including temporary designation) as a local area if the State board determines, taking into account the factors described in clauses (i) through (v) of paragraph (1)(B), and recommends to the Governor, that such area should be so designated.

(5) APPEALS- A unit of general local government (including a combination of such units) or grant recipient that requests but is not granted designation of an area as a local area under paragraph (2) or (3) may submit an appeal to

Cheryl Brush

From: Cheryl Brush
Sent: Tuesday, March 29, 2005 3:02 PM
To: 'Megan Ronk'
Cc: Roger Madsen; John McAllister; Jay Engstrom; Dwight Johnson
Subject: Response from karen McGee

Megan,

Karen wanted me to share with you that she fully supported the elimination of any support for local workforce investment area board staff. As always, she was completely in support of the Governor here and felt "it is the right thing to do." She considers the situation as very different from 1998 when Governor Batt appointed them and views their initial designation as a compromise. She is planning to be available to make calls on Monday morning via conference call from her home. She also extends her apologies for missing the meeting—I assured her that everyone understood her emergency.

Please let me know if I can add anything.

Cheryl



WORKFORCE DEVELOPMENT COUNCIL

317 Main Street
Boise, ID 83735-0790

December 8, 1998

MEMORANDUM

TO: Philip E. Batt, Governor

FROM: Karen A. McGee, Chair
Workforce Development Council

SUBJECT: Workforce Investment Area Designation

Handwritten signature of Karen A. McGee in black ink.

ACTION REQUESTED: Approve Workforce Development Council's recommendation presented below regarding Workforce Investment Area designation

APPROVED:

Handwritten signature of Philip E. Batt in black ink.

PHILIP E. BATT, Governor

12/10/98

Date

Background:

In order for a State to receive funds under the Workforce Investment Act, the State must designate local Workforce Investment Areas. The Workforce Investment Act outlines a process for designating local areas. Each Governor, after consulting with the Workforce Development Council, local elected officials and the general public, designates the Workforce Investment Areas within the State.

At its September 29, 1998 meeting, the Workforce Development Council developed a process for soliciting and reviewing applications for Workforce Investment Area designation. This process emphasized the importance of involving local elected officials and providing opportunities for public input. Because of financial constraints, priority was given to applications from consortia of local governments that promote coordinated regional service delivery and demonstrate cost effectiveness.

In early October, your office issued a request for applications for local Workforce Investment Area designation. Applications were submitted from consortia of local elected officials from each of the State's six planning areas. No other proposals were submitted. At its November 23, 1998 meeting, the Workforce Development Council reviewed the applications. The Council agreed that each application was complete and complied with the designation criteria established

by the Council. It is important to note that the Southwest Idaho area qualifies for temporary mandatory designation under the provisions of the Workforce Investment Act.

Throughout the application process, the Council has had extensive discussions regarding the amount of resources available to support administrative functions. The Workforce Investment Act reduces the amount of administrative funds currently available under JTPA. The Council strongly supports local decision-making, but not the creation of separate and duplicative administrative systems. This concern becomes crucial as grant recipients are designated to administer local funds.

Once a Governor designates a Workforce Investment Area, the Act gives authority to the local elected officials to select the grant recipient for the local area. The local elected officials may choose to serve as the local grant recipient for administration of Workforce Investment Act funds and assume the liability for any misuse of these funds, or request and reach agreement with the Governor for the Governor to assume this role. The Council is encouraging local elected officials to postpone decisions regarding the designation of a grant recipient for these funds until after federal regulations are issued in February 1999. The regulations will define allowable administrative costs and will further clarify local administrative requirements, enabling local elected officials and the Governor to make more informed decisions regarding administrative systems.

The Council is recommending that the Workforce Investment Act funds for all areas be administered by a single entity for maximum efficiency and cost effectiveness. In the application for designation from Southwest Idaho, the local elected officials indicated that they intend to serve as the local grant recipient. While the Council acknowledges the local elected officials of the Southwest Idaho area may make this choice and create a separate administrative system, the Council recommends that the area be encouraged to participate in a single administrative system.

Council Recommendation: The Workforce Development Council recommends that the six applications submitted for Workforce Investment Area designation be approved as having met the stated requirements. We further recommend that the Workforce Investment Act funds be administered by a single entity for maximum efficiency and cost effectiveness.



WORKFORCE DEVELOPMENT COUNCIL

317 Main Street
Boise, ID 83735-0790

December 15, 1998

MEMORANDUM

TO: Workforce Development Council

FROM: Karen A. McGee, Chair *Karen A. McGee*

SUBJECT: Workforce Investment Area Designation

Enclosed is the Workforce Development Council's Transmittal to the Governor dated December 8 recommending that the six applications submitted for Workforce Investment Area designation be approved and that the Workforce Investment Act funds be administered by a single entity. Governor Batt accepted the Council's recommendations on December 10. These recommendations were approved by the Council at its November 23, 1998 meeting.

If you have any comments or questions, please contact Lindy High, at the Governor's office, at (208) 334-2100, or Pat Debban, at the Idaho Department of Labor, at (208) 334-6399.

Enclosure

cc: Workforce Development Council mailing list

*Guidelines
for
Recertification
of
Idaho Works Boards
under the
Workforce Investment Act
of 1998*

January 2002

Guidelines for Recertification of Local Idaho Works Boards

Introduction

Section 117 of the Workforce Investment Act (WIA) requires that local Idaho Works Boards be recertified every two years by the Governor of each state in accordance with criteria established in that section of the Act and with state policy. The material that follows describes recertification requirements and is divided into the following sections:

- I. RECERTIFICATION CRITERIA
- II. RECERTIFICATION PROCESS
- III. RECERTIFICATION TIMELINES
- IV. DECERTIFICATION

I. RECERTIFICATION CRITERIA

A local Idaho Works Boards will be recertified when it is determined that: (A) the board meets composition requirements, as set forth in the Act and state policy; (B) appointments to the board made since the board was originally certified were based on proper nominations and meet other statutory requirements; and, (C) the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet local performance measures.

A. Composition

1. Each Local Idaho Works Board must consist of the following, at a minimum:
 - a. Representatives of business in the local area;
 - b. Representatives of local educational entities;
 - c. Representatives of labor organizations;
 - d. Representatives of community-based organizations;
 - e. Representatives of economic development agencies;
 - f. Representatives of each of the required One-Stop partners; and
 - g. Representatives of minority populations and people with disabilities

a. Representatives of business in the local area

Individuals appointed to represent the business sector must:

- be owners of businesses, chief executives or operating officers of businesses, and other business executives with optimum policy-making or hiring authority (A representative with "optimal policy-making authority" within a business is an individual who can reasonably be expected to speak affirmatively on behalf of the business he or she represents and to commit that business to a chosen course of action.)
- represent businesses with employment opportunities that reflect the employment trends in the area;
- be nominated by local business organizations and business trade associations; and,
- constitute at least 51% of the local board membership.

The Chair of the Local Idaho Works Board must be elected from among the business sector representatives.

b. Representatives of local educational entities

Special consideration must be given to representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist).

Appointments in this category must be made from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities.

c. Representatives of labor organizations

In areas in which employees are represented by labor organizations, individuals appointed in this category must be selected from among those nominated by local labor federations. In an area in which no employees are represented by such organizations, employees may be represented by other organizations.

d. Representatives of community based organizations

Special consideration in appointing members in this category must be given to organizations representing individuals with disabilities and veterans, in local areas in which such organizations are present.

e. Representatives of economic development agencies

In the appointment of individuals in this category, special consideration must be given to private sector economic development entities.

AT LEAST TWO INDIVIDUALS ARE REQUIRED FOR EACH OF CATEGORIES (a) THROUGH (e) ABOVE.

f. Representatives of each of the required One Stop partners

Required One Stop partners are identified in Section 121 of the Act as the entities that carry out the following:

- Programs authorized under Title I of WIA, serving:
 - Adults
 - Dislocated Workers
 - Youth
 - Job Corps
 - Native American programs
 - Migrant and seasonal farmworker programs
 - Veterans' workforce programs (not applicable in Idaho at this time)
- Wagner-Peyser programs
- Trade Adjustment Act
- Veterans' Employment Services
- Unemployment Insurance programs
- Adult Education and Literacy programs
- Programs authorized under Title I of the Rehabilitation Act of 1973 - Vocational Rehabilitation, Commission for the Blind and Visually Impaired, and the client assistance program
- Senior community service employment activities authorized under Title V of the Older Americans Act
- Vocational education programs
- Community Services Block Grant employment & training programs
- Housing and Urban Development employment & training programs
- Welfare To Work programs (not applicable in Idaho at this time)

An "entity", as used here, is the grant recipient, administrative entity, or organization responsible for administering the funds of the specified program in the local area, not the service providers under contract with the local administrative entity. For programs that do not include local administrative entities (i.e., programs operated by the Idaho Department of Labor and Idaho Division of Vocational Rehabilitation, Adult Education programs, and

programs funded through Title V of the Older Americans Act), the responsible state agency should be the partner. The eligible state entity may then designate an eligible local provider as the "entity" for this purpose. Local elected officials will need to contact appropriate state agency partners for designation of local representatives on local boards.

In those areas with both national and state programs funded through Title V of the Older Americans Act, local elected officials will need to consult with the Idaho Commission on Aging regarding selection of the most appropriate representative(s) to serve on the local board.

A single agency or organization that administers multiple required programs may represent more than one One Stop partner, as appropriate. One Stop partners should include, but are not limited to, the Idaho Department of Labor, Adult Basic Education, the Idaho Division of Vocational Rehabilitation, the Area Agency on Aging, and Vocational Education.

If a required program is operational at more than one site (e.g., Community Services Block Grant activities), only one representative is required on the local board.

Local boards must also include national programs funded under Title I of WIA (Job Corps, Native American and Migrant Seasonal Farm Worker programs, and the Veterans Workforce Investment program), if they are present in the local area. In local areas where the national programs are not present, local boards should take steps to ensure that customer groups served by these programs have access to services through the One Stop delivery system.

One Stop partners not mandated for representation on local boards may be appointed to such boards at the discretion of the local elected officials.

g. Representatives of people with disabilities and minorities

In making appointments to local boards, local elected officials must include individuals who represent minority populations and people with disabilities.

2. Local elected officials may appoint other individuals or representatives of other appropriate entities, including entities representing individuals with multiple barriers to employment and other special populations, as deemed appropriate, as long as statutory compositional requirements are met.
3. Members that represent organizations, agencies or other entities shall be individuals with optimum policy-making authority within the entities they represent. A representative with "optimal policy-making authority" within an entity is an individual who can reasonably be expected to speak affirmatively on behalf of the entity he or she represents and to commit that entity to a chosen course of action.

4. Statutorily-required Idaho Works Board members (Categories (a)-(f)) must be appointed as full voting members.
5. "Double-counting" - Under limited circumstances, individuals may be appointed to represent more than one membership category. Such individuals must have optimal policy-making authority within both entities, must meet nomination requirements for each category and nominating authorities in both categories must agree to such a dual role. In these situations, board bylaws must prohibit individuals in dual roles from voting on any issue that would involve a conflict of interest for either role.
6. "Special Consideration" - "Giving special consideration" to organizations specified in membership categories (a), (d), and (e) above requires that local elected officials take affirmative steps to identify any such organizations present in the local area and ensure that they are afforded an opportunity to submit nominations for appointments to local boards.
7. In order to ensure that policies for local workforce investment activities reflects the collaborative decision-making envisioned in the Act, each local board should have a mechanism to ensure that board members actively participate in board activities, attending meetings in accordance with requirements stipulated in board bylaws.

B. Board Appointments

Appointments made to local Idaho Works Boards subsequent to initial certification of the board by the Governor must be based on nominations as prescribed above; individuals so appointed must meet other statutory requirements described above as well.

C. Ability to meet performance measures

Local boards will need to demonstrate that adequate oversight of local workforce investment activities is taking place and that local strategies have enabled the local area to meet local performance measures.

II. RECERTIFICATION PROCESS

A. Application Contents

Applications for recertification of Idaho Works Boards must contain the following information:

- (1) A current list of IWB members, including name, address, title, organizational affiliation/place of business, membership category, and term of appointment of local Idaho Works Board appointees.
- (2) A copy of current bylaws.

- (3) A description of the local board's mechanism for ensuring that attendance by board members complies with board bylaws and that inactive members are replaced in accordance with these bylaws.
- (4) For all appointments made since original board certification, the following information must be provided:
- a. Name, title, organizational affiliation, place of business, membership category. For those business sector representatives that are not chief executive officers or chief operating officers, the application must describe the "optimum policy-making or hiring authority" of the appointee(s).
 - b. Documentation that all nomination requirements have been met; nomination letters should be provided on the letterhead of the nominating authority.
 - c. Justification for any instances in which an individual will be appointed to represent more than one category; that is, a description of the circumstances which render the "dual role" appropriate. (When an individual is appointed to represent more than one category, the individual must have optimal policy-making authority in each category, nominations are required in each category, and documentation is required that the dual role is acceptable to both nominating authorities.)
 - d. Documentation that organizations specified in Section (I)(A)(1), (a),(d)&(e) have been identified for the local area and afforded special consideration in appointing members to local boards;
- (5) Documentation that local board activities have ensured the area's ability to meet regional performance measures, including a description of how the board has carried out the planned activities described in Chapter Four, Sections I(C) & II, of the local WIA plan.
- (6) The signature of the Chief Elected Official(s) authorized to act on behalf of the local elected officials requesting recertification.

B. *Submission of Applications*

Submit applications to:

*Pat Debban, Administrator
Field Services Division
Idaho Department of Labor
317 W. Main
Boise, Idaho 83735*

PLEASE SUBMIT AN ORIGINAL AND TWO COPIES OF THE APPLICATION.

III. Recertification Timelines

Local elected officials may submit recertification applications anytime after receipt of this application package but no later than April 1, 2002. State staff will review recertification applications, recommend such recertification to the Governor through the Workforce Development Council or notify local staff of any concerns regarding the application by May 1. Local staff will then have until June 14 to resolve identified concerns; final action regarding recertification will take place by July 1, 2002.

IV. Decertification

Failure of a local board to meet recertification requirements will result in decertification of the local board.

Local boards may also be decertified by the Governor at any time (after notice has been provided, along with an opportunity for comment) for fraud or abuse, failure to carry out the roles and responsibilities described in the Act, or for failure to meet local performance measures for two consecutive program years (in accordance with WIA Section 136).

If a local board is decertified for any of these reasons, the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor, in consultation with local elected officials in the local area.

Any questions about this material or other information regarding the process for recertifying Local Idaho Work Boards should be directed to Laura Gleason, lgleason@labor.state.id.us, 332-3570, ext. 3319.



March 27, 2002

Pat Debban
Administrator
Field Services Division
Idaho Department of Labor
317 W. Main
Boise, ID 83735

Dear Pat,

The IDA-ORE Planning & Development Assoc. Inc., dba Sage Community Resources, Board of Directors kindly submits this letter and corresponding attachments as the application for recertification of WorkSOURCE, an IdahoWorksSM Board. Section II(A) of the Guidelines for Certification of Local Idaho Works Boards under the Workforce Investment Act of 1998 is addressed below.

- (1) The current list of board members and corresponding information has been included as Attachment A. The term of appointment for all board members is of one year.
- (2) A copy of the current bylaws can be found as Attachment B.
- (3) Refer to the excerpt of the Board Meeting minutes dated January 17, 2002, Section 6.0 (Attachment C).
- (4) Documentation requested for this section has been included as Attachment D. Please refer to Attachment A for Section II(A)(4)(b).
- (5) Documentation regarding the activities of the local board that ensure the area's ability to meet regional performance measures is included as Attachment E.

Staff has worked diligently in gathering the information required and hope all is to your satisfaction. If you have any questions or concerns regarding the documentation provided, please contact Bob Barber at 322-7033 ext. 266.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rich Hahn'.

Rich Hahn
President of the Board
IDA-ORE Planning & Development Association

WORKSOURCE

www.worksourceidaho.com

WorkSOURCE
Administrative Office

10624 W. Executive Dr.
Boise, ID 83713

T 208.322.7033
800.859.0321
F 208.322.8008

www.sageidaho.com



May 31, 2002

MEMORANDUM

To: Laura Gleason, Idaho Department of Labor
From: Bob Barber, Director, WorkSOURCE, an Idaho WorksSM Board
Subject: Region III WIB Re-certification

The responses to your re-certification questions have been included below. You will find the responses bolded, following your initial comments.

Listed below are the questions we have regarding review of your application for re-certification of your WIB. Our original plan was to have these initial reviews done by May 1, with a 45-day turnaround, putting the response date at June 15, but we are now concerned that this may not allow sufficient time to prepare for the WDC meeting on June 20. Since we have been able to get these review results out two weeks early, we would like to move the response date up to June 3. This would maintain the 45-day turnaround, but would move it forward enough to allow time to work any final concerns prior to developing recommendations for the Council. We would, of course, accept responses earlier than this, if they are available.

Please give me a call if you have any questions about the material below.

1. Please provide expiration dates for board member appointments.

Our policy is to send a re-appointment document in July to all members and have them sign up each year. At the Annual Board meeting they are re-appointed and these sign up sheets specify a one-year term. (Example, 2001-2002)

2. It appears from your application that 16 of the 17 private sector representatives are from the greater Boise area (Boise - 14; Garden City - 1; Meridian - 1) with the other businessperson being from Canyon County, which leaves the remaining 8 counties in the region unrepresented on the local board. This raises a concern about the board's compliance with the criterion that its makeup reasonably represents the employment opportunities in the local workforce area. We would strongly recommend that you begin to actively recruit private sector representatives from all ten counties and take affirmative steps to ensure that such individuals are appointed as vacancies occur on the board.

There continues to be an active recruitment effort with all Counties by direct contacts and through their local Chambers of Commerce. We are documenting our recruitment efforts. In an effort to encourage participation from the private sector from our rural communities, the WorkSOURCE bylaws have been changed to allow involvement and voting by teleconferencing. This addresses the inconvenience of long distance travel.



www.worksourceidaho.com

WorkSOURCE
Administrative Office

10624 W. Executive Dr.
Boise, ID 83713

T 208.322.7033
800.859.0321
F 208.321.8608

www.sageidaho.com

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3. When local workforce investment boards were originally certified, state staff sought guidance from the Executive Committee of the Workforce Development Council as to how much latitude to allow in applying the requirement that business representatives be "owners of businesses, chief executive or operating officers and other business executives or employers with optimum policy-making or hiring authority".

A decision was made at that time that the appointment of business representatives other than business owners, CEOs, COOs or other executives with clear optimum policy-making or hiring authority will require a letter from the appropriate CEO, COO, or business owner stating that the nominee is authorized to represent the business and speak on its behalf on the local Idaho Works Board. Federal regulations have since stipulated that an individual has "optimal policy-making authority" within an entity if s/he can reasonably be expected to speak affirmatively on behalf of the entity s/he represents and can commit that entity to a chosen course of action. We will need a letter to this effect for Steve Tenich in order for him to qualify as duly appointed private sector representatives, particularly in light of Cliff Olson's representation of the same business.

The letter for Steve Tenich is attached.

4. It is also not clear in what capacity Susan Berning is serving. She is listed as a "consultant/owner", but we were unable to find information regarding the business name or nature. Please clarify.

Susan's business name is "New Ways to Work". Yes, she is a consultant, working with Youth programs that involve workforce readiness skill training.

5. Similarly, we were not able to ascertain the capacity in which Donna Grummer is serving - she is listed as both a private sector representative and as representing a community-based organization. Please clarify here as well.

Donna is a private sector employer, with her recommendation letter attached, and has been serving as a Community Based Program (Welfare to Work)

6. You will need to add a second representative for economic development; in doing this, you will need to observe the requirements for giving special consideration to private sector economic development agencies, as described in the re-certification guidelines as well as those for individuals serving in dual roles, if this becomes pertinent.

Cliff Olson currently holds the dual representation of qualifying private sector and representing the "economic development agency" of the Boise Metro Chamber of Commerce as an Executive Board member. We have asked for a letter of recommendation from the Chamber.

7. Nomination letters similar to those requested above need to be provided from the public organizations represented by the following individuals:

Dana Ard
Sam Byrd
Manuel Guerra
Brian Langley
Darrell Quist

Bob Swanson



All those highlighted have been contacted and we are awaiting a reply.
Those marked out have letters attached

8. In filling several of the membership categories, appointing authorities are required to give "special consideration" to specified entities; operationally this means that the specified entities must be notified of vacancies and afforded an opportunity to submit nominations. How was this requirement satisfied in the replacement of Ryan Kerby with Ed Davis?

Ed Davis did not replace Ryan Kerby they each were appointed to their own Board positions.

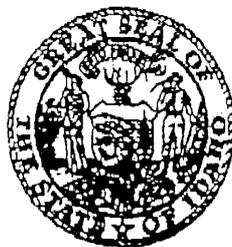
9. The requirement regarding attendance at board meetings vis-à-vis board bylaws has two parts. The first part asks for a description of the region's mechanism for ensuring that attendance by board members complies with board bylaws, (that is, tracking attendance) and the second part addresses the mechanism for ensuring that inactive members are replaced in accordance with the bylaws (that is, how attendance issues are addressed). Your application appears to answer the second part only. Please describe your mechanism for tracking attendance over the time period specified in your bylaws and determining that a given board member's attendance is such that contact by the Board Chair is warranted.

Attached is a form showing attendance. Each member is tracked through this method. After missing two meetings in a row without any communication the member is then called by the Board Chair to find if there is a problem and if the member wishes to continue or resign.

10. Please provide documentation of appointments by the local elected officials for board members appointed subsequent to original certification; this could be in the form of minutes of meetings or copies of appointment letters.

Attached are Sage Community Resources minutes appointing these members to the WorkSOURCE Board.

DIRK KEMPTHORNE
GOVERNOR



WorkSOURCE Karen A. McGee
Chair

MAR 29 2004

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

March 30, 2004

Mr. Dave Jett
President
Sage Community Resources
370 E 17th Ave
Mountain Home, ID 83647

Dear Mr. Jett:

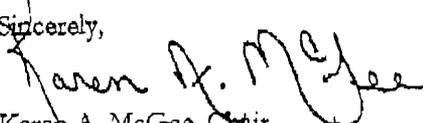
As you will recall, one of the major features in the state's implementation of the Workforce Investment Act (WIA) in 1999 was the creation and certification of business-led local workforce investment boards, appointed by local elected officials. These boards have acted as "boards of directors" for local workforce investment efforts, focusing on strategic planning, policy development and oversight of the local system. WIA requires that local boards be recertified by the Governor of each state every two years in accordance with criteria established in the Act and state policy. Since boards were last recertified in 2002, it is time once again to initiate this process.

I am transmitting the Guidelines for Recertification of local Idaho Works Boards with this letter. This package contains certification criteria, submission instructions, and timelines for completion of the recertification process.

As indicated in this material, applications for recertification of local Idaho Works Boards will be accepted any time after receipt of these Guidelines until June 11, 2004. Staff will review recertification applications and provide an opportunity for local areas to resolve any remaining concerns prior to recommending action to the Governor.

We look forward to continuing working with you in efforts to improve the quality of the state's workforce and to increase the responsiveness of the workforce investment system to the needs of Idaho businesses.

Sincerely,


Karen A. McGee, Chair
Idaho Workforce Development Council

cc: Bob Barber ✓

IDAHO
WORKS

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*Guidelines
for
Recertification
of
Idaho Works Boards
under the
Workforce Investment Act
of 1998*

April 2004

Guidelines for Recertification of Local Idaho Works Boards

Introduction

Section 117 of the Workforce Investment Act (WIA) requires that local Idaho Works Boards be recertified every two years by the Governor of each state in accordance with criteria established in that section of the Act and with state policy. The material that follows describes recertification requirements and is divided into the following sections:

- I. RECERTIFICATION CRITERIA
- II. RECERTIFICATION PROCESS
- III. RECERTIFICATION TIMELINES
- IV. DECERTIFICATION

I. RECERTIFICATION CRITERIA

A local Idaho Works Board will be recertified when it is determined that: (A) the board meets composition requirements, as set forth in the Act and state policy; (B) appointments to the board made since the board was originally certified were based on proper nominations and meet other statutory requirements; and, (C) the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet local performance measures.

A. Composition

1. Each local Idaho Works Board must consist of the following, at a minimum:
 - a. Representatives of business in the local area;*
 - b. Representatives of local educational entities;*
 - c. Representatives of labor organizations;*
 - d. Representatives of community-based organizations;*
 - e. Representatives of economic development agencies;*
 - f. Representatives of each of the required One Stop partners; and*
 - g. Representatives of minority populations and people with disabilities*

a. Representatives of business in the local area

Individuals appointed to represent the business sector must:

- be owners of businesses, chief executives or operating officers of businesses, and other business executives with optimum policy-making or hiring authority; (A representative with "optimal policy-making authority" within a business is an individual who can reasonably be expected to speak affirmatively on behalf of the business he or she represents and to commit that business to a chosen course of action.)
- represent businesses with employment opportunities that reflect the employment trends in the area;
- be nominated by local business organizations and business trade associations; and,
- constitute at least 51% of the local board membership.

The Chair of the local Idaho Works Board must be elected from among the business sector representatives.

b. Representatives of local educational entities

Special consideration must be given to representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist).

Appointments in this category must be made from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities.

c. Representatives of labor organizations

In areas in which employees are represented by labor organizations, individuals appointed in this category must be selected from among those nominated by local labor federations. In an area in which no employees are represented by such organizations, employees may be represented by other organizations.

d. Representatives of community-based organizations

Special consideration in appointing members in this category must be given to organizations representing individuals with disabilities and veterans, in local areas in which such organizations are present.

e. Representatives of economic development agencies

In the appointment of individuals in this category, special consideration must be given to private sector economic development entities.

AT LEAST TWO INDIVIDUALS ARE REQUIRED FOR EACH OF CATEGORIES (a) THROUGH (e) ABOVE.

f. Representatives of each of the required One Stop partners

Required One Stop partners are identified in Section 121 of the Act as the entities that carry out the following:

- Programs authorized under Title I of WIA, serving:
 - Adults
 - Dislocated Workers
 - Youth
 - Job Corps
 - Native American programs
 - Migrant and seasonal farmworker programs
 - Veterans' workforce programs (not applicable in Idaho at this time)
- Wagner-Peyser programs
- Trade Adjustment Act
- Veterans' Employment Services
- Unemployment Insurance programs
- Adult Education and Literacy programs
- Programs authorized under Title I of the Rehabilitation Act of 1973 - Vocational Rehabilitation, Commission for the Blind and Visually Impaired, and the client assistance program
- Senior community service employment activities authorized under Title V of the Older Americans Act
- Professional-Technical education programs
- Community Services Block Grant employment & training programs
- Housing and Urban Development employment & training programs
- Welfare To Work programs (not applicable in Idaho at this time)

An "entity", as used here, is the grant recipient, administrative entity, or organization responsible for administering the funds of the specified program in the local area, not the service providers under contract with the local administrative entity. For programs that do not include local administrative entities (i.e., programs operated by the Idaho Department of Labor and Idaho Division of Vocational Rehabilitation, Adult Education programs, and

programs funded through Title V of the Older Americans Act), the responsible state agency should be the partner. The eligible state entity may then designate an eligible local provider as the "entity" for this purpose. Local elected officials will need to contact appropriate state agency partners for designation of local representatives on local boards.

In those areas with both national and state programs funded through Title V of the Older Americans Act, local elected officials will need to consult with the Idaho Commission on Aging regarding selection of the most appropriate representative(s) to serve on the local board.

A single agency or organization that administers multiple required programs may represent more than one One Stop partner, as appropriate. One Stop partners should include, but are not limited to, the Idaho Department of Labor, Adult Basic Education, the Idaho Division of Vocational Rehabilitation, the Area Agency on Aging, and Professional-Technical Education.

If a required program is operational at more than one site (e.g., Community Services Block Grant activities), only one representative is required on the local board.

Local boards must also include national programs funded under Title I of WIA (Job Corps, Native American and Migrant Seasonal Farm Worker programs, and the Veterans Workforce Investment program), if they are present in the local area. In local areas where the national programs are not present, local boards should take steps to ensure that customer groups served by these programs have access to services through the One Stop delivery system.

One Stop partners not mandated for representation on local boards may be appointed to such boards at the discretion of the local elected officials.

g *Representatives of people with disabilities and minorities*

In making appointments to local boards, local elected officials must include individuals who represent minority populations and people with disabilities.

2. Local elected officials may appoint other individuals or representatives of other appropriate entities, including entities representing individuals with multiple barriers to employment and other special populations, as deemed appropriate, as long as statutory compositional requirements are met.
3. Members that represent organizations, agencies or other entities shall be individuals with optimum policy-making authority within the entities they represent. A representative with "optimal policy-making authority" within an entity is an individual who can reasonably be expected to speak affirmatively on

behalf of the entity he or she represents and to commit that entity to a chosen course of action.

4. Statutorily-required Idaho Works Board members (Categories (a)-(f)) must be appointed as full voting members.
5. "Double-counting" - Under limited circumstances, individuals may be appointed to represent more than one membership category. Such individuals must have optimal policy-making authority within both entities, must meet nomination requirements for each category and nominating authorities in both categories must agree to such a dual role. In these situations, board bylaws must prohibit individuals in dual roles from voting on any issue that would involve a conflict of interest for either role.
6. "Special Consideration" - "Giving special consideration" to organizations specified in membership categories (a), (d), and (e) above requires that local elected officials take affirmative steps to identify any such organizations present in the local area and ensure that they are afforded an opportunity to submit nominations for appointments to local boards.
7. In order to ensure that policies for local workforce investment activities reflect the collaborative decision-making envisioned in the Act, each local board should have a mechanism to ensure that board members actively participate in board activities, attending meetings in accordance with requirements stipulated in board bylaws.

B. Board Appointments

Appointments made to local Idaho Works Boards subsequent to initial certification of the board by the Governor must be based on nominations as prescribed above; individuals so appointed must meet other statutory requirements described above as well.

C. Ability to meet performance measures

Local boards will need to demonstrate that adequate oversight of local workforce investment activities is taking place and that local strategies have enabled the local area to meet local performance measures.

II. RECERTIFICATION PROCESS

A. Application Contents

Applications for recertification of Idaho Works Boards must contain the following information:

- (1) A current list of IWB members, including name, address, title, organizational affiliation/place of business, membership category, and term of appointment of local Idaho Works Board appointees.
- (2) A copy of current bylaws.
- (3) A description of the local board's mechanism for ensuring that attendance by board members complies with board bylaws and that inactive members are replaced in accordance with these bylaws. Please provide documentation of the ongoing utilization of the local processes to ensure attendance/replacement.
- (4) For all appointments made since the board was last recertified, the following information must be provided:
 - a. Name, address, title, organizational affiliation/place of business, membership category, and term of appointment of local Idaho Works Board appointees. For those business sector representatives that are not chief executive officers or chief operating officers, the application must describe the "optimum policy-making or hiring authority" of the appointee(s).
 - b. Documentation that all nomination requirements have been met; nomination letters should be provided on the letterhead of the nominating authority or a form designed for this purpose.
 - c. Justification for any instances in which an individual will be appointed to represent more than one category; that is, a description of the circumstances which render the "dual role" appropriate. (When an individual is appointed to represent more than one category, the individual must have optimal policy-making authority in each category, nominations are required in each category, and documentation is required that the dual role is acceptable to both nominating authorities.)
 - d. Documentation that organizations specified in Section I(A)(1), (a),(d)&(e) have been identified for the local area and afforded special consideration in appointing members to local boards.
- (5) Documentation that local board activities have ensured the area's ability to meet regional performance measures, including a description of how the board has

carried out the planned activities described in Chapter Four, Sections I(C) & II, of the local WIA plan.

- (6) The signature of the Chief Elected Official(s) authorized to act on behalf of the local elected officials requesting recertification.

B. Submission of Applications

Submit applications to:

*Laura Gleason
Idaho Department of Labor
317 W. Main
Boise, Idaho 83735*

PLEASE SUBMIT AN ORIGINAL AND TWO COPIES OF THE APPLICATION.

III. Recertification Timelines

Local elected officials may submit recertification applications any time after receipt of this application package but no later than June 11, 2004. State staff will review recertification applications, recommend such recertification to the Governor, or notify local staff of any concerns regarding the application by July 1. Local staff will then have until July 16 to resolve identified concerns; final action regarding recertification will take place by August 2, 2004.

IV. Decertification

Failure of a local board to meet recertification requirements will result in decertification of the local board.

Local boards may also be decertified by the Governor at any time (after notice has been provided, along with an opportunity for comment) for fraud or abuse, failure to carry out the roles and responsibilities described in the Act, or for failure to meet local performance measures for two consecutive program years (in accordance with WIA Section 136).

If a local board is decertified for any of these reasons, the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor, in consultation with local elected officials in the local area.

Any questions about this material or other information regarding the process for recertifying local Idaho Works Boards should be directed to Laura Gleason, lgleason@jobservice.us, 332-3570, ext. 3319.

June 17, 2004

sage

Laura Gleason
Idaho Commerce & Labor
317 W. Main
Boise, ID 83735

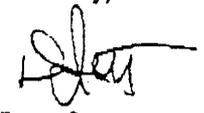
Dear Laura,

The IDA-ORE Planning & Development Assoc. Inc., dba Sage Community Resources, Board of Directors kindly submits this letter and corresponding attachments as the application for recertification of WorkSOURCE, an Idaho Works Board. Section II (A) of the Guidelines for recertification of local Idaho Works Boards under the Workforce Investment Act of 1998 is addressed below.

- (1) The current list of board members and corresponding information has been included as Attachment A.
- (2) A copy of the current bylaws can be found as Attachment B.
- (3) Description of mechanism for attendance as Attachment C.
- (4) New appointments as Attachment D.
- (5) Documentation regarding the activities of the local board that ensure the area's ability to meet regional performance measures is included as Attachment E.

Staff has worked diligently to gathering the information required and hope all is to your satisfaction. If you have any questions or concerns regarding the documentation provided, please contact Bob Barber at 345-8050 ext. 266.

Sincerely,



Dave Jett
Chairman of the Board
Sage Community Resources

WORKSOURCE

Idaho Commerce & Labor

*We Bring Employment
Services Together.*

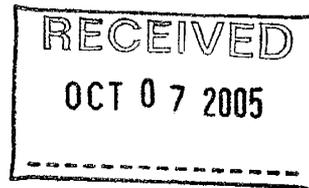
Starr Kelso Law Office

CHARTERED

October 4, 2005

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

Re: Hearing Transcript
Public Records Request



Dear Chair McGee:

As you know the hearing before Hearing Officer McKee is complete. A transcript of the hearing has been ordered by H.O. McKee.

On behalf of my clients, Regions I, III, IV and V, I request that as soon as practical after you, Alice Taylor or the Council receive the transcript that you provide me a copy.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Starr Kelso".

STARR KELSO
Attorney at Law

:ad
cc: Clients

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CAROL LYNN BRASSEY
EVELYN THOMAS
CRAIG G. BLEDSOE
ANNE BAKER WILDE
Deputy Attorneys General
Idaho Department of Commerce and Labor
317 W. Main Street
Boise, ID 83735
Telephone: (208) 332-3570 x 3232
ISB No. 3431

Attorneys for Idaho Department of Commerce & Labor

BEFORE THE STATE WORKFORCE DEVELOPMENT COUNCIL

In the matter of the Local Workforce)
Investment Area Designation Appeals of:)
PANHANDLE AREA COUNCIL;)
CLEARWATER ECONOMIC)
DEVELOPMENT ASSOCIATION;)
SAGE COMMUNITY RESOURCES;)
REGION IV DEVELOPMENT)
ASSOCIATION;)
and)
SOUTHEAST IDAHO COUNCIL OF)
GOVERNMENTS, INC.;)
Appellants.)

Case No. _____

**DEPARTMENT OF COMMERCE
AND LABOR'S POST-HEARING
MEMORANDUM**

COMES NOW the Idaho Department of Commerce and Labor (Department), by and through its attorney of record, Craig G. Bledsoe, and as an addendum to Pre-hearing Memoranda that are already a part of the record and the Department's testimony and closing arguments made

at the administrative hearing, submits the following Post-Hearing Memorandum:

At the close of the administrative hearing, a discussion was had between the parties and the Hearing Officer about the proper interpretation of WIA § 116(a)(2)(B). This subsection requires the Governor to approve any request for designation as a local area:

of the area served by a rural concentrated employment program grant recipient of demonstrated effectiveness that served as a service delivery area or substate area under the Job Training Partnership Act [29 U.S.C.A. § 1501 *et seq.*], if the grant recipient has submitted the request.

The plain language of this statutory provision requires that the actual grant recipient make the request for designation. This is because the reference to “grant recipient” at the end of the sentence refers back to the phrase “rural concentrated employment program grant recipient” that was used in the first part of the sentence. The only reasonable way to read this provision and give effect to both of these references is to read it to require the automatic designation of a rural concentrated employment program grant recipient that was either a service delivery area or a substate area under JTPA, as long as the rural concentrated employment program grant recipient submits the request.

This interpretation of WIA § 116(a)(2)(B) is supported by WIA’s implementing regulations. To the question about what is required for automatic designation of local workforce investment areas, 20 CFR § 661.260 provides the following answer:

The requirements for automatic designation relating to units of local government with a population of 500,000 or more and to rural concentrated employment programs are contained in WIA section 116(a)(2). ...

By using the phrase “rural concentrated employment programs” to refer to the designation criteria in WIA § 116(a)(2)(B), the federal regulations support an interpretation of the law that makes the designation of rural concentrated employment programs the very reason this provision was included in WIA. To interpret WIA § 116(a)(2)(B) in any way that nullifies

this intent would be contrary to the rules of statutory construction.

Further evidence that the existence of a rural concentrated employment program grant recipient is the critical qualifying language of WIA § 116(a)(2)(B) is found by tracing the use of this language in prior federal job training legislation. Concentrated employment programs were first formed in 1967 in an amendment to the Economic Opportunity Act of 1964. *Chacon v. Hodgson*, 465 F.2d 307 (7th Cir. 1972).

When the federal Comprehensive Employment and Training Act (CETA) (Pub. L. 93-203, 87 Stat. 841) was enacted in 1973, the federal Secretary of Labor was authorized to make financial assistance available to “prime sponsors.” Section 102(a)(5) of CETA provided that, among others, a “prime sponsor” shall be:

[A] limited number of existing concentrated employment program grantees serving rural areas having a high level of unemployment which the Secretary determines have demonstrated special capabilities for carrying out programs in such areas and are designated by him for that purpose.

According to CETA, only those already existing rural concentrated employment program grantees determined to be effective by the federal Secretary of Labor could continue to receive financial assistance as “prime sponsors” under CETA.

When the federal Job Training Partnership Act (JTPA) (Pub. L. 97-300, 96 Stat. 1322) was enacted in 1982, special consideration for these limited, federally designated rural concentrated employment program grantees was preserved in section 101(a)(4)(A)(iii). This section provided that the Governor shall approve a request to be a service delivery area under JTPA from:

[A]ny concentrated employment program grantee for a rural area which served as a prime sponsor under the Comprehensive Employment and Training Act.

According to JTPA, rural concentrated employment program grantees were entitled to

designation as JTPA service delivery areas and could continue to receive federal financial assistance, but only if they served as prime sponsors under CETA.

This continuity from the Economic Opportunity Act of 1964, to CETA in 1973, and to JTPA in 1982 was continued when WIA replaced JTPA. According to WIA § 116(a)(2)(B), rural concentrated employment program grantees were entitled to designation as WIA local workforce investment areas and could continue to receive federal financial assistance, but only if the grantees themselves made requests for designation and served as either service delivery areas or substate areas under JTPA. To interpret this provision any differently would ignore the plain language of the statute itself and be contrary to the way this designation criteria is referred to in 20 CFR § 661.260. It would also be contrary to legislative intent as demonstrated by the creation of, and the special consideration given to, rural concentrated employment program grantees in successive federal job training legislation over the past 38 years.

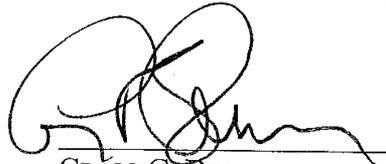
Absolutely no evidence was offered during the course of the administrative hearing that Appellants were or have ever been designated as rural concentrated employment program grantees. If Appellants had ever been so designated they would certainly have been aware of it. Initially, a designation would have been made by the federal Secretary of Labor prior to 1973 that would have entitled them to special treatment under CETA and JTPA. Because special consideration for rural concentrated employment program grantees continued under WIA, there would have been no need in 1998 for the Workforce Development Council to recommend to then Governor Batt that Appellants, Regions I, II, IV and V, be designated under optional, non-mandatory designation criteria and that Appellant Region III be initially designated under temporary and subsequent designation provisions. These optional and temporary and subsequent designations were memorialized in the 2000 WIA State Plan and Appellants operated as local

areas under these initial designations for the full five years the 2000 Plan was in existence.

Because Appellants are not rural concentrated employment program grantees, there is no basis in WIA § 116(a)(2)(B) for their designation as local workforce investment areas under this criteria. Also, for the reasons that have already been briefed and argued in this matter, Appellants are not entitled to designation as local workforce investment areas under any provision of WIA §§ 116(a)(2) or 116(a)(3). Therefore, the Hearing Officer's recommendation to the Workforce Development Council should be that their appeals be denied.

DATED this 30 day of September, 2005.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL



CRAIG G. BLEDSOE
Deputy Attorney General
Idaho Department of Commerce and Labor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30 day of September, 2005, I caused a true and correct copy of the foregoing to be served by the method indicated below, and addressed to the following:

Starr Kelso
Attorney at Law
PO Box 1312
Coeur d'Alene, ID 83816-1312
Fax: (208) 664-6261

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile

Wanda Keefer
Clearwater Economic Development Assoc.
1626 6th Ave. North
Lewiston, ID 83501
Fax: (208) 746-0576

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile

Duff McKee
Hearing Officer
Fax: (208) 381-0083

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile


CRAIG G. BLEDSOE

Starr Kelso
Attorney at Law, ISB #2445
1621 N. Third Street, Suite 600
PO Box 1312
Coeur d'Alene, Idaho 93916-1312
(208) 765-3260
(208)664-6261- Fax

Attorney for Appellants
I,II, IV and V

WORKFORCE DEVELOPMENT COUNCIL

In Re: Consolidated Appeals of Regions	)	POST HEARING BRIEF
)	
I,II,III,IV and V, consolidated for hearing)	
purposes)	
)	
Appellants.)	

COMES NOW the undersigned counsel for and on behalf of his above said clients and hereby submits this post hearing brief pursuant to the Order of Hearing Officer McKee.

SECTION 116 (a) Designation of Areas provides that "...the Governor of the State shall designate local workforce investment AREAS within the State--..." (emphasis added). The Governor of a State that was a "single State service delivery area under the Job Training Partnership Act as of July 1, 1998, may designate the State as a single State local area for the purposes of this title. In the case of such a designation, the Governor shall identify the State as a single State as a local area under section 112(b)(5)." (see Sec. 116(5) (b) attached.)

The testimony and documentary evidence presented at hearing is clear and un rebutted that the Governor's 2005 Plan, through a side agreement with former Region VI wherein it defers all authority to the Idaho Department of Commerce and Labor, makes Idaho a single State local

area. Indeed the State Council has not had a meeting since the 2005 Plan approval and implementation. All decisions have been made by the State Department of Commerce and Labor from July 1, 2005. Indeed the Governor is clear in the intent and the effect of the 2005 Plan. At exhibit 13-7 it specifically states that until "regulations permit...the state (is) designed to function as a single state area" under the 2005 Plan.

Idaho Law is clear that "An illegal contract is one that rests on illegal consideration consisting of any act or forbearance which is contrary to law or public policy...A contract prohibited by law is illegal and hence unenforceable." (See *Quiring v. Quiring*, 130 Idaho 560, 944 P.2d 695 (1997).(see attached)

Quiring provides that "in Idaho a court...has a duty to raise the issue of illegality, whether pled or otherwise, at any state in the litigation." As the Idaho Court in *Stearns v. Williams*, 72 Idaho 276, 240 P.2d 833 (1952) held and as cited in *Quiring*, "it becomes the duty of a court to refuse to enforce it; again a court of equity will not knowingly aid in the furtherance of an illegal transaction."

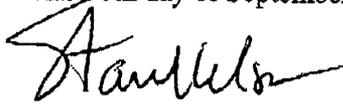
The Hearing Officer in this matter, while acting in a capacity to recommend to the Council, is nonetheless acting in a quasi-judicial manner--as will be the Council when it receives the Hearing Officer's recommendation--and as such neither the Hearing Officer nor the Council can fail to refuse to enforce the 2005 Plan. It does not matter as to the manner in which the illegality of a matter before it is brought to its attention. *Quiring @ 567.*

In this case, it does not matter that the illegality of the 2005 Plan is brought before the Hearing Officer under a procedure set forth in the 2005 Plan itself, that's sole purpose is to attempt to limit the jurisdiction of the Hearing Officer and the Council on appeal. Once the illegality is brought to the attention of the Hearing Officer or the Council, it can not be ignored

because of purported limitations on it's (their) jurisdiction in the illegal Plan itself. The Hearing Officer must address the illegality and recommend to the Council that the 2005 Plan not be permitted and the Appeals of the Regions upheld. The Council then likewise must reject the plan and uphold the Appeal of the Regions.

The blatantness of the 2005 Plan needs, is required, to be met by just as bold a response. Illegality is illegality and it can not be condoned in any manner whether by failure to address or failure to correct regardless of who is acting or how the matter came to be presented for review.

Dated this 30th day of September, 2005.



Starr Kelso

CERTIFICATE OF SERVICE

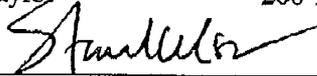
I hereby certify that a true and correct copy of the foregoing was transmitted via facsimile on the 30th day of September, 2005 to the following individuals:

Hearing Officer Duff McKee--208-381-0083

Craig G. Bledsoe-----208-334-6125

Wanda Keefer-----208-746-0576

Alice Taylor-----208-947-0049



Starr Kelso

(1) the plan is inconsistent with the provisions of this title; and
 (2) in the case of the portion of the plan described in section 4(a) of the Wagner-Peyser Act (29 U.S.C. 49g(a)), the portion does not satisfy the criteria for approval provided in section 8(d) of such Act.

(d) Modifications to Plan.--A State may submit modifications to a State plan in accordance with the requirements of this section and section 111 as necessary during the 5-year period covered by the plan.

CHAPTER 2--LOCAL PROVISIONS

SEC. 116. LOCAL WORKFORCE INVESTMENT AREAS.

(a) Designation of Areas.--

(1) In general.--

(A) Process.--Except as provided in subsection (b), and consistent with paragraphs (2), (3), and (4), in order for a State to receive an allotment under section 127 or 132, the Governor of the State shall designate local workforce investment areas within the State--

(i) through consultation with the State board; and

(ii) after consultation with chief elected officials and after consideration of comments received through the public comment process as described in section 112(b)(9).

(B) Considerations.--In making the designation of local areas, the Governor shall take into consideration the following:

(i) Geographic areas served by local educational agencies and intermediate educational agencies.

(ii) Geographic areas served by postsecondary educational institutions and area vocational education schools.

(iii) The extent to which such local areas are consistent with labor market areas.

(iv) The distance that individuals will need to travel to receive services provided in such local areas.

(v) The resources of such local areas that are available to effectively administer the activities carried out under this subtitle.

(2) Automatic designation.--The Governor shall approve any request for designation as a local area--

(A) from any unit of general local government with a population of 500,000 or more;

(B) of the area served by a rural concentrated employment program grant recipient of demonstrated effectiveness that served as a service delivery area or substate area under the Job Training Partnership Act, if the grant recipient has submitted the request; and

(C) of an area that served as a service delivery area under section 101(a)(4)(A)(ii) of the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act) in a State that has a population of not more than 1,100,000 and a population density greater than 900 persons per square mile.

(3) Temporary and subsequent designation.--

(A) Criteria.--Notwithstanding paragraph (2)(A), the Governor shall approve any request, made not later than the date of submission of the initial State plan under this subtitle, for temporary designation as a local area from any unit of general local government (including a combination of such units) with a population of 200,000 or more that was a service delivery area under the Job Training Partnership Act on the day before the date of enactment of this Act if the Governor determines that the area--

(i) performed successfully, in each of the last 2 years

prior to the request for which data are available, in the delivery of services to participants under part A of title II and title III of the Job Training Partnership Act (as in effect on such day); and

(ii) has sustained the fiscal integrity of the funds used by the area to carry out activities under such part and title.

(B) Duration and subsequent designation.--A temporary designation under this paragraph shall be for a period of not more than 2 years, after which the designation shall be extended until the end of the period covered by the State plan if the Governor determines that, during the temporary designation period, the area substantially met (as defined by the State board) the local performance measures for the local area and sustained the fiscal integrity of the funds used by the area to carry out activities under this subtitle.

(C) Technical assistance.--The Secretary shall provide the States with technical assistance in making the determinations required by this paragraph. The Secretary shall not issue regulations governing determinations to be made under this paragraph.

(D) Performed successfully.--In this paragraph, the term "performed successfully" means that the area involved met or exceeded the performance standards for activities administered in the area that--

(i) are established by the Secretary for each year and modified by the adjustment methodology of the State (used to account for differences in economic conditions, participant characteristics, and combination of services provided from the combination assumed for purposes of the established standards of the Secretary); and

(ii) (I) if the area was designated as both a service delivery area and a substate area under the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act)--

(aa) relate to job retention and earnings, with respect to activities carried out under part A of title II of such Act (as in effect on such day); or

(bb) relate to entry into employment, with respect to activities carried out under title III of such Act (as in effect on such day);

(II) if the area was designated only as a service delivery area under such Act (as in effect on such day), relate to the standards described in subclause (I)(aa); or

(III) if the area was only designated as a substate area under such Act (as in effect on such day), relate to the standards described in subclause (I)(bb).

(E) Sustained the fiscal integrity.--In this paragraph, the term "sustained the fiscal integrity", used with respect to funds used by a service delivery area or local area, means that the Secretary has not made a final determination during any of the last 3 years for which data are available, prior to the date of the designation request involved, that either the grant recipient or the administrative entity of the area misexpended the funds due to willful disregard of the requirements of the Act involved, gross negligence, or failure to observe accepted standards of administration.

(4) Designation on recommendation of state board.--The Governor may approve a request from any unit of general local government (including a combination of such units) for designation (including temporary designation) as a local area if the State board determines, taking into account the factors described in clauses (i) through (v) of paragraph (1)(B), and recommends to the Governor, that such area should be so designated.

(5) Appeals.--A unit of general local government (including a combination of such units) or grant recipient that requests but is not granted designation of an area as a local area under paragraph (2) or (3) may submit an appeal to the State board under an appeal process established in the State plan. If the appeal does not result in such a designation, the Secretary, after receiving a request for review from the unit or grant recipient and on determining that the unit or grant recipient was not accorded procedural rights under the appeal process established in the State plan or that the area meets the requirements of paragraph (2) or (3), as appropriate, may require that the area be designated as a local area under such paragraph.

(b) Small States.--The Governor of any State that was a single State service delivery area under the Job Training Partnership Act as of July 1, 1998, may designate the State as a single State local area for the purposes of this title. In the case of such a designation, the Governor shall identify the State as a local area under section 112(b)(5).

(c) Regional Planning and Cooperation.--

(1) Planning.--As part of the process for developing the State plan, a State may require regional planning by local boards for a designated region in the State. The State may require the local boards for a designated region to participate in a regional planning process that results in the establishment of regional performance measures for workforce investment activities authorized under this subtitle. The State may award regional incentive grants to the designated regions that meet or exceed the regional performance measures.

(2) Information sharing.--The State may require the local boards for a designated region to share, in feasible cases, employment statistics, information about employment opportunities and trends, and other types of information that would assist in improving the performance of all local areas in the designated region on local performance measures.

(3) Coordination of services.--The State may require the local boards for a designated region to coordinate the provision of workforce investment activities authorized under this subtitle, including the provision of transportation and other supportive services, so that services provided through the activities may be provided across the boundaries of local areas within the designated region.

(4) Interstate regions.--Two or more States that contain an interstate region that is a labor market area, economic development region, or other appropriate contiguous subarea of the States may designate the area as a designated region for purposes of this subsection, and jointly exercise the State functions described in paragraphs (1) through (3).

(5) Definitions.--In this subsection:

(A) Designated region.--The term "designated region" means a combination of local areas that are partly or completely in a single labor market area, economic development region, or other appropriate contiguous subarea of a State, that is designated by the State, except as provided in paragraph (4).

(B) Local board for a designated region.--The term "local board for a designated region" means a local board for a local area in a designated region.

SEC. 117. LOCAL WORKFORCE INVESTMENT BOARDS

(a) Establishment.--There shall be established in each local area of a State, and certified by the Governor of the State, a local workforce investment board, to set policy for the portion of the statewide workforce investment system within the local area (referred to in this title as a "local workforce investment system").

(b) Membership.--

(1) State criteria.--The Governor of the State, in partnership with the State board, shall establish criteria for use by chief

elected officials in the local areas for appointment of members of the local boards in such local areas in accordance with the requirements of paragraph (2).

(2) Composition.--Such criteria shall require, at a minimum, that the membership of each local board--

(A) shall include--

(i) representatives of business in the local area, who--

(I) are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority;

(II) represent businesses with employment opportunities that reflect the employment opportunities of the local area; and

(III) are appointed from among individuals nominated by local business organizations and business trade associations;

(ii) representatives of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist), selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities;

(iii) representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations, or (for a local area in which no employees are represented by such organizations), other representatives of employees;

(iv) representatives of community-based organizations (including organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present);

(v) representatives of economic development agencies, including private sector economic development entities; and

(vi) representatives of each of the one-stop partners;

and

(B) may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.

(3) Authority of board members.--Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities.

(4) Majority.--A majority of the members of the local board shall be representatives described in paragraph (2) (A) (i).

(5) Chairperson.--The local board shall elect a chairperson for the local board from among the representatives described in paragraph (2) (A) (i).

(c) Appointment and Certification of Board.--

(1) Appointment of board members and assignment of responsibilities.--

(A) In general.--The chief elected official in a local area is authorized to appoint the members of the local board for such area, in accordance with the State criteria established under subsection (b).

(B) Multiple units of local government in area.--

(i) In general.--In a case in which a local area includes more than 1 unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the

a threat. Ron also claims that Lynn threatened that her father and her daughter's biological father would "get" Ron. Lynn also denies that she made this threat.

Ron denied the allegations of sexual impropriety and left to spend the evening elsewhere without signing the quitclaim deed. The next day, Ron went to his job with the Idaho Department of Health and Welfare where he taught juveniles committed to secure confinement. He telephoned Lynn from work. According to Ron, Lynn told him that if he did not sign the quitclaim deed she would have him arrested at his place of work. During breaks at work, Ron drafted a handwritten agreement (Agreement) with the following provisions:

I do hereby relinquish interest in my residence located at 1009 N. Robinson, Nampa, Idaho 83687 for the following considerations:

- 1) That any and all past differences be forgotten and not brought up by Lynn or either of the two children, [daughter], age 15 and [son], age 17.
- 2) That we part amicably with no further contact other than details of the divorce.
- 3) There is to be, as agreed, no other compensation to be given by me in any form including support for the children or my wife as the amount of equity in the house shall be considered to be quite sufficient to more than compensate for any deficiency of support until the children reach the age where no further support is required.
- 4) It is agreed between Ron Quiring and Lynn Quiring, husband and wife, that a divorce is pending and details of personal items within the house will be agreed upon separately.

Ron telephoned his attorney and read the Agreement to him. His attorney advised him not to sign anything. Ron then called Lynn and arranged to meet her to discuss their community debt and child support. They met and talked for approximately one-half hour about the division of property and debts. Then they went to Stewart Title Company in Nampa. Ron presented Lynn with the Agreement and told her that she would have to sign the Agreement before he would sign the quitclaim deed. The parties read and signed the Agreement in the presence of a Stewart Title notary public and closing officer. Ron also signed and had notarized the quitclaim deed conveying his interest in the Robinson Property to Lynn. The quitclaim deed was recorded the next day. The deed listed \$800,00 as the value received by Ron.

Ron filed for divorce on July 28, 1994, praying for a decree of divorce and that Lynn be awarded physical and legal custody of their daughter. Although Ron and Lynn had executed the Agreement and Ron had signed the quitclaim deed setting forth a settlement of property and support rights, Ron's complaint prayed for "child support as provided by the Idaho Child Support Guidelines or as the Court may otherwise deem

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appropriate," and stated that "[t]he parties hereto have agreed to and will execute a *Property Settlement Agreement* and the same should be incorporated into the Court's decree. In the event either party fails to execute the Agreement, then the community property and community debts should be equitably distributed." Lynn answered, denying that the parties had agreed to execute a Property Settlement Agreement. Despite the Agreement and quitclaim deed, Lynn prayed "[t]hat the Court make an equitable distribution of the parties [sic] community property and community debts" and that Ron be ordered to "pay for [child] support . . . as provided by the Idaho Child Support Guidelines or as the Court may otherwise deem appropriate."

At the time of trial, Lynn had quit her job at Micron, which had paid approximately \$1,200 per month and had remarried. Ron had been fired as a teacher and was working on commission for Squat Down Manufacturing Corporation out of Anadarko, Oklahoma, but had yet to make a first sale.

Prior to determining property distribution, custody and support, the trial court granted the divorce. Subsequently, the magistrate determined that the real property contained in the quitclaim deed was Lynn's sole and separate property and that no support was to be ordered, though Lynn could seek a modification to secure support if the equity in the home was inadequate.

Ron appealed to the district court, alleging that the magistrate erred by allowing Lynn to present trial testimony contradicting allegations contained in requests for admissions which were denied untimely and by failing to make certain factual findings. Ron also appealed the magistrate's legal conclusion that the quitclaim deed and Agreement were valid and binding, asserting that they were entered into upon undue influence, coercion and duress. The district court affirmed the magistrate's decision and awarded Lynn costs and attorney fees on appeal, finding that Ron's appeal was frivolous.

II.

STANDARD OF REVIEW

Where, as here, the issue presented was first decided in the magistrate division of the district court and was appealed to the district court, this Court reviews the magistrate's decision independent of, but with due regard for, the district court's appellate decision. *Toyama v. Toyama*, 129 Idaho 142, 144, 922 P.2d 1068, 1070 (1996). When reviewing decisions of the trial court, the Court will uphold findings of fact which are supported by substantial and competent evidence. *Rohr v. Rohr*, 128 Idaho 137, 140, 911 P.2d 133, 136 (1996). The trial court's discretionary decisions will be upheld absent a showing that the court abused its discretion. *Id.*; *Noble v. Fisher*, 126 Idaho 885, 888, 894 P.2d 118, 121 (1995). When an exercise of discretion is reviewed on appeal, the Court inquires: (1) whether the lower court rightly perceived the issue as one of discretion; (2) whether the court acted within the boundaries of such discretion and consistently with any legal standards applicable to specific choices; and (3) whether the court reached its decision by exercise of reason. *Noble*, 126 Idaho at 888, 894 P.2d at 121; *Sun Valley Shopping Ctr., Inc. v. Idaho Power Co.*, 119 Idaho 87, 94, 803 P.2d 993, 1000 (1991). With respect to the trial court's conclusions of law, this Court exercises free review. *Hummer v. Evans*, 129 Idaho 274, 279, 923 P.2d 981, 986 (1996).

III.

THE DISTRICT COURT DID NOT ABUSE ITS DISCRETION BY ALLOWING THE PRESENTATION OF EVIDENCE TO CONTRADICT UNTIMELY DENIED REQUESTS FOR ADMISSION BECAUSE RON FAILED TO SHOW THAT HE WAS PREJUDICED.

[1] On February 1, 1996, Ron submitted Requests for Admissions asking that the following statements be admitted or denied: (1) that on July 11, 1994, Lynn alleged that Ron had committed sexual improprieties with their daughter, (2) that on that date Lynn changed the locks to the residence, (3) that on that date Lynn informed Ron that if he did not sign the quitclaim deed she had prepared and presented to him, he would be

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arrested, and (4) that on that date Lynn informed Ron that her father and the children's biological father were going to "get" Ron. These Requests were denied in a response filed on February 28, 1996, which was untimely. At trial the magistrate ruled that the requests were admitted but that Lynn could present contradictory testimony, stating the following:

THE COURT: All right, I'm going to order that they will be admitted at this point in time.

Obviously, Mr. Harris, you're not precluded from presenting any testimony to the contrary.

Idaho Rule of Civil Procedure 36(a) provides:

Each matter of which an admission is requested shall be separately set forth. *The matter is admitted unless, within 15 days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter. . . .*

I.R.C.P. 36(a) (emphasis added).

I.R.C.P. 36(b) provides:

Any matter admitted under this rule is *conclusively established* unless the court on motion permits withdrawal or amendment of the admission. . . . [T]he court may permit withdrawal or amendment when the presentation of the merits of the action will be subserved thereby and the party who obtained the admission fails to satisfy the court that withdrawal or amendment will prejudice that party in maintaining an action or defense on the merits.

I.R.C.P. 36(b) (emphasis added).

[2, 3] Whether to permit withdrawal or amendment of an admission is a matter committed to the discretion of the court. I.R.C.P. 36(b). This is the rule in the federal system with respect to F.R.C.P. 36(b) where the trial court's decision to permit the withdrawal or amendment of an admission is reviewed for abuse of discretion. 999 *v. C.I.T. Corp.*, 776 F.2d 866, 869 (9th Cir.1985); *American Auto Ass'n v. AAA Legal Clinic*, 930 F.2d 1117, 1119 (5th Cir.1991). The conclusiveness of matters admitted pursuant to F.R.C.P. 36(b) applies equally to admissions made affirmatively and those made by default. *American Auto*, 930 F.2d at 1120. An admission that is not withdrawn or amended cannot be rebutted by contrary testimony or ignored by the district court simply because it finds the

[6] Idaho Rule of Civil Procedure 52(a) requires that, in rendering a decision in an action tried without a jury, the trial court must set forth separately its findings of fact and conclusions of law. I.R.C.P. 52(a). The purpose of this rule is to "afford the appellate court a clear understanding of the basis of the trial court's decision, so that it might be determined whether the trial court applied the proper law to the appropriate facts in reaching its ultimate judgment in the case." *Pope v. Intermountain Gas Co.*, 103 Idaho 217, 225, 646 P.2d 988, 996 (1982). Only where the basis of the court's ruling clearly appears from the record may this requirement of specific findings be disregarded by the appellate courts. *Id.*

[7] It was not error for the magistrate to fail to state, *verbatim*, in findings of fact that the parties took personal property subject to encumbrances. It is clear from the findings that the "parties stipulated to the division of

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the remainder of the community personal property and the value of the item being transferred." In addition, the encumbrances Ron speaks of are referred to in the findings of fact.

[8] It is also clear from the record that Lynn called the sheriff's department. In response to a question on direct examination, "What led you up to calling [Officer] Heady?" Lynn responded: "There was a card on my door that said, please call me." Counsel then asked, "And so you did then make that phone call?" Lynn responded: "I did make the call to his office." The fact that Lynn called the sheriff's office and under what circumstances is clear in the record.

[9, 10] Furthermore, it was not error for the magistrate to omit finding that Lynn owed Ron a duty of fidelity and devotion and that she "cuckolded" him. Assuming, *arguendo*, that these are factual inquiries, the specificity of the trial court's findings required by I.R.C.P. 52(a) is not that every factual dispute between the parties must be resolved but, rather, the court's findings need address only those factual issues that are material to resolution of the claims. *In re Estate of Lewis*, 97 Idaho 299, 302, 543 P.2d 852, 855 (1975); *Yreka United, Inc. v. Harrison*, 95 Idaho 430, 433-34, 510 P.2d 775, 778-79 (1973); *Hinkle v. Winey*, 126 Idaho 993, 999, 895 P.2d 594, 600 (Ct.App.1995).

[11] Ron also claims that the following findings were in error: (1) that Ron "was certain the marriage was over;" (2) that Ron was aware that the equity in his home would be required to pay bills, support himself and his children; and (3) that Ron "freely executed [the quitclaim deed] after he required [Lynn] to execute [the Agreement]." The Agreement is contained in the record and was drafted by Ron in his own handwriting. That document provides: "It is agreed between Ron Quiring and Lynn Quiring, husband and wife, that a divorce is pending." There is evidence in the record to support the finding that Ron was aware the marriage was over. In any case, what difference it makes is unclear. *In re Estate of Lewis*, 97 Idaho at 302, 543 P.2d at 855; *Yreka United*, 95 Idaho at 433-34, 510 P.2d at 778-79; *Hinkle*, 126 Idaho at 999, 895 P.2d at 600.

[12] Ron also argues that it was error to find that he was aware that the equity in his home would be required to pay bills, support himself and his children. The language in the Agreement contradicts Ron's argument, providing the following:

There is to be, as agreed, no other compensation to be given by me in any form including support for the children or my wife as the amount of equity in the house shall be considered to be quite sufficient to more than compensate for any deficiency of support until the children reach the age where no further support is required.

The finding that Ron freely executed the quitclaim deed after he required Lynn to execute the Agreement is addressed in the next section.

V.

THE AGREEMENT AND QUITCLAIM DEED ARE ILLEGAL AND UNENFORCEABLE.

[13, 14] Whether a contract is against public policy is a question of law for the court to determine from all the facts and circumstances of each case. *Stearns v. Williams*, 72 Idaho 276, 283, 240 P.2d 833, 840 (1952). Public policy may be found and set forth in the statutes, judicial decisions or the constitution. *Id.* at 287, 240 P.2d at 842. An illegal contract is one that rests on illegal consideration consisting of any act or forbearance which is contrary to law or public policy. 17A AM.JUR.2D *Contracts* § 239; see *Miller v. Haller*, 129 Idaho 345, 924 P.2d 607 (1996). A contract prohibited by law is illegal and hence unenforceable. *Miller*, 129 Idaho at 351, 924 P.2d at 613.

[15] Although not clearly argued below or addressed in either the magistrate's decision or the district court, in Idaho a court may not only raise the issue of whether a contract is illegal *sua sponte*, *Nab v. Hills*, 92 Idaho 877, 882, 452 P.2d 981, 986 (1969); *Belt v. Belt*, 106 Idaho 426, 430 n. 2, 679 P.2d 1144, 1148 n. 2 (Ct.App.1984), but it has a duty to raise the issue of illegality, whether

pled or otherwise, at any stage in the litigation. *Stearns*, 72 Idaho at 290, 240 P.2d at 842. (fn1) As the Court in *Stearns* explained:

A party to a contract, void as against public policy, cannot waive its illegality by failure to specially plead the defense or otherwise, but whenever the same is made to appear at any stage of the case, it becomes the duty of a court to refuse to enforce it; again, a court of equity will not knowingly aid in the furtherance of an illegal transaction; in harmony with this principle, it does not concern itself as to the manner in which the illegality of a matter before it is brought to its attention.

Id. (emphasis added) (citation omitted).

[16] The record reveals that Ron's acquiescence in the quitclaim deed was supported by Lynn's acquiescence in the Agreement. The Agreement is unenforceable because it is against public policy in two respects. First, Lynn may not contract to refrain from informing law enforcement regarding the allegations of sexual improprieties with a child. Section 16-1619 of the Idaho Code provides:

Reporting of abuse, abandonment or neglect.-(a) Any physician, resident on a hospital staff, intern, nurse, coroner, school teacher, day care personnel, social worker, or other person having reason to believe that a child under the age of eighteen (18) years has been abused, abandoned or neglected or who observes the child being subjected to conditions or circumstances which would reasonably result in abuse, abandonment or neglect shall report or cause to be reported within twenty-four (24) hours such conditions or circumstances to the proper law enforcement agency or the department.

(d) Failure to report as required in this section shall be a misdemeanor.

I.C. § 16-1619(a),(d) (emphasis added).

The only exception to this directive is for clergy. I.C. § 16-1619(c). According to the plain language of I.C. § 16-1619, Lynn had a statutory duty to report the allegations. A contract provision obligating her to transgress this obligation is contrary to public policy.

Second, the quitclaim deed conveying the Robinson Property to Lynn was based on consideration enumerated in the Agreement. It was Ron's testimony that the first paragraph of the Agreement meant Lynn would not report the alleged improprieties to the police. Although Lynn testified that "past differences" in the first paragraph of the Agreement entailed a range of difficulties, she also gave the following testimony as to her understanding of the parties' intended meaning of the phrase "past difficulties":

[I] think he didn't want me to say anything about what happened between [our daughter] and he also. I think that was another one.

Obtaining the transfer of property by a threat of arrest or exposure to hatred, contempt or ridicule is theft by extortion and violates I.C. § 18-2403:

A person obtains property by extortion when he compels or induces another person to deliver such property to himself or to a third person by means of instilling in him a fear that, if the property is not so delivered, the actor or another will: . . . (4) Accuse some person of a crime or cause criminal charges to be instituted against him; or (5) Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule. . . .

I.C. § 18-2403(2)(e).

It makes no difference whether the threat of arrest was a lawful or unlawful arrest. *Wilbur v. Blanchard*, 22 Idaho 517, 519, 126 P. 1069, 1071 (1912). Both the magistrate and the district judge found that Lynn had threatened Ron with arrest if he did not sign

the quitclaim deed: "The Defendant informed the Plaintiff that if he signed the deed that she would not call the police and that the Plaintiff would not lose his job." The magistrate and district court's conclusions that follow are at odds with this factual finding.

In *Stearns* the Court said:

The usual test applied by courts in determining whether a contract offends public policy and is antagonistic to the public interest is whether the contract has a tendency toward such an evil; if it is opposed to the interest of the public, or has a tendency to offend public policy, it will be declared invalid, even though the parties acted in good faith and no injury to the public would result in the particular instance; the test to be applied is not what is actually done but that which may or might be done under the terms of the contract; it is the evil tendency of the contract and not its actual injury to the public that is determinative, as the law looks to its general tendency and closes the door to temptation by refusing to recognize such agreements.

72 Idaho at 283, 240 P.2d at 839 (citation omitted).

In this case the "evil tendency" to be avoided by refusing to enforce the Agreement is injury to the purposes of I.C. §§ 16-1619 and 18-2403. It makes no difference whether the police were eventually notified of the alleged sexual improprieties or whether the allegation is ever publicly exposed. It also makes no difference whether division of the property through means of extortion may in fact be an equitable division of the property. The Agreement is illegal. Transfer of the quitclaim deed was premised on illegal consideration. The quitclaim deed was obtained through extortion, threats of violence and public exposure to cause loss of employment.

[17, 18] Illegal contracts are void, *Miller*, 129 Idaho at 351, 924 P.2d at 613; see 17A AM JUR 2D *Contracts* § 304. A void contract cannot be enforced. *Miller*, 129 Idaho at 351, 924 P.2d at 613; *Wheaton v. Ramsey*, 92 Idaho 33, 436 P.2d 248 (1968). A party to an illegal contract cannot ask the Court to have his illegal objects carried out, as the law will not aid either party to an illegal agreement, but leaves the parties where it finds them. *Ingle v. Perkins*, 95 Idaho 416, 510 P.2d 480 (1973); *Whitney v. Continental Life & Accident Co.*, 89 Idaho 96, 403 P.2d 573 (1965); *Worlton v. Davis*, 73 Idaho 217, 249 P.2d 810 (1952); *Hancock v. Elkington*, 67 Idaho 542, 186 P.2d 494 (1947). Accordingly, the magistrate's decision distributing property according to the Agreement is reversed. The determination that Lynn acquired sole title to the Robinson Property through the quitclaim deed is reversed. The case is remanded for an equitable division of the property and determination of child support.

VI.

CONCLUSION

The magistrate's decision regarding the enforceability of the Agreement and the validity of the quitclaim deed is reversed and this matter is remanded for an equitable distribution of property and determination of child support.

The district court's award of attorney fees to Lynn is reversed. Ron is awarded costs on appeal. No attorney fees are awarded.

JOHNSON, McDEVITT(f0*) and SILAK, JJ., concur.

TROUT, C.J., concurs in result of PART III.

Footnotes:

1. The district court did just this when it discussed legality in the context of whether contracts between spouses in contemplation of divorce are illegal:

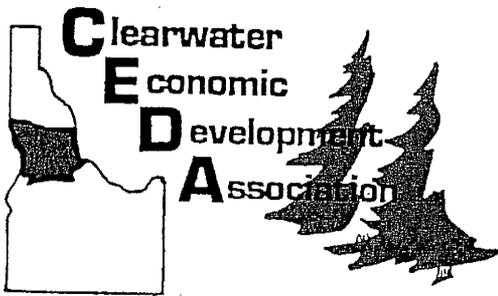
These types of agreements are not illegal; Idaho Code § 32-916 and I.C. § 32-917 allow marriage settlement agreements.

While the district judge failed to address the larger issues of illegality involved in this case, his discussion nonetheless shows that he felt he could opine on whether or not the contract was illegal.

* Justice McDEVITT participated in this decision prior to his resignation.

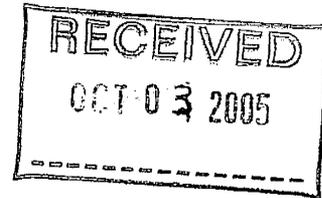
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1626 6th Ave. North
Lewiston, Idaho 83501
(208) 746-0015
Fax (208) 746-0576

September 27, 2005



Mr. Duff McKee
C/o Alice Taylor
317 W. Main Street
Boise, ID 83735-0790

Re: Appeal of Region II
Before the Workforce Development Council

Region II would like to incorporate into its appeal the September 23, 2005 comments, as attached, from Starr Kelso, attorney for Regions I, III, IV and V in the appeal before the Workforce Development Council.

Please let me know if you have any questions.

Sincerely,

Wanda Keefer

WANDA KEEFER
Executive Director
Representative for Region II

Cc: Starr Kelso
Craig Bledsoe
Karen McGee

FROM : 3RD STREET OFFICES

PHONE NO. : 208 664 6261

Sep. 23 2005 11:41AM P2

STARR KELSO
Attorney at Law, ISB #2445
1621 N. Third Street, Suite 600
P.O. Box 1312
Coeur d'Alene, Idaho 83816-1312
(208) 765-3260
(208) 664-6261 Fax

Attorney for Appellants

WORKFORCE DEVELOPMENT COUNCIL

In Re: Appeals of Regions I, III, IV and V)	Exhibits/Witnesses
consolidated for hearing purposes,)	
Appellants.)	
)	
)	
)	

Pursuant to the Ruling of the Hearing Officer dated September 19, 2005 the above said Appellants, consistent with prior rulings and submissions, hereby submit the following list of exhibits that will be offered at hearing. Because of the said ruling of the Hearing Officer the said Appellants can not address the issues raised regarding Sec. 116 Local Workforce Investment Areas (a) (1) and (a)(4). While it is the position of Appellants that said ruling is arbitrary and capricious, unsupported by state and federal law and regulations, and a mere continuation of the practice heretofore followed in not according Appellants their procedural rights under both the 2000 Plan, under which this appeal was originally filed and under the Proposed 2005 Plan which is appealed the Appellants, without waiving any of these matters and all the issues heretofore raised, are appearing before at the hearing pursuant to the ruling of the Hearing Officer by way of special appearance to contest his jurisdiction and to offer the exhibits in an effort to avoid any claim of failure to exhaust administrative remedies.

Exhibits:

The said Appellants will offer all documents lodged with the clerk of the Council previously. This includes, and is not limited to, the two Volumes of Exhibits and all motions with supporting documents, and orders regarding the recusal of the three prior hearing officers. Appellants will also offer the letters sent to the State Council Chair McGee requesting a list of proposed hearing officers so that one could be agreed upon, time not wasted, and the mandatory 60 day hearing limitation complied with. The clerk, Alice Taylor, has or should have all of the originals of these documents and it is expected and requested that she shall bring all of these said documents to the hearing so that they can be offered into evidence. All of these said exhibits have previously been served upon counsel for the Idaho Department of Commerce & Labor. In addition to these said exhibits said Appellants will offer Population evidence for all of the counties in the State of

FROM : 3RD STREET OFFICES

PHONE NO. : 208 664 6261

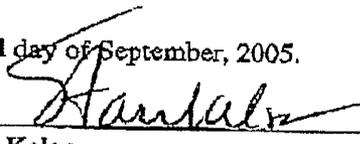
Sep. 23 2005 11:42AM P3

Idaho to establish the populations represented by each respective Region. This population exhibit consists of the most current U.S. Census Bureau compilations.

Witnesses:

Given the ruling of the Hearing Officer denying Appellants the fundamental right to subpoena witnesses on its behalf said Appellants do not intend to call witnesses at hearing. The said Appellants reserve the right to call in person or by telephone conference call a representative from each respective Region if deemed necessary by the Hearing Officer to authenticate any of the exhibits in Volumes I and II and prepared on behalf of the respective Appellant Regions and submitted on their behalf at the May 11, 2005 Council meeting. Said documents are self authenticating and any requirement of such testimony should be first met by a valid objection as to the identity of the exhibit. Given that there are no rules of procedure for the offering, evaluation and admission or refusal of exhibits the said Appellants are prejudiced in their right to fundamental procedural rights.

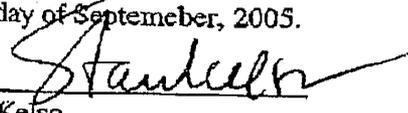
DATED this 23rd day of September, 2005.



Starr Kelso
Attorney at Law
Counsel for Regions I, III, IV and V

Certificate of Service

The above was served by facsimile on the Department's Counsel and the Council's Clerk on this 23rd day of Septemeber, 2005.



Starr Kelso

STARR KELSO
 Attorney at Law, ISB #2445
 Starr Kelso Law Offices, Chartered
 1621 N. Third Street, Suite 600
 PO Box 1312
 Coeur d'Alene, ID 83816-1312
 (208) 765-3260
 (208) 664-6261 - Fax

Attorney for Appellants

WORKFORCE DEVELOPMENT COUNCIL

In Re: Appeals of Regions I, III, IV, and V	)	CASE NO. _____
consolidated for hearing purposes)	
)	
Appellants.	)	PREHEARING
	)	MEMORANDUM
)	
)	
)	
)	

COMES NOW Appellants and submits this Prehearing Memorandum.

Hearing/Issues

The hearing officer (HO) failed to address the applicability of the 2000 Plan under which the Appeals were filed although each Region was required to file the appeal under the unapproved 2005 Plan (see attached). The hearing officer while claiming to be an extension of the Council and bound by the letter of appointment ignores the specific provision of the limitation on Appeals in the 2005 Plan at VIII(A)(3)(sic) and held that "in no case" means "except". This is exactly the type of arbitrary "judicial activities" that are loathed by the American public. Two plus two equal four - except on Tuesday when it equals 105. It is not within the province of a HO to interpret clear words of limitation. No waiver of the sixty

(60) day limitation period was offered by the state or asked for by the Appellants. The shenanigans employed by the Department - Chair Karen McGee who clearly was not in charge of choosing a hearing officer - are blatantly obvious in the e-mail from John McAllister to Michael Brauser dated July 5, 2005 (see attached). The HO fails to consider the numerous offers from Appellants to Chair McGee to mutually select a hearing officers. No response was ever made to these requests. The Chair needlessly wasted time and reflected no cooperation. Perhaps because she was not in control. It is ludicrous to assert that Appellants somehow inflicted the running of the 60 day period. Each strategically chosen hearing officer recused themselves when confronted with clear and obvious facts.

The HO fails to address the letter from Governor Kempthorne's Counsel dated August 14, 2005 that expressly states that it is the Governor's understanding of his own plan that;

"The administrative process; which is also under way, will provide your clients an additional forum to raise any concerns that were not previously expressed to the Governor and his staff." (emphasis added see attached)

"Will" and "any" are mandatory all inclusive terms that the HO has chosen to arbitrarily ignore, just as he has chosen to ignore the clear wording of "in no case" shall the hearing be conducted more than sixty (60) days after the appeal was filed. If the HO is, as he claims required to proceed according to the letter of appointment his disregard of the sixty (60) day limitation by a specious analogy is arbitrary and capricious. His appointment is clearly subject to specific understandable wording that is not necessary of interpretation.

Appeal Process

The HO likewise ignores the specific provisions of 20 CFR 667.645 that provides that in the case an area (or combination of units such as the case with each Appellant Region - see attached 20 CFR 661.280) appeal to "the State Board" has not resulted in designation the area may appeal the denial of the local area designation to the Secretary (of the U.S. Department of Labor). The federal legislation and regulations are clear that the State Board,

“on appeal” is not advisory to the Governor. It acts as the decision maker and the HO’s determination/hypothesis that the Governor has the final say on appeal is totally without support and once again an example of inventing words that don’t exist and injecting them into a clear process.

Council Makeup

The HO has failed to address or even acknowledge the fact that the Council that heard the matter originally and split 8 to 8, with no known recommendation sent to the Governor, is not the same one that will consider his recommendations. Also there have been provided Appellants no minutes of the Council’s May 11, 2005 hearing and no exhibits offered at that meeting are specifically identified and available for use at this hearing on appeal. This is a fundamental violation of Appellants’ procedural rights. There is no basis for “current” Council members to know or to determine what was discussed or not discussed, nor what representations or misrepresentations were made at the hearing, and the Council on appeal will have an incomplete record prejudicing Appellants procedural rights.

Issues

The HO by limiting himself to “116-A(2) and (3)” ignores the fact that 116-(a)(1) and 116-(a)(4) provide for designation when it is specifically found that certain considerations are met. The HO does not address that issue feeling apparently bound by the Rule of Tuesday referred to above. Exhibit 31-1 specifically provides that all five (5) of the Appellant areas were found, at the November 23, 1998, meeting to have submitted a complete application “and complied with the designated criteria established by the Council”. This was approved by Governor Batt under 116(a)(1)(A). The appointments were not subject to limitations of 116-A(2) or (3) but were rather 116(a)(1) appointments. No documents or records have been submitted as far as Appellants are aware that any of them no longer meet this criteria. Indeed, the Governor’s spokesperson at the May 11, 2005 Council meeting admitted, in written correspondence, that the Appellant’s were “appointed under the law for optional (general) designation” (exhibit 8-2) which is 116-(a)(1). No

appeals lie from this designation because it is conclusively a decision of the Governor based upon the Council's recommendation. Once made, under the existing law, that has not been changed or been modified, the 116-(a)(1) designation stands. Thus there is no specific provision for an appeal. The provisions of section 189 (see exhibit 23-1) provide that the establishment and functions of local areas and local boards may not be waived. As proposed the 2005 Plan could not, as it was, be approved without prior waivers what "waivers" were granted after the illegal plan approved and violate section 189. Also the requirements for continuing funding of the WIA of 1998, which has technically expired by its terms, provide that no action be taken in fiscal year 2005 or 2006 to amend the established activities and that no change will be made to the administration, operation and financing of employment training programs under the WIA of 1998 (see exhibits 10 and 11).

The Governor's expressed intent by his 2005 Plan proposal is to unilaterally amend the WIA of 1998 by naming a two workforce area designed to function as a single state area. This is a violation of the clear intent of the law and regulations (see exhibit 13.7). The law has been and continues to be intended to be clear that Idaho's Governor can not designate the State of Idaho as a single local area, under current law.

Automatic Designation
Section 116(a)(2)(A)

Region III undisputedly contains a population of 596,829 (exhibit 53-3). As such it is entitled mandatorily to designation as a local area because it is "any unit of local government with a population of 500,000 or more". As addressed by the Department "any unit of local government" requires a general purpose political subdivision ("any") that has power to levy taxes and spend funds as well as general corporate and policy powers.

Contrary to the Department's assertion, it is undisputed that Region III exceeds 500,000 in population because it meets this requirement as a "subagency" of the ten counties that comprise Regions III, all of which have power to levy taxes and spend funds as well as general corporate and policy powers (see exhibit 30 at 30-6). This is clearly consistent with

20 CFR 661. 280 providing that a unit of local government or combination of units (e.g. a Region) may appeal.

Automatic Designation
Section 116(a)(2)(B)

In addition to the meeting of the 500,000 population requirement, Region III and all of the other appellant Regions meet the express requirements of 116(a)(2)(B). Each Appellant, as reflected by the histories of the Regions and their applications all served as substate areas under the Job Training Partnership Act and all Appellants submitted a request under the WIA of 1998, which law has not changed, and all were approved thereunder. Nothing in this regard has changed - other than the Governor's expressed intent to evade the provisions of the WIA of 1998 until the law changes (exhibit 31-1 and 13-7).

Temporary and Subsequent Designation
Section 116(a)(3)(A)

Regions III and I are each respectively entitled to this designation. Regions III's and Regions I's populations exceed the 200,000 benchmark. Region III is undisputed. Region I has not been challenged. The 2004 U.S. Census estimates reflect a population of 194,406 for Region I and the Kootenai County records reflect an increase of registered voters from July 20, 2004 (57,351) through August 11, 2005 (62,813) of 5,462 (see attached). These 2005 voter figures when taken, in comparison with the 2004 population and registered voters, reflect a total population in excess of 200,000. This calculation, in excess of 200,000 for Region I, is confirmed by the 2005 Inland Northwest Demographics prepared by J.P. Stravens Planning Associates, Inc., (American Institute of Certified Planners) report reflecting a 200,169 population (see attached).

Prejudice of Time

The HO misses the obvious and clear impact of the sixty (60) day limit by suggesting there is no claim of prejudice due to the delay. Just as in statutory of limitation periods, sixty days is sixty days. The filing of a lawsuit doesn't take into consideration "prejudice". No

provision is made in the proposed 2005 Plan, a document prepared by the State, for questions of "prejudice". It wrote the document and it is bound by its bareness of procedural guidelines. They can't be made up now. Sixty days is sixty days and not "except" in certain circumstances that we will make up when we feel like it. 20 CFR 667.640 is exceptionally clear that the major requirements are (1) an "expeditions appeal to the State Board"; and (2) "prompt resolution" (see attached).

As far as prejudice is concerned, the change from the 2000 Plan to the 2005 Plan provides that the 2005 Plan becomes operational even if there is an appeal. This results in extreme damage to the operation of the programs by an err ridden proposal such as the 2005 Plan. The procedural rights of Appellants are that if an appeal is filed the 2000 Plan continues until the issue(s) are resolved. Prejudice? People have lost jobs, lost opportunities and the local areas, the heart and soul of the WIA have had to fight to compel the Governor to follow existing law. If the law changes that is one thing. In this case that has not occurred but the Governor has attempted to amend the law by raw political clout and authority from ignoring the clear law and regulations to clear attempts to appoint biased and controllable hearing officers and to punish State Council members who dared to disagree with the King, by voting against his proposal, by not reappointing only these "renegades" to a renewed term.

Conclusion

The procedural rights of all Appellant Regions have been trampled. The law has been ignored and the system attempted to be dismantled to the great prejudice of not only Appellants but the beneficiaries under the WIA of 1998.

All Regions are entitled by law to their appointment as "general" or "optional" under 116(a)(1)(A)(B). This states the Governor "shall" designate areas that are found to meet the criteria set forth. All Appellant Regions have met the criteria and there is nothing to indicate any change.

Region III meets the 116(a)(2)(A) automatic designation as having in excess of

500,000 population. The law clearly requires that the Governor "shall" designate Region III.

All Appellant Regions meet 116(a)(2)(B). The law clearly requires that the Governor "shall" designate them.

Regions I and III meet the temporary and Subsequent Designation under 116(a)(3)(A) as having population in excess of 200,000 and being service delivery areas under the JTPA on or before the enactment of the WIA of 1998.

The finding and recommendations of the HO to the Council should be consistent with the designation of the Appellant Regions as set forth above.

DATED this 27 day of September, 2005.



STARR KELSO
Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents was:

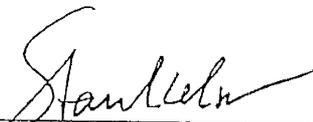
- Mailed by depositing in the United States Mails, postage prepaid;
 Hand-Delivered;
 Transmitted Via FAX.

this 27 day of September, 2005, to the following individual(s):

Duff McKee
c/o Alice Taylor
317 W. Main Street
Boise, ID 83735-0790
Fax: (208) 947-0049

Craig Bledsoe
Deputy Attorney General
317W. Main Street
Boise, ID 83735
Fax: (208) 334-6430

Wanda Keefer
Clearwater Economic Development Assoc.
1626 6th Ave. North
Lewiston, ID 83501
Fax: (208) 746-0576

BY: 

Venet Carlson

From: John McAllister
 Sent: Tuesday, July 05, 2005 4:13 PM
 To: 'Michael Brauser'
 Cc: Cheryl Brush; Jay Engstrom; Craig Bledsoe
 Subject: RE: Idaho Repot NBLF

Michael,
 These are excellent. We do not intend to change anything. On the WIA hearings for which we asked you to be a hearing officer, Roger has asked that we utilize a former Chief Justice of the Idaho Supreme Court, Robert Bakes. Chief Justice Bakes is making sure he has no conflicts with his private law practice before he accepts the engagement, and he has promised to let us know by noon tomorrow, July 6. Several of us were pulling for you, but Roger prefers Chief Justice Bakes because of his credibility with the Idaho Legislature. We have had several legislators criticize the Governor and Department for eliminating the local WIB's, and Roger wants to do everything possible to strengthen our response to them. Thanks for considering our request to do the hearings. If Chief Justice Bakes identifies a conflict, I will let you know tomorrow. We do not think such a conflict is likely. Also, thanks for your help on the Idaho Case Study. Every time I read it, it just seems to get better!
 John.

-----Original Message-----

From: Michael Brauser (mailto:mbrauser@worldnet.att.net)
 Sent: Tuesday, July 05, 2005 3:35 PM
 To: John McAllister
 Subject: Re: Idaho Repot NBLF

John,

Attached you will find a file containing 2 additions for the case study: 'How to Use' and 'Inquiry Guide' (found at the end of the previous case studies). They could most assuredly be improved upon, so please feel free to revise as you may desire.

Regarding sub-titles for the chapter titled 'Overview and Chronology', I suggest the following

1. Insert the subtitle "The Drivers of Change" before the paragraph that begins "Chronologically . . ."
2. Insert subtitle "Raising the Bar" before the paragraph that begins "Elected in 1998, Governor K . . ."
3. Insert subtitle "Making Great Strides" before the paragraph that begins "By 2003, the surge and vigorous . . ."
4. Insert subtitle "Discovering Synergy" before the paragraph that begins "The success of the Department of Labor . . ."

please feel free to over-ride any of the suggestions.

<Mike

----- Original Message -----

From: "John McAllister" <John.McAllister@cl.idaho.gov>
 To: "Michael Brauser" <mbrauser@worldnet.att.net>
 Sent: Friday, July 01, 2005 3:29 PM
 Subject: RE: Idaho Repot NBLF

Michael,
 They also wanted subtitles on page 11. Do you have any suggestions for that?
 John.

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 Exhibit 87

Starr Kelso

From: David Hensley <dhensley@gov.idaho.gov>
To: Starr Kelso <starr.kelso@verizon.net>
Cc: Brian Whitlock <bwhitlock@gov.idaho.gov>; Megan Ronk <mronk@gov.idaho.gov>;
<jeremy.chou@ag.idaho.gov>; Bill Punkoney <bpunkoney@gov.idaho.gov>
Sent: Sunday, August 14, 2005 4:15 PM
Subject: Response

Starr:

I spoke with the Governor and conveyed your client's offer. At this stage in the case we are inclined to proceed with a motion to dismiss and resolve the issues your clients raised through the judicial process. The administrative hearing process, which is also under way, will provide your clients an additional forum to raise any concerns that were not previously expressed to the Governor and his staff. There will be no separate meeting at this time to provide this input to the Governor.

I am out of the office on vacation; however, if you need to contact me feel free to contact my assistant Bill Punkoney at (208) 334-2100. He will relay any information or messages to me immediately. Thank you.

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Content Last Revised: 4/15/99
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CFR Code of Federal Regulations Pertaining to U.S. Department of Labor

↳ Title 20 Employees' Benefits

↳ Chapter V Employment and Training Administration, Department of Labor

↳ Part 661 Statewide and Local Governance of the Workforce Investment System Under Title I of the Workforce Investment Act

↳ Subpart B State Governance Provisions

20 CFR 661.280 - What right does an entity have to appeal the Governor rejecting a request for designation as a workforce investment area?

■ Section Number: 661.280

■ Section Name: What right does an entity have to appeal the Governor's decision rejecting a request for designation as a workforce investment

(a) A unit of local government (or combination of units) or a rural concentrated employment program grant recipient (as described at WIA section 116(a)(2)(B), which has requested but has been denied its request for designation as a workforce investment area under Secs. 661.260-661.270, may appeal the decision to the State Board, in accordance with appeal procedures established in the State Plan.

(b) If a decision on the appeal is not rendered in a timely manner or if the appeal to the State Board does not result in designation, the entity may request review by the Secretary of Labor, under the procedures set forth at 20 CFR 667.640(a).

(c) The Secretary may require that the area be designated as a workforce investment area, if the Secretary determines that:

(1) The entity was not accorded procedural rights under the State appeals process; or

(2) The area meets the automatic designation requirements at WIA section 116(a)(2) or the temporary and subsequent designation requirements at WIA section 116(a)(3), as appropriate.



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U.S. Department of Labor
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250 Constitution Avenue, NW
Washington, DC 20210

Geographic Area	Population estimates		Change, 2000 to 2004		State ranking of counties		Change, 2000 to 2004	
	July 1, 2004	April 1, 2000 estimates base	Number	Percent	July 1, 2004	April 1, 2000 estimates base	Number	Percent
Idaho	1,399,262	1,293,956	99,306	7.7	(X)	(X)	1	(X)
Ada County	332,523	300,904	31,619	10.5	1	1	30	33
Adams County	3,451	3,478	-25	-0.7	41	41	25	31
Bannock County	75,672	75,565	107	0.1	5	5	36	37
Bear Lake County	6,323	6,411	-88	-1.4	36	35	39	39
Beneath County	8,961	9,171	-210	-2.3	28	28	10	20
Bingham County	43,205	41,735	1,470	3.5	7	7	8	5
Bonanza County	21,103	18,001	2,112	11.1	15	17	16	7
Bonneville County	7,382	6,670	982	10.4	33	34	7	10
Boutte County	39,872	38,935	3,037	8.2	8	9	4	11
Burner County	89,653	82,522	7,131	8.6	4	4	17	14
Boundary County	10,396	9,871	525	5.3	26	27	35	38
Butte County	2,839	2,899	-61	-2.1	42	42	26	22
Carnas County	1,013	991	22	2.2	43	44	2	2
Canyon County	158,038	131,441	26,597	20.2	2	2	2	36
Caribou County	7,213	7,304	-91	-1.2	35	33	37	32
Cassia County	21,393	21,415	-23	-0.1	14	13	32	32
Clearwater County	908	1,022	-116	-11.4	44	43	38	44
Custer County	8,393	8,930	-537	-6.0	29	29	42	42
Elmore County	4,114	4,342	-228	-5.3	39	37	40	41
Franklin County	28,879	29,130	-252	-0.9	12	11	41	35
Fremont County	12,189	11,329	870	7.7	24	24	14	11
Gem County	15,963	15,181	782	5.2	23	23	18	19
Gooding County	14,346	14,158	188	1.3	19	20	15	15
Kootenai County	15,616	15,511	105	0.7	21	21	24	23
Latona County	20,762	19,155	1,627	8.5	16	16	26	26
Jerome County	19,279	18,342	937	5.1	17	17	9	9
Kootenai County	122,350	109,885	13,665	12.6	3	3	3	3
Latah County	35,169	34,935	234	0.7	10	10	23	27
Lemhi County	7,820	7,806	14	0.2	31	30	30	29
Lewis County	3,753	3,747	6	0.2	40	40	31	30

26

SEP 16 2005 12:34:30

SAGE COMMUNITY RES

County	2000	2004	Change	% Change	2000	2004	Change	% Change	2000	2004	Change	% Change
Lincoln County	4,326	4,044	-282	-7.0	37	39	2	5.4	22	22	0	0.0
Madison County	30,782	27,487	-3,295	-12.1	11	12	1	9.1	6	6	0	0.0
Malheur County	19,229	20,174	945	4.9	18	15	-3	-16.7	44	44	0	0.0
Nez Perce County	37,823	37,410	-413	-1.1	9	8	-1	-11.1	19	19	0	0.0
Oregon County	4,143	4,125	-18	-0.4	38	38	0	0.0	28	28	0	0.0
Wheeler County	10,998	10,644	-354	-3.3	25	25	0	0.0	20	20	0	0.0
Wyo County	21,587	20,578	-1,009	-4.9	13	14	1	7.7	12	12	0	0.0
Umatilla County	7,483	7,538	55	0.7	32	32	0	0.0	34	34	0	0.0
Shoshone County	12,827	13,771	944	7.4	22	22	0	0.0	43	43	0	0.0
Teton County	7,253	5,989	-1,264	-17.4	34	36	2	5.9	11	11	0	0.0
Twin Falls County	87,935	84,284	-3,651	-4.1	6	6	0	0.0	5	5	0	0.0
Valley County	7,970	7,651	-319	-4.0	30	31	1	3.3	21	21	0	0.0
Washington County	10,059	9,977	-82	-0.8	27	28	1	3.7	27	27	0	0.0

amounts to zero. (X) Not applicable

Suggested Citation:

Table 2. Quarterly Estimates of Population Changes for Counties of Idaho and County Rankings: April 1, 2000 to July 1, 2004 (CO-ESTIM4-Q2-16)

Source: Population Division, U.S. Census Bureau

Release Date: April 14, 2005



OFFICE OF KOOTENAI COUNTY ELECTIONS

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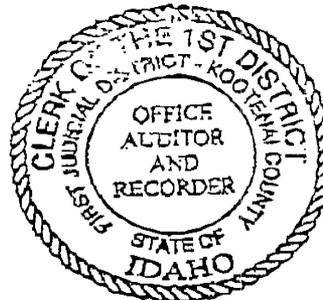
September 27, 2005

Voter registration in Kootenai County has changed as follows:

July 20, 2004	57,351
August 11, 2005	62,813

An increase of 5,462 registered voters.

Deedie Beard
Deedie Beard,
Elections Supervisor





Jim Stravens, ACP
President/CEO

planning associates, inc.

Planning - Market Research & Analysis
Development Services

American Institute of Certified Planners

2110 Ironwood Parkway
(208) 667-2442 FAX
jpstravens@imbrs.net

Coeur d'Alene, Idaho 83814
(208) 664-0409

Inland Northwest Demographics

Population & Dwelling Unit Estimates & Projections

2005

The KEY to Successful Decision Making

2005 POPULATION ESTIMATES & PROJECTIONS Washington - Idaho - Montana - Canada

Idaho Counties	US Census Population 1990	US Census Population April 2000	US Census Pop. Estimates July 2002	JPS Population Estimates 2005	JPS Population Projections 2010
Benewah	7,937	9,171	8,993	9,150 ←	9,195
Bonner	28,622	36,835	38,205	40,231 ←	45,559
Boundary	8,332	9,871	10,085	10,250 ←	12,145
Kootenai	69,795	108,685	113,954	127,278 ←	145,015
Latah	30,617	32,510	35,218	35,350	37,347
Shoshone	13,931	14,143	13,060	13,260 ←	13,011
Clearwater	8,505	8,900	8,469	8,350	8,200
Nez Perce	33,754	37,500	37,171	38,800	40,500
Lewis	3,516	3,700	3,730	3,760	3,700
Idaho	13,768	15,500	15,500	15,200	15,000
Idaho Total	216,777	276,815	284,415	301,829	329,672

Washington Counties	US Census Population April 1990	Office of Finan. Management Projections April 1998	US Census Population April 2000	US Census Population Estimates July 2002	JPS Population Estimates 2005	JPS Population Projections 2010
Adams	13,633	15,900	16,428	16,434	16,550	17,766
Ferry	6,295	7,300	7,260	7,268	7,350	7,671
Lincoln	8,864	10,000	10,184	10,098	10,350	11,224
Fend Oreille	8,915	11,200	11,732	12,008	12,000	13,102
Spokane	381,364	410,900	417,939	427,506	436,948	463,827
Stevens	30,948	37,600	40,066	40,556	40,850	45,935
Whitman	38,775	41,400	40,740	40,631	41,800	41,486
Washington Total	468,764	534,300	544,349	554,499	565,948	601,011

Montana Counties	US Census Population 1990	US Census Estimates April 1998	US Census Population April 2000	US Census Pop. Estimates July 2002	JPS Population Estimates 2005	JPS Population Projections 2010
Lincoln	17,481	18,696	18,837	18,665	18,500	18,557
Mineral	3,315	3,748	3,884	3,803	3,850	4,038
Sanders	8,669	10,185	10,227	10,367	10,850	11,855
Montana Total	29,465	32,629	32,948	32,835	33,200	34,450

U.S. AREA TRADE POPULATION

900,777

CANADA	Population 1994 (8)	Population 1998 (8)	Population 2000 (7)	Population 2002 (7)	Population 2005 (7)	JPS Pop. Projection 2010
Central Kootenay Castlegar-Creston	57,100	61,136	62,325	63,731	64,368	68,009
East Kootenay Cranbrook-Kimberley-Fernie	56,500	59,579	60,540	60,627	60,600	60,776
Kootenay Boundary Greenwood-Grand Forks-Trail	33,600	33,918	34,003	34,209	34,551	31,709
Canada Total	147,200	154,631	156,868	158,764	159,540	150,494

TRADE AREA POPULATION PROJECTION TOTAL

1,060,317



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Content Last Revised: 4/15/99

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CFR Code of Federal Regulations Pertaining to U.S. Department of Labor

↳ Title 20 Employees' Benefits

↳ Chapter V Employment and Training Administration, Department of Labor

↳ Part 667 Administrative Provisions Under Title I of the Workforce Investment Act

↳ Subpart E Grievance Procedures, Complaints, and State Appeals Processes

20 CFR 667.640 - What additional appeal processes or systems must a State have for the WIA program?

■ Section Number: 667.640

■ Section Name: What additional appeal processes or systems must a State have for the WIA program?

(a) Non-designation of local areas. (1) The State must establish, and include in its State Plan, due process procedures which provide expeditious appeal to the State Board for a unit or combination of units of general local government or a rural concentrated employment program grant recipient (as described at WIA section 116(a)(2)(B)) that requests, but is not granted, automatic or temporary and subsequent designation as a local workforce investment area under WIA section 116(a)(2) or 116(a)(3).

(2) These procedures must provide an opportunity for a hearing and prescribe appropriate time limits to ensure prompt resolution of the appeal.

(3) If the appeal to the State Board does not result in designation, the appellant may request review by the Secretary under Sec. 667.645.

(4) If the Secretary determines that the appellant was not accorded procedural rights under the appeal process established in paragraph (a)(1) of this section, or that the area meets the requirements for designation at WIA section 116(a)(2) or 116(a)(3), the Secretary may require that the area be designated as a workforce investment area.

(b) Denial or termination of eligibility as a training provider.

(1) A State must establish procedures which allow providers of training services the opportunity to appeal:

(i) Denial of eligibility by a Local Board or the designated State agency under WIA section 122(b), (c) or (e);

(ii) Termination of eligibility or other action by a Local Board or State agency under section 122(f); or

(iii) Denial of eligibility as a provider of on-the-job training (OJT) or customized training by a One-Stop operator under WIA section

122(h).

(2) Such procedures must provide an opportunity for a hearing and prescribe appropriate time limits to ensure prompt resolution of the appeal.

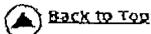
(3) A decision under this State appeal process may not be appealed to the Secretary.

(c) Testing and sanctioning for use of controlled substances. (1) A State must establish due process procedures which provide expeditious appeal for:

(i) WIA participants subject to testing for use of controlled substances, imposed under a State policy established under WIA section 122(f); and

(ii) WIA participants who are sanctioned after testing positive for the use of controlled substances, under the policy described in paragraph (c)(1) of this section.

(2) A decision under this State appeal process may not be appealed to the Secretary.



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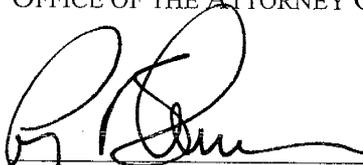
U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

hearing officer on September 28, 2005:

1. Witness. The Department will call Jay Engstrom, an Assistant Deputy Director for the Department, as its witness.
2. Exhibits. The Department will offer the following Exhibits:
 - a. The federal Department of Labor's Planning Guidance and Instructions for the submission of new Workforce Investment Act (WIA) State Plans published in the Federal Register on April 12, 2005.
 - b. Letter, dated June 29, 2005, from the federal Department of Labor to Governor Kempthorne approving Idaho's new WIA State Plan.
 - c. Letter, dated June 1, 2005, from Governor Kempthorne to the Department's Director appointing the Director as the Governor's designee for the purpose of notifying local area officials and boards of the Governor's decision to restructure the delivery of WIA services in Idaho.
 - d. Letters, dated June 9, 2005, to each of the Appellants notifying them that their designations as local workforce investment areas under the old WIA State Plan expire on June 30, 2005, and that their applications for designation as local workforce investment areas under the new WIA State Plan were denied.
 - e. Idaho city and county population figures from the U.S. Census Bureau.
 - f. Technical Guidance letter, dated July 14, 2005, from Christine Kulick, Coordinator for WIA State Plan Review and Approval for the federal Department of Labor.

DATED this 26 day of September, 2005.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL



CRAIG G. BLEDSOE
Deputy Attorney General
Idaho Department of Commerce and Labor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26 day of September, 2005, I caused a true and correct copy of the foregoing to be served by the method indicated below, and addressed to the following:

Starr Kelso
Attorney at Law
PO Box 1312
Coeur d'Alene, ID 83816-1312
Fax: (208) 664-6261

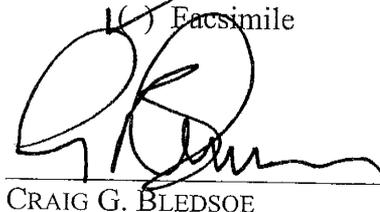
U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Facsimile

Wanda Keefer
Clearwater Economic Development Assoc.
1626 6th Ave. North
Lewiston, ID 83501
Fax: (208) 746-0576

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Facsimile

Duff McKee
c/o Alice Taylor
317 W. Main Street
Boise, ID 83735
Fax: (208) 947-0049

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Facsimile



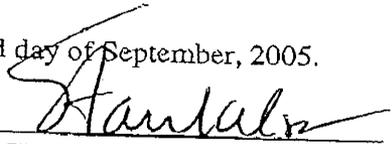
CRAIG G. BLEDSOE

Idaho to establish the populations represented by each respective Region. This population exhibit consists of the most current U.S. Census Bureau compilations.

Witnesses:

Given the ruling of the Hearing Officer denying Appellants the fundamental right to subpoena witnesses on its behalf said Appellants do not intend to call witnesses at hearing. The said Appellants reserve the right to call in person or by telephone conference call a representative from each respective Region if deemed necessary by the Hearing Officer to authenticate any of the exhibits in Volumes I and II and prepared on behalf of the respective Appellant Regions and submitted on their behalf at the May 11, 2005 Council meeting. Said documents are self authenticating and any requirement of such testimony should be first met by a valid objection as to the identity of the exhibit. Given that there are no rules of procedure for the offering, evaluation and admission or refusal of exhibits the said Appellants are prejudiced in their right to fundamental procedural rights.

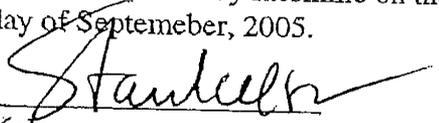
DATED this 23rd day of September, 2005.



Starr Kelso
Attorney at Law
Counsel for Regions I, III, IV and V

Certificate of Service

The above was served by facsimile on the Department's Counsel and the Council's Clerk on this 23rd day of Septemeber, 2005.



Starr Kelso

BEFORE THE STATE WORKFORCE DEVELOPMENT COUNCIL

In the matter of the appeals of:)
)
PANHANDLE AREA COUNCIL;)
CLEARWATER ECONOMIC)
DEVELOPMENT ASSOCIATION; SAGE)
COMMUNITY RECOURSES; REGION IV) **NOTICE OF HEARING**
DEVELOPMENT ASSOCIATION; and)
SOUTHEAST IDAHO COUNCIL OF)
GOVERNMENTS, INC.;)
)
Appellants.)
_____)

Pursuant to the Hearing Officer's Report On Telephone Status Conference And Order Governing Proceedings issued on September 19, 2005;

PLEASE TAKE NOTICE that on the 28th day of September, 2005, at 9:00 o'clock a.m., a single consolidated hearing will be held before Duff McKee, the State Workforce Development Council's Hearing Officer, in the Department of Commerce and Labor's Annex Conference Room, located in the basement of the Boise Local Office at 120 South 3rd Street, Boise, Idaho. Attached is a map showing the location of the Annex Conference Room and a map of available parking.

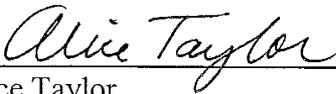
For parties and witnesses who will be attending by telephone, please follow the instructions below to participate in the hearing:

DIAL: From Coeur d'Alene: 769-1558
From Lewiston: 799-5000
From Boise: 332-3570

THEN ENTER: Extension 8101

THEN ENTER: Conference ID 942027

DATED this 20th day of September, 2005.



Alice Taylor

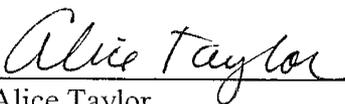
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of September, 2005, I caused a true and correct copy of the foregoing to be served by the method indicated below, and addressed to the following:

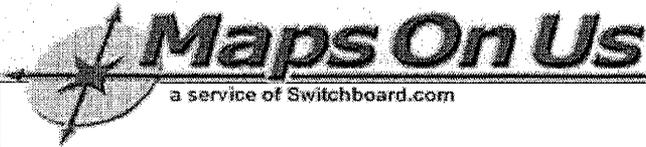
Starr Kelso	<input type="checkbox"/> U.S. Mail, Postage Prepaid
Attorney at Law	<input type="checkbox"/> Hand Delivered
PO Box 1312	<input type="checkbox"/> Overnight Mail
Coeur d'Alene, ID 83816-1312	<input checked="" type="checkbox"/> Facsimile
Fax: (208) 664-6261	

Wanda Keefer	<input type="checkbox"/> U.S. Mail, Postage Prepaid
Clearwater Economic Development Assoc.	<input type="checkbox"/> Hand Delivered
1626 6th Ave. North	<input type="checkbox"/> Overnight Mail
Lewiston, ID 83501	<input checked="" type="checkbox"/> Facsimile
Fax: (208) 746-0576	

Craig G. Bledsoe	<input type="checkbox"/> U.S. Mail, Postage Prepaid
Deputy Attorney General	<input type="checkbox"/> Hand Delivered
Idaho Department of Commerce and Labor	<input type="checkbox"/> Overnight Mail
Legal Bureau	<input checked="" type="checkbox"/> Facsimile
317 W. Main Street	
Boise, Idaho 83735	
Fax: (208) 334-6125	



Alice Taylor



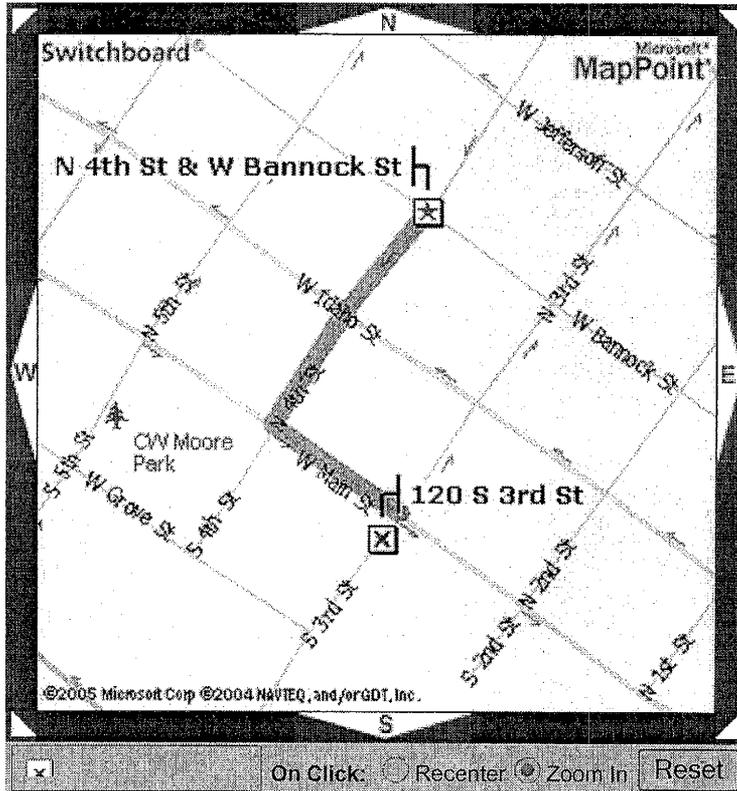
Parking Lot:
N 4th St & W Bannock St
Annex Conference Room:
120 S 3rd St

Route Summary

- Start: N 4th St & W Bannock St, Boise, ID 83702
- End: 120 S 3rd St, Boise, ID 83702

Total Time: 1 Minute
Total Distance: 0.2 Miles

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- Recreatic
- Entertain
- Commun
- Shopping
- Travel
- Finance
- Health Ca

Turn by Turn Directions

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Directions	
Start	Depart Start on N 4th St (South-West)
1	Turn LEFT (South-East) onto W Main St
End	Arrive End

Annex Conf Rm access: W side of C&L local office bldg; down ramp to lower level

Use this map or these directions at your own risk. No representation or warranty is made as to their accuracy, completeness or drivability. Switchboard will not be responsible for any damages, losses or delays which result from using these directions. Obey all traffic laws.

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Attention: Parking Attendant

I am on official business attending a hearing in the Annex Conference room of Idaho Commerce & Labor.

The hearing is scheduled for Wednesday, September 28, 2005.

If there is a need to contact me concerning this vehicle, I can be located at the Annex Conference room. If further assistance is needed, please contact **Stephanie, 332-3570**, ext. **3918**, in the morning and **Kif**, ext. **3332**, in the afternoon.

Thank you.

Please display this sheet in the window of the vehicle you are parking in any of the Central Office parking lots.

IDAHO STATE DEPARTMENT OF COMMERCE AND LABOR
WORKFORCE DEVELOPMENT COUNCIL

In the matter of the appeals of:

PANHANDLE AREA COUNCIL,
CLEARWATER ECONOMIC
DEVELOPMENT ASSOCIATION, SAGE
COMMUNITY RESOURCES, REGION IV
DEVELOPMENT ASSOCIATION and
SOUTHEAST IDAHO COUNCIL OF
GOVERNMENTS

Appellants

HEARING OFFICER'S REPORT ON
TELEPHONE STATUS CONFERENCE
AND ORDER GOVERNING
PROCEEDINGS

A status conference and hearing on preliminary matters was convened by telephone on Wednesday, September 14, 2005 at 3:00 p.m. MDT pursuant to notice. The following parties were present by telephone: Graig G. Bledsoe, deputy attorney general, for the Idaho Department of Commerce and Labor; Starr Kelso, attorney at law, for Regions I, III, IV and V; and Wanda Keefer, Executive Director of Clearwater Economic Development Association, for Region II. Hearing officer Duff McKee conducted the conference. Alice Taylor, administrative assistant from the Department of Commerce and Labor monitored the conference as clerk.

Procedural Background

The current state Workplace Investment Act plan effective July 1, 2005, and adopted pursuant to the federal Workplace Investment Act of 1998 (WIA), provides the mechanism for administrative appellate review of certain actions taken under the plan. The plan requires that any appeal submitted from the denial of designation as a local workforce investment area is to be submitted within 20 days, with a hearing on the appeal to be conducted 30 days thereafter. According to the plan, this time may be extended by consent of the appealing party, provided that in no case shall the hearing on appeal be held more than 60 days after the appeal was filed.

In this case, five appeals – being an appeal from each of the five regions – were all timely filed with the Chairman of the Workforce Development Council, as required by the plan. She promptly acknowledged all of the appeals, and appointed a hearing officer, as required by the

state plan. A hearing was scheduled within the 30 day period, as required by the state plan. However, problems not covered by the state plan intervened.

The first hearing officer recused himself. This required that the first hearing date be vacated. A second hearing officer was appointed, and a new hearing date was selected. This date was more than 30 days after the appeals were filed, but within 60 days. The second hearing officer recused himself approximately 10 days before the rescheduled hearing. A third hearing officer was appointed with the thought that the rescheduled hearing date could be retained. However, a few days before this hearing date arrived, the third hearing officer recused herself. A fourth hearing officer was then appointed. The fourth hearing officer (Duff McKee) was appointed by letter issued on or about August 19, 2005 – a Friday. The appointment letter was signed on August 20, 2005 – a Saturday – and returned to Alice Taylor at the Department of Commerce and Labor on Monday, August 22, 2005. This day was more than 60 days after the filing of the first of the five appeals from the LWIA regions. (The first appeal was received June 21, 2005.)

This hearing officer immediately notified all parties that he would hold a telephone status conference on August 25 to review the proceedings and get matters on track for a hearing. This conference occurred as scheduled and at that time, it was agreed that the appellants would present position papers to the hearing officer by September 2, 2005, outlining all issues presented by the proceedings. The state would have one week, until September 9, 2005 to reply. A further status conference and hearing on preliminary issues was scheduled for Wednesday, September 14, 2005. All parties met these time requirements. I have received and reviewed position papers from all sides. (No party was waiving any objections to the proceedings by agreeing to the submission of position papers, or by agreeing to participate in the continued status conference and scheduled hearing on preliminary matters.)

Jurisdiction of Hearing Officer

Two issues germane to the jurisdiction of the hearing officer in this matter need to be resolved preliminarily: (1) the authority of the hearing officer to act at all, given the time limits set forth in the Workforce Investment Act State Plan, and (2) the scope of the hearing officer's jurisdiction if the hearing is to go forward.

A. The hearing should go forward, notwithstanding the 60 day limit set forth in plan

If the 60 day time limit is jurisdictional, I have no jurisdiction to conduct any proceedings. If the 60 day time limit is not jurisdictional or even if jurisdictional if the limit may be excused, I am satisfied that the event chronology above establishes ample good cause for excusing the delay in commencing the hearing. I analogize the circumstance here to the constitutional guarantee of a speedy trial in a criminal case and the requirement by statute that misdemeanor cases be brought on for trial within six months' of the entry of plea. There is a large body of case law allowing excuses from this constitutionally mandated and statutorily imposed deadline where good cause and absence of prejudice is shown. I think this principle is applicable here. The objective of the time limits provision of the plan is to establish a procedure for the prompt resolution of issues, assuring to all a fair hearing before an impartial hearing

officer. Given the language in the federal statute, it is clear that the overriding concern is to provide for a fair hearing in the eventuality of an appeal from the LWIA determination. This concern would be defeated if the time limit is rigidly imposed, regardless of extenuating circumstances, to defeat the right of a local area to present its position on appeal.

In this case, I conclude that the circumstance of three separate hearing officers each deciding for their own reasons to recuse themselves from this proceeding is a circumstance outside the control of the convening authority and offers ample good cause for the delays encountered. This created a situation not contemplated by the mechanism for appeal set forth in the state plan, or the requirements of the federal act, or elsewhere in either the state or federal regulations. The chairperson of the council acted with dispatch in her first appointment of a hearing officer, and in the serial reappointments of new hearing officers as the recusals occurred, with the objective of keeping the process moving to resolution. Other than the passage of time, no party claims any undue prejudice as a result of the delay.

For these reasons, I conclude that the language of the plan requiring a hearing within 60 days is not absolutely jurisdictional. Inherent within the plan, as is clear from the federal statute, is that the 60 day limit may be extended for good cause and in the absence of prejudice, where required to assure the petitioning parties a right to present their position on appeal.

B. Scope of appellate review is limited to issues under sections 116(a)(2) and 116(a)(3)

While I conclude that the hearings on appeal may go forward, I do not agree that I have jurisdiction to hear any issue the regions wish to present. I conclude that the only areas for appellate review open to the regions are questions under Sections 116-A (2) and (3) of the WIA plan. The scope of review is spelled out in Section 116(a)(5) of the act, which provides in essence that any candidate not granted designation as an LWIA under the automatic designation criteria of Section 116(a)(2) or the “temporary and subsequent” designation criteria of Section 116(a)(3) may appeal. The issue for determination on appeal becomes whether or not the protesting entity is entitled to a designation as an LWIA as a matter of law.

It is significant to this determination that the hearing officer is an extension of the Workforce Development Council, which in turn is an *advisory* body to the Governor. In the letter of appointment from the chairperson of the council, I am instructed that I am to act as the *Council's* hearing officer on the matters designated in Section 116(a)(5) of the WIA.

Petitioners argue that a hearing on all relevant issues should be conducted, including issues pertaining to whether the 2005 plan as announced by the Governor and approved by the U.S. Department of Labor is outside of the federal act as enacted in 1998, whether the Governor abused his discretion as granted to him by the federal act in recasting the investment area designations to exclude the five intrastate regions, whether the Workforce Development Council is qualified or eligible under the federal act to be a LWIA, and whether the U.S. Department of Labor correctly approved the 2005 WIA plan advanced by the Governor in violation of the rights of the five petitioning regions. All of these might be appropriate issues to bring before a federal administrative law judge in an administrative appeal to the Secretary of the U. S. Department of Labor under the federal act, but these issues are outside of the designation of issues cataloged in

the provisions for appellate review by a state hearing officer under the state plan. I do not have jurisdiction to entertain any of them in a hearing before me, as an arm of the advisory council to the Governor.

Therefore, I conclude that the appellate hearing in this case is limited to consideration of issues presented pertaining to the eligibility or qualification of the petitioning entities for designation as workplace investment areas under Sections 116(a)(2) and 116(a)(3) of the act.

Place and Time of Hearing

As I understand the issues, the limitation on my jurisdiction limits the scope of any evidentiary hearing. The council's chairperson granted an earlier application to consolidate all appeals into a single hearing, and I continue that consolidation. There is a request to hold separate hearings in each region or to hold a single hearing in Lewiston. While there are good arguments to hold hearings throughout the state, I conclude that this is not practical or necessary in this case. From my perception, the issues pertaining to the statutory eligibility of the five regions will turn on relatively technical testimony of the administrators of the regions, which does not require travel to obtain. Although in-person testimony is certainly invited, arrangements have been made for anyone to participate and present testimony by telephone as necessary. This should be satisfactory. Therefore, I deny the motions to change venue or to hold hearings at multiple locations throughout the state. I direct that the hearings be held in Boise, as originally scheduled.

Therefore, I have advised all parties that the hearing on this matter will take place in conference facilities at the State Department of Commerce and Labor, 317 West Main Street, Boise, Idaho. The hearing will commence at 9:00 a.m. on Wednesday, September 28, 2005. Parties and counsel may participate in person or by telephone. Alice Taylor, administrative assistant to the Department, will notify all parties and counsel of the details on the location of the hearing and instructions for participation by telephone.

Objection to Participation of Department of Commerce and Labor

Counsel for four of the appealing entities has objected to the participation in these proceedings by the attorney general's office on behalf of the state Department of Commerce and Labor. The argument advanced is that the WIA plan only refers to an "appellant" in terms of interested parties, and that there is no indication that any other entity is entitled to participate. While there is a certain sophisticated appeal to the argument, any rational basis disintegrates under the briefest analysis. The Department is designated in the plan as the agency to oversee implementation of it. It is the action taken by the Department – through its Director Roger Madsen – that is being appealed from in each case. By implication and by necessity, the Department is the affected agency and is the only adverse party to any appeal taken from the failure to designate an entity as an LWIA if that entity is entitled to such by law under Section 116(a)(2) or 116(a)(3). The objection to the participation by the State Department of Commerce and Labor, by Deputy Attorney General Bledsoe, is overruled.

Issuance of Subpoenas

Counsel for four of the appealing parties has moved for the issuance of administrative subpoenas. However, counsel could not indicate anywhere in the plan, state law or state compilation of regulations pertaining to administrative procedures where hearing officers under the WIA are empowered to issue administrative subpoenas. The general law is clear that subpoenas are not available in administrative hearings unless specific statutory authority is provided for their issuance. I can find no authority for the hearing officer appointed under the WIA or in connection with the Workforce Development Council to issue subpoenas, and counsel could not suggest such. Therefore, the motion for issuance of subpoenas is denied.

Payment of Attorney Fees and Costs

Counsel for four of the regions moved for an order from me directing payment of the region's attorney fees and costs incurred in connection with the appeals. This issue pertains to the administration of the grants and accounting for grant funds, and is outside any of the issues raised in the appeals or within the authority given to me as a hearing officer over the issue of eligibility for designation as a grant recipient. In any event the language of the 2005 plan clearly states that attorney fees are not to be paid of grant funds if an appeal is lodged under Section 116(a)(5). Petitioners' motion for an order from me directing payment of costs and attorney fees by the state is denied.

Exhibits, Witness Lists, Pre-hearing Briefs

Appellants are directed to prepare and serve upon counsel for the Department a list of all exhibits they intend to offer and all witnesses they intend to call no later than close of business Friday, September 23, 2005. The Department's counsel is directed to prepare and serve upon appellant's counsel (and upon Ms. Keefer for Region II) its list of exhibits and witnesses no later than Monday, September 26. Copies of these lists are to be lodged with Alice Taylor at the same time. Service upon parties and upon Alice Taylor is to be by hand or courier delivery, facsimile or electronic mail. Ordinary mail is acceptable if the material is mailed, postage prepaid, at least three days before the deadline.

The actual hearing exhibits are to be delivered to Alice Taylor no later than 9:00 a.m. Wednesday, September 28.

Any party may submit a pre-hearing memorandum to me at any time before the hearing. Anything received by close of business on Tuesday, September 27, 2005, will be read and considered prior to the hearing. Any brief submitted later may not be reviewed prior to the hearing, but will be considered prior to decision. If a paper is lodged and served by one side, I will hold the record open to allow a responsive memorandum to be prepared and submitted by the other side, if requested. Anything submitted to me must be served upon the opposing side, with a certificate of service included on my copy. Submit materials to me by providing the item to Alice Taylor.

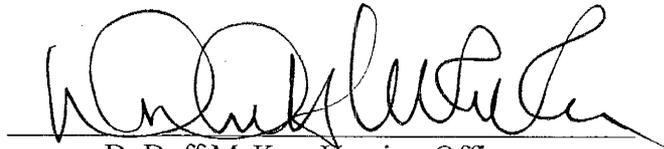
Any means of service is acceptable, so long as the means for service upon me is the same as the means of service upon the opposing sides.

Conclusion

This report and order governs the proceedings in this case. Unless expressly modified by this order, the previous orders governing procedure entered by the chairperson of the Workplace Development Council, and by the prior hearing officers prior to their recusal, continue to be in force and effect.

If any party wishes a further status conference prior to the evidentiary hearing, contact Alice Taylor. I will endeavor to schedule a telephone conference at the earliest time available to all upon request.

Dated this 19th day of September, 2005.



D. Duff McKee, Hearing Officer

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CAROL LYNN BRASSEY
EVELYN THOMAS
CRAIG G. BLEDSOE
ANNE BAKER WILDE
Deputy Attorneys General
Idaho Department of Commerce and Labor
317 W. Main Street
Boise, ID 83735
Telephone: (208) 332-3570 x 3232
ISB No. 3431

Attorneys for Idaho Department of Commerce & Labor

BEFORE THE STATE WORKFORCE DEVELOPMENT COUNCIL

In the matter of the Local Workforce)
Investment Area Designation Appeals of:)
PANHANDLE AREA COUNCIL;)
CLEARWATER ECONOMIC)
DEVELOPMENT ASSOCIATION;)
SAGE COMMUNITY RESOURCES;)
REGION IV DEVELOPMENT)
ASSOCIATION;)
and)
SOUTHEAST IDAHO COUNCIL OF)
GOVERNMENTS, INC.;)
Appellants.)

Case No. _____

**DEPARTMENT OF COMMERCE
AND LABOR'S RESPONSE TO
APPELLANTS' SUPPLEMENTAL
MEMORANDUM**

COMES NOW the Idaho Department of Commerce and Labor (Department), by and through its attorney of record, Craig G. Bledsoe, and submits this response to Appellants' supplemental memorandum.

EXERCISE OF THE GOVERNOR'S DISCRETIONARY AUTHORITY TO APPOINT
MEMBERS TO HIS ADVISORY COUNCIL DOES NOT VIOLATE APPELLANTS'
PROCEDURAL DUE PROCESS RIGHTS

The Workforce Development Council (State Council) is an advisory council created by the Governor (Executive Order No. 2004-08 attached hereto as Exhibit A). The State Council was established in compliance with WIA § 111(e) and exists to assist the Governor develop policy and provide oversight for an integrated state workforce development system that makes the most efficient use of limited federal resources. According to the provisions of Executive Order No. 2004-08, “[t]he Council’s members shall serve at the pleasure of the Governor, and appointments shall be for three-year terms.” By operation of the provisions of this Executive Order, the term of several members of the State Council expired on September 1, 2005, and the only person with authority to fill those vacancies is the Governor.

Without citing any authority, Appellants’ contend that the Governor’s exercise of his completely discretionary authority to appoint members to his advisory council somehow violates their procedural due process rights. Apparently, Appellants’ believe that the Governor needed their permission before fulfilling a discretionary administrative responsibility that existed long before any appeals were filed in this matter.

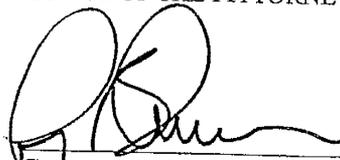
Appellants are appealing from a denial of their applications to be designated as Local Workforce Investment Areas (LWIAs) under the current, federally approved WIA State Plan. The federal statute and regulations governing this type of appeal are found in WIA § 116(a)(5), 20 CFR § 661.280 and 20 CFR § 667.640(a). The only issue these federal statutory and regulatory provisions make relevant is whether Appellants are entitled to mandatory designation as LWIAs under very narrow technical requirements regarding either automatic or temporary and subsequent LWIA designations.

Nothing in WIA § 116(a)(5), 20 CFR § 661.280 or 20 CFR § 667.640(a) make relevant what the State Council did or did not do at prior State Council meetings. The role of the State Council was to assist the Governor with the development of the WIA State Plan (WIA § 111(d)(1)). It remained the Governor's responsibility to make the final decision about what the WIA Plan would be for the State of Idaho (WIA § 112). The number of State Council members voting for or against the new WIA State Plan and all the comments about the plan have absolutely nothing to do with whether Appellants are entitled to designation as LWIAs. Appellants' entitlement or lack of entitlement to designation as LWIAs rests entirely on their ability to prove that they meet specific federal statutory requirements.

The due process provisions of the Idaho and United States Constitutions provide a right to be heard at a meaningful time and in a meaningful manner (*See Sweitzer v. Dean*, 118 Idaho 568, 573, 798 P.2d 27, 32 (1990)). Appellants have not been deprived of any such opportunity. The Chair of the State Council worked diligently to provide Appellants with several opportunities for a timely hearing. The fact that a hearing did not occur within the sixty day time period required by Section VIII(A)(3) of the WIA State Plan is a circumstance Appellants have inflicted upon themselves.

DATED this 13 day of September, 2005.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL



CRAIG G. BLEDSOE
Deputy Attorney General
Idaho Department of Commerce and Labor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13 day of September, 2005, I caused a true and correct copy of the foregoing to be served by the method indicated below, and addressed to the following:

Starr Kelso
Attorney at Law
PO Box 1312
Coeur d'Alene, ID 83816-1312
Fax: (208) 664-6261

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile

Wanda Keefer
Clearwater Economic Development Assoc.
1626 6th Ave. North
Lewiston, ID 83501
Fax: (208) 746-0576

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile

Duff McKee
c/o Alice Taylor
317 W. Main Street
Boise, ID 83735
Fax: (208) 947-0049

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile



CRAIG G. BLEDSOE

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 2004-08

CONTINUING THE WORKFORCE DEVELOPMENT COUNCIL FOR PLANNING
AND OVERSIGHT OF THE STATE'S WORKFORCE DEVELOPMENT SYSTEM,
REPLACING EXECUTIVE ORDER NO. 2000-14

WHEREAS, the economic future of Idaho and the prosperity of its residents depends upon the ability of businesses in Idaho to compete in the world economy; and

WHEREAS, a well-educated and highly skilled workforce provides businesses in Idaho with a competitive edge critical for their success; and

WHEREAS, Idaho is committed to preparing its current and future workforce with the skills necessary for the 21st Century; and

WHEREAS, empowering business, labor and community leaders to take a more active and strategic role in developing the state's economic and workforce development policy will enhance the quality and responsiveness of these programs; and

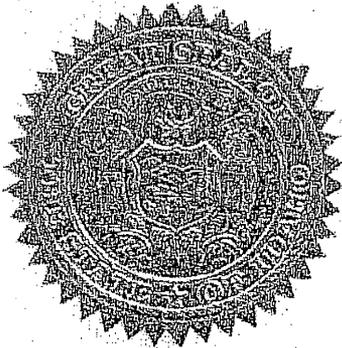
WHEREAS, the development of a comprehensive workforce development strategy for Idaho will improve planning and oversight functions; improve the effectiveness, quality and coordination of services designed to maintain a highly skilled workforce; and help provide for the most efficient use of federal, state and local workforce development resources;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby order that:

1. The Idaho Workforce Development Council (the "Council") is established in accordance with section 111(e) of the Workforce Investment Act (WIA) of 1998, as amended.
2. The Council shall consist of not more than 33 members appointed by the Governor, consistent with federal requirements for the nomination and composition requirements set forth in section 702 of the Job Training Partnership Act as amended. The Council's membership, shall be as follows:
 - a. Representatives of business and industry shall comprise at least 40% of the members;
 - b. At least 15% of the members shall be representatives of local public education, postsecondary institutions, and secondary or postsecondary vocational educational institutions;
 - c. At least 15% of the members shall be representatives of organized labor based on nominations from recognized state labor federations;
 - d. Representatives from the Department of Commerce and Labor, the Department of Health & Welfare, the Division of Vocational Rehabilitation, the Division of Vocational Education, the Commission on Aging and the Superintendent of Public Instruction;
 - e. A representative of a Community-Based Organization; and
 - f. May include individuals from the general public who have special knowledge and qualifications with respect to special education and career development needs of hard to serve individuals.

3. The Council will be responsible for advising the Governor and the State Board of Education, as appropriate and at regular intervals, on the following:
 - a. Development of a statewide strategy for workforce development programs which encompasses all workforce programs;
 - b. Development of the WIA State plan;
 - c. Development and continuous improvement of services offered under the statewide workforce investment system;
 - d. Development of comments at least once annually on the Carl D. Perkins Vocational and Applied Technology Education Act;
 - e. Development and continuous improvement of comprehensive State performance measures;
 - f. Preparation of the annual report to the United States Secretary of Labor as required under section 136 of the WIA;
 - g. Development of a statewide employment statistic program;
 - h. Development of a plan for comprehensive labor market information; and
 - i. Development of applications for an incentive grant under section 503 of the WIA.
4. The Council shall also be responsible for:
 - a. Approval and oversight of the expenditures from the Employment Security Reserve Fund as set forth in Section 72-1347A, Idaho Code;
 - b. Development and oversight of procedures, criteria and performance measures for the Workforce Development Training fund established under Section 72-1347B, Idaho Code; and
 - c. Such other duties as the Governor assigns the Council.
5. The Governor shall name the chair and vice-chair from among the private sector members of the Council;
6. The Council shall be jointly staffed by a management team of directors of state agencies that administer workforce development programs, as designated by the Governor. Funding for the Council shall be provided by the agencies staffing the Council, which shall agree upon appropriate ratios for the allocation of administrative funding. The Idaho Department of Commerce and Labor shall have responsibility for providing secretarial and logistical support to the Council;
7. The Council's members shall serve at the pleasure of the Governor, and appointments shall be for three-year terms.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 30th day of November in the year of our Lord two thousand and four, and of the Independence of the United States of America the two hundred twenty-ninth and of the Statehood of Idaho the one hundred fifteenth.



Dirk Kempthorne

DIRK KEMPTHORNE
GOVERNOR

Ben Yursa
BEN YURSA
SECRETARY OF STATE

STARR KELSO
 Attorney at Law, ISB #2445
 Starr Kelso Law Offices, Chartered
 1621 N. Third Street, Suite 600
 PO Box 1312
 Coeur d'Alene, ID 83816-1312
 (208) 765-3260
 (208) 664-6261 - Fax

Attorney for Appellants

WORKFORCE DEVELOPMENT COUNCIL

In Re: Appeals of Regions I, III, IV, and V	)	CASE NO. _____
consolidated for hearing purposes)	
)	
Appellants.	)	SUPPLEMENT/ADDENDUM
	)	TO INITIAL BRIEF
)	
)	
)	
)	

It has just been learned that the terms of certain members of the State Workforce Development Council expired on September 1, 2005. It is alleged upon what information is available to Council for Appellants I, III, IV and V that six members' terms expired. Of these six members three voted in favor of the Governor's proposed 2005 Plan and three voted against it. Of these members the three who voted for the plan were reappointed for another three year term and the three who voted against the plan were not reappointed (see attached).

This event has compounded the prejudice to the Appellants procedural rights for a few reasons:

1. The failure to reappoint came after the sixty (60) day time period mandated for

an appeal hearing;

2. The original Council split on the vote 8 to 8;
3. The board is the final decision maker now at the state level, not the Governor;
4. Despite public records requests for minutes or transcripts of the May 11, 2005 hearing before the Council no minutes or transcript has been produced to Appellant's Counsel. There is no way of knowing what information was presented to the Council at that hearing;
5. There is nothing available for any new members, if any have been appointed, to review what was originally submitted;
6. Without the prior record any new hearing must be a full hearing on the basic merits of the Proposed Plan and not just limited to the points the Council wants heard on appeal;
7. A clear message of "off with your head" if you choose to disagree with the Governor's proposal has been sent out and has severely prejudiced Appellants procedural rights. It appears at best to be a bad faith attempt to manipulate an appeal decision of the Council;
8. It is not known who replaced the three who were not reappointed, if anyone, and if no one has been reappointed the appellants are prejudiced because instead of one vote "change" necessary on appeal it could require a four vote "change".

This turn of events has dramatically changed the rules and the level of the playing field violating Appellants procedural rights. Now, if this matter does proceed, it is necessary that the appeal become a full hearing de novo.

DATED this 9 day of September, 2005.



STARR KELSO
Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents was:

- Mailed by depositing in the United States Mails, postage prepaid;
 Hand-Delivered;
 Transmitted Via FAX.

this 9 day of September, 2005, to the following individual(s):

Duff McKee
c/o Alice Taylor
317 W. Main Street
Boise, ID 83735-0790
Fax: (208) 947-0049

Craig Bledsoe
Deputy Attorney General
317W. Main Street
Boise, ID 83735
Fax: (208) 334-6125

Wanda Keefer
Clearwater Economic Development Assoc.
1626 6th Ave. North
Lewiston, ID 83501
Fax: (208) 746-0576

BY: 



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Board Name: Workforce Development Council

Board Purpose:

Term of Office: 3

Member Name	Position Expires	Original Appointment	Board Position
Fred Ostermeyer	September 1, 2005	January 18, 2005	Business
Vacant	September 1, 2003		Education
Con Paulos	September 1, 2007	December 13, 2004	Business
Patrick Minegar	September 1, 2007	December 13, 2004	Business
Joe Burgoyne	September 1, 2006	December 13, 2004	Business
Jennifer Giro	September 1, 2006	December 13, 2004	Business
Kirby Ortiz	September 1, 2007	December 22, 2004	Community-based rep
Stephen Ahrens	September 1, 2008	January 2, 1997	Business
Gerald Beck	September 1, 2005	September 1, 1996	Education
Millie Flandro	September 1, 2007	September 1, 1998	Labor
Roger Madsen	September 1, 2006		Dept. of Labor
Karen McGee	September 1, 2008	September 1, 1998	Business
Gary Stivers	September 1, 2007	October 1, 2001	Board of Ed Rep
David Whaley	September 1, 2005	February 7, 1997	Labor
Marilyn Howard	September 1, 2007	January 4, 1999	Supt. of Public Instruction
Karl Kurtz	September 1, 2008		Health & Welfare
Lois Bauer	September 1, 2006	July 11, 2001	Office on Aging
Vacant 2	September 1, 2005		Business
Cindy Hedge	September 1, 2006	April 17, 2002	Labor
Jim Soyk	September 1, 2008	April 17, 2002	Business
Dene Thomas	September 1, 2008	July 1, 2003	Education rep

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LAWRENCE G. WASDEN
ATTORNEY GENERAL

CAROL LYNN BRASSEY
EVELYN THOMAS
CRAIG G. BLEDSOE
ANNE BAKER WILDE
Deputy Attorneys General
Idaho Department of Commerce and Labor
317 W. Main Street
Boise, ID 83735
Telephone: (208) 332-3570 x 3232
ISB No. 3431

Attorneys for Idaho Department of Commerce & Labor

BEFORE THE STATE WORKFORCE DEVELOPMENT COUNCIL

In the matter of the Local Workforce
Investment Area Designation Appeals of:

PANHANDLE AREA COUNCIL;
CLEARWATER ECONOMIC
DEVELOPMENT ASSOCIATION;
SAGE COMMUNITY RESOURCES;
REGION IV DEVELOPMENT
ASSOCIATION;

and

SOUTHEAST IDAHO COUNCIL OF
GOVERNMENTS, INC.;

Appellants.

Case No. _____

**DEPARTMENT OF COMMERCE
AND LABOR'S RESPONSE TO
APPELLANTS' MEMORANDUM**

COMES NOW the Idaho Department of Commerce and Labor (Department), by and through its attorney of record; Craig G. Bledsoe, and submits this response to Appellants' memorandum.

NATURE OF THE PROCEEDINGS

This is a proceeding under the Workforce Investment Act of 1998 (WIA) (Pub. L. No. 105-220, August 7, 1998, 112 Stat. 936), the federal regulations promulgated thereunder and the State of Idaho's 2005 WIA State Plan that has been approved by the federal Department of Labor. WIA has been codified at 29 USC § 2801 *et seq.* Citations to WIA § 116 can be found at 29 USC § 2831.

TIMELINESS OF THE HEARING

The due process procedures Appellants are entitled to require an opportunity for a hearing and appropriate time limits to ensure a prompt resolution of the appeal (20 CFR § 667.640(a)(2)). The appeal procedures in Section VIII(A)(3) of the current, federally approved State Plan comply with the due process requirements of 20 CFR § 667.640(a)(2). These appeal procedures require that the Chair of the Workforce Development Council (State Council) select a hearing officer and that a hearing be held no later than sixty days from the date the appeals were filed.

The lay, non-lawyer Chair of the State Council worked diligently to provide Appellants with an opportunity for a timely hearing. The earliest of the five appeals was received by the Chair on June 21, 2005. The first hearing officer was selected and hearings were scheduled for July 18 and 19, 2005. After Appellants made allegations of potential conflicts of interest, the first hearing officer recused himself on July 13, 2005. It should be noted that the first hearing officer accepted the engagement only after running and clearing a comprehensive conflict of interest check against his private practice of law. In fact, the only potential conflict that was discovered was with Appellant Sage Community Resources (Region III), but that potential

conflict was waived by Region III (Exhibit A). Despite the waiver, the first hearing officer recused himself as the result of Appellants' objections.

On July 19, 2005, a second hearing officer was selected by the Chair of the State Council. Because Appellants requested a consolidated hearing, the Chair ordered their consolidation and set a new hearing date for August 1, 2005. According to the Amended Notice of Hearing sent to Appellants, the second hearing officer did not believe he had a conflict of interest and asked the Chair to disclose to Appellants that he had subject matter expertise, that he had retired as an employee of the federal Department of Labor in 2002 and that he had been selected as a contractor by the Region IV office of the federal Department of Labor to investigate and author a report on the transformation of Idaho's Workforce System into a demand driven system. This report highlighted achievements by both state and local partners in Idaho's workforce investment system. In a pre-hearing conference held on July 26, 2005, the second hearing officer assured Appellants that he would be fair and impartial. Appellants agreed upon a new hearing date of August 17, 2005. However, Appellants still moved to disqualify the second hearing officer. Without any evidence whatsoever of actual bias or prejudgment, the second hearing officer recused himself on August 4, 2005.

In a continuing effort to give Appellants an opportunity for a hearing within the sixty day time period required by the State Plan, the Chair of the State Council appointed a third hearing officer on August 10, 2005 and specifically instructed that hearing officer to do everything possible to preserve the agreed upon August 17, 2005 hearing date. However, Appellants again moved to disqualify the third hearing officer. In a letter dated August 15, 2005, two days before the scheduled hearing, the third hearing officer, without confirming Appellants' "unsubstantiated assumptions and over-generalizations" recused herself.

A fourth hearing officer has now been appointed. However, as a direct result of Appellants' serial challenges to the three previous hearing officers, the sixty day time period required by the State Plan has now lapsed.

A party seeking to disqualify an administrative hearing officer for bias must allege concrete facts that demonstrate actual bias or prejudice; bias and prejudice are never to be implied. *American Isuzu v. New Motor Vehicle Board*, 186 Cal.App.3d 464, 472 (1986). Appellants made no showing of actual bias or prejudice. No evidence has been proffered that any of the hearing officers have in any way prejudged the issues to be decided or have any personal or financial interest that would affect their ability to render a fair decision. A courteous and cordial dialog in e-mails is not enough to show bias or prejudice. If it were, then every judge in this state who has had a conversation with a prosecutor or another lawyer would be biased. The Chair of State Council did everything in her power to give Appellants an opportunity for a timely hearing. To allow Appellants to gain some advantage from their serial challenges to prior hearing officers would be the only real denial of procedural due process.

According to the provisions of 20 CFR § 661.280(b), Appellants may appeal to the federal Secretary of Labor if they believe a decision at the state level is not rendered in a timely manner. It seems to the Department that at this point in the process Appellants have two choices. They can either participate in a hearing on the merits within the jurisdictional limitations imposed by federal statute on the State Council or, if they believe a decision at the state level has not been rendered in a timely manner, they can appeal to the federal Secretary of Labor.

STATUTORY LIMITATION ON SUBJECT MATTER JURISDICTION

The subject matter jurisdiction of the State Council and its hearing officer to hear appeals from the Governor's denial of requests for designation as Local Workforce Investment Areas

(LWIAs) is limited by the provisions of WIA § 116(a)(5), 20 CFR § 661.280 and 20 CFR § 667.640(a). These sections provide that a unit of general local government, including a combination of such units, or a WIA grant recipient that requests, but is not granted designation as an LWIA under either the automatic designation criteria of WIA § 116(a)(2) or the temporary and subsequent designation criteria of WIA § 116(a)(3), may appeal to the State Council under an appeal process established in the State Plan.

The State Plan's appeal process is found in Section VIII(A)(3) of the State of Idaho's current, federally approved WIA State Plan. Consistent with the explicit statutory and regulatory limitations of WIA § 116(a)(5), 20 CFR § 661.280 and 20 CFR § 667.640(a), the appeal procedures in the State Plan specifically limit the State Council's jurisdiction solely to questions of whether a unit of general local government is entitled to designation as an LWIA under either the automatic designation criteria of WIA § 116(a)(2) or the temporary and subsequent designation criteria of WIA § 116(a)(3). Further, these procedures obligate Appellants to prove that they are entitled to designation as LWIAs under these limited and very specific requirements.

No authority is given in WIA, its regulations or the State Plan's procedures for adjudication by the State Council of any other issues. In the context of these appeals, the State Council and its hearing officer do not have subject matter jurisdiction to consider any issues other than the issues identified in WIA § 116(a)(5) and in Section VIII(A)(3) of the current, approved WIA State Plan. All other allegations, including allegations about the procedures followed by the State Council in past public meetings or the Governor's exercise of discretion under other provisions of WIA, are beyond the subject matter jurisdiction of the Workforce Development Council and its hearing officer.

APPELLANTS' ALLEGATION OF ENTITLEMENT TO DESIGNATION AS LWIAs
UNDER THE SUBSEQUENT DESIGNATION CRITERIA OF WIA § 116(a)(3)(B)
IS THE ONLY RELEVANT ISSUE ON APPEAL

Appellants' Notices of Appeal raise virtually identical issues. They allege that the Governor failed to consider factors listed in WIA § 116(a)(1)(B) when he exercised his discretion in designating LWIAs, that procedures followed by the State Council at past public meetings were flawed, and that:

WIA section 116(a)(3)(B) requires that temporary designations made under the first five year WIA plan be extended 'until the end of the period covered by the State plan ...'. [Regions II, III, IV and V] requested that its designation be extended through the end of Idaho's WIA planning cycle, which begins July 1, 2005.

(Notices of Appeal for Regions II, III, IV and V).

Region I phrased this same issue this way:

Subsequent designation *shall be granted* to areas upon request if the area '...substantially met (as defined by the State board) the local performance measures for the local area and sustained the fiscal integrity of the funds used by the area to carry out activities under this subtitle.' (WIA Section 116(a)(3)(B))

(Notice of Appeal for Region I, emphasis in original).

Although Appellants phrased this same issue differently, this issue is about entitlement to designation as LWIAs under the temporary and subsequent designation criteria of WIA § 116(a)(3). More specifically, it is about the duration of a subsequent LWIA designation as provided by WIA § 116(a)(3)(B). It is the only issue raised by Appellants that comes within the subject matter jurisdiction of the State Council pursuant to the explicit and consistent language of WIA § 116(a)(5), 20 CFR § 661.280, 20 CFR § 667.640(a) and Section VIII(A)(3) of the current, federally approved State Plan.

No issue was ever raised in a Notice of Appeal by any Appellant about entitlement to designation under the automatic designation criteria in WIA § 116(a)(2). Therefore, this issue is not properly before the State Council and evidence about it should not be allowed on appeal.

As a result of WIA's explicit statutory and regulatory grant of subject matter jurisdiction and the issues actually raised by Appellants' in their Notices of Appeal, the only relevant issue upon which any hearing can be held is the issue of whether Appellants are entitled to mandatory designation as LWIAs under the subsequent designation duration requirements of WIA § 116(a)(3)(B). All other issues and allegations are beyond the subject matter jurisdiction of the State Council.

NECESSITY FOR APPEAL

The Department agrees with Appellants that "this appeal should not even be in existence because of the initial designation." (Appellants' Memorandum, page 4) The temporary and subsequent designation limitation on the Governor's discretion applied only to LWIA designations made under the initial State Plan. Designations under this provision, including Appellant Region III's designation, expired on June 30, 2005 when the initial State Plan expired. According to the plain language of this statutory provision, it could not and did not operate as mandatory designation criteria for the current, federally approved State Plan. Further, the initial LWIA designations of Appellants Regions I, II, IV and V, who were designated under the non-mandatory "optional" designation provision of WIA § 116(a)(4), also expired on June 30, 2005 when the initial State Plan expired. Because the "optional" designation criteria in WIA § 116(a)(4) provides that the Governor may designate LWIAs based on the State Council's recommendation, no statutory right of appeal is given in WIA § 116(a)(5) from the Governor's exercise of discretion under this non-mandatory provision.

The plain meaning of the federal statutes governing LWIA designations is confirmed by technical guidance issued recently by the federal Department of Labor. In a July 14, 2005 letter from Christine D. Kulick, the Federal Coordinator for WIA Plan Review and Approval for the federal Department of Labor, to the Department, the following specific technical guidance was given:

Confirm that the original Year 2000 Five Year Plan expired June 30, 2005.

Response: The Department of Labor's (DOL) April 12, 2005, Federal Register notice, "Planning Guidance and Instructions for Submission of Two Years of the Strategic Five-Year State Plan for title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act," clearly states that the prior five year plans expired on June 30, 2005. (70 Fed. Reg. 19206 (April 12, 2005.))

Confirm that optional, temporary and subsequent workforce area designations in the Program Year (PY) 2000 Five Year Plan also expired June 30, 2005.

Response: The DOL PY2005 planning guidelines (referenced above) clearly requires states to designate local workforce investment areas for PY 2005 – 2006, and provides that the subsequent designation period for areas designated in the prior five year plan has ended. 70 Fed. Reg. at 19213 (Sec. VII., A,1.).

Confirm that temporary and subsequent workforce area designations were only available in the PY 2000 Plan.

Response: It is DOL policy that the period of subsequent designation under WIA sec. 116(a)(3) extended until the end of the period covered by the prior state plan. The law contains no provision mandating temporary and subsequent designation following the expiration of the prior plan.

(Exhibit B).

Because Appellants alleged a continuing entitlement to designation under temporary and subsequent designation criteria that is no longer available, there is no merit to their appeals.

A waiver was granted to the State of Idaho by the federal Department of Labor to allow the State Council to carry out the requirements imposed by WIA on local workforce investment boards. If Appellants believe that WIA § 189 does not allow this type of waiver, they need to

raise this issue with the federal Department of Labor. The State Council has no statutory authority to consider this issue.

VENUE

Appellant Region I represents a five county area in the northern panhandle of Idaho. Appellant Region II represents a five county area in the north-central part of Idaho. Appellant Region III represents a ten county area in the south-west part of Idaho, which includes the City of Boise. Appellant Region IV represents an eight county area in the south-central part of Idaho. And, Appellant Region V represents a seven county area in the southeast part of Idaho. Together, Appellants represent 35 counties across the entire State of Idaho.

At Appellants' request, the Chair of the State Council consolidated the appeals for a single hearing in Boise, Idaho and gave Appellants and their witnesses the opportunity to appear by telephone. A review of a map of the State of Idaho and a common sense analysis of the geographic location of each of the Appellants, together with the facts that the issues raised by Appellants are identical, the limited nature of the relevant evidence that can be offered by Appellants and their ability to appear and present relevant testimony by telephone, leads to the obvious conclusion that Boise, Idaho is the most convenient, efficient, centrally located and least costly venue for the consolidated hearing in this case.

This common sense approach to venue is supported by analogizing to Idaho's statutes governing venue in state courts. Since these appeals are from a decision made by the Governor, Idaho Code § 5-402(2) provides that an action against a public official for an "act done by him in virtue of his office" must be tried in the county where the cause of action, or some part thereof, arose. The Governor's action to deny Appellants requests for designation as LWIAs under the current, federally approved WIA State Plan took place in Boise, Idaho. It was in Boise that the

Governor signed the current WIA State Plan and it was from Boise that that Plan was submitted to the federal Secretary of Labor. It was also in Boise that the Governor appointed the Department's Director as his designee for the purpose of informing Appellants that their requests for designation had been denied, and it was from Boise that the Department's Director sent those written notices. By analogy, since the Governor exercised his authority in Boise, Boise is where the cause of action in these appeals arose and Boise is the proper venue for the consolidated hearing. *See Idaho State AFL-CIO v. Leroy*, 110 Idaho 691, 699, 718 P.2d 1129, 1137 (Idaho 1986) (plaintiffs' cause was based on allegedly improper passage of a bill; hence the legislature's authority to pass the bill was the action which caused the plaintiff's claim to arise).

Further statutory support for this common sense approach is found in Idaho's Administrative Procedures Act. When resolving petitions for judicial review of the same agency action filed in more than one county or before more than one judge, Idaho Code § 67-5272(2) provides:

The administrative judge in the judicial district in which the first petition was filed, after appropriate consultation with the affected district judges and the affected administrative judges, shall then order consolidation of the judicial review of the petitions before one (1) district judge in one (1) county in which a petition for judicial review was properly filed

The authority relied upon by Appellants is distinguishable from the facts and circumstances presented by the appeals in this case and is contrary to the requirements of Idaho Code §§ 5-402(2) and 67-5272(2). The controversy in *Priest Lake Coalition v. State of Idaho*, 111 Idaho 354, 723 P2d. 898 (1986) was over tangible real property that was mostly located in Bonner County. For that reason the court held that part of the cause of action arose in Bonner County. Further, the issue of venue in *Priest Lake* involved a choice between only two counties, Ada County or Bonner County.

The appeals in this case present a far different situation. They involve the separate appeals of five Appellants representing a total of thirty-five counties across the entire State of Idaho. There is no single county or region of the State that has been impacted more than any other. All of the Appellants lost federal Workforce Investment Act funding, including the Appellant representing ten counties that include and immediately surround Boise. As a result, Boise has the superior claim to venue because it is within an area affected by the Governor's decision, it is centrally located, it is the place where the Governor exercised his authority and the place where the cause of action arose.

Applying by analogy the principles of Idaho Code §§ 5-402(2) and 67-5272(2) supports the common sense approach taken by the State Council and the Department requests that Appellants' motion to change venue be denied.

SUBPOENAS AND ATTORNEY FEES

No express authority is given to the State Council in WIA, its regulations or in the State Plan's procedures for the issuance of subpoenas or for the payment of Appellants' fees and expenses. It is a general principle of administrative law that administrative authorities are tribunals of limited jurisdiction and their limited jurisdiction is dependant entirely upon the statutes reposing power in them. *Knight v. Department of Insurance*, 124 Idaho 645, 862 P.2d 337 (1993) and *Washington Water Power Co. v. Kootenai Environmental Alliance*, 99 Idaho 875, 591 P.2d 122 (1979).

Appellants' contention that the State Council has authority to issue subpoenas simply because statutory authority exists in an entirely unrelated provision of WIA on an entirely unrelated matter ignores this basic principle of administrative law (20 CFR § 667.800(a)). Authority given to a federal administrative law judge to hear appeals from individual applicants

denied financial assistance or from sanctions imposed by a federal Grant Officer does not authorize the State Council to act beyond the limits of its own explicit grant of statutory authority.

Further, Appellants' contention of entitlement to attorney fees as an allowable WIA administrative expense ignores a critical, dispositive fact. Appellants are not authorized as LWIAs to incur WIA administrative expenses under the current State Plan. Appellants' designation as LWIAs terminated on June 30, 2005. According to the provisions of the current, federally approved State Plan, Appellants are not WIA grant recipients and are not authorized to receive any WIA grant funds.

The federal statute and regulations reposing power in the State Council to hear appeals from the Governor's non-designation of LWIAs is found in WIA § 116(a)(5), 20 CFR § 661.280 and 20 CFR § 667.640(a). Nothing in these provisions gives the State Council authority to issue subpoenas or require the payment of Appellants' attorney fees from WIA grant funds.

STATE AS AN ADVERSE PARTY

The primary grant recipient for federal WIA grant funds in the State of Idaho is the Governor. It is the Governor's responsibility to submit to the federal Secretary of Labor a State Plan that satisfies all the requirements of WIA (WIA § 112). In the current, approved WIA State Plan, the Department is identified as the state agency that oversees WIA and acts as the "state's primary workforce investment and economic development agency" (WIA State Plan, p. 8 available online at <http://cl.idaho.gov>).

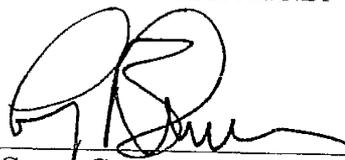
By letter dated June 1, 2005, the Governor directed the Department's Director to notify Appellants that their requests for designation as Local Workforce Investment Areas under the current WIA State Plan were denied because they did not satisfy the federal statutory

requirements for mandatory designation under either the automatic or temporary and subsequent designation criteria. At the Governor's request, the Department's Director notified each of the Appellants by letter dated June 9, 2005 that their designations as LWIAs under the initial State Plan would expire on June 30, 2005 and that their requests for designation as LWIAs under the new and now current WIA State Plan had been denied.

From the filing of their Notices of Appeal, Appellants have sought to transform what was intended to be a limited, focused factual inquiry about very specific statutory designation criteria into a platform for raising irrelevant allegations with the hope of litigating issues that are beyond the subject matter jurisdiction of the State Council and its hearing officer. Consequently, the Department, as the Governor's designated agent for the statewide administration of WIA, should be allowed to appear as an interested party in these proceedings for the purpose of explaining why the Governor was not required to designate Appellants as LWIAs under WIA.

DATED this 9 day of September, 2005.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL



CRAIG G. BLEDSOE
Deputy Attorney General
Idaho Department of Commerce and Labor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9 day of September, 2005, I caused a true and correct copy of the foregoing to be served by the method indicated below, and addressed to the following:

Starr Kelso
Attorney at Law
PO Box 1312
Coeur d'Alene, ID 83816-1312
Fax: (208) 664-6261

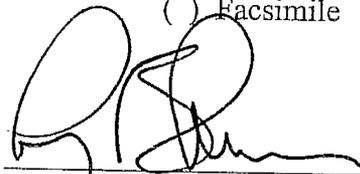
- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile

Wanda Keefer
Clearwater Economic Development Assoc.
1626 6th Ave. North
Lewiston, ID 83501
Fax: (208) 746-0576

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile

Duff McKee
c/o Alice Taylor
317 W. Main Street
Boise, ID 83735
Fax: (208) 947-0049

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile



CRAIG G. BLEDSOE



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

July 11, 2005

Dave Jett
Board Chair
Sage Community Resources
10624 W. Executive Dr.
Boise, ID 83713

*via Facsimile
and U.S. Mail*

Re: AGREEMENT TO WAIVE CONFLICT OF INTEREST

Dear Mr. Jett:

This letter confirms our July 11, 2005 telephone conversation where you agreed to waive, on behalf of Ida-Ore Planning and Development, dba Sage Community Resources; and I agreed to waive, on behalf of the Idaho Department of Commerce and Labor, any actual or perceived conflict of interest Robert E. Bakes may have in acting as a hearing officer for the State Workforce Development Council in a matter to be heard on July 18, 2005.

As you are aware, a member of Mr. Bakes' law firm is currently representing the Private Industry Council, dba Workforce-e in a matter pending judicial review in the Fourth Judicial District. This matter involves Sage Community Resources. Since the issues to be addressed by the hearing officer at the July 18, 2005 administrative hearing do not involve issues being addressed by the Fourth District Court, we agreed that Mr. Bakes could continue to act as our hearing officer.

If the representations made in this letter do not accurately reflect our agreement, please notify me immediately so that any misunderstandings can be corrected. I can be contacted at (208) 322-3570 ext. 3232.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Craig Bledsoe".

Craig Bledsoe
Deputy Attorney General
Idaho Department of Commerce and Labor

cc: Robert E. Bakes



JUL 14 2005

Mr. John A. McAllister
Deputy Director
Idaho Department of Commerce and Labor
317 West Main Street
Boise, ID 83735

Dear Mr. McAllister:

This letter is in response to a number of points of clarification your office requested regarding the Idaho Two Years of the Strategic Five-Year Plan for Title I of the Workforce Investment Act (WIA) of 1998 and the Wagner-Peyser Act. The specific points of clarification are listed below along with the Employment and Training Administration's response:

Confirm that the original Year 2000 Five Year Plan expired June 30, 2005.

Response: The Department of Labor's (DOL) April 12, 2005, Federal Register notice, "Planning Guidance and Instructions for Submission of Two Years of the Strategic Five-Year State Plan for title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act," clearly states that the prior five year plans expired on June 30, 2005. (70 Fed. Reg. 19206 (April 12, 2005.))

Confirm that optional, temporary and subsequent workforce area designations in the Program Year (PY) 2000 Five Year Plan also expired June 30, 2005.

Response: The DOL PY2005 planning guidelines (referenced above) clearly requires states to designate local workforce investment areas for PY 2005 – 2006, and provides that the subsequent designation period for areas designated in the prior five year plan has ended. 70 Fed. Reg. at 19213 (Sec. VII., A,1.).

Confirm that temporary and subsequent workforce area designations were only available in the PY 2000 Plan.

Response: It is DOL policy that the period of subsequent designation under WIA sec. 116(a)(3) extended until the end of the period covered by the prior state plan. The law contains no provision mandating temporary and subsequent designation following the expiration of the prior plan.

Confirm that the PY2000 Five Year Plan could not be extended after June 30, 2005 and why the PY 2000 Plan cannot be extended.

Response: 20 CFR 661.220(b) provides that state workforce investment plans must be submitted in accordance with DOL planning guidelines. The planning guidelines for PY 2005 – 2006, (cited above) required new strategic plans addressing new national priorities and meeting new content requirements. It did not provide an option to extend existing plans.

Confirm that Workforce Investment Act (WIA)/Wagner Peyser funds can not be drawn down from the Federal Treasury unless expended in accordance with the approved Plan.

Response: The WIA Program Annual Funding Agreement, which includes the Notice of Obligation (NOO) that the state must sign and return to the Grant Officer to receive the state's allotment of Federal WIA and Wagner-Peyser funds includes the following statement:

“Funds provided under this grant agreement must be expended in accordance with all applicable federal statutes, regulations and policies, including those of the Workforce investment Act; **the applicable approved State WIA plan including approved modifications and amendments to the plan, and any waiver plan approved under 20 CFR 661.420** (emphasis added)”

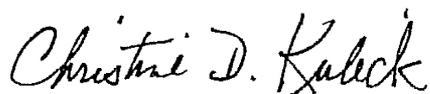
A copy of that document is attached.

Clarify the scope of the appeals process.

Response: State appeal issues should be handled in accordance with the procedures for appeals provided in the state plan. Minimum standards for such procedures are set forth at 20 CFR 667.640(a). The standards for federal review of a final state decision are at 20 CFR 661.280 and 667.645. One component of the federal review is whether the local area was accorded procedural rights under the appeal process.

I hope that these responses adequately clarify the issues identified. Please do not hesitate to contact me in the future if further clarification related to the State Plan or waiver requests arise.

Sincerely,



Christine D. Kulick
Federal Coordinator for Plan Review and Approval

attachment

DIRK KEMPTHORNE
GOVERNOR



Karen A. McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

September 8, 2005

Starr Kelso
Attorney at Law
P.O. Box 1312
Coeur d'Alene, ID 83816-1312

Via Facsimile
(208) 664-6261

Wanda Keefer
Clearwater Economic Development Assn.
1626 6th Ave. North
Lewiston, ID 83501

Via Facsimile
(208) 746-0576

Craig G. Bledsoe
Idaho Department of Commerce & Labor
317 W. Main St.
Boise, ID 83735

Via Facsimile
(208) 334-6125

Duff McKee
Hearing Officer

Via Facsimile
(208) 381-0083

RE: NOTICE OF ACCEPTANCE OF TWO-PAGE ADDENDA FROM STARR KELSO ON FRIDAY, SEPTEMBER 9, AND ACCEPTANCE OF ANY REPLY FROM CRAIG BLEDSOE BY CLOSE OF BUSINESS ON TUESDAY, SEPTEMBER 13, 2005

Dear Mr. Kelso, Ms. Keefer, Mr. Bledsoe and Mr. McKee:

In response to Mr. Kelso's letter to Mr. McKee dated September 7, 2005 and received via facsimile that date, Mr. McKee has asked that I advise the parties that he will accept a two-page addenda from Mr. Kelso on Friday, September 9. Furthermore, Mr. McKee will accept any reply from Craig Bledsoe by close of business on Tuesday, September 13.

Following is a reminder of the second telephonic pre-hearing conference for your information:

All parties agreed on August 25 to set the following day/date/time for the second pre-hearing conference. The purpose of the conference is for scheduling purposes on the case.

DAY and DATE: Wednesday, September 14, 2005
TIME: 3:00 p.m. MDT/2:00 p.m. PDT

Please note that you must follow the instructions below to participate in the pre-hearing conference and you must call timely.

DIAL: From Coeur d'Alene: 769-1558
From Lewiston: 799-5000
From Boise: 332-3570

THEN ENTER: Extension 8101

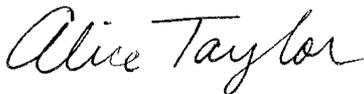
THEN ENTER: Conference ID 263077

Please be advised that Mr. McKee has requested that if you wish to contact him that you contact me with the information you seek and I will find out the answer to your question.

Thank you for your participation in this telephonic pre-hearing conference.

If you have questions or if you have trouble connecting with the pre-hearing conference call, please contact me.

Sincerely yours,



Alice Taylor
Facilitator for hearing officer
Telephone: (208) 332-3570, ext. 3313
Fax: (208) 947-0049
e-mail: alice.taylor@cl.idaho.gov

cc: Karen McGee, Chair
Workforce Development Council

September 7, 2005

Duff McKee
c/o Alice Taylor
317 W. Main Street
Boise, ID 83735-0790

Re: Regions I, III, IV and V Appeals

Dear Mr. McKee:

A new matter has come to my attention today. I would like the opportunity to supplement my brief with a two page addendum. I can fax this out Friday a.m.

Please advise.

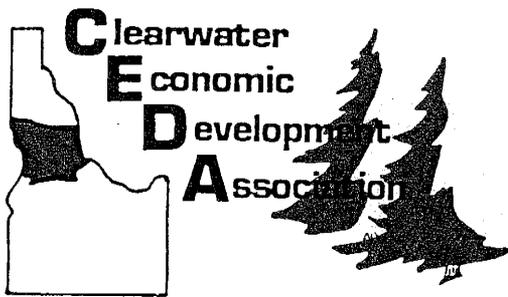
Very truly yours,



STARR KELSO
Attorney at Law

:ad

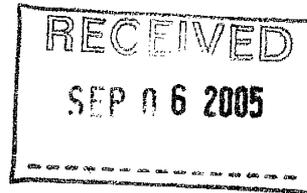
cc: Client



1626 6th Ave. North
Lewiston, Idaho 83501

(208) 746-0015
Fax (208) 746-0576

September 2, 2005



Mr. Duff McKee
C/o Alice Taylor
317 W. Main Street
Boise, ID 83735-0790

Re: Appeal of Region II
Before the Workforce Development Council

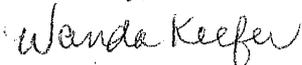
The following is an informal "framing of the issues" as requested during our conference call August 25, 2005. In addition to the issues I have outlined below, I also adopt the positions submitted by Mr. Starr Kelso, attorney representing Regions I, III, IV and V.

1. This decision denies people across the state, including business-owners who have been engaged in workforce decision-making, due process.
2. The rationale behind the changes incorrectly examined limited criteria, i.e., financial constraints, and failed to consider other necessary criteria that would have resulted in a different opinion. (Support for this: Mr. Kelso's Exhibit 8, ICL's Transmittal #2 dated May 11, 2005 plus additional explanation)
3. The historic regionally-based arrangement of the past was highly successful.
 - a. It fostered great partnerships between the private and public sectors as well as educators;
 - b. It was the springboard for additional programs that would not have gone into effect without the local leverage of workforce dollars;
 - c. Because it ran through Economic Development Districts, it merged workforce training and economic development on a more comprehensive and strategic approach than the merger of the state departments of Commerce and Labor purports to do.
4. Diversity exists within the state of Idaho that requires decision-making at the local level. A statewide approach and plan will not be effective. Idaho Commerce and Labor has consistently demonstrated a lack of understanding of the challenges in North Central Idaho.
5. The substitute plan wherein the Workforce Development Council attempts to satisfy the legislative mandate is not workable and is not acceptable.

- a. Meetings are held in Boise for the convenience of the Idaho Department of Commerce and Labor. This virtually prohibits participation by business owners located in other parts of the state who actually have businesses to run.
- b. Meetings of the WDC are infrequent without meaningful interaction that result in good decision-making.
- c. Expansion of the WDC will ensure points of view compatible to the Governor and ICL's points of view and will not allow the diversity of opinion and negotiation that occurred at the local level.
- d. WDC members are hand-fed the decisions, essentially rubber-stamping the views of a few ICL staff members located in Boise. Service delivery across the state will suffer.
- e. The changing global economy requires fostering greater public-private partnerships and this new plan removes flexibility and local input that lead to this result.
- f. The new plan is contrary to Congressional intent. The waiver granted by US DOL is illegal.
- g. Self-interest guides decision-making under the new system. No outcomes are guaranteed, because all checks and balances have been removed, including the requirement for competitive procurement of job training service delivery.

Please let me know if you have any questions.

Sincerely,



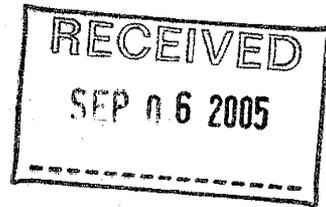
WANDA KEEFER
Executive Director
Clearwater Economic Development Association
1626 6th Avenue North
Lewiston, ID 83501
(208) 746-0015
(208) 746-0576 – Fax

Representative for Region II

Starr Kelso Law Office

CHARTERED

September 2, 2005



Duff McKee
c/o Alice Taylor
317 W. Main Street
Boise, ID 83735-0790

Re: Regions I, III, IV and V Appeals

Dear Mr. McKee:

Enclosed please find the informal procedural brief on behalf of my clients. In addition to their matters my clients also adopt the positions submitted by Wanda Keefer on behalf of Region II.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Starr Kelso". The signature is written in dark ink and is positioned above the typed name.

STARR KELSO
Attorney at Law

:ad
cc: Client
Enclosures

RECEIVED

SEP 6 - 2005

ID. DEPT. OF LABOR
LEGAL

RECEIVED

SEP 6 - 2005

ID. DEPT. OF LABOR
LEGAL

STARR KELSO
Attorney at Law, ISB #2445
Starr Kelso Law Offices, Chartered
1621 N. Third Street, Suite 600
PO Box 1312
Coeur d'Alene, ID 83816-1312
(208) 765-3260
(208) 664-6261 - Fax

Attorney for Appellants

WORKFORCE DEVELOPMENT COUNCIL

In Re: Appeals of Regions I, III, IV, and V consolidated for hearing purposes	)	CASE NO. _____
)	
Appellants.	)	MEMORANDUM FOR
	)	PURPOSES OF FRAMING
	)	THE ISSUES AND
	)	IDENTIFYING PROCEDURE
	)	AND RELEVANT FACTS
)	

INTRODUCTION

In as much as no formal proceedings or appearances have occurred in this Appeal, subsequent to the running of the sixty (60) day period for appeals, and the designation of Mr. McKee to act as a hearing officer, and in as much as Mr. McKee is informally proceeding at this time to outline and determine what, if any, are (a) the bases for his authority to proceed (b) the procedure to be followed and (c) the factual and legal issues to be resolved, this memorandum is submitted informally for those purposes only and does not constitute an appearance or a consent of any kind or nature on the part of Regions I, III, IV and V to any continued process before the State Workforce Council.

1 - MEMORANDUM FOR PURPOSES OF FRAMING THE ISSUES AND IDENTIFYING PROCEDURE AND RELEVANT FACTS

FACTUAL BACKGROUND

The Workforce Investment Act of 1998 provided for three (3) methods of designating workforce areas under which a local area would be appointed. These are:

1. General (“optional designation”) - Governor appoints local workforce areas after consultations and based upon specific considerations set forth in 116(a)(1)(A)(B);
2. Automatic - the Governor is required to appoint any area that requests designation as a local area from a unit of general local government with population of 500,000 or more, or that was a service delivery area under the JTPA;
3. Temporary and Subsequent - the Governor can appoint an area “temporarily” for two years.

On December 10, 1998 the Governor initially designated one application from each of the “States six planning areas”. He concurred with the Workforce Development Council that each designated area “complied with the designation criteria established by the council”. These designated areas are now commonly referred to as Regions I, II, III, IV, V and VI.

On May 31, 2005 the Governor submitted a plan that would effectively eliminate five of these areas, retain only Region VI, make the State Workforce Council the area for the eliminated areas, and make Region VI subservient to the “State Council Area”. The expressed intent being to ignore the WIA provisions prohibiting a one area state in circumstances such as existed in Idaho.

The WIA of 1998 has not been amended since its adoption. Indeed its continuing appropriations are premised on the requirement that no action be taken to amend it. The Governor’s 2005 Plan and the US DOL waiver in effect administratively significantly amend it.

CAN THE HEARING PROCEED

- (1) No, a hearing cannot proceed.

The initial question is whether these hearings can proceed, at least at the state level, before the State Workforce Council. This issue arises under both the Appeal procedures of the 2000 Plan as well as the 2005 Plan. The 2000 Plan is unclear as to strict timelines however it clearly references the WIA of 1998 which requires a timely review. The 2005 Plan is very clear at VIII(A)(3)(a) that in appeals to the State Council “*in no case* shall the hearing be conducted more than sixty (60) days after the appeal was filed” (emphasis added). All possible parties are in agreement that the sixty (60) days has expired.

The “Letter of Appointment”, issued by Chair McGee, designating Mr. McKee states that he is appointed for the *limited purpose* of conducting hearings pursuant to WIA §116(a)(5), 20 CFR 667.640(a) and section VIII(A)(3) of the 2005 Plan.

WIA §116(a)(5) - provides for an appeal process;

20 CFR 667.640(a) - provides for due process procedures which provide an expeditious appeal.

VIII(A)(3) (under 2005 Plan) - provides that “*in no case* shall the hearing be conducted more than sixty (60) days after the appeal was filed” (emphasis added).

Under the express terms of the Letter of Appointment, the hearing officer has “limited” authority. Under a clearly written provision of VIII(A)(3) the current hearing officer has no authority to proceed to hold a hearing.

(2) Yes, a hearing can proceed.

The only way that these hearings can proceed, at this level, is if the governing rules are loosely applied. For example such as the case here, does sixty (60) days mean sixty (60) days or does it mean more than sixty (60) days because the Chair chose to try three times before finally appointing a hearing officer who did not feel compelled to recuse him/herself.

In other words, if we are going to follow the limited authority identified by Chair McGee and follow a narrow construction as proposed by the State this informal proceeding must stop and no formal hearing proceeding can continue at this level.

SHOULD THIS APPEAL BE NECESSARY

Section 189 WIA prohibits the Waiver of local areas and boards. Arguably this appeal should not even be in existence because of that initial designation. It is not the type of appeal contemplated by the WIA. An appeal from an agreed upon 116 a 1 "General"/"Optional" designation was arguably not contemplated because it was "Optional" and an area either got it based upon the considerations outlined or it didn't. That is why provisions for "appeal" apply to (2) Automatic and (3) Temporary - Subsequent. In this case all Regions were specifically found by the Government to meet the stated requirements under "Optional" or "General", 116(a)(1). (See 31-2 to 31-3)

WHAT ISSUES/EVIDENCE CAN BE CONSIDERED

The appointment letter states that the Council lacks legal authority to consider any allegations but WIA 116(a)(2) Automatic, or WIA 116(a)(3) Temporary and Subsequent designations.

If this is a correct statement then the hearing officer must be likewise bound by the sixty (60) day rule. If that is not a correct statement the hearing officer can see as reflected by 116(a)(3)(A) that by its terms it applies to designations under the "initial state plan". In this case this is the 2000 Plan and it designated all of Regions I, II, III, IV, V, and VI. Clearly (3) can't apply because what is proposed now is not the initial plan and they were not appointed as "temporary" areas initially.

Even, if originally (2) Automatic could still apply, subsequent to the initial plan it doesn't preclude (1) General (or "optional" as referred to by the state). (2) Automatic is only a *mandatory* provision that specifically requires that significant areas are not left out. A present example would be Region III which, under Idaho Attorney General legal guideline dated July 6, 1993, today meets, as a subagency, the required population when all the agencies encompassed by Region III are combined. (3) Automatic would also apply to Region III and to the other Regions/Areas because they were service delivery areas under

the JTPA.

Evidence regarding the population of the Region III and the prior JTPA status of all Regions is admissible, if it is determined that the hearing can proceed, under (2) Automatic.

If the Letter of Appointment's limitation is incorrect, relevant evidence must include (1) General ("optional) designation evidence. Evidence regarding (1)(A) and (B) criteria found by the State Council and the Governor to exist in 1998 must be considered to determine if the action of the Governor in the 2005 Plan was arbitrary and capricious and/or void. Under WIA section 189 the establishment and functions of local areas (and boards) can not be waived. In order for the 2005 Plan to comply with WIA 1998 the waiver can not be sought or waived.

Indeed, clear indications of the broad extent to which this appeal is to be open to evidence are the facts (1) that the State Council can only consider evidence received by the hearing officer and (2) the indication reflected in the Governor's Counsel's letter of August 14, 2005 that this administrative hearing process will provide the Regions "an additional forum to raise any concerns that were not previously expressed to the Governor and his staff. (See attached 1).

PROCEDURAL RIGHTS

In addition to 116(a)(2) or (3) the violation of appellants procedural rights gives each Region grounds for appeal and ultimately a designation by the USDOL. Procedural rights necessarily include the right to a hearing (which was not held in the mandatory time frame) and a fair hearing officer. The disqualification letters and motions reflect the bases for the subsequent three (3) recusals by appointed hearing officers. These need to be a part of the record. Indeed, even a casual review of the e-mail between the state and the "2nd hearing officer" reveal that the Chair, contrary to Rule, was not the person appointing hearing officers and that each appointment had deep ties to the state (see attached 2). The Regions were never intended to receive a fair hearing at any level and this procedural violation can

be made part of the record. That violates their basic procedural rights.

These procedural rights also apply to the original hearing before the State Workforce Council on May 11, 2005, wherein various members had unannounced predetermined votes before hearing the evidence. Indeed the Chair stated as early as March 29, 2005 (before the Areas were advised of changes) that she fully supported the elimination of local board staff (see attached 3). Also no recommendation of the Council was forwarded to the Governor, the Regions were not afforded proper and sufficient notice of their rights, and the Idaho Department of Commerce and Labor provided the Council with predetermined information for decisions and misled the Council (and the Regions) as to what was to be ruled on, what rules applied, what materials could be presented, and what the law permitted.

If the hearing is to proceed under a loose interpretation of the rules then, in that case, in order for each Region to receive their procedural rights they must be permitted to make a full record for not only the Council but also the US DOL, and beyond. The Regions must be permitted to introduce and argue all relevant evidence pertinent to 116 and 189 and abuse of procedural rights.

ATTORNEY FEES

Another significant area of violation of the Regions procedural rights is the Chair's denial of attorney fees for the Regions to obtain legal assistance. This has prevented Region II from obtaining counsel and limited the ability of Regions I, III, IV and V to obtain full representation. While each Region is similar on most grounds there are differences. Region III having 500,000 population is probably the best example. This is contrary to the OMB's Circular A-87 (revised on 5-4-97 and 8-29-97) Cost Principles for State, Local and Indian Tribal Governments. It authorizes the payment of legal expenses under 20 CFR §667.220(b)(VIII) which authorizes legal fees under general legal services. The impact of this denial is seen by the fact that the State is represented by at least one Deputy Attorney General formally, and others informally. Certainly money from some funds are being used

to pay for the time devoted to this representation by the Deputy Attorney General and the refusal of the Chair to acknowledge or approve this necessary expense to the Regions while turning her head to the presence of the Deputy Attorney General (who probably should not be here anyway) is a violation of the Regions' procedural rights.

SUBPOENAS

While the WIA nor either state plan (2000 or 2005) specifically address the question of subpoenas the Federal Register Part 660 (Regulations for Workforce Investment Systems) Subpart H (Administrative Adjudication and Judicial Review) at section 667.810(c) provides for the issuance of subpoenas by the ALJ to require attendance of witnesses or the production of documents. In the absence of contrary indication such provision would apply in these proceedings, if held. Once again, if the sixty (60) day rule is loosely interpreted, that interpretation must be utilized in other areas to permit Appellants to compel testimony and documentary evidence.

VENUE

Each of the five (5) Regions that have appealed the 2005 Plan are specifically designated local Workforce Investment Areas. They were so designated by Governor Batt under the provisions of the Workforce Investment Act of 1988. Each of the specific Regions have the unique interests of regionally connected counties each of which have a personal vested interest in seeing that their highly productive local Workforce Investment Area receives a full and fair hearing and continues to serve its Regions. Such a full and fair hearing is an absolute necessity to maintain public confidence in the WIA programs. For good or bad, politically based governmental decisions (see attached 2) emanating from Boise are often viewed with suspicion by the rest of the regions of the state. This can also be said to be true of state versus "local" issues such as would be the case of Region III which, in this particular case, was overlooked and cast aside in preference for Region VI which doesn't have the population in excess of 500,000 that Region III services.

The Idaho Supreme Court, has had the opportunity to address venue in a somewhat analogous challenge in *Priest Lake Coalition v. State*, 111 Idaho 354, 723 P2d 898 (1986) (*Priest Lake*). In *Priest Lake* the suit was filed in Bonner County (Sandpoint) against the State Land Board et al for actions the Land Board took that were seen as highly prejudicial to Bonner County citizens. Likewise here, it is the counties, other local governments, private industry and citizens of each respective Region that are appealing this current matter through their respective Region.

In *Priest Lake* the Idaho Supreme Court, as should occur here, interpreted venue liberally in favor of finding venue in the forum more practical and convenient for the citizens of the area impacted. In that case it was Bonner County. In this matter each of the respective Regions is the more practical and convenient location for its citizens, private industry, and labor.

Because the Regions' respective hearings were originally scheduled for two separate days in Boise at different times for each Region, the Appellants, above named, sought consolidation for economy of time and scale. Many of the issues are similar and should be heard in a consolidated manner. In this matter since Region II has voiced its inability to effectively participate if the hearing is held in Boise. In fairness these Regions assert that the consolidated hearing should be held in Lewiston, at least as far as the common issues are concerned. Matters distinct to each Region should be heard or received through post hearing depositions or live testimony in each of the respective Regions. It certainly is less onerous on the Idaho Department of Commerce and Labor, if it is allowed to participate as a party, or as a witness, to have its one witness travel to Lewiston with its Counsel. Likewise it is far more practical for the one attorney representing the Idaho Department of Commerce and Labor, apparently with actual funds for costs and expenses being supplied from some place other than through WIA funds, to travel to Lewiston and the other Regions than it is to require this cost/expense of the Regions. The exact witnesses for all the other Regions, if

the hearing is to be held, has yet to be determined because of this preliminary informal procedural work.

WHETHER THE STATE CAN BE A "PARTY" ADVERSARY

Prior briefing discusses this issue and is incorporated herein too. It is significant that the Deputy Attorney General's brief, on this subject, at page 2, admits that this proceeding is not intended to be adversarial. While what guidance that is given makes it clear that the Regions can examine persons whose influence may have impacted their respective rights there is no indication that the proceeding is to be adversarial between the Governor and the Regions.

CONCLUSION

Whatever a hearing officer may have found to be the operative procedure and scope of evidence prior to the running of the "not to exceed" sixty (60) days time is now not relevant. The sixty (60) days has run and the 2005 Plan, (at least on this point) is clear that, in no case can an appeals hearing be held after that time. If the hearing officer is going to proceed in the face of contrary direct limiting language and the direct limiting language of the Letter of Appointment, then the Governor's Council's statement of the Governor's intention to permit a broad hearing in the administrative process, (see attached 1) should direct the hearing officer to allow broad development of these issues and facts.

DATED this 2 day of September, 2005.



STARR KELSO
Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents was:

- Mailed by depositing in the United States Mails, postage prepaid;
- Hand-Delivered;
- Transmitted Via FAX.

this 2 day of September, 2005, to the following individual(s):

Duff McKee
c/o Alice Taylor
317 W. Main Street
Boise, ID 83735-0790
Fax: (208) 947-0049

Craig Bledsoe
Deputy Attorney General
317 W. Main Street
Boise, ID 83735
Fax: (208) 334-6125

Wanda Keefer
Clearwater Economic Development Assoc.
1626 6th Ave. North
Lewiston, ID 83501
Fax: (208) 746-0576

BY: Stanice



DIRK KEMPTHORNE
GOVERNOR

August 14, 2005

Starr Kelso
Attorney at Law
Starr Kelso Law Offices, Chartered
1621 N. Third Street, Suite 600
P.O. Box 1312
Coeur d'Alene, ID 83816-1312
Fax: (208) 664-6261

VIA FACSIMILE & U.S. MAIL

Dear Starr:

I spoke with the Governor and conveyed your client's offer. At this stage in the case we are inclined to proceed with a motion to dismiss and resolve the issues your clients raised through the judicial process. The administrative hearing process, which is also under way, will provide your clients an additional forum to raise any concerns that were not previously expressed to the Governor and his staff. There will be no separate meeting at this time to provide this input to the Governor.

I am out of the office on vacation; however, if you need to talk to me feel free to contact my assistant Bill Punkoney at (208) 334-2100. He will relay any information or messages to me immediately.

Sincerely,

DAVID HENSLEY
Counsel to the Governor

Venet Carlson

From: John McAllister
Sent: Tuesday, July 05, 2005 4:13 PM
To: 'Michael Brauser'
Cc: Cheryl Brush; Jay Engstrom; Craig Bledsoe
Subject: RE: Idho Repot NBLP

Michael,
These are excellent. We do not intend to change anything. On the WIA hearings for which we asked you to be a hearing officer, Roger has asked that we utilize a former Chief Justice of the Idaho Supreme Court, Robert Bakes. Chief Justice Bakes is making sure he has no conflicts with his private law practice before he accepts the engagement, and he has promised to let us know by noon tomorrow, July 6. Several of us were pulling for you, but Roger prefers Chief Justice Bakes because of his credibility with the Idaho Legislature. We have had several legislators criticize the Governor and Department for eliminating the local WIB's, and Roger wants to do everything possible to strengthen our response to them. Thanks for considering our request to do the hearings. If Chief Justice Bakes identifies a conflict, I will let you know tomorrow. We do not think such a conflict is likely. Also, thanks for your help on the Idaho Case Study. Every time I read it, it just seems to get better!
John.

-----Original Message-----

From: Michael Brauser [mailto:mbrauser@worldnet.att.net]
Sent: Tuesday, July 05, 2005 3:35 PM
To: John McAllister
Subject: Re: Idho Repot NBLP

John,

Attached you will find a file containing 2 additions for the case study: "How to Use" and "Inquiry Guide" (found at the end of the previous case studies). They could most assuredly be improved upon, so please feel free to revise as you may desire.

Regarding sub-titles for the Chapter titled "Overview and Chronology", I suggest the following

1. Insert the subtitle "The Drivers of Change" before the paragraph that begins "Chronologically"
2. Insert subtitle "Raising the Bar" before the paragraph that begins "Elected in 1998, Governor K"
3. Insert subtitle "Making Great Strides" before the paragraph that begins "By 2003, the strong and vigorous . . ."
4. Insert subtitle "Discovering Synergy" before the paragraph that begins "The success of the Department of Labor"

Please feel free to over-ride any of the suggestions.

Mike

----- Original Message -----

From: "John McAllister" <John.McAllister@cl.idaho.gov>
To: "Michael Brauser" <mbrauser@worldnet.att.net>
Sent: Friday, July 01, 2005 3:29 PM
Subject: RE: Idho Repot NBLP

Michael,
They also wanted subtitles on page 11. Do you have any suggestions for that?
John.

Cheryl Brush

From: Cheryl Brush
Sent: Tuesday, March 29, 2005 3:02 PM
To: 'Megan Ronk'
Cc: Roger Madsen; John McAllister; Jay Engstrom; Dwight Johnson
Subject: Response from karen McGee

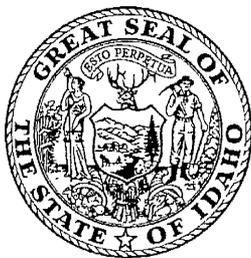
Megan,

Karen wanted me to share with you that she fully supported the elimination of any support for local workforce investment area board staff. As always, she was completely in support of the Governor here and felt "it is the right thing to do." She considers the situation as very different from 1998 when Governor Batt appointed them and views their initial designation as a compromise. She is planning to be available to make calls on Monday morning via conference call from her home. She also extends her apologies for missing the meeting—I assured her that everyone understood her emergency.

Please let me know if I can add anything.

Cheryl

DIRK KEMPTHORNE
GOVERNOR



Karen A. McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

August 25, 2005

Starr Kelso
Attorney at Law
P.O. Box 1312
Coeur d'Alene, ID 83816-1312

Via Facsimile
(208) 664-6261

Wanda Keefer
Clearwater Economic Development Assn.
1626 6th Ave. North
Lewiston, ID 83501

Via Facsimile
(208) 746-0576

Craig G. Bledsoe
Idaho Department of Commerce & Labor
317 W. Main St.
Boise, ID 83735

Via Facsimile
(208) 334-6125

Duff McKee
Hearing Officer

Via Facsimile
(208) 381-0083

RE: NOTICE OF TELEPHONIC PRE-HEARING CONFERENCE
in the matter of
Local Workforce Investment Area Designation Appeals of:
Panhandle Area Council
Clearwater Economic Development Association
Sage Community Resources
Region IV Development Association
Southeast Idaho Council of Governments Inc.

Dear Mr. Kelso, Ms. Keefer, Mr. Bledsoe and Mr. McKee:

All parties agreed today to set the following day/date/time for the second pre-hearing conference. The purpose of the conference is for scheduling purposes on the case.

DAY and DATE: Wednesday, September 14, 2005
TIME: 3:00 p.m. MDT/2:00 p.m. PDT

Please note that you must follow the instructions below to participate in the pre-hearing conference and you must call timely.

DIAL: From Coeur d'Alene: 769-1558
 From Lewiston: 799-5000
 From Boise: 332-3570

THEN ENTER: Extension 8101

THEN ENTER: Conference ID 263077

Please be advised that Mr. McKee has requested that if you wish to contact him that you contact me with the information you seek and I will find out the answer to your question.

Thank you for your participation in this telephonic pre-hearing conference.

If you have questions or if you have trouble connecting with the pre-hearing conference call, please contact me.

Sincerely yours,



Alice Taylor

Facilitator for hearing officer

Telephone: (208) 332-3570, ext. 3313

Fax: (208) 947-0049

e-mail: alice.taylor@cl.idaho.gov

cc: Karen McGee, Chair
 Workforce Development Council

D. DUFF MCKEE

POST OFFICE BOX 941
BOISE, IDAHO 83701

FACSIMILE TRANSMITTAL

TO: Starr Kelso FAX 208 664 6261
Wanda Keefer FAX 208 746 0576
Craig Bledsoe FAX 334 6125

COPY: Alice Taylor FAX 947 0049

DATE: August 25, 2005

SUBJECT: Workforce Development Council Appeals

NUMBER OF PAGES: 7

Starr Kelso raised some questions that would be appropriate to address prior to the telephone status conference this afternoon:

1. A full resume. I have attached a current resume.
2. Experience as hearing officer with other state agencies. I have acted as a hearing officer for the Idaho Transportation Department in several challenges between contractors over irregularities in bid openings; for the Idaho Department of Insurance in a matter involving the qualification of a foreign insurer to do business in Idaho, in a matter involving the applicability of premium taxes to designated assets, and in matter involving revocation of an agent's license; for the Idaho Department of Water Resources in a dispute between two water right holders adjudicated by the department and in a dispute between several irrigation companies and the watermaster, adjudicated by the department; and for the Idaho Lottery Commission in a matter involving authority to revoke bingo licenses.

None of these matters are or were in any way connected to the Idaho Department of Commerce and Labor, or to the Workforce Development Council, or to any of the apparent issues raised in these appeals. I am familiar with the attorneys identified, but I am not acquainted with any of the area councils or any of the executives connected thereto. I know of no circumstance that would constitute a conflict of interest to my acting as a hearing officer in these cases.

3. Emails or correspondence with anyone concerning my appointment. None exist. I was contacted by Deputy Attorney General Jeanne Goodenough by telephone to inquire if I was available and had time to take on the assignment; no details were mentioned. I had a brief telephone call with Karen McGee, wherein I advised her of my availability, my office address, and my fees. Ms. McGee identified, at my request, the entities to the appeal and the name of their counsel, Mr. Kelso. Ms. McGee did not know who from the Attorney General's office would be representing the state's interests. There was no further discussion of issues. I received a formal appointment from Ms. McGee, which I signed and returned to Alice Taylor. I believe she has provided a copy of my formal appointment to all parties.
-

4. Identify documents in my possession. I intend to go over this with everyone during the conference. I met with Alice Taylor, Administrative Assistant at the Department of Commerce and Labor, to examine the Council's file on this matter, and I am in the process of arranging for copies of relevant documents to be provided to me as a working file. Attached is a copy of the table of contents of the documents I have assembled so far. I intend to ask everyone what else they think I need to make up the necessary file for my purposes.

5. Authority to hold the pre-hearing conference. I do not know if there is any authority that says I cannot hold a status conference by telephone, so I do intend to proceed. I would assume that the 60 day deadline contained in the plan necessarily is held in abeyance because of the serial challenges to the previous hearing officers, and their recusals. If this assumption needs to be tested, or ruled upon, any aggrieved party may make a record.

6. What rules apply to the conference. I asked Alice Taylor to provide everyone with a tentative agenda. The conference is informal, not on the record, and is intended only to work out scheduling matters and procedural questions. I have no objection if anyone wants to record the conference. I do not intend to take up any substantive issues, or make any dispositive rulings other than on scheduling matters.

If there are further questions or concerns, we can take them up during the conference. I look forward to talking with you all in an hour or so.

Duff McKee

August 2005

D. Duff McKee

Post Office Box 941
Boise, Idaho 83701

Telephone: 208 381 0060
Facsimile: 208 381 0083
E-Mail: duffmckee@cableone.net

Current Positions: Retired state district court judge on senior status. Self-employed in private law practice limited to alternative dispute resolution (ADR) services.

Professional overview:

August 2000 to Present:

--- Approximately 80% of time is private ADR practice, including civil case mediation and arbitration. Holds "AV" rating from Martindale Hubbell in this specialty. Other ADR work includes assignments as special discovery master and administrative hearing officer. Is an American Arbitration Association panel member on commercial, construction and employment panels. Is listed on rosters of Idaho Supreme Court and Idaho Federal District Court for civil case mediation.

--- Approximately 20% of time is judicial service as senior district court judge, consisting of trial and appellate cases as designated by the Supreme Court. Appellate cases include district court appeals and sitting by designation with the Idaho Court of Appeals and Idaho Supreme Court.

July 1985 – August 2000: District Court Judge, Fourth Judicial District, State of Idaho. Chambered in Boise, Idaho. The district court is the trial court of general jurisdiction in Idaho. Handled an all-civil case calendar for last 10 years of this time.

June 1964 – July 1985: Private practice of law, Boise, Idaho. Practice generally concentrated on business and business litigation. At time of appointment to the bench, was an "AV" rated lawyer in Martindale Hubbell, and principal partner in five-lawyer firm.

Alternative Dispute Resolution Experience: Extensive experience in civil case mediation and judicial settlement conferences since 1985. American Arbitration Association panel member prior to 1985 and continuously since 2001. Currently handles in excess of 110 ADR assignments per year.

ADR Training: Arbitrator II (advanced) Training, American Arbitration Association, San Francisco, November 2002. Arbitrator I (basic) Training, American Arbitration Association, Los Angeles, November 2001. Advanced Mediation Training, University of Idaho Northwest Institute for Dispute Resolution, May 1998. Basic Mediation Training, University of Idaho Northwest Institute for Dispute Resolution, May 1997.

Professional Licenses: Member, Idaho State Bar Association, 1964 to present. Also a member of the federal bar associations for the Federal District Court of Idaho, the 9th Circuit Court of Appeals, the 10th Circuit Court of Appeals and the U.S. Tax Court.

Professional Associations: Idaho State Bar Association; Idaho District Judges Association; American Bar Association (Sections on Dispute Resolution, Judiciary and Litigation); Association for Conflict Resolution; American Inns of Court (Founding member of Boise Chapter; Counselor of the Inn, 1990 – 2000; Bencher Emeritus, 2000 to present)

Education:

--- **Undergraduate:** Rutgers University, 1957 – 1959; University of Idaho, 1959 – 1961 (B.S., Business, 1961) Undergraduate degree in accounting; passed CPA examination senior year.

--- **Legal:** University of Idaho College of Law (J.D. 1964). Wm Borah Award for academic excellence; Intercollegiate Moot Court Team; Law Review.

Compensation:

For hearings or conferences within 100 miles of Boise -- \$225 per hour, no minimum and no charge for travel or commuting.

For hearings or conferences over 100 miles from Boise -- \$2,250 minimum per day or part day for hearings or conferences (hourly rate at \$225 per hour for any hearing day in excess of 10 hours). A minimum of \$500 per travel day will be charged for travel on days not involving hearings or conferences.

On all cases -- \$225 per hour for preliminary matters and motions, telephone conferences and hearings, study time, preparation of decisions on matters taken under advisement, and post-hearing or post-conference matters.

Reimbursement is expected for all actual out of pocket expenses.

Cancellation Fee:

In all cases, when a matter is cancelled I will invoice for my time posted to the file up to the notice of cancellation.

In addition, a cancellation fee of one-half of the estimated fee for the hearing or conference will be charged when a hearing or conference is cancelled after the notice deadlines set forth below. The time deadlines are on a sliding scale, based upon the number of days I reserve for the case. The deadlines are as follows: (Scheduled length of hearing days are "working days," not counting weekends and holidays; days for deadline calculations are actual calendar days, including weekends.)

Scheduled length of hearing or conference (working days)	Deadline for cancellation without cancellation fee
1 day conference/hearing	No additional cancellation fee
2 day conference/hearing	One week prior to first day of hearing
3 days or more, but less than 6 days	Two weeks prior to first day of hearing
6 days or more, but less than 11 days	Four weeks prior to first day of hearing
11 days or more	Six weeks prior to first day of hearing

WORKFORCE DEVELOPMENT COUNCIL APPEALS

Table of Contents - From Bottom Up

1. Letter of Appointment
2. Executive summary of law, regulations and appeal procedure
3. Notices of Appeal
 - a. Panhandle Area Council, by Rick Currie, dated June 14, 2005 – Region I
 - b. Clearwater Economic Development Council, by Wanda Keefer, dated June 24, 2005 – Region II
 - c. Sage Community Resources, by Dave Jett, dated June 22, 2005 – Region III
 - d. Region IV Development, by Joe Herring, dated June 20, 2005 – Region IV
 - e. Southeast Idaho Council of Governments, by Kent Kearns, dated June 23, 2005 – Region V
4. Acknowledgements of Appeal from Chairman Karen McGee, to all five, dated and mailed July 6, 2005. (Retired Justice Bakes designated as hearing officer; hearing scheduled for July 18.)
5. Notice of withdrawal by Justice Bakes; notice of cancellation of July 18 hearing; mailed to all on July 15, 2005
6. Attorney's notice of appearance: Notice by Star Kelso of appearance in the appeal process on behalf of Regions I, III IV and V (NOT Region II). Dated July 15, 2005
7. Notice of Hearing, Notice of Appointment of Second Hearing Officer, Consolidation of Hearings, and Order Governing Proceedings on Appeal – by Chairman Karen McGee, dated July 19, 2005
8. Hearing Officer's (Mike Brauser) Pre-hearing Order, dated July 28, 2005
9. Recusal of Second Hearing Officer (Mike Brauser)
10. Memorandum of IDOC in Support of Governor's Actions, with exhibits, dated July 22, 2005
 - a. Exhibit A: Extracts from Federal Register containing Department of Labor, Employment and Training Administration "Planning Guidance and Instructions on Submission of ... Plan for Title I of Workforce Investment Act of 1998 and Wagner-Peyser Act
 - b. Exhibit B: Letter from U.S. Department of Labor to Governor Kempthorne, re: Idaho's Strategic State Plan ... etc., dated June 29, 2005
 - c. Exhibit C: Extract from state plan, describing appeal procedure

- d. Exhibit D: Letter from U.S Department of Labor to John McAllister, Deputy Director, IDOC, re request for clarifications, dated July 15, 2005 – exhibit includes a form funding agreement
 - e. Exhibit E: Memorandum from Karen McGee to Governor Phil Batt, re Workforce Investment Area Designation, dated December 8, 1998
11. Motion in Limine by IDOC, dated July 29, 2005
 12. Response to Appellant's Motion of Exclude IDOC as Interested Party, dated August 12, 2005
 - a. Extract from State Plan – “State Governance Structure”
 - b. Extract from grant -- “Program Administration Designees, etc.” – signed by Governor Kempthorne
 - c. Governor's letter to Roger Madsen IDOC, designating him to notify local officials, etc., of decision to restructure WIA services, dated June 1, 2005
 - d. Roger Madsen's letters to the five regional councils, date June 9, 2005
 13. IDOC Response to Motion to Change Venue, dated August 12, 2005
 14. IDOC Response to Motion to Issue Subpoenas. Pay Fees, etc. – dated August 12, 2005
 15. Appellants' Motion for Fees and General Objection and Motion to Hear All Relevant Issues and Objection, dated July 21, 2005, by Starr Kelso
 16. Memorandum in Objection to Appearance and Memorandum Filed by IDOC, by Starr Kelso, dated August 3, 2005
 17. Memorandum for Hearing All Relevant Issues, by Starr Kelso, dated August 3, 2005
 - a. Attachment: U.S. Dept of Labor Training and Employment Guidance Letter, undated, from Emily Stover DeRocco, Assistant Secretary.
 18. Renewed Objection to Venue in Boise, etc., by Starr Kelso, dated August 1, 2005
 19. Correspondence, Starr Kelso to Chairman Karen McGee, all dated August 15, 2005
 - a. Objections to procedure, and request that names of hearing officers be submitted to Kelso and Keefer for screening
 - b. Formal request that Chairman disqualify herself from further participation, including meetings to review HO's findings, etc.
 - c. Identification of intended witnesses
 - d. Reservation to call additional witnesses
 20. Notice of Appearance by Attorney General, through Graig B. Bledsoe, for the Idaho Department of Commerce, an interested party in the matter

Starr Kelso Law Office

CHARTERED

August 24, 2005

Via fax: (208) 947-0049

Alice Taylor
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

Re: Telephone Conference

Dear Ms. Taylor:

Per your fax:

Please have Mr. McKee provide the following:

1. A full Resume;
2. A copy of any contracts within the last twelve months under which he is, or has acted as a hearing officer for any State of Idaho Agency;
3. A copy of any e-mails or other correspondence between Mr. McKee and anyone concerning or related to his being appointed and/or acting as a hearing officer in this matter;
4. Identify what documents he has in his possession regarding the matter;
5. What authority he believes he has to conduct any "pre-hearing conference" or hearing in this matter given the 2005 Plan's 60 day time limit for holding hearings has elapsed;
6. What procedural rules apply, if any, to this "pre-hearing conference" and any subsequent hearing and why;

ALICE TAYLOR

August 24, 2005

Page 2

7. Will the "pre-hearing conference" be recorded and if not if he opposes having it recorded.

Very truly yours,



for **STARR KELSO**

Attorney at Law

:ad

DIRK KEMPTHORNE
GOVERNOR



Karen A. McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

August 24, 2005

Starr Kelso
Attorney at Law
P.O. Box 1312
Coeur d'Alene, ID 83816-1312

Via Facsimile
(208) 664-6261

Wanda Keefer
Clearwater Economic Development Assn.
1626 6th Ave. North
Lewiston, ID 83501

Via Facsimile
(208) 746-0576

Craig G. Bledsoe
Idaho Department of Commerce & Labor
317 W. Main St.
Boise, ID 83735

Via Facsimile
(208) 334-6125

Duff McKee
Hearing Officer

Via Facsimile
(208) 381-0083

RE: NOTICE OF TELEPHONIC PRE-HEARING CONFERENCE
in the matter of
Local Workforce Investment Area Designation Appeals of:
Panhandle Area Council
Clearwater Economic Development Association
Sage Community Resources
Region IV Development Association
Southeast Idaho Council of Governments Inc.

Dear Mr. Kelso, Ms. Keefer, Mr. Bledsoe and Mr. McKee:

The Chair of the Workforce Development Council has appointed Duff McKee, retired District Judge, as the hearing officer in the above proceedings. Mr. McKee has asked me to set up a telephonic pre-hearing conference for scheduling purposes on the case, including the following:

Discuss scheduling issues including issues to be presented.
Is it an evidentiary hearing or presented on stipulated facts.
Location of the hearing.
How much time for parties to prepare.
How long will it take.
Hearings on preliminary motions.

I have contacted all parties and have set the following day/date/time for the pre-hearing conference:

DAY and DATE: Thursday, August 25, 2005
TIME: 2:00 p.m. MDT/1:00 p.m. PDT

Please note that you must follow the instructions below to participate in the pre-hearing conference and you must call timely.

DIAL: From Coeur d'Alene: 769-1558
From Lewiston: 799-5000
From Boise: 332-3570

THEN ENTER: Extension 8101

THEN ENTER: Conference ID 773043

Please be advised that Mr. McKee has requested that if you wish to contact him that you contact me with the information you seek and I will find out the answer to your question.

Thank you for your participation in this telephonic pre-hearing conference.

If you have questions or if you have trouble connecting with the pre-hearing conference call, please contact me.

Sincerely yours,



Alice Taylor
Facilitator for hearing officer
Telephone: (208) 332-3570, ext. 3313
Fax: (208) 947-0049
e-mail: alice.taylor@cl.idaho.gov

cc: Karen McGee, Chair
Workforce Development Council

Starr Kelso Law Office

CHARTERED

August 23, 2005

Via fax: (208) 334-6430

Alice Taylor
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

Re: Telephone Conference

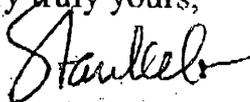
Dear Ms. Taylor:

I have been advised of your conversations with my assistant, Anna, yesterday.

It is my understanding that you are trying to schedule a conference call but you are unwilling to inform me (1) who is going to participate in the telephone call; (2) what the purpose of the call is; and (3) what issues will be discussed.

With all due respect, until I am provided that information I can't even determine whether it is a conference call that I have any reason to participate in and I am not inclined to try to make adjustments in my schedule until I am provided the requested information and I am able to determine whether I should participate.

Very truly yours,



STARR KELSO

Attorney at Law

:ad

ALICE TAYLOR

August 23, 2005

Page 2

Addendum: I was just advised that you called and informed, Anna, that you could now tell me who was going to be on the call (Wanda Keefer, Craig Bledsoe and a new hearing officer, Duff McKee). She also informed me that you were scheduling the call for the 25th at 1:00 o'clock and that I should already know what the issues are.

With all due respect I would like to know what happened so that now you can provide the information to me and set forth, what the issues are that will be discussed. Also I would request that I be provided a copy of any designation of Duff McKee as hearing officer. Finally, I would also like to know upon what authority any proceeding is being held at the state level given the fact that the 60 days, under the 2005 Plan that ICL argues is the guide, has expired.

Thank you:



STARR KELSO

Attorney at Law

:ad



WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

August __, 2005

[Name & Address]

Re: LETTER OF APPOINTMENT

Dear Duff McKee

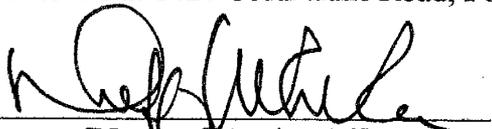
As Chair of the Workforce Development Council, I hereby appoint you to act as the Council's hearing officer for five appeals from former local workforce investment areas (LWIAs) under the federal Workforce Investment Act. You will be compensated at the rate of 225.00 per hour plus any expenses you may incur for conducting the hearings and issuing a recommended order to the Council.

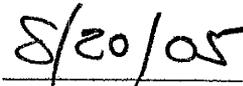
Please hold a pre-hearing conference with the appealing parties at your earliest convenience and do everything you can to have these hearings completed as soon as possible. The last hearing officer had scheduled a hearing date of August 17, 2005. It is my understanding that this date was agreed upon by the Appellants. Hopefully this hearing date can be preserved. If you need help arranging for a hearing room, telephone conferencing services or a court reporter to create a transcript of the hearing, please contact Alice Taylor at (208) 332-3570 ext. 3313.

The appealing parties were former LWIAs under an expired WIA State Plan that were not re-designated as LWIAs by the Governor of the State of Idaho under the current WIA State Plan. Enclosed are copies of the Notices of Appeal, Notices of Hearing, Pre-Hearing Orders, recusal notices of two prior hearing officers, and copies of the relevant sections of the law, regulations and Idaho's WIA State Plan.

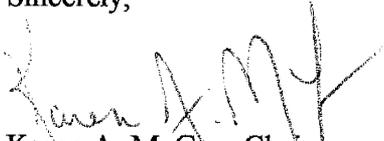
You are appointed to act as the Council's hearing officer for the limited purpose of conducting hearings pursuant to WIA § 116(a)(5), 20 CFR § 667.640(a) and section VIII (A)(3) of Idaho's current, approved WIA State Plan. These provisions authorize the Council to consider only allegations about entitlement to designation as a local area under either the automatic designation provisions of WIA § 116(a)(2) or the temporary and subsequent designation provisions of WIA § 116(a)(3). The Council lacks the legal authority to consider any other allegations.

Please sign the signature line below to indicate your acceptance of this appointment and return this letter to me at 1420 Cedar Lake Road, Pocatello, Idaho 83204.


[Name of Hearing Officer]


Date

Sincerely,


Karen A. McGee, Chair
Workforce Development Council

DIRK KEMPTHORNE
GOVERNOR



Karen A. McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

RESPONSE TO REQUEST FOR EXAMINATION/COPYING OF COUNCIL RECORDS

August 19, 2005

To: Starr Kelso
Attorney at Law
P.O. Box 1312
Coeur d'Alene, ID 83816-1312

On August 16, we received your faxed request for a copy of all correspondence, memos, or notes, of any and all kinds that document, reflect or memorialize what occurred at a meeting referenced in an e-mail sent from Cheryl Brush to Megan Ronk dated March 29, 2005.

This is to notify you that we have no other records that are covered by your request.

Sincerely,

A handwritten signature in cursive script that reads "Karen A. McGee".

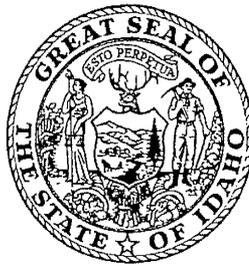
Karen A. McGee, Chair
Workforce Development Council

CERTIFICATE OF MAILING

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 19th day of August, 2005.

A handwritten signature in cursive script that reads "Alice Taylor".

DIRK KEMPTHORNE
GOVERNOR



Karen A. McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

RESPONSE TO REQUEST FOR EXAMINATION/COPYING OF COUNCIL RECORDS

August 19, 2005

To: Starr Kelso
Attorney at Law
P.O. Box 1312
Coeur d'Alene, ID 83816-1312

On August 16, we received your faxed request for a chain of command chart that reflects who I report to and who are the Council's legal advisors.

Enclosed is a copy of the current organizational chart for the Council. We have no other records that are covered by your request.

Sincerely,

A handwritten signature in cursive script that reads "Karen A. McGee".

Karen A. McGee, Chair
Workforce Development Council

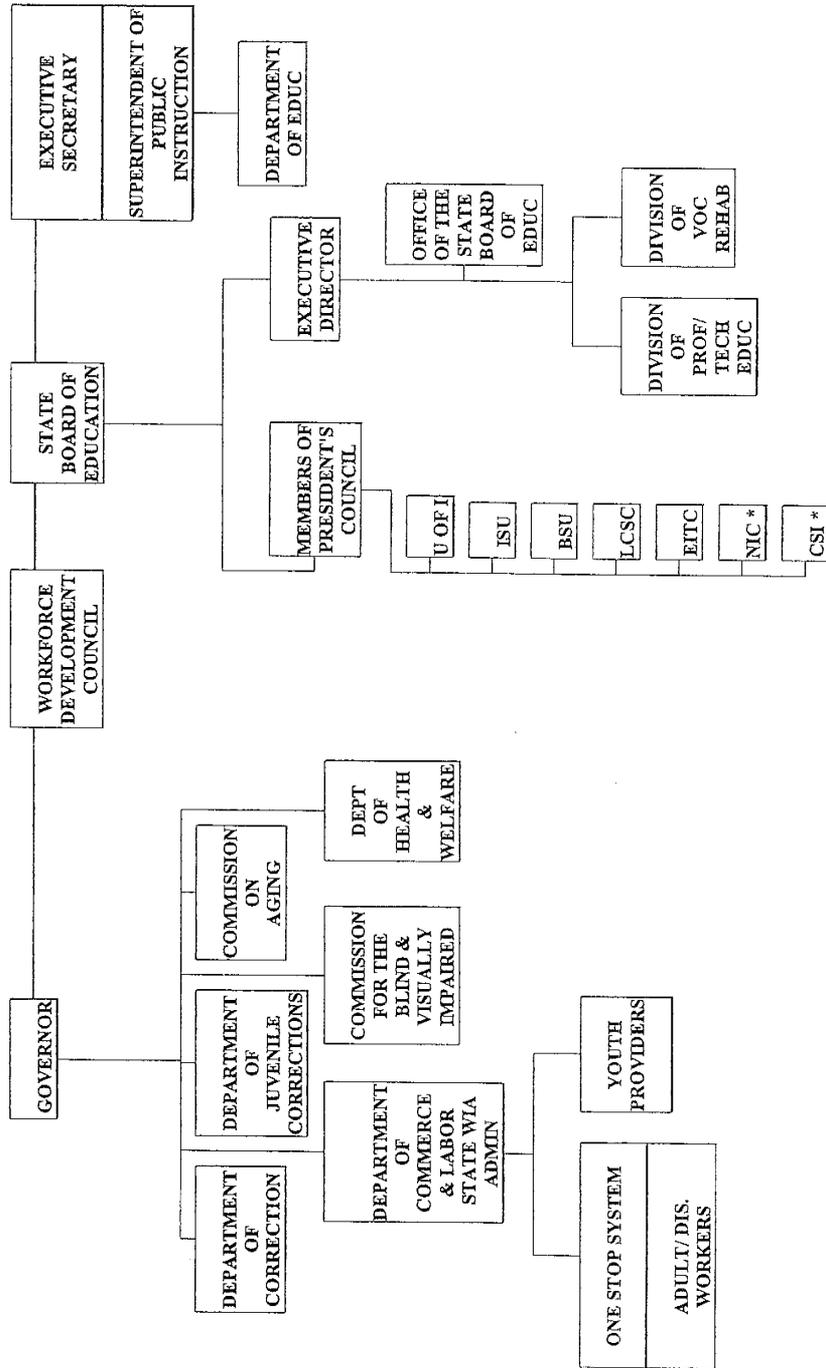
CERTIFICATE OF MAILING

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 19th day of August, 2005.

A handwritten signature in cursive script that reads "Alice Taylor".

IDAHO
WORKFORCE DEVELOPMENT SYSTEM

APRIL, 2005



* Community Colleges

Starr Kelso Law Office

CHARTERED

August 16, 2005

Via fax: (208) 342-4344

Peg M. Dougherty
P.O. Box 856
Boise, ID 83701

Re: Exhibits

Dear Ms. Dougherty:

This letter will confirm to you a telephone message I received at about 6:30 a.m. today, and my follow-up with that call which was from Fed Ex.

Two volumes of exhibits were sent via Fed Ex to you on Friday August 12, 2005 so that you would receive them on Monday the 15th. At the time of their sending you were the hearing officer.

During my conversation with the Fed Ex representative just a short while ago I was informed that both volumes (Fed Ex number is 9784 and 7706) were received and signed for by a person at your office by the name of T. Vanhorn at 10:04 p.m. on the 15th. That was the earliest that the exhibits could reach you. I was then informed that about one hour after delivery someone from your office called Fed Ex and instructed them to return to your office and pick up the two packages as delivery was being refused.

Now, regardless of the question of how delivery, once signed for and accepted can be subsequently refused especially when the package sending fee was prepaid, I am advised that Fed Ex is now in possession of a substantial member of exhibits critical to my clients' appeal wondering what to do with them.

PEG M. DOUGHERTY

August 16, 2005

Page 2

Since they were sent to you while you were the appointed hearing officer received by your office, and you have faxed an order recusing yourself as hearing officer indicating that "all exhibits and witnesses disclosures will be returned to the parties via U.S. mail", it is demanded that you or your staff contact Fed Ex at (208) 342-5413 or 1-800-463-3339 and recover said packages. Thereafter it is demanded that you return these exhibits via U.S. mail or other prompt manner.

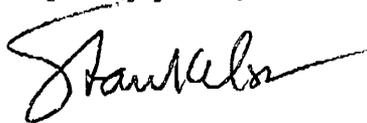
While you most certainly acted appropriately in recusing yourself (although there is a question of whether I.C. Section 67-5252 applies because Deputy Attorney General Bledsoe argued that the Administrative Rules of Procedure do not apply) the actions taken in accepting and then "refusing" delivery has placed my clients in an extremely prejudiced position.

Not only do my client's on their limited budgets not have funds to pay the \$60.47 Fed Ex charge to send them back to my office but the exhibits themselves seem to be in never never land due to your office's incomprehensible conduct.

There are deadlines to be met and your offices' conduct, which can only at best be described as vindictive, has severely prejudiced them.

Again, it is demanded that you make arrangements to have these exhibits picked up or delivered to your office so that you can return them properly.

Very truly yours,



STARR KELSO

Attorney at Law

:ad

cc: Karen McGee

Starr Kelso Law Office

CHARTERED

August 16, 2005

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

*Via fax only: (208) 334-6300
(208) 334-6430*

Re: Public Records Request

Dear Chair McGee:

It is now approximately 12:30 MST. I have received no response from you to my fax of August 15, 2005. Now literally there is no way that my clients can appear and attend any hearing on the 17th regardless of where it would have been held. Indeed Ms. Dougherty has apparently sent my clients' exhibits off into never never land.

Your conduct in this matter has been most unprofessional and certainly I am left to wonder who really is the Chair of the Workforce Development Council. I know that Roger Madsen had been dictating hearing officer selection but certainly you should be able to respond to my e-mail to you and my faxed letters.

Please provide me with a chain of command chart that reflects who you report to and who are your legal advisors.

Very truly yours,



STARR KELSO
Attorney at Law

:ad

cc: Clients

Starr Kelso Law Office

CHARTERED

August 16, 2005

*Via fax only: (208) 334-6300
(208) 334-6430*

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

Re: Public Records Request

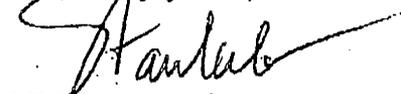
Dear Chair McGee:

I will try to be more specific. Attached is a copy of an e-mail sent from Cheryl Brush to Megan Ronk dated March 29, 2005.

I request a copy of all correspondence, memos, or notes, of any and all kinds that document, reflect or memorialize what occurred at the meeting referenced in said e-mail that you were unable to attend due to an emergency.

I request, that rather than being evasive that you cooperate in good faith in responding to this request.

Very truly yours,



STARR KELSO

Attorney at Law

:ad

cc: Clients

Enclosures

DIRK KEMPTHORNE
GOVERNOR



Karen A. McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

**RESPONSE TO REQUEST FOR
EXAMINATION/COPYING OF COUNCIL RECORDS**

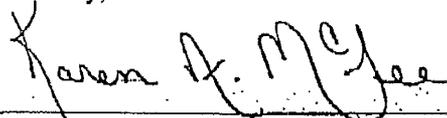
August 11, 2005

To: **Starr Kelso**
Attorney at Law
P.O. Box 1312
Coeur d'Alene, ID 83816-1312

On August 8, 2005, we received your faxed request for copies of all correspondence of any nature or notes of any conversations between any member of the Idaho Workforce Development Council, and any employee or agent of the Governor's Office, and the Idaho Department of Commerce and Labor that discusses in any manner any plan or plans to eliminate local Workforce investment area board staff between January 1, 2005, and April 1, 2005.

This is to notify you that we have no records that are covered by your request.

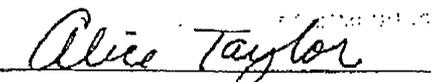
Sincerely,



Karen A. McGee, Chair
Workforce Development Council

CERTIFICATE OF MAILING

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 11th day of August, 2005.



Alice Taylor

Cheryl Brush

From: Cheryl Brush
Sent: Tuesday, March 29, 2005 3:02 PM
To: 'Megan Ronk'
Cc: Roger Madsen; John McAllister; Jay Engstrom; Dwight Johnson
Subject: Response from karen McGee

Megan,

Karen wanted me to share with you that she fully supported the elimination of any support for local workforce investment area board staff. As always, she was completely in support of the Governor here and felt "it is the right thing to do." She considers the situation as very different from 1998 when Governor Batt appointed them and views their initial designation as a compromise. She is planning to be available to make calls on Monday morning via conference call from her home. She also extends her apologies for missing the meeting—I assured her that everyone understood her emergency.

Please let me know if I can add anything.

Cheryl

Starr Kelso Law Office

CHARTERED

August 15, 2005

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

*Via fax: (208) 334-6300
(208) 334-6430*

Re: Hearing

Dear Chair McGee:

As of this moment we have no hearing officer and several significant preliminary procedural matters unresolved. Literally this has severely prejudiced the Regions' ability to not only prepare for hearing but to organize witnesses to attend and participate, regardless of whether in person or worst case scenario by telephone.

Indeed even if a new hearing officer was appointed and did not recuse him/her self, after investigation, it is a forgone matter that the Regions would not be able to proceed to hearing regardless of whether it were to be held in Lewiston or Boise on Wednesday the 17th commencing at 9:00 o'clock a.m.

Forcing a hearing to fit in at this late date, particularly given that the last hearing officer stated she was mailing documents back to the parties, would be irrevocable prejudice to the Regions and clearly be violative of their procedural rights.

All of this nightmare could have been avoided by some simple cooperation by the Chair with the Regions in selecting a proper hearing officer. As it stands now no hearing officer of any salt could be prepared to proceed to hearing and give due consideration to the various critical procedural issues by the 17th.

KAREN McGEE

August 15, 2005

Page 2

Regions I, III, IV and V therefore propose for a fifth (5th) time that names of potential hearing officers be sent to Wanda and me for review. Regions I, III, IV and V also object to a hearing on Wednesday the 17th. We would propose a hearing beginning around noon on the 22nd. As you know the 60 days falls on the 21st, a weekend, so the next business day (the 22nd) would be the final day.

Please respond to this letter.

Very truly yours,



STARR KELSO

Attorney at Law

:ad

cc: Craig Bledsoe
Wanda Keefer

STARR KELSO LAW OFFICE

Chartered

PO Box 1312

Coeur d' Alene, Idaho 83816-1312

(208) 765-3260

(208) 664-6261 (FAX)

FAX TRANSMITTAL SHEET

THIS IS PAGE 1 OF 31 PAGES

DATE: August 15, 2005

**TO: Craig Bledsoe
Deputy Attorney General**

FAX #: (208) 334-6430

FROM: STARR KELSO

MESSAGE: Additional Exhibits.

If not received correctly, please call (208) 765-3260.

The information contained in this Facsimile message is confidential information intended only for the use of the individual named above.

If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. THANK YOU.

Venet Carlson

From: John McAllister
 Sent: Tuesday, July 05, 2005 4:13 PM
 To: 'Michael Brauser'
 Cc: Cheryl Brush; Jay Engstrom; Craig Bledsoe
 Subject: RE: Idho Repot NBLP

Michael.
 These are excellent. We do not intend to change anything. On the WIA hearings for which we asked you to be a hearing officer, Roger has asked that we utilize a former Chief Justice of the Idaho Supreme Court, Robert Bakes. Chief Justice Bakes is making sure he has no conflicts with his private law practice before he accepts the engagement, and he has promised to let us know by noon tomorrow, July 6. Several of us were pulling for you, but Roger prefers Chief Justice Bakes because of his credibility with the Idaho Legislature. We have had several legislators criticize the Governor and Department for eliminating the local WIB's, and Roger wants to do everything possible to strengthen our response to them. Thanks for considering our request to do the hearings. If Chief Justice Bakes identifies a conflict, I will let you know tomorrow. We do not think such a conflict is likely. Also, thanks for your help on the Idaho Case Study. Every time I read it, it just seems to get better!
 John.

-----Original Message-----

From: Michael Brauser [mailto:mbrauser@worldnet.att.net]
 Sent: Tuesday, July 05, 2005 3:35 PM
 To: John McAllister
 Subject: Re: Idho Repot NBLP

John,

Attached you will find a file containing 2 additions for the case study: "How to Use" and "Inquiry Guide" (found at the end of the previous case studies). They could most assuredly be improved upon, so please feel free to revise as you may desire.

Regarding sub-titles for the Chapter titled "Overview and Chronology", I suggest the following

1. Insert the subtitle "The Drivers of Change" before the paragraph that begins "Chronologically . . ."
2. Insert subtitle "Raising the Bar" before the paragraph that begins "Elected in 1998, Governor K . . ."
3. Insert subtitle "Making Great Strides" before the paragraph that begins "By 2003, the strong and vigorous . . ."
4. Insert subtitle "Discovering Synergy" before the paragraph that begins "The success of the Department of Labor . . ."

Please feel free to over-ride any of the suggestions.

Mike

----- Original Message -----

From: "John McAllister" <John.McAllister@ol.idaho.gov>
 To: "Michael Brauser" <mbrauser@worldnet.att.net>
 Sent: Friday, July 01, 2005 3:29 PM
 Subject: RE: Idho Repot NBLP

Michael,
 They also wanted subtitles on page 11. Do you have any suggestions for that?
 John.

229
 Exhibit 89

Starr Kelso

From: David Hensley <dhensley@gov.idaho.gov>
To: Starr Kelso <starr.kelso@verizon.net>
Cc: Brian Whitlock <bwhitlock@gov.idaho.gov>; Megan Ronk <mronk@gov.idaho.gov>;
<jeremy.chou@ag.idaho.gov>; Bill Punkoney <bpunkoney@gov.idaho.gov>
Sent: Sunday, August 14, 2005 4:15 PM
Subject: Response

Starr:

I spoke with the Governor and conveyed your client's offer. At this stage in the case we are inclined to proceed with a motion to dismiss and resolve the issues your clients raised through the judicial process. The administrative hearing process, which is also under way, will provide your clients an additional forum to raise any concerns that were not previously expressed to the Governor and his staff. There will be no separate meeting at this time to provide this input to the Governor.

I am out of the office on vacation; however, if you need to contact me feel free to contact my assistant Bill Punkoney at (208) 334-2100. He will relay any information or messages to me immediately. Thank you.

An Application

IDAHO COMMERCE & LABOR
DIRECTOR

MAY - 1 2005

For

Continued Designation

as a

Workforce Investment Area (under the Workforce Investment Act of 1998)

Submitted by

The East-Central Idaho Planning and Development Association

A Consortium of Chief Local Elected Officials in East-Central Idaho
(Region VI)

The East-Central Idaho Planning and Development Association
310 North, 2nd East, Suite 115
Rexburg, Idaho 83440

231
91-1

1. Name of unit(s) of local government requesting designation.

The units of local government requesting continued designation as a Workforce Investment Area include Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, and Teton Counties. This consortium of counties is known as The Counties of East-Central Idaho or Region VI. These counties have asked East-Central Idaho Planning and Development Association (ECIPDA) to represent their consortium in making application for this designation as a Workforce Investment Area. The Local Elected Officials have authorized ECIPDA to:

- bind each unit of local government in the proposed Workforce Investment Area to the conditions of this designation
- act on behalf of all units of local government in the proposed Workforce Investment Area
- represent the LEO's as they assume responsibility and liability under the conditions of this designation for the entire area

See Attachment A of this application.

2. Provide the name, address and phone number of the contact individual who will represent the local elected officials in the region.

Keith Tweedie serves as the current president of ECIPDA, and represents the Local Elected Officials of East-Central Idaho. Terry Butikofer, Workforce Development Director at ECIPDA, will assist him in submitting this application and acting as a second contact person representing the Local Elected Officials of Region VI. Mr. Tweedie's address is:

Keith Tweedie, President
East Central Idaho Planning and Development Association
310 North, 2nd East - Suite 115
Rexburg, Idaho 83440

Mr. Butikofer can be reached at 356-4524 ext. 311.

3. *If a consortium of units of government is applying, describe the roles and responsibilities of each unit of government and the decision-making process the officials will use in executing their responsibilities under the Workforce Investment Act. If an existing agreement demonstrates this information, a copy of such agreement, or other documentation, may be submitted as a response to this question.*

Each County Commission in Region VI has been assisting in the governance of the Workforce Investment Act (WIA) through their participation in the East-Central Idaho Planning and Development Association for the past five years, and is familiar with the responsibilities and liabilities that the WIA entails. Each County Commission has agreed to join together with the other eight counties of the region to ask that our designation jointly as a workforce investment area not be allowed to expire. The Local Elected Officials have authorized ECIPDA'S board of directors, which includes Local Elected Officials from each county and many of the major cities throughout the region to execute their responsibilities under the Workforce Investment Act. County Commissioners and City officials serving on ECIPDA will share information and solicit input regarding workforce investment issues with their fellow local elected officials, as they execute their responsibilities under the Workforce Investment Act through their representation on the East-Central Idaho Planning and Development Association.

4. *Describe the geographic area that is covered by the application. Discuss how this area is consistent with school boundaries; post secondary education areas, and labor market boundaries and covers the normal commuting distance residents are willing to travel to receive services.*

The geographic area covered by this application makes up region VI and includes the nine counties of East-Central Idaho including (Bonnevill, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, and Teton counties). Region VI encompasses several school districts, and Eastern Idaho Technical College provides professional technical education throughout the region. The communities throughout the region feel a kinship with each other and have developed working relationships over the years. People within the region consider the nine county area a normal commute when traveling to work, accessing health care, or pursuing recreational and educational opportunities. The State of Idaho Department of Commerce and Labor recognize the region as a planning district and a labor market.

5. *Describe how the designation of this area will promote cost effective and coordinated regional service delivery.*

The nine counties of East-Central Idaho formed a non-profit corporation (ECIPDA) on February 26, 1976 to improve the economic stability of the region, to cooperate with all levels of government, and with all interested parties in the furthering of such purposes. The region has learned a great deal about coordination of effort, and the promotion of cost effectiveness over the past twenty-nine years as they have worked together to promote economic development, community development, and workforce development. The LEO's feel that seeking continued designation, as a Workforce

Investment Area will ensure that this long standing, cost effective coordinated regional service delivery system would continue to deliver workforce investment services throughout the nine counties.

Through ECIPDA's partnership with the Department of Commerce and Labor, the LEOS and Private Sector Business people have been able to build strong partnerships with Health and Welfare, Vocational Rehabilitation, Secondary Education, Community Based Organizations, and Professional Technical Education. We have also partnered closely with State Government to create an Idaho Works Career Center and several affiliate partners located strategically throughout the nine counties. As a region we have developed excellent working relationships and expect to use these relationships to develop cost effective and coordinated workforce development services.

6. *Explain how estimated federal funding resources will be adequate to effectively administer required activities of the Workforce Investment Act (see Attachment E for estimated Workforce Investment Act fund projections, and Attachment C for local roles and responsibilities under the Workforce Investment Act.) If federal resources prove to be inadequate to support the required administrative functions, (a) what additional local resources might be available to support these activities or (b) is it the intent of the local elected officials to negotiate with the Governor to serve as the local grant recipient?*

We have been operating with a limited amount of administrative funds for some time now. The limited amount of administrative funding has caused us to develop excellent relationships with numerous partners throughout the area that make it possible to effectively administer those activities required by the Workforce Investment Act. Many of the responsibilities outlined in the application packet are similar to current employment and training functions, and can be performed by the existing workforce development staff.

- If federal resources prove to be inadequate to support required administrative functions, we have discussed turning to our workforce development partners to share in the completion of some administrative activities, and working together to complete coordination of activities.
- The local elected officials are aware of the continuing funding cuts that the State and the area's continue to experience. They are aware of the Governor's request to work toward a centralized single Statewide Workforce Area and board, and are seeking an extension of their designation as a Workforce Development Area within the Idaho Workforce Consortium. The local elected officials also understand the continued efforts to centralize workforce investment activities such as participant payroll, and the operation of a management information system. We are interested in assisting the Governor in providing the best services we can with limited resources.

7. *Describe your previous experience in administering employment and training programs and performing the roles and responsibilities described in Attachment C of the application packet.*

The East-Central Idaho Planning and Development Association representing the consortium of nine counties of East-Central Idaho have administered employment and training programs under the Comprehensive Employment and Training Act (CETA), and Job Training Partnership Act (JTPA), and the Workforce Investment Act (WIA) for the past 29 years. Our current workforce development staff has been working with JTPA, and WIA and our partners for the past 19 years. We have developed a service delivery staff made up of senior people who are all very competent, and we have exceeded our performance goals and standards under the Job Training Partnership Act, and Workforce Investment Act for the past 19 years. Our Local Elected Officials have always been very interested and involved in these employment and training programs and understand the difference that they make in the development of our regional economy. This experience encompasses the roles and responsibilities outlined in the Workforce Investment Act. The LEOS and their WIB partners have also developed and negotiated memoranda of understanding with local and state organizations, and they have procured and selected effective service provider agencies. They are also experienced in developing and negotiating performance standards, developing employment and training plans for Region VI and providing effective administrative direction and oversight for those plans.

91.5 235

ATTACHMENT A

AUTHORIZATION DOCUMENTATION

Resolution

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST-CENTRAL IDAHO PLANNING AND DEVELOPMENT ASSOCIATION REQUESTING THAT THE NINE COUNTIES OF EAST-CENTRAL IDAHO CONTINUE TO BE DESIGNATED AS THE EAST-CENTRAL IDAHO WORKFORCE INVESTMENT AREA.

WHEREAS, Local Elected Officials from all the nine counties in East-Central Idaho meet together in a consortium of Local Elected Officials body known as the East-Central Idaho Planning and Development Association (ECIPDA);

WHEREAS, the nine counties in East-Central Idaho (Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, and Teton) comprise a labor market area;

WHEREAS, ECIPDA'S board of directors has been designated as the consortium of Chief Local Elected Officials for the Region VI Service Delivery Area to meet the legal requirements under the Workforce Investment Act;

WHEREAS, the Workforce Investment Act specifies that the Local Elected Officials of a Workforce Investment Area may choose to serve as the grant recipient for administration of local Workforce Investment Act funds and assume responsibility for the administration of the Workforce Investment Act locally, and the liability for any misuse of funds;

WHEREAS, ECIPDA has and will maintain both Directors and Officers and Errors and Omissions policies;

WHEREAS, ECIPDA may be interested in negotiating an alternative grant recipient for administration of the Workforce Investment Act funds with the Governor similar to the first five years of WIA;

WHEREAS, ECIPDA is interested in participating in an Idaho Workforce Consortium, and utilizing the Workforce Development Council as the Workforce Board;

WHEREAS, services in the nine counties have been established to meet the needs of this geographic area, considering distances that individuals will need to travel to receive services;

WHEREAS, ECIPDA has a vested interest in school to work, welfare to work and work to work planning, development and program implementation;

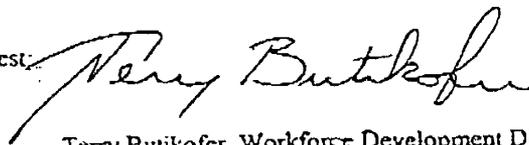
NOW THEREFORE BE IT RESOLVED THAT, the Board of Directors of the East-Central Idaho Planning and Development Association formally requests and directs staff to request that our designation as a workforce investment area for the nine counties of East-Central Idaho (Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, and Teton), known as Region VI by the Idaho Department of Commerce and Labor, not be allowed to expire, and that we continue to be designated as a Workforce Investment Area under the Workforce Investment Act of 1998.

This Resolution adopted on April 28, 2005.



Keith Tweedie, President

Attest:



Terry Butikofer, Workforce Development Director

Starr Kelso

From: Starr Kelso <starr.kelso@verizon.net>
To: <kmaster3@msn.com>
Sent: Monday, August 15, 2005 8:24 AM
Subject: Hearing Officer

Dear Chair McGee:

I presume that this is your e-mail address as it was cited at the bottom of Peg M. Dougherty's fax recieved at 8:43 a.m. MST.

I am corresponding with you by e-mail because it is still early and my assistant will not be here for yet another hour or so, Pacific time.

For the fourth (4th) time I would ask that you submit to Wanda Keefer and me 3 names of potential hearing officers so that we might try to agree on one without this continued waste of time. We still do not know what rules apply, although contrary to Mr. Bledsoe's opinion Ms. Dougherty assumed that the Administrative Rules of Procedure applied. There are numerous procedural issues outstanding because of the total lack of guidance in the proposed 2005 Plan, and the venue of the hearing is yet to be determined. It appears as though your authority in this matter, at this time, is to only appoint a hearing officer. Three recusals of the three hearing officers appointed to you, although the e-mail of July 5, 2005 from John McAllister to Michael Brauser would indicate that that Roger Madsen is actually the one choosing the hearing officers, would hopefully lead you to the conclusion that the best way to proceed would be to submit three names for consideration. Please submit the names for consideration.

Please feel free to correspond back to me via e-mail or fax.

Starr Kelso
Counsel for Regions I, III, IV and V

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AUG-12-2005 FR: 01:09 PM IDAHO COMMERCE AND LABOR FAX NO. 2083346125

P. 22

IDAHO

COMMERCE & LABOR

DIRK KEMPTHORNE, GOVERNOR
ROGER B. MADSEN, DIRECTOR

June 9, 2005

Mr. Dave Jett
President
Sage Community Resources
P. O. Box 70
Mountain Home, ID 83647

Re: Expiration of Current Area Designation
Denial of Request for Area Designation

Dear Mr. Jett:

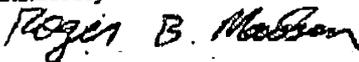
As Governor Kempthorne's designee for the purpose of notifying local elected officials and local area boards of the requirements of the new Workforce Investment Act (WIA) State Plan that the Governor signed and sent to the Secretary of the United States Department of Labor on May 31, 2005, you are hereby given notice of the following:

1. Your current designation as a WIA local area expires on June 30, 2005. The Department's Workforce Systems Bureau will contact you to provide information about close-out procedures and discuss transition activities.
2. Because you do not meet the criteria for designation as a local area under section 116(a)(2) of the WIA, and because the designation criteria under section 116(a)(3) of the WIA is no longer applicable, your request for designation as a local area under the new WIA State Plan is denied. If you believe that you do meet this statutory criteria, you may appeal the Governor's decision by following the appeals procedure in Section VIII(A)(3) of the new WIA State Plan.

This action does not eliminate your local board. It only ends the designation that allows you to receive and administer federal WIA funds.

Governor Kempthorne and I appreciate your efforts and value your support as we join together to ensure that the recent reduction of federal funding will not adversely affect the ability of Idahoans to receive job training.

Sincerely



Roger B. Madsen
Director

cc: Bob Barber

MAIN STREET OFFICE • 317 West Main Street • Boise, Idaho 83735 • 208-332-3570 • ci.idaho.gov
Equal Opportunity Employer

IDAHO

COMMERCE & LABOR

DIRK KEMPTHORNE, GOVERNOR
ROGER E. MADSEN, DIRECTOR

June 9, 2005

Mr. Brent Jussel, President
Region IV Development Assn.
Seastrom Manufacturing
456 Seastrom St.
Twin Falls, ID 83301

Re: Expiration of Current Area Designation
Denial of Request for Area Designation

Dear Mr. Jussel:

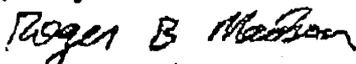
As Governor Kempthorne's designee for the purpose of notifying local elected officials and local area boards of the requirements of the new Workforce Investment Act (WIA) State Plan that the Governor signed and sent to the Secretary of the United States Department of Labor on May 31, 2005, you are hereby given notice of the following:

1. Your current designation as a WIA local area expires on June 30, 2005. The Department's Workforce Systems Bureau will contact you to provide information about close-out procedures and discuss transition activities.
2. Because you do not meet the criteria for designation as a local area under sections 116(a)(2) and 116(a)(3) of the WIA, your request for designation as a local area under the new WIA State Plan is denied. If you believe that you do meet this statutory criteria, you may appeal the Governor's decision by following the appeals procedure in Section VIII(A)(3) of the new WIA State Plan.

This action does not eliminate your local board. It only ends the designation that allows you to receive and administer federal WIA funds.

Governor Kempthorne and I appreciate your efforts and value your support as we join together to ensure that the recent reduction of federal funding will not adversely affect the ability of Idahoans to receive job training.

Sincerely



Roger E. Madsen
Director

cc: Candy McElfresh

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AUG-12-2005 FRI 01:10 PM IDAHO COMMERCE AND LABOR FAX NO. 2083346125

P. 24



June 9, 2005

Mr. Kent Kearns, President
Southeast Idaho Council of Governments
City of Chubbuck Councilman
P. O. Box 5604
Chubbuck, ID 83202

Re: Expiration of Current Area Designation
Denial of Request for Area Designation

Dear Mr. Kearns:

As Governor Kempthorne's designee for the purpose of notifying local elected officials and local area boards of the requirements of the new Workforce Investment Act (WIA) State Plan that the Governor signed and sent to the Secretary of the United States Department of Labor on May 31, 2005, you are hereby given notice of the following:

1. Your current designation as a WIA local area expires on June 30, 2005. The Department's Workforce Systems Bureau will contact you to provide information about close-out procedures and discuss transition activities.
2. Because you do not meet the criteria for designation as a local area under sections 116(a)(2) and 116(a)(3) of the WIA, your request for designation as a local area under the new WIA State Plan is denied. If you believe that you do meet this statutory criteria, you may appeal the Governor's decision by following the appeals procedure in Section VIII(A)(3) of the new WIA State Plan.

This action does not eliminate your local board. It only ends the designation that allows you to receive and administer federal WIA funds.

Governor Kempthorne and I appreciate your efforts and value your support as we join together to ensure that the recent reduction of federal funding will not adversely affect the ability of Idahoans to receive job training.

Sincerely

Roger B. Madsen
Director

cc: Bob Perky

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IDAHO

COMMERCE & LABOR

DIRK KEMPTHORNE, GOVERNOR
ROGER B. MADSEN, DIRECTOR

June 9, 2005

Mr. John Currin
President
Clearwater Economic Development Assn
1626 6th Avenue N
Lewiston, ID 83501

Re: Expiration of Current Area Designation
Denial of Request for Area Designation

Dear Mr. Currin:

As Governor Kempthorne's designee for the purpose of notifying local elected officials and local area boards of the requirements of the new Workforce Investment Act (WIA) State Plan that the Governor signed and sent to the Secretary of the United States Department of Labor on May 31, 2005, you are hereby given notice of the following:

1. Your current designation as a WIA local area expires on June 30, 2005. The Department's Workforce Systems Bureau will contact you to provide information about close-out procedures and discuss transition activities.
2. Because you do not meet the criteria for designation as a local area under sections 116(a)(2) and 116(a)(3) of the WIA, your request for designation as a local area under the new WIA State Plan is denied. If you believe that you do meet this statutory criteria, you may appeal the Governor's decision by following the appeals procedure in Section VIII(A)(3) of the new WIA State Plan.

This action does not eliminate your local board. It only ends the designation that allows you to receive and administer federal WIA funds.

Governor Kempthorne and I appreciate your efforts and value your support as we join together to ensure that the recent reduction of federal funding will not adversely affect the ability of Idahoans to receive job training.

Sincerely

Roger B. Madsen
Roger B. Madsen
Director

cc: Tim Rubio

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Exhibit D
Page 2 of 5

93.4 242

GOVERNOR-LOCAL ELECTED OFFICIAL AGREEMENT

THIS AGREEMENT is entered into by the Governor, as the Chief elected official of the Balance of State Service Delivery Area, and the Southeast Idaho Council of Governments, hereinafter referred to as the Board, representing the local elected officials of Service Delivery District V.

WHEREAS, The Governor, in making his designation of the Balance of State Service Delivery Area, provided for local control of program policy and oversight through development of five Service Delivery Districts as reflected in attachment #1; and

WHEREAS, The Governor, wishes to delegate to the Board the responsibilities reserved for local elected officials in the Job Training Partnership Act to further effective delivery of job training and employment programs in the Balance of State Service Delivery Area; and

WHEREAS, The board has expressed its desire to maintain an active role in determining program policy and oversight of job training programs operating within the Service Delivery District;

NOW, THEREFORE, It is mutually agreed that the Board will establish and maintain a Service Delivery District Private Industry Council in accordance with procedures set forth in Section 102 of the Act. The Board may ratify the appointment of the existing Private Industry Council provided that the composition of the PIC is consistent with the requirements of Section 102.

IT IS FURTHER AGREED That the Board will enter into an agreement with the Service Delivery District Private Industry Council as set forth in Section 103(b)(1)(A) to provide for development of a Job Training Plan as described in Section 104, to designate local staff to provide administrative support to the Service Delivery District, and specify procedures for joint submission and oversight of the Job Training Plan. The agreement will also identify one private sector member of the Private Industry Council who will serve on the Executive Committee of the Balance of State Private Industry Council as the representative of the Service Delivery District.

IT IS FURTHER AGREED That the Governor will propose the attached PIC-LEO Agreement for the purpose of designating the Administrative Entity/Grant Recipient for the Balance of State Service Delivery Area, allocating Title II/A and II/B SDA resources to the Service Delivery Districts and setting forth procedures for delegating program policy, planning and oversight to the Service Delivery District.

IT IS FURTHER AGREED That the Governor will indemnify, save and hold harmless the Board, their organization and affiliated entities and agents thereof from and against any and all losses, claims, demands, liabilities, suits or actions arising out of the Administrative Entity/Grant Recipients performance of services provided that the Balance of State PIC agrees to the governors recommendations.

IT IS FURTHER AGREED That any losses, claims demands, liabilities, suits or actions arising out of the administration or operation of the Service Delivery District Private Industry Council, its agents or local staff shall be the responsibility of the Board provided that the Board provides Service Delivery District administrative support to its Private Industry Council.

This agreement will become effective on March 3, 1988, and continue until otherwise modified or terminated. Either party may propose changes with thirty (30) or more days written notice of intent to the other party. Any amendments shall be adopted by both parties.

SERVICE DELIVERY AREA

SERVICE DELIVERY DISTRICT

...

CECIL D. ANDRUS
Governor



Donald G. Elwell
Chairperson
Southeast Idaho Council of Governments

79P3/C:9

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Southeast Idaho Council of
Governments
Agreement #SICR-252-500
Page 1 of 12

SOUTHEAST IDAHO COUNCIL OF GOVERNMENTS

AGREEMENT

On behalf of the REGION V SERVICE DELIVERY DISTRICT, this SUBGRANT/AGREEMENT is entered into by the DEPARTMENT OF EMPLOYMENT, hereinafter referred to as the "ADMINISTRATIVE ENTITY," and SOUTHEAST IDAHO COUNCIL OF GOVERNMENTS, hereinafter referred to as the SUBRECIPIENT.

W I T N E S S E T H

WHEREAS, the Chief Local Elected Officials and Private Industry Council of Region V have designated the Idaho State Department of Employment as the Administrative Entity for the Job Training Partnership Act, hereinafter referred to as JTPA; and

WHEREAS, the Subrecipient agrees to perform the work, specified in the Statement of Work, authorized under JTPA; and

WHEREAS, the Administrative Entity, through the Department of Employment will make \$174,671 available for staff support to the Private Industry Council and Chief Local Elected Official subject to the provisions contained herein; and

WHEREAS, the terms of this agreement include the Statement of Work, the Budget, the Program Planning Summary, Attachment "A," Provisions and Assurances for Agreements under JTPA, Rules and Federal Regulations, as well as other documents affixed or referred to in this agreement.

NOW, THEREFORE, the Administrative Entity and Subrecipient do mutually agree that the Subrecipient shall perform the services set forth in the Statement of Work. Such services shall be performed in accordance with the Act and Regulations governing JTPA and the terms and conditions set forth in the Budget, the Program Planning Summary, Attachment "A," Provisions and Assurances, Rules and Federal Regulations, and any other documents affixed or referred to in this agreement.

The Subrecipient acknowledges and agrees that changes in legislation may require modification to this agreement both in program and funding, and that any such changes which are necessary shall be incorporated into this agreement. The Subrecipient further agrees that the Administrative

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Southeast Idaho Council of Governments
Agreement #SICR-252-500
Page 2 of 12

Entity has the right to terminate this agreement if the Subrecipient cannot comply with such changes.

The Subrecipient acknowledges that all funding is contingent upon the availability of federal funds and continued federal authorization of program activities. The Subrecipient agrees that the Administrative Entity has the right to terminate or otherwise modify this agreement if federal funding or authority is terminated or modified.

This agreement will become effective the 1st day of July, 1988, and will continue until the 30th day of June, 1989. In the event this agreement is not executed prior to the first day of the effective period, the late execution shall provide retroactive approval for any expenditures authorized by the agreement and made prior to the date of the execution.

JTPA

ADMINISTRATIVE ENTITY

James L. Adams
Signature

James L. Adams, Chief
Employment & Training
Programs Bureau
Title

9/6/88
Date

SUBRECIPIENT

Alan Lumber
Signature

Executive Director
Title SICOG

9-13-88
Date

PRIVATE INDUSTRY COUNCIL CERTIFICATION

I hereby certify that this agreement reflects the intent of the Council in approving this program for funding. I understand that the Administrative Entity and Subrecipient retain responsibility for ensuring compliance of this agreement with all applicable laws, rules, and regulations.

Scott B. McGill
Private Industry Council
Representative

Acting Director
Title

9/13-88
Date

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94.4

Philip E. Batt
Governor



Karen McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL

317 Main Street
Boise, ID 83735-0790

TRANSMITTAL # 4

MEMORANDUM

June 30, 1998

TO: Workforce Development Council

FROM: Karen A. McGee, Chair

SUBJECT: Substate Structure Job Description

ACTION REQUESTED: Review and discuss draft substate structure job description; develop final recommendation to the Governor.

BACKGROUND:

At the last Workforce Development Council meeting we discussed substate structure, and the development of a job description for the substate structure. At the conclusion of that meeting, I asked Susan Rowe to develop a proposed draft of a job description for a substate structure, to assist us in focusing our discussion.

Attached is a draft of a proposed job description for substate structure, for your consideration and discussion at our upcoming meeting.

Questions about this transmittal prior to the meeting can be addressed to Susan Rowe, Office of the Governor, 334-2101, ext. 232.

Attachment

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Idaho's Local Workforce Boards
Draft Job Description

1. Assess the local and regional need for workforce development services. This information will be for use within the region and by the Workforce Development Council, as appropriate.
2. Facilitate coordination among local and regional workforce development programs.

Examples of such programs include One Stop, Wagner Peyser, Job Training Partnership Act (JTPA), Vocational Rehabilitation, Temporary Assistance to Needy Families (TANF) work-related requirements and activities, Food Stamps Employment and Training, Vocational Technical Education, Older Worker, Adult Basic Education (ABE), School to Work, and economic development.

3. Review and comment on local and regional plans and strategies related to workforce development to ensure responsiveness to local employer/labor market needs.

Examples of plans and strategies that may be reviewed include One Stop, Wagner Peyser, Job Training Partnership Act (JTPA), Vocational Rehabilitation, Temporary Assistance to Needy Families (TANF) work-related requirements and activities, Food Stamps Employment and Training, Vocational Technical Education, Older Worker, Adult Basic Education (ABE), School to Work, and economic development.

4. Review outcomes resulting from the plans and strategies mentioned above.
5. Provide input to the Workforce Development Council on the local and regional impact of specific policy issues under consideration by the Council.

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THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 96-19

CREATING A WORKFORCE DEVELOPMENT COUNCIL FOR PLANNING AND OVERSIGHT OF THE STATE'S WORKFORCE DEVELOPMENT SYSTEM

WHEREAS, the economic future of Idaho and the prosperity of its residents depend upon the ability of businesses in Idaho to compete in the world economy; and

WHEREAS, a well-educated and highly skilled workforce provides businesses in Idaho with a competitive edge critical for their success; and

WHEREAS, Idaho is committed to preparing its current and future workforce for the skills necessary in the 21st Century; and

WHEREAS, empowering business, labor and community leaders to take a more active and strategic role in developing the state's economic and workforce development policy will enhance the quality and responsiveness of these programs; and

WHEREAS, the development of a comprehensive workforce development strategy for Idaho and the consolidation of federal and state advisory councils will improve planning and oversight functions, improve the effectiveness, quality and coordination of services designed to maintain a highly skilled workforce, and help provide for the most efficient use of federal, state and local workforce development resources; and

WHEREAS, Idaho's current workforce development efforts and initiatives require clear strategic planning, increased coordination, and consolidated oversight for better coordination of workforce development programs under one council at the state level,

NOW, THEREFORE, I, PHILIP E. BATT, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby order that:

1. The Idaho Workforce Development Council (the "Council") is established in accordance with Title VII of the Job Training Partnership Act, as amended, and referred to as JTPA.
2. The Council will replace and consolidate the following existing councils: the Idaho Job Training Council, the State Council on Vocational Education, the State School-to-Work Collaborative Team, and the Employment Security Advisory Council;
3. The councils that will be consolidated, identified in paragraph 2 above, shall make plans to transition their responsibilities to the integrated Council as soon as practical, but no later than October 1, 1997, and may continue to perform functions authorized in state and federal law under their existing structure until such transition is accomplished. Under the authority vested in me by Section 72-1336, Idaho Code, I designate the existing Employment Security Advisory Council to approve expenditures pursuant to Section 72-1347A, Idaho Code through December 31, 1996;
4. The Council shall consist of not more than 33 members appointed by the Governor, drawing upon the membership of the consolidated councils identified in paragraph 2 above, as appropriate and consistent with federal requirements for the nomination and composition requirements set forth in section 702 of the JTPA as amended. The Council's membership, shall be as follows:
 - a. Representatives of business and industry shall comprise at least 40% of the members;
 - b. At least 15% of the members shall be representatives of local public education, postsecondary institutions, and secondary or postsecondary vocational educational institutions;
 - c. At least 15% of the members shall be representatives of organized labor based on nominations from recognized state labor federations;
 - d. Representatives from the Department of Labor, the Department of Health & Welfare, the Department of Commerce, the Division of Vocational Rehabilitation, the Division of Vocational Education, the Commission on Aging and the Superintendent of Public Instruction;
 - e. A representative of a Community-Based Organization; and

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- f. Individuals from the general public who have special knowledge and qualifications with respect to special education and career development needs of hard to serve individuals.
5. The Council will be responsible for advising the Governor and the State Board of Education, as appropriate and at regular intervals, on the following:
- a. Development of a state-wide strategy for workforce development programs which encompasses all workforce programs including, school-to-work, work-to-work, welfare-to-work and economic stimulus initiatives;
 - b. Priorities for the use of any federal employment and training block grant and the employment and training related activities under any welfare reform grant as well as state appropriated workforce development funds;
 - c. Development, in collaboration with local and state stakeholders, of a substate structure for planning and oversight of the statewide workforce development system;
 - d. Streamlining of services to customers to achieve an efficient and effective, customer driven workforce system for the state;
 - e. Development of goals, standards and measures to evaluate the effectiveness and efficiency of workforce development programs; and,
 - f. Implementation of a continuous improvement process designed to ensure high quality services for Idaho's citizen and business customers;
6. The Council shall also be responsible for:
- a. Effective January 1, 1997, approval and oversight of the expenditures from the Employment Security Special Administration Fund as set forth in Section 72-1347A, Idaho Code;
 - b. Effective January 1, 1997, development and oversight of procedures, criteria and performance measures for the Workforce Development Training fund established under Section 71-1347B, Idaho Code;
 - c. Effective December 1, 1996, oversight of all remaining funds and performance of duties of the State Council on Vocational Education as described in the Carl D. Perkins Act under P.L. 101-392, Section 112;
 - d. Such functions and responsibilities transferred to it from existing councils; and
 - e. Such other duties as the Governor assigns the Council.
7. The Governor shall name the chair and vice-chair from among the private sector members of the Council;
8. The Council shall be jointly staffed by a management team of directors of state agencies that administer workforce development programs, as designated by the Governor. Funding for the Council shall be provided by the agencies staffing the Council, which shall agree upon appropriate ratios for the allocation of administrative funding. The Idaho Department of Labor shall have responsibility for providing secretarial and logistical support to the Council;
9. The Council's members shall serve at the pleasure of the Governor. Members shall initially serve for staggered terms of one, two and three years, as designated by the Governor's appointment. Upon expiration of the initial terms, appointments shall be for three year terms.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this eighth day of August in the year of our Lord nineteen hundred ninety-six and of the Independence of the United States of America the two hundred twenty-first and of the Statehood of Idaho the one hundred seventh.

Philip E. Batt

PHILIP E. BATT
GOVERNOR

Pete T. Cenarrusa

PETE T. CENARRUSA
SECRETARY OF STATE

COUNCILS CONSOLIDATED INTO THE WORKFORCE DEVELOPMENT COUNCIL

IDAHO JOB TRAINING COUNCIL

Role: Advises the Governor

- Recommend a Governor's coordination and special services plan (GCSSP) for JTPA and related programs
- Recommend substate service areas, resource allocations, management guidance and review for programs, development linkages with private industry councils, and recommend variances in performance standards
- Review job training plans and certify consistency with GCSSP plan for coordination
- Review the operation of programs in each service area, and the availability, responsiveness of state services and make recommendations to the Governor, legislature, CLEOs, PICs and the public on ways to improve programs
- Review progress reports and recommend tech. assistance and corrective action
- Review the training and placement of women in non-traditional jobs in JTPA and report on findings
- Consult with the Sex Equity Coordinator for Carl Perkins on training and placement of women in non-traditional jobs in vocational education
- Review and comment on the State Plan developed for the Employment Service
- Develop an annual report to the Governor and issue other reports as it determines
- Identify and assess the extent to which employment and training, vocational education, rehabilitation services, public assistance, economic development and other programs and services represent a consistent, integrated, and coordinated approach to meeting such needs and comment on the reports issued by the SCOVE
- Review plans of all State agencies providing employment, training, and related services and provide comments and recommendations to the Governor, the legislature, state agencies and federal agencies on the relevancy and effectiveness of employment and training and related services within the state.

STATE COUNCIL ON VOCATIONAL EDUCATION (SCOVE)

Role: Advises the State Board of Education

- Meet with the State Board and make recommendations on the State Vocational Education Plan
- Make recommendations to the Board, the Governor, business and the public on policies to strengthen vocational education (with attention to the disabled), and initiatives the private sector could take to modernize vocational education programs
- Analyze and report on fund distribution for vo-ed and on the availability of activities and services
- Consult with the Board on the establishment of evaluation criteria for vo-ed
- Submit recommendations to the Board on the conduct of vo-ed reflecting business and labor concerns
- Assess the distribution of resources, particularly distribution between secondary and post-secondary
- Recommend procedures to ensure the participation of the public in the provision of vocational education at the local level, particularly business and labor
- Report to the Board on the extent special populations are provided with equal access to quality vo-ed programs
- Review the provision of corrections education programs
- Every two years, conduct an evaluation regarding the extent to which vo-ed and employment and training programs within the state represent a consistent, integrated and coordinated approach to meeting the economic needs of the state, the adequacy and effectiveness of the vo-ed and JTPA delivery system; make recommendations on coordination between vo-ed and JTPA, recommend incentives for improving planning and coordination to the Governor, the board, and the IJTC.

EMPLOYMENT SERVICE ADVISORY COUNCIL

Role: Advise the Department of Labor Director and the Governor

- Reviews and recommends policies related to the Employment Service
- Reviews and recommends policies related to the Employment Security Law (Unemployment Insurance)
- Performs additional functions as determined by the Director
- Approve the Administrative Tax Fund and its use for Employment Service and Unemployment Insurance purposes

SCHOOL TO WORK COLLABORATIVE TEAM

Role: Advises the State Board of Education

- Develop procedures for collaboration among State Education, job training, vocational education, employment and economic development and other appropriate individuals
- Ensure the active involvement of employers, elected officials education institutions, and related organizations in the collaborative process
- Coordinate or integrate local school to work programs and other appropriate programs including those financed with state and private sources, with funds available from related programs under other federal laws

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Philip E. Batt
Governor



Karen McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL

317 Main Street
Boise, ID 83735-0790

October 5, 1998

The Honorable Philip E. Batt
Governor of Idaho
Statehouse
P.O. Box 83720
Boise, ID 83720

Dear Governor Batt,

At a meeting of your Workforce Development Council on September 29, the Council unanimously passed recommendations to you concerning Idaho's application for a second-year Welfare-to-Work grant and the formation of a substate governance structure for workforce development in Idaho.

As you know, Idaho was the first of six states last year to turn down federal Welfare-to-Work funds. In June, I appointed a subcommittee of the Council to consider whether Idaho should apply for a second-year grant. This subcommittee met on August 26 and invited members of the public and staff from the Private Industry Councils to attend.

After listening to reports on Idaho's current welfare reform efforts and on the restrictions associated with the federal Welfare-to-Work funds, the subcommittee recommended to the full Council that Idaho not apply for a second-year grant. The subcommittee concluded that only a very small number of people would be served by the grant at a very high cost and that a better approach was to serve these individuals with the department's existing programs and resources. The full Workforce Development Council accepted their recommendation at our September 29 meeting.

The Council also passed the following motions regarding a substate structure for workforce development. These recommendations conform to the Workforce Investment Act of 1998:

1. The Council directed staff to formulate and advertise a process whereby local elected officials in the state can apply to have their area of jurisdiction designated as a local Workforce Investment Area. Although all local elected officials are allowed to apply, the applications will be evaluated on a point system with more

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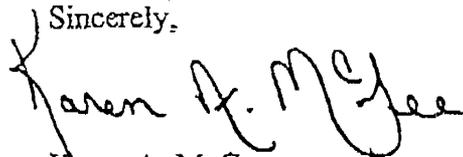
points going to those applications that can demonstrate a cost-effective and regional approach to service delivery and adequate resources for and experience in administering job training programs. The Council will evaluate the applications at a meeting on November 23 and make a recommendation to you. This process will satisfy the requirement of the Workforce Investment Act that you seek the input of the Council, local elected officials, and the public in designating local workforce areas.

2. The Council unanimously recommended that each local workforce area form a new local Workforce Investment Board. These boards will eventually replace the Private Industry Councils which previously administered the Job Training Partnership Act funds. The Council felt it was necessary to have new boards since not all potential workforce areas have Private Industry Councils. We hope that these boards will adopt a fresh approach to their responsibilities under the Workforce Investment Act.
3. Lastly, the Council recommended that membership of these local boards meet certain criteria, which the federal act allows you to establish. In addition to meeting minimum composition requirements set in the Act, the Council recommended that the local boards: a) include the following One Stop partners at a minimum: the Department of Labor, the Divisions of Vocational Education and Vocational Rehabilitation, Area Agencies on Aging, and Adult Basic Education; b) include representation of minorities and individuals with disabilities; and c) allow for an individual to represent more than one entity or group as appropriate.

With these recommendations, I think the Council has made significant progress toward completing its recommendation to you on a substate structure for workforce development. All that remains is for the Council to recommend local workforce areas based on the applications we receive. The Council will do this at its November 23 meeting, and I understand that you will be joining us for lunch so perhaps we can present our recommendation to you at that time.

It continues to be a privilege to serve as chair of your Workforce Development Council. I look forward to seeing you in November and presenting you with the Council's final recommendations on a governance structure for workforce development in Idaho.

Sincerely,



Karen A. McGee
Chair

cc: Workforce Development Council members
Council mailing list

254
94.12

DIRK KEMPTHORNE
Governor



Karen McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

October 29, 1999

The Honorable Ila Mae Cunningham, President
Southeast Idaho Council of Governments
Mayor, City of Downey
15 S. Main
Downey, ID 83234

Dear Mayor Cunningham:

Enclosed is a revised cost proposal by the Idaho Department of Labor to serve, on behalf of the Governor, as the grant recipient for Workforce Investment Act funds, and/or provide administrative services, for your region.

This proposal is premised upon five of the six Workforce Investment Areas accepting the proposal. At its November 23, 1998 meeting, the Council unanimously recommended that "...the Workforce Investment Act funds be administered by a single entity for maximum efficiency and cost effectiveness". The Council voiced strong support for local decision-making, but not for the creation of separate and duplicative administrative systems. It is the Council's belief that single statewide administrative systems further the goal of integrating and streamlining workforce development services in Idaho. If you have questions regarding the Council's recommendation, please free to contact Karen McGee, Council Chair, at 234-6164.

In developing this revised proposal, careful consideration has been given to the guidance by the Workforce Development Council regarding cost efficiencies and shared statewide administrative systems. This proposal includes an agreement by the Governor's Office and IDOL to fully fund the development of a statewide management information system, at an approximate cost of \$250,000, entirely from state level WIA funds at no cost to the regions, and to fund the development and operation of the financial management system, at a cost of approximately \$260,000, from a combination of state level WIA funds and non-federal IDOL funds. In addition, it reduces from the previous proposal the percent of both administrative and program funds being requested from the regions to provide the administrative services.

Please consider this proposal and advise me of your decision by Monday, November 15. If you have questions about the proposal, please call Cheryl Brush at 334-6303 or Pat Debban at 334-6399.

Sincerely,

A handwritten signature in cursive script that reads "Tana Shillingstad".

Tana Shillingstad
Lead Staff, Workforce Development Council
Office of the Governor

Cc: Bob Perky
Randy Kline

Attachment

255
94.13



IDAHO STATE AFL-CIO

7440 W. Lemhi Street Boise, Idaho 83709 (208) 321-4825

March 22, 1999

Chuck Prince, Exec. Director
SE Idaho Council of Govs.
P. O. Box 6079
Pocatello, ID 83205

Dear Chuck:

At the March 8th meeting of the Idaho Workforce Development Council a staged implementation of the 1998 Workforce Investment Act was approved. As part of this implementation, the Certification of local Workforce Investment Boards (WIB) is to occur between March and July 1999.

Each local WIB shall have "Representatives of labor organizations (for a local area in which employees are represented by labor organizations)." And representatives of labor organizations are to be "nominated by local labor federations, or (for a local area in which no employees are represented by such organizations) other representatives of employees." These provisions from the Workforce Act are echoed in the Criteria for Appointment/Certification of WIBs approved by the state Workforce Development Council.

As each local area transitions from the Private Industry Council mode to that of a Workforce Investment Board, the local labor federations (Central Labor Councils) are prepared to nominate two representatives to each area's WIB. The President of the Pocatello Central Labor Council is Gene McAfee, 942 W. Eldredge, Pocatello, Idaho, 83201; please contact him regarding labor's appointments.

We hope to continue the collaborative efforts that have made Idaho's PICs so valuable to our state's employment and training efforts. Contact this office if we can be of any assistance during this period of change.

Sincerely,

Dave D. Whaley
Dave D. Whaley, President

cc: Gene McAfee
Brett Nelson

256
94.14

IDAHO

COMMERCE & LABOR

DIRK KEMPTHORNE, GOVERNOR
ROGER MADSEN, DIRECTOR

September 28, 2004

Mr. Gene Caldwell, President
Southeast Idaho Council of Governments
201 N 70 E
Malad, ID 83252

Dear Mr. Caldwell:

As you will recall, local workforce investment areas were required to submit applications for recertification of local *IdahoWorks* Boards to the State earlier this year. These applications were reviewed by State staff, who then made recommendations to the Workforce Development Council regarding recertification of local boards. On September 16, 2004 the Workforce Development Council approved staff recommendations to recertify all six local boards.

On behalf of the Governor, I am therefore pleased to notify you that the State is recertifying the Southeast IdahoWorks Board as compliant with requirements set forth in the Workforce Investment Act and policy established by the State for Program Years 2004-5.

This legislation has provided Idaho an excellent opportunity to bring together the various partners in the workforce development system at the state and local level to collaboratively streamline service delivery and enhance the ability of the system to meet the needs of its customers. We look forward to continuing our work with you toward this end.

Sincerely,



~~cc~~ Roger B. Madsen
Director

cc: Ivan Leonhardt
Bob Perky ✓
Laura Gleason



RECEIVED

DEC 18 1998

BUSINESS RESOURCE CENTER

OFFICE OF THE GOVERNOR

P.O. BOX 83720

BOISE 83720-0034

PHILIP E. BATT
GOVERNOR

(208) 334-2100

December 15, 1998

James Weatherby, President
Ida-Ore Planning and Development Association
Boise State University
1910 University Drive
Boise, ID 83725

Dear Mr. Weatherby:

With this letter, I am approving Ida-Ore Planning and Development Association's application to be designated as a Workforce Investment Area under the Workforce Investment Act of 1998. This new legislation presents Idaho with an opportunity to continue with its exemplary customer-driven workforce development system and at the same time streamline program and administrative operations for the benefit of the system's customers.

In making this designation, I concur with the Workforce Development Council's recommendation that as systems are created to administer this new legislation, every effort be made to minimize duplication and maximize efficiency and cost effectiveness. After you have had an opportunity to review applicable federal regulations, I would encourage you to participate in discussions regarding the development of a single administrative system for the State of Idaho.

Sincerely,

Philip E. Batt
Governor

cc / Phil Choate, Executive Director
Ida-Ore Planning and Development Association

PEE:lh

Starr Kelso Law Office

CHARTERED

August 15, 2005

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

Via fax only: (208) 334-6300
(208) 334-6430

Re: Formal Request for Disqualification from participating in the State Workforce Development Council's hearing/meeting to review the Hearing Officer's recommended decision and subsequent decision process

Dear Chair McGee:

As Counsel for, and on behalf of, Regions I, III, IV and V your participation in the State Council's review and consideration, of the Hearing Officer's recommended decision in the consolidated (for hearing) Appeals of Regions I, III, IV and V, as well as the decision of the council on the appeal, is objected to.

The basis of the objection and request that you be disqualified, is your open and blatant advocacy of the "elimination" of any support for Local Workforce Investment Area board staff...and that you felt "it is the right thing to do" as documented in Cheryl Brush's e-mail to Megan Ronk dated March 29, 2005. Your memorandum of April 18, 2005 also clearly reflects pre-judgment of your position prior to the May 11, 2005 Council meeting. These expressions were made and conveyed as fact prior to the May 11, 2005 State Council meeting and you could not have been, and were not, a fair and impartial decision maker at that time. Indeed the agenda for the said meeting is also reflective of this pre-judgment.

KAREN McGEE

August 15, 2005

Page 2

Additionally, the e-mail from John McAllister dated July 5, 2005 makes it clear that you have improperly delegated your authority to appoint a hearing officer to Roger Madsen. This abdication of your authority has led to the recusal of all three of your appointments of persons to be hearing officers to-date at a complete waste of time and expense. As Chair of the State Workforce Development Council you have deviated from your obligation to advise the Governor to one of merely doing the Governor's bidding and as a result you can not be reasonably expected to impartially review and consider evidence when the Council reviews the hearing officer's recommendation. This conduct violates the Regions' procedural rights, and it is demanded that you disqualify yourself from participating in the appeals resolution upon receipt of the hearing officer's recommendation.

Very truly yours,



STARR KELSO

Attorney at Law

:ad

cc: Clients

Starr Kelso Law Office

CHARTERED

August 15, 2005

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

*Via fax: (208) 334-6300
(208) 334-6430*

Re: Witnesses

Dear Chair McGee:

Additional intended witnesses depending on procedural rulings:
Representative from Regions I, II, III, IV and V

Very truly yours,



STARR KELSO
Attorney at Law

:ad

cc: Craig Bledsoe
Wanda Keefer

Starr Kelso Law Office

CHARTERED

August 15, 2005

*Via fax: (208) 334-6300
(208) 334-6430*

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

Re: Witnesses

Dear Chair McGee:

Intended witnesses:

- Kathy Hagler
- Frank Henderson
- B. Roy Prescott
- Megan Ronk - Subpoena Required
- Cheryl Brush - Subpoena Required
- Dwight Johnson - Subpoena Required
- Karen McGee - Subpoena Required
- John McAllister - Subpoena Required

Rebuttal witnesses as may be determined depending upon procedural rulings.

Very truly yours,



STARR KELSO
Attorney at Law

:ad

cc: Craig Bledsoe
Wanda Keefer

HOWARD LOPEZ & KELLY PLLC
ATTORNEYS AT LAW
WITH ATTORNEYS LICENSED IN IDAHO
OREGON WASHINGTON WYOMING & NEW YORK

JOHN P. HOWARD
THOMAS H. LOPEZ
MICHAEL E. KELLY
RANDALL C. PROBASCO
LOU PICCIONI
PEG M. DOUGHERTY

RECEIVED

AUG 16 2005

ID. DEPT. OF LABOR
LEGAL

1100 KEY FINANCIAL CENTER
702 WEST IDAHO STREET
POST OFFICE BOX 856
BOISE, IDAHO 83701

TELEPHONE (208) 342-4300
FACSIMILE (208) 342-4344

August 15, 2005

www.idahodefense.com

Starr Kelso
Attorney at Law
P.O. Box 1312
Coeur d'Alene, ID 83816-1312

Via Facsimile

Wanda Keefer
Clearwater Economic Development Assn.
1626 6th Ave. North
Lewiston, ID 83501

Via Facsimile

Craig G. Bledsoe
Idaho Department of Commerce & Labor
317 W. Main St.
Boise, ID 83735

Via Facsimile

RE: Local Workforce Investment Area Designation Appeals of:
Panhandle Area Council
Clearwater Economic Development Association
Sage Community Resources
Region IV Development Association
Southeast Idaho Council of Governments Inc.
Our File No.: 6400.001

Dear Mr. Kelso, Ms. Keefer and Mr. Bledsoe:

Counsel for Regions I, III, IV and V has moved to disqualify me as the hearing officer in the above-referenced appeals. Although not cited by counsel, it is presumed that he has so moved pursuant to Idaho Code §67-5252(1).

While this in no way confirms counsel's unsubstantiated assumptions and over-generalizations, I am granting counsel's petition. As required by Idaho Code §67-5252(3), I am recusing myself as hearing officer to avoid any appearance of impropriety or partiality and for the reason that all time and energy should be focused on the merits of the issues.

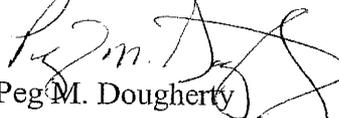
263

August 15, 2005

- Page 2

By way of this letter, please be advised that the pre-hearing conference call scheduled to take place this morning, August 15, 2005, at 9:30 a.m. MST, is canceled. All exhibits and witness disclosures will be returned to the parties via U.S. mail.

Very truly yours,


Peg M. Dougherty
pmd@idahodefense.com

PMD/ts

cc: Karen McGee (Via Facsimile/E-mail)
kmaster3@msn.com

Kelso.Keefer.bledsoe03.wpd

Peg M. Dougherty
208-342-4344

Craig Bledsoe
208-334-6125
208-334-6430
Wanda Keefer
208-746-0576

Re: Regions I, III,
IV + V
Appeals.

Additional proposed Exhibits
And Exhibit 90 also pertains to scope of hearing -
Issues.

Venet Carlson

From: John McAllister
 Sent: Tuesday, July 05, 2005 4:13 PM
 To: 'Michael Brauser'
 Cc: Cheryl Brush; Jay Engstrom; Craig Bledsoe
 Subject: RE: Idho Repot NBLP

Michael,
 These are excellent. We do not intend to change anything. On the WIA hearings for which we asked you to be a hearing officer, Roger has asked that we utilize a former Chief Justice of the Idaho Supreme Court, Robert Bakes. Chief Justice Bakes is making sure he has no conflicts with his private law practice before he accepts the engagement, and he has promised to let us know by noon tomorrow, July 6. Several of us were pulling for you, but Roger prefers Chief Justice Bakes because of his credibility with the Idaho Legislature. We have had several legislators criticize the Governor and Department for eliminating the local WIB's, and Roger wants to do everything possible to strengthen our response to them. Thanks for considering our request to do the hearings. If Chief Justice Bakes identifies a conflict, I will let you know tomorrow. We do not think such a conflict is likely. Also, thanks for your help on the Idaho Case Study. Every time I read it, it just seems to get better!
 John.

-----Original Message-----

From: Michael Brauser [mailto:mbrauser@worldnet.att.net]
 Sent: Tuesday, July 05, 2005 3:35 PM
 To: John McAllister
 Subject: Re: Idho Repot NBLP

John,

Attached you will find a file containing 2 additions for the case study: "How to Use" and "Inquiry Guide" (found at the end of the previous case studies). They could most assuredly be improved upon, so please feel free to revise as you may desire.

Regarding sub-titles for the Chapter titled "Overview and Chronology", I suggest the following

1. Insert the subtitle "The Drivers of Change" before the paragraph that begins "Chronologically . . ."
2. Insert subtitle "Raising the Bar" before the paragraph that begins "Elected in 1998, Governor K . . ."
3. Insert subtitle "Making Great Strides" before the paragraph that begins "By 2003, the strong and vigorous . . ."
4. Insert subtitle "Discovering Synergy" before the paragraph that begins "The success of the Department of Labor . . ."

Please feel free to over-ride any of the suggestions.

Mike

----- Original Message -----

From: "John McAllister" <John.McAllister@cl.idaho.gov>
 To: "Michael Brauser" <mbrauser@worldnet.att.net>
 Sent: Friday, July 01, 2005 3:29 PM
 Subject: RE: Idho Repot NBLP

Michael,
 They also wanted subtitles on page 11. Do you have any suggestions for that?
 John.

266
 Exhibit 89

Starr Kelso

From: David Hensley <dhensley@gov.idaho.gov>
To: Starr Kelso <starr.kelso@verizon.net>
Cc: Brian Whitlock <bwhitlock@gov.idaho.gov>; Megan Ronk <mronk@gov.idaho.gov>;
<jeremy.chou@ag.idaho.gov>; Bill Punkoney <bpunkoney@gov.idaho.gov>
Sent: Sunday, August 14, 2005 4:15 PM
Subject: Response

Starr:

I spoke with the Governor and conveyed your client's offer. At this stage in the case we are inclined to proceed with a motion to dismiss and resolve the issues your clients raised through the judicial process. The administrative hearing process, which is also under way, will provide your clients an additional forum to raise any concerns that were not previously expressed to the Governor and his staff. There will be no separate meeting at this time to provide this input to the Governor.

I am out of the office on vacation; however, if you need to contact me feel free to contact my assistant Bill Punkoney at (208) 334-2100. He will relay any information or messages to me immediately. Thank you.

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CAROL LYNN BRASSEY
EVELYN THOMAS
CRAIG G. BLEDSOE
ANNE BAKER WILDE
Deputy Attorneys General
Idaho Department of Commerce and Labor
317 W. Main Street
Boise, ID 83735
Telephone: (208) 332-3570 x 3232
ISB No. 3431

Attorneys for Idaho Department of Commerce & Labor

BEFORE THE STATE WORKFORCE DEVELOPMENT COUNCIL

In the matter of the Local Workforce)
Investment Area Designation Appeals of:)
PANHANDLE AREA COUNCIL;)
CLEARWATER ECONOMIC)
DEVELOPMENT ASSOCIATION;)
SAGE COMMUNITY RESOURCES;)
REGION IV DEVELOPMENT)
ASSOCIATION;)
and)
SOUTHEAST IDAHO COUNCIL OF)
GOVERNMENTS, INC.;)
Appellants.)

Case No. _____

**DEPARTMENT'S RESPONSE TO
APPELLANTS' MOTION TO
EXCLUDE DEPARTMENT AS AN
INTERESTED PARTY**

COMES NOW the Idaho Department of Commerce and Labor (Department), by and through its attorney of record, Craig G. Bledsoe, and submits the following response to Appellants' objection to the Department's appearance as an interested party in the above entitled matter:

The primary grant recipient for federal WIA grant funds in the State of Idaho is the Governor. It is the Governor's responsibility to submit to the federal Secretary of Labor a State Plan that satisfies all the requirements of WIA (WIA § 112).

In the current, approved WIA State Plan, the Department is identified as the state agency that oversees WIA and acts as the "state's primary workforce investment and economic development agency" (Exhibit A, WIA State Plan, p. 8 available online at <http://cl.idaho.gov>). On the signatory page of the current State Plan, after designating the Department as the WIA Title I Grant Recipient Agency and the Department's Director as the WIA Title I Signatory Official, the WIA Title I Liaison, and the Wagner-Peyser Act Grant Recipient, the Governor certified the following:

As the Governor, I certify that for the State/Commonwealth of IDAHO, the agencies and officials designated above have been duly designated to represent the State/Commonwealth in the capacities indicated for the Workforce Investment Act, Title I, and the Wagner-Peyser Act grant programs.

(Exhibit B, WIA State Plan, p. 152-153).

By letter dated June 1, 2005, the Governor directed the Department's Director to notify Appellants that their requests for designation as Local Workforce Investment Areas under current WIA State Plan were denied because they did not satisfy the federal statutory requirements for mandatory designation under either the automatic or temporary and subsequent designation criteria (Exhibit C). At the Governor's request, the Department's Director notified each of the Appellants by letter dated June 9, 2005, that their requests for designation as LWIAs under the current WIA State Plan had been denied (Exhibit D).

Although the administrative appeal procedure in Section VIII (A)(3) of the current WIA State Plan was not intended to be adversarial, Appellants' have sought to transform what was intended to be a limited, focused factual inquiry about very specific statutory designation criteria

Name of Wagner-Peyser Act Grant Recipient/State Employment Security Agency:

Roger B. Madsen, Director
Address: Idaho Department of Commerce and Labor
317 W. Main Street
Boise, ID 83735-0500
Telephone Number: (208) 334-6110
Facsimile Number: (208) 334-6430
E-mail Address: roger.madsen@cl.idaho.gov

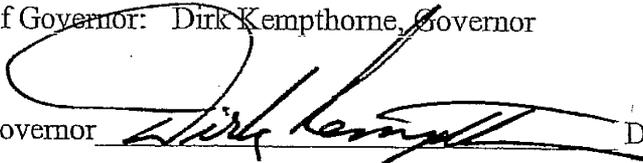
Name and title of State Employment Security Administrator (Signatory Official):

Roger B. Madsen, Director
Address: Idaho Department of Commerce and Labor
317 W. Main Street
Boise, ID 83735-0500
Telephone Number: (208) 334-6110
Facsimile Number: (208) 334-6430
E-mail Address: roger.madsen@cl.idaho.gov

As the Governor, I certify that for the State/Commonwealth of IDAHO, the agencies and officials designated above have been duly designated to represent the State/Commonwealth in the capacities indicated for the Workforce Investment Act, Title I, and Wagner-Peyser Act grant programs. Subsequent changes in the designation of officials will be provided to the U.S. Department of Labor as such changes occur.

I further certify that we will operate our Workforce Investment Act and Wagner-Peyser Act programs in accordance with this Plan and the assurances herein.

Typed Name of Governor: Dirk Kempthorne, Governor

Signature of Governor  Date: May 31, 2005



DIRK KEMPTHORNE
GOVERNOR

June 1, 2005

Roger B. Madsen
Idaho Department of Commerce and Labor
317 West Main Street
Boise, ID 83735

Re: The New WIA State Plan

Dear Roger:

As Director of the Idaho Department of Commerce and Labor, I appoint you as my designee for the purpose of notifying local elected officials and local area boards of my decision to restructure Workforce Investment Act (WIA) services in Idaho so that the recent reduction of federal funding will not adversely affect the ability of Idahoans to receive job training.

Consistent with the requirements of the new WIA State Plan I signed and submitted to the Secretary of the United States Department of Labor on May 31, 2005, please notify local elected officials and current local area boards in areas not being retained that their area designations will expire on June 30, 2005. Also, please notify the area being retained that its area designation under the new plan will begin on July 1, 2005.

Also, since no unit of local government in Idaho qualifies for designation as a local area under sections 116(a)(2) or 116(a)(3) of the WIA, please notify all parties who submitted requests for recognition as a local area under the new WIA State Plan that their requests are denied.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Dirk Kempthorne", written over a circular stamp.

DIRK KEMPTHORNE
Governor

IDAHO

COMMERCE & LABOR

DIRK KEMPTHORNE, GOVERNOR
ROGER B. MADSEN, DIRECTOR

June 9, 2005

Mr. Rick Currie, Chair
Panhandle Area Council
Kootenai County Commissioner
P. O. Box 9000
Coeur d'Alene, ID 83816

Re: Expiration of Current Area Designation
Denial of Request for Area Designation

Dear Mr. Currie:

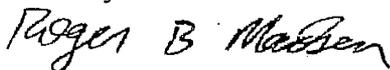
As Governor Kempthorne's designee for the purpose of notifying local elected officials and local area boards of the requirements of the new Workforce Investment Act (WIA) State Plan that the Governor signed and sent to the Secretary of the United States Department of Labor on May 31, 2005, you are hereby given notice of the following:

1. Your current designation as a WIA local area expires on June 30, 2005. The Department's Workforce Systems Bureau will contact you to provide information about close-out procedures and discuss transition activities.
2. Because you do not meet the criteria for designation as a local area under sections 116(a)(2) and 116(a)(3) of the WIA, your request for designation as a local area under the new WIA State Plan is denied. If you believe that you do meet this statutory criteria, you may appeal the Governor's decision by following the appeals procedure in Section VIII(A)(3) of the new WIA State Plan.

This action does not eliminate your local board. It only ends the designation that allows you to receive and administer federal WIA funds.

Governor Kempthorne and I appreciate your efforts and value your support as we join together to ensure that the recent reduction of federal funding will not adversely affect the ability of Idahoans to receive job training.

Sincerely



Roger B. Madsen
Director

cc: Mark Mattke

IDAHO

COMMERCE & LABOR

DIRK KEMPTHORNE, GOVERNOR
ROGER B. MADSEN, DIRECTOR

June 9, 2005

Mr. John Currin
President
Clearwater Economic Development Assn
1626 6th Avenue N
Lewiston, ID 83501

Re: Expiration of Current Area Designation
Denial of Request for Area Designation

Dear Mr. Currin:

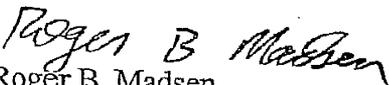
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1. Your current designation as a WIA local area expires on June 30, 2005. The Department's Workforce Systems Bureau will contact you to provide information about close-out procedures and discuss transition activities.
2. Because you do not meet the criteria for designation as a local area under sections 116(a)(2) and 116(a)(3) of the WIA, your request for designation as a local area under the new WIA State Plan is denied. If you believe that you do meet this statutory criteria, you may appeal the Governor's decision by following the appeals procedure in Section VIII(A)(3) of the new WIA State Plan.

This action does not eliminate your local board. It only ends the designation that allows you to receive and administer federal WIA funds.

Governor Kempthorne and I appreciate your efforts and value your support as we join together to ensure that the recent reduction of federal funding will not adversely affect the ability of Idahoans to receive job training.

Sincerely


Roger B. Madsen
Director

cc: Tim Rubio

IDAHO

COMMERCE & LABOR

DIRK KEMPTHORNE, GOVERNOR
ROGER B. MADSEN, DIRECTOR

June 9, 2005

Mr. Dave Jett
President
Sage Community Resources
P. O. Box 70
Mountain Home, ID 83647

Re: Expiration of Current Area Designation
Denial of Request for Area Designation

Dear Mr. Jett:

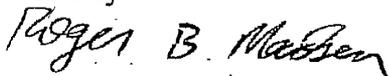
As Governor Kempthorne's designee for the purpose of notifying local elected officials and local area boards of the requirements of the new Workforce Investment Act (WIA) State Plan that the Governor signed and sent to the Secretary of the United States Department of Labor on May 31, 2005, you are hereby given notice of the following:

1. Your current designation as a WIA local area expires on June 30, 2005. The Department's Workforce Systems Bureau will contact you to provide information about close-out procedures and discuss transition activities.
2. Because you do not meet the criteria for designation as a local area under section 116(a)(2) of the WIA, and because the designation criteria under section 116(a)(3) of the WIA is no longer applicable, your request for designation as a local area under the new WIA State Plan is denied. If you believe that you do meet this statutory criteria, you may appeal the Governor's decision by following the appeals procedure in Section VIII(A)(3) of the new WIA State Plan.

This action does not eliminate your local board. It only ends the designation that allows you to receive and administer federal WIA funds.

Governor Kempthorne and I appreciate your efforts and value your support as we join together to ensure that the recent reduction of federal funding will not adversely affect the ability of Idahoans to receive job training.

Sincerely



Roger B. Madsen
Director

cc: Bob Barber

IDAHO

COMMERCE & LABOR

DIRK KEMPTHORNE, GOVERNOR
ROGER B. MADSEN, DIRECTOR

June 9, 2005

Mr. Brent Jussel, President
Region IV Development Assn.
Seastrom Manufacturing
456 Seastrom St.
Twin Falls, ID 83301

Re: Expiration of Current Area Designation
Denial of Request for Area Designation

Dear Mr. Jussel:

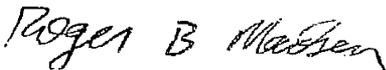
As Governor Kempthorne's designee for the purpose of notifying local elected officials and local area boards of the requirements of the new Workforce Investment Act (WIA) State Plan that the Governor signed and sent to the Secretary of the United States Department of Labor on May 31, 2005, you are hereby given notice of the following:

1. Your current designation as a WIA local area expires on June 30, 2005. The Department's Workforce Systems Bureau will contact you to provide information about close-out procedures and discuss transition activities.
2. Because you do not meet the criteria for designation as a local area under sections 116(a)(2) and 116(a)(3) of the WIA, your request for designation as a local area under the new WIA State Plan is denied. If you believe that you do meet this statutory criteria, you may appeal the Governor's decision by following the appeals procedure in Section VIII(A)(3) of the new WIA State Plan.

This action does not eliminate your local board. It only ends the designation that allows you to receive and administer federal WIA funds.

Governor Kempthorne and I appreciate your efforts and value your support as we join together to ensure that the recent reduction of federal funding will not adversely affect the ability of Idahoans to receive job training.

Sincerely



Roger B. Madsen
Director

cc: Candy McElfresh

June 9, 2005

Mr. Kent Kearns, President
Southeast Idaho Council of Governments
City of Chubbuck Councilman
P. O. Box 5604
Chubbuck, ID 83202

Re: Expiration of Current Area Designation
Denial of Request for Area Designation

Dear Mr. Kearns:

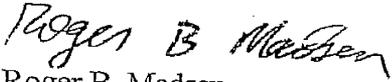
As Governor Kempthorne's designee for the purpose of notifying local elected officials and local area boards of the requirements of the new Workforce Investment Act (WIA) State Plan that the Governor signed and sent to the Secretary of the United States Department of Labor on May 31, 2005, you are hereby given notice of the following:

1. Your current designation as a WIA local area expires on June 30, 2005. The Department's Workforce Systems Bureau will contact you to provide information about close-out procedures and discuss transition activities.
2. Because you do not meet the criteria for designation as a local area under sections 116(a)(2) and 116(a)(3) of the WIA, your request for designation as a local area under the new WIA State Plan is denied. If you believe that you do meet this statutory criteria, you may appeal the Governor's decision by following the appeals procedure in Section VIII(A)(3) of the new WIA State Plan.

This action does not eliminate your local board. It only ends the designation that allows you to receive and administer federal WIA funds.

Governor Kempthorne and I appreciate your efforts and value your support as we join together to ensure that the recent reduction of federal funding will not adversely affect the ability of Idahoans to receive job training.

Sincerely


Roger B. Madsen
Director

cc: Bob Perky

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CAROL LYNN BRASSEY
EVELYN THOMAS
CRAIG G. BLEDSOE
ANNE BAKER WILDE
Deputy Attorneys General
Idaho Department of Commerce and Labor
317 W. Main Street
Boise, ID 83735
Telephone: (208) 332-3570 x 3232
ISB No. 3431

Attorneys for Idaho Department of Commerce & Labor

BEFORE THE STATE WORKFORCE DEVELOPMENT COUNCIL

In the matter of the Local Workforce)
Investment Area Designation Appeals of:)
PANHANDLE AREA COUNCIL;)
CLEARWATER ECONOMIC)
DEVELOPMENT ASSOCIATION;)
SAGE COMMUNITY RESOURCES;)
REGION IV DEVELOPMENT)
ASSOCIATION;)
and)
SOUTHEAST IDAHO COUNCIL OF)
GOVERNMENTS, INC.;)
Appellants.)

Case No. _____

**DEPARTMENT'S RESPONSE TO
APPELLANTS' MOTIONS FOR
THE ISSUANCE OF SUBPOENAS,
THE PAYMENT OF FEES AND
EXPENSES AND OBJECTION TO
THE LACK PROCEDURES**

COMES NOW the Idaho Department of Commerce and Labor (Department), by and through its attorney of record, Craig G. Bledsoe, and submits the following response to

DEPARTMENT'S RESPONSE TO APPELLANTS' MOTIONS FOR THE
ISSUANCE OF SUBPOENAS, THE PAYMENT OF FEES AND EXPENSES
AND OBJECTION TO THE LACK OF PROCEDURES - 1

Appellants' motions for the issuance of subpoenas, the payment of Appellants fees and expenses, and Appellants' objection to the lack of procedures:

All five Appellants contend that they are entitled as a matter of law to designation as Local Workforce Investment Areas (LWIAs) under the current, federally approved State Plan. Appellants specifically allege that the Governor's denial of their requests for designation as LWIAs violates the temporary and subsequent designation criteria of WIA § 116(a)(3) because their initial temporary designation under the old, expired State Plan should have continued under the current State Plan. Although Appellants make other allegations about procedures followed by the Workforce Development Council (State Board) and the Governor's exercise of discretion, the only relevant issue on appeal is their allegation of entitlement to mandatory designation as LWIAs. Consequently, this single issue is the only issue that provides the legal context for responding to Appellants' motions and objections.

It is a general principle of administrative law that administrative authorities are tribunals of limited jurisdiction and their limited jurisdiction is dependant entirely upon the statutes reposing power in them. *Knight v. Department of Insurance*, 124 Idaho 645, 862 P.2d 337 (1993) and *Washington Water Power Co. v. Kootenai Environmental Alliance*, 99 Idaho 875, 591 P.2d 122 (1979). The procedural and subject matter jurisdiction of the State Board and its hearing officer to hear an appeal from the Governor's denial of a request for designation as an LWIA is dependant entirely on the provisions of WIA § 116(a)(5) and 20 CFR §§ 661.280 and 667.640(a).

According to WIA regulations, the due process procedures for the type appeals filed in this case must be included in the WIA State Plan and "must provide an opportunity for a hearing and prescribe appropriate time limits to ensure prompt resolution of the appeal." 20 CFR §

667.640(a). The appeal procedures in Section VIII (A)(3) of the current, federally approved WIA State Plan fully satisfy these requirements. They provide for a hearing and allow Appellants to present testimony and documentary evidence, offer evidence in rebuttal, present oral argument, and to be represented by legal counsel. They also set time limits for when the hearing must be conducted. As a result, Appellants' due process rights in the limited context of these appeals have been adequately provided for in WIA, its regulations and in the current WIA State Plan and their objection to the process outlined in Section VIII (A)(3) of the State Plan is without merit.

No express authority is given in WIA, its regulations or the State Plan's procedures for the adjudication of any other issues. No express authority is given for the issuance of subpoenas or for the payment of Appellants' fees and expenses. To protect the integrity of the appeals process and to avoid the exercise of authority beyond what is allowed by law, Appellants' motions for the issuance of subpoenas and the payment of fees and expenses must be denied.

Dated this 12 day of August, 2005.



CRAIG G. BLEDSOE
Deputy Attorney General
Idaho Department of Commerce and Labor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12 day of August, 2005, I caused a true and correct copy of the foregoing to be served by the method indicated below, and addressed to the following:

Starr Kelso
Attorney at Law
PO Box 1312
Coeur d'Alene, ID 83816-1312
Fax: (208) 664-6261

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Facsimile

Wanda Keefer
Clearwater Economic Development Assoc.
1626 6th Ave. North
Lewiston, ID 83501
Fax: (208) 746-0576

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Facsimile

Peg M. Dougherty
Hearing Officer
PO Box 856
Boise, ID 83701
Fax: (208) 342-4344

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Facsimile



CRAIG G. BLEDSOE

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CAROL LYNN BRASSEY
EVELYN THOMAS
CRAIG G. BLEDSOE
ANNE BAKER WILDE
Deputy Attorneys General
Idaho Department of Commerce and Labor
317 W. Main Street
Boise, ID 83735
Telephone: (208) 332-3570 x 3232
ISB No. 3431

Attorneys for Idaho Department of Commerce & Labor

BEFORE THE STATE WORKFORCE DEVELOPMENT COUNCIL

In the matter of the Local Workforce)
Investment Area Designation Appeals of:)
PANHANDLE AREA COUNCIL;)
CLEARWATER ECONOMIC)
DEVELOPMENT ASSOCIATION;)
SAGE COMMUNITY RESOURCES;)
REGION IV DEVELOPMENT)
ASSOCIATION;)
and)
SOUTHEAST IDAHO COUNCIL OF)
GOVERNMENTS, INC.;)
Appellants.)

Case No. _____

**DEPARTMENT'S RESPONSE TO
APPELLANTS' MOTION TO
CHANGE VENUE**

COMES NOW the Idaho Department of Commerce and Labor (Department), by and through its attorney of record, Craig G. Bledsoe, and submits the following response to Appellants' motion to change venue:

Appellants represent former Local Workforce Investment Areas (LWIAs) from across the State of Idaho. Appellant Panhandle Area Council represents a five county area in the northern panhandle of Idaho. Appellant Clearwater Economic Development Association represents a five county area in the north-central part of Idaho. Appellant Sage Community Resources represents a ten county area in the west-central part of Idaho, which includes the City of Boise. Appellant Region IV Development Association represents an eight county area in the south-central part of Idaho. And, Appellant Southeast Idaho Council of Governments, Inc., represents a seven county area in the southeast part of Idaho.

At Appellants' request, the Chair of the Workforce Development Council (State Board) consolidated the appeals for a single hearing in Boise, Idaho and gave Appellants and their witnesses the opportunity to appear by telephone. A review of a map of the State of Idaho and a common sense analysis of the geographic location of each of the Appellants, together with the facts that the issues raised by Appellants are identical, the statutory limitation on the hearing officer's subject matter jurisdiction is very narrow, the limited nature of the relevant evidence that can be offered by Appellants and their ability to appear and present relevant testimony by telephone leads to the obvious conclusion that Boise, Idaho is the most convenient, efficient, centrally located and least costly venue for the consolidated hearing in this case.

This common sense approach to venue is supported by analogizing to Idaho's statutes governing venue in state courts. Since these appeals are from a decision made by the Governor, Idaho Code § 5-402(2) provides that an action against a public official for an "act done by him in virtue of his office" must be tried in the county where the cause of action, or some part thereof, arose. The Governor's action to deny Appellants requests for designation as LWIAs under the current, federally approved WIA State Plan took place in Boise, Idaho. It was in Boise that the

Governor signed the current WIA State Plan and it was from Boise that that Plan was submitted to the federal Secretary of Labor. It was also in Boise that the Governor appointed the Department's Director as his designee for the purpose of informing Appellants that their requests for designation had been denied, and it was from Boise that the Department's Director sent those written notices. By analogy, since the Governor exercised his authority in Boise, Boise is where the cause of action in these appeals arose and Boise is the proper venue for the consolidated hearing. *See Idaho State AFL-CIO v. Leroy*, 110 Idaho 691, 699, 718 P.2d 1129, 1137 (Idaho 1986) (plaintiffs' cause was based on allegedly improper passage of a bill; hence the legislature's authority to pass the bill was the action which caused the plaintiff's claim to arise).

Further statutory support for this common sense approach is found in Idaho's Administrative Procedures Act. When resolving petitions for judicial review of the same agency action filed in more than one county or before more than one judge, Idaho Code § 67-5272(2) provides:

The administrative judge in the judicial district in which the first petition was filed, after appropriate consultation with the affected district judges and the affected administrative judges, shall then order consolidation of the judicial review of the petitions before one (1) district judge in one (1) county in which a petition for judicial review was properly filed

The authority relied upon by Appellants is distinguishable from the facts and circumstances presented by the appeals in this case and is contrary to the requirements of Idaho Code §§ 5-402(2) and 67-5272(2). The controversy in *Priest Lake Coalition v. State of Idaho*, 111 Idaho 354, 723 P2d. 898 (1986) was over tangible real property that was mostly located in Bonner County. For that reason the court held that part of the cause of action arose in Bonner County. Further, the issue of venue in *Priest Lake* involved a choice between only two counties, Ada County or Bonner County.

The appeals in this case present a far different situation. They involve the separate appeals of five Appellants representing a total of thirty-five counties across the entire State of Idaho. There is no single county or region of the State that has been impacted more than any other. All of the Appellants lost federal Workforce Investment Act funding, including the Appellant representing ten counties that include and immediately surround Boise. As a result, Boise has the superior claim to venue because it is within an area affected by the Governor's decision, it is centrally located, it is the place where the Governor exercised his authority and the place where the cause of action arose.

Applying by analogy the principles of Idaho Code §§ 5-402(2) and 67-5272(2) supports the common sense approach taken by the State Board and the Department requests that Appellants' motion to change venue be denied.

Dated this 18 day of August, 2005.


CRAIG G. BLEDSOE
Deputy Attorney General
Idaho Department of Commerce and Labor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12 day of August, 2005, I caused a true and correct copy of the foregoing to be served by the method indicated below, and addressed to the following:

Starr Kelso
Attorney at Law
PO Box 1312
Coeur d'Alene, ID 83816-1312
Fax: (208) 664-6261

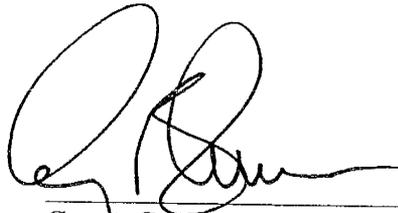
- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile

Wanda Keefer
Clearwater Economic Development Assoc.
1626 6th Ave. North
Lewiston, ID 83501
Fax: (208) 746-0576

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile

Peg M. Dougherty
Hearing Officer
PO Box 856
Boise, ID 83701
Fax: (208) 342-4344

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile



CRAIG G. BLEDSOE

Starr Kelso Law Office

CHARTERED

August 12, 2005

Peg M. Dougherty
P.O. Box 856
Boise, ID 83701

Re: Witness Subpoenas

Dear Ms. Dougherty:

As of this late date, it has not been determined by anyone what, if any, rules of procedure apply.

Nonetheless, so that the matter will be discussed at the status conference on Monday I am sending the names of persons that I request, as counsel for Regions I, III, IV and V, be issued. How these will be served in the short time allotted is problematic, but that can be discussed also.

The persons who subpoena duces tecum are requested for are:

1. Megan Ronk;
2. Cheryl Brush;
3. Dwight Johnson; and
4. Karen McGee.

PEG DOUGHERTY

August 12, 2005

Page 2

The list of other Region witnesses will be supplied on Monday.

Very truly yours,



STARR KELSO

Attorney at Law

:ad

cc: Clients

STARR KELSO
 Attorney at Law, ISB #2445
 Starr Kelso Law Offices, Chartered
 1621 N. Third Street, Suite 600
 PO Box 1312
 Coeur d'Alene, ID 83816-1312
 (208) 765-3260
 (208) 664-6261 - Fax

Attorney for Appellants

WORKFORCE DEVELOPMENT COUNCIL

In Re: Appeals of Regions I, III, IV, and V	)	CASE NO. _____
consolidated for hearing purposes)	
)	
Appellants.	)	MOTION TO DISQUALIFY
	)	PEG M. DOUGHERTY
)	
)	
)	
)	
)	

COMES NOW Regions I, III, IV, and V and move to disqualify Peg M. Dougherty as hearing officer. The basis of this Motion is that Ms. Dougherty has an Employment Agreement between her and Edward C. Lockwood (who has some type of contract to provide hearing officers to the State of Idaho) wherein she is a subcontractor. As a subcontractor her appointment as a hearing officer by Lockwood is subject to the control of the State and the State can require Lockwood to remove her as a hearing officer. In basic terms, Ms. Dougherty's continued receipt of cases is dependent upon a State happy with her decisions. Additionally, the contract while purporting to be with Ms. Dougherty calls for her payment to be made not to her but rather to Ms. Dougherty's employer, Howard, Lopez & Kelly PLLC.

1 - MOTION TO DISQUALIFY PEG M. DOUGHERTY

Ms. Dougherty's said employer's principals John Howard and Michael Kelly are on occasion, and while not disclosed may be currently acting as Special Deputy Attorneys General to defend the State.

That Idaho case law provides that any attorney appointed to act as Special Deputy Attorneys General can be denied that status and income opportunity by merely participating in any claims against even non state or quasi state entities (see Kclso & Irwin P.A. vs. Attorney General Alan Lance, 134 IDAHO 373, 3 P.d51 (2000). That the loss of income to Ms. Dougherty's employer by a removal of her by the State as a "subcontractor" hearing officer and the loss of income potential to her firm if her said firm's principals are removed from the Special Attorney General appointment can cause substantial loss of income to her employer.

That this appeal arises from a politically generated decision, that arguably violates not only federal law but is arbitrary and capricious. Widespread negative comment was received on the 2005 Plan and Waivers being appealed herein and literally only one or two positive comments were received. In additions, not only are all counties in Idaho, except Region VI which has a special agreement with the State opposed to this Plan and the Council was split by a vote of 8 to 8 with at least one member voting who should have disqualified herself and voted in favor of the Governor's proposed plan.

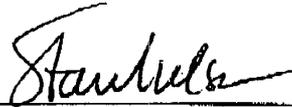
Under the Idaho Code of Judicial Conduct Canon 3(E) commentary, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless whether any of the specific rules in Section 3(E)(1) apply. Indeed the relationship between Ms. Dougherty's law firm and her agreement, for the benefit of her law firm employer, is essentially a continuing negotiation for employment. This might be appropriate under some circumstances but certainly not when the outcome of an enormously politically charged appeal hangs, to some extent, on the recommendation of the hearing officer. Suffice it to say should Appellants prevail at any level of the administrative appeal process the Governor, given his willingness to ignore the overwhelming outcry against the proposal, will not be

happy. That translates to a clear jeopardization of Ms. Dougherty's and her law firm employer's income generating abilities. Former Chief Justice, Robert Bakes, recognized this concept clearly when he recused himself under even less compelling circumstances.

In this case there is no rule of necessity involved. There are plenty of qualified persons in Idaho who can hear these appeals that do not have any impartiality questions or direct ties to the State. Indeed the fact that Chair McGee, as reflected by exhibit 1 hereto, has operated under orders on who to appoint as the hearing officer, and has refused to respond to repeated requests by the Appellants' counsel to submit a list of three names so that a clearly impartial hearing officer can be named is further reason to question the impartiality of any hearing officer with ties to the State.

Ms. Dougherty should recuse herself.

DATED this 12 day of August, 2005.



STARR KELSO
Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents was:

- Mailed by depositing in the United States Mails, postage prepaid;
 Hand-Delivered;
 Transmitted Via FAX.

this 12 day of August, 2005, to the following individual(s):

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790
Fax: (208) 334-6300

Craig Bledsoe
Deputy Attorney General
317W. Main Street
Boise, ID 83735
Fax: (208) 334-6125

Wanda Keefer
Clearwater Economic Development Assoc.
1626 6th Ave. North
Lewiston, ID 83501
Fax: (208) 746-0576

BY: 

Venet Carlson

From: John McAllister
Sent: Tuesday, July 05, 2005 4:13 PM
To: 'Michael Brauser'
Cc: Cheryl Brush; Jay Engstrom; Craig Bledsoe
Subject: RE: Idho Repot NBLP

Michael,
 These are excellent. We do not intend to change anything. On the WIA hearings for which we asked you to be a hearing officer, Roger has asked that we utilize a former Chief Justice of the Idaho Supreme Court, Robert Bakes. Chief Justice Bakes is making sure he has no conflicts with his private law practice before he accepts the engagement, and he has promised to let us know by noon tomorrow, July 6. Several of us were pulling for you, but Roger prefers Chief Justice Bakes because of his credibility with the Idaho Legislature. We have had several legislators criticize the Governor and Department for eliminating the local WIB's, and Roger wants to do everything possible to strengthen our response to them. Thanks for considering our request to do the hearings. If Chief Justice Bakes identifies a conflict, I will let you know tomorrow. We do not think such a conflict is likely. Also, thanks for your help on the Idaho Case Study. Every time I read it, it just seems to get better!
 John.

-----Original Message-----

From: Michael Brauser [mailto:mbrauser@worldnet.att.net]
Sent: Tuesday, July 05, 2005 3:35 PM
To: John McAllister
Subject: Re: Idho Repot NBLP

John,

Attached you will find a file containing 2 additions for the case study: "How to Use" and "Inquiry Guide" (found at the end of the previous case studies). They could most assuredly be improved upon, so please feel free to revise as you may desire.

Reagrding sub-titles for the Chapter titled "Overview and Chronology", I suggest the following

1. Insert the subtitle "The Drivers of Change" before the paragraph that begins "Chronologically . . ."
2. Insert subtitle "Raising the Bar" before the paragraph that begins "Elected in 1998, Governor K . . ."
3. Insert subtitle "Making Great Strides" before the paragraph that begins "By 2003, the strong and vigorous . . ."
4. Insert subtitle "Discovering Synergy" before the paragraph that begins "The success of the Department of Labor . . ."

Please feel free to over-ride any of the suggestions.

Mike

----- Original Message -----
From: "John McAllister" <John.McAllister@cl.idaho.gov>
To: "Michael Brauser" <mbrauser@worldnet.att.net>
Sent: Friday, July 01, 2005 3:29 PM
Subject: RE: Idho Repot NBLP

Michael,
 They also wanted subtitles on page 11. Do you have any suggestions for that?
 John.

Cheryl Brush

From: Michael Brauser [mbrauser@worldnet.att.net]
Sent: Tuesday, July 12, 2005 9:54 AM
To: Cheryl Brush
Subject: Re: Change again—we have solved our COI problem

Cheryl,

I am glad that it has all worked out. Let's hope that the results of the hearing are also satisfactory.

Best wishes

Mike

----- Original Message -----

From: Cheryl Brush
To: Mike Brauser
Sent: Monday, July 11, 2005 1:32 PM
Subject: Change again—we have solved our COI problem

Mike,

We appreciate your patience with us and our apparent indecision. At some point, we will actually engage you in a contract! Thanks so much for considering to be of service to us. Cheryl

The information contained in this e-mail from Idaho Commerce and Labor may be privileged, confidential, or otherwise protected from disclosure. Persons who share such information with unauthorized individuals may face penalties under state and federal law. If you have received this e-mail in error, please reply to the sender that you received this information in error and delete this e-mail after replying to the sender.

7/21/2005

Exhibit 1.2

293

HOWARD LOPEZ & KELLY PLLC
ATTORNEYS AT LAW
WITH ATTORNEYS LICENSED IN IDAHO
OREGON WASHINGTON WYOMING & NEW YORK

JOHN P. HOWARD
THOMAS H. LOPEZ
MICHAEL E. KELLY
RANDALL C. PROBASCO
LOU PICCIONI
PEG M. DOUGHERTY

1100 KEY FINANCIAL CENTER
702 WEST IDAHO STREET
POST OFFICE BOX 856
BOISE, IDAHO 83701 ..

TELEPHONE (208) 342-4300
FACSIMILE (208) 342-4344

August 11, 2005

www.idahodefense.com

Starr Kelso
Attorney at Law
P.O. Box 1312
Coeur d'Alene, ID 83816-1312

Via Facsimile

Wanda Keefer
Clearwater Economic Development Assn.
1626 6th Ave. North
Lewiston, ID 83501

Via Facsimile

Craig G. Bledsoe
Idaho Department of Commerce & Labor
317 W. Main St.
Boise, ID 83735

Via Facsimile

RE: Local Workforce Investment Area Designation Appeals of:
Panhandle Area Council
Clearwater Economic Development Association
Sage Community Resources
Region IV Development Association
Southeast Idaho Council of Governments Inc.
Our File No.: 6400.001

Dear Mr. Kelso, Ms. Keefer and Mr. Bledsoe:

In response to Mr. Kelso's correspondence I am happy to provide you with some information regarding my background and experience. I have attached a copy of my resume for your review. Prior to obtaining my law degree and entering the legal arena I was an educator in Colorado, teaching Special Education to elementary and secondary age children.

I have also attached a copy of my Employment Contract with Edward C. Lockwood, with whom I subcontract to provide administrative hearing services to the Idaho Department of Health and Welfare. I have contracted with Mr. Lockwood to provide these services since June, 2003.

*Peg Dougherty, Esq.***PROFESSIONAL LEGAL EXPERIENCE**

Howard Lopez & Kelly PLLC, May 1999 – December 2000; February 2003 – Present
(Formerly a part of: Howard Ellsworth Ipsen & Perry, PLLC)

*Boise, ID***Associate Member**

- General trial and appellate practice concentrating on defense of insurance companies and their policyholders.
- Appear in district and federal court for pre-trial conferences, motions and jury trials.
- Carry out trial preparation including pre-trial memorandum, jury instructions, motions in limine, expert and lay witness preparation.
- Conduct all aspects of discovery including preparation of written requests and responses; depositions of parties and experts; and preparation of all associated notices and motions.
- Participation in alternative dispute resolution including mediation, binding and non-binding arbitration and cases resolved via Idaho's Small Lawsuit Resolution Act.
- Research and write legal briefs and memoranda, insurance coverage analyses, and correspondence to clients and opposing counsel.

State of Idaho, Department of Health and Welfare, February 2003 – Present

*Boise, ID***Administrative Law Judge**

- Independent contractor with the State of Idaho, Department of Health and Welfare for the purpose of providing administrative hearing services.
- Carry out all duties in accordance with the Idaho Administrative Procedures Act and Department Rules Governing Contested Case Proceedings and Declaratory Rulings.
- Identify and resolve evidential and procedural issues of cases assigned.
- Conduct all necessary conferences and the administrative appeal hearing.
- Issue written findings of fact, conclusions of law and decision for each case in a timely manner.
- Protect all information considered confidential under enabling federal public assistance statutes and regulations, Idaho statutes and promulgated rules and regulations.

State of Idaho, Attorney General's Office, December 2000 – February 2003

*Boise, ID***Deputy Attorney General, Human Services Division**

- Served as counsel to the Department of Health and Welfare representing administrative and personnel departments, community and family services program, regional Medicaid and welfare programs.
- Acted as special prosecutor in cases terminating parental rights under the Idaho Child Protective Act.
- Researched and analyzed tort claims filed against the agency including automobile accidents, slip and falls, and various other negligence claims.
- Analyzed and determined legal strategy for purposes of litigation, negotiation and settlement.
- Conducted research, drafted pleadings and legal briefs, generated and responded to discovery, represented client in trials, hearings, mediation and appeals.
- Maintained a working knowledge of the hierarchy and interaction of the relevant case law, statutory and administrative regulations governing the Department of Health and Welfare, its programs and related entities.
- Attended and participated in the National Association of Attorneys General Trial Advocacy Academy.

PROFESSIONAL MEMBERSHIP & VOLUNTEER WORK

Vice President & Board Member of Idaho Women Lawyers, Inc.

Active Member of Idaho State Bar since 1999

Member of Idaho State Bar Association, Litigation Section

Volunteer for Idaho State Bar, 4th District Bar Association Law Day School Outreach Program

Board Member of Brain Injury Association of Idaho



EDUCATION

University of Idaho College of Law

Juris Doctor – 1999

Moscow, ID

Admitted to practice in Idaho's state and federal courts

Student Bar Association Representative

Member: American Bar Association - Student Division

Ray McNichols American Inns of Court

University of Northern Colorado

Bachelor of Arts - Special Education – 1982

Greeley, CO

Graduated Magna Cum Laude

Aug 11 03 03:37p Howard Lopez & Kelly PLLC (208) 342-4344 p.6

EMPLOYMENT CONTRACT

This agreement is between Edward C. Lockwood, Attorney at Law, P.A., (hereinafter, "Contractor") and Peg Dougherty ("Subcontractor"). The parties enter into this agreement understanding that Contractor is in the relationship of an independent contractor with the State of Idaho Department of Health and Welfare ("Department") for the purpose of providing administrative hearing services to the Department as cases may be assigned and delegated to Contractor by the Department. The relationship between Subcontractor and Contractor is similarly that of an independent contractor so that Subcontractor can conduct administrative hearings as may from time to time be assigned to Subcontractor by Contractor.

Subcontractor understands and agrees that Contractor has made no guarantees or representations during negotiation of this contract, nor does this contract independently guarantee or incorporate any guarantee, representation or expectation that Contractor will assign any particular volume of cases to Subcontractor or assign cases to Subcontractor exclusively. Subcontractor further understands and agrees that the Department may require Contractor to reassign or otherwise remove Subcontractor as a hearing officer from a case, and, in that event, Subcontractor has no legal recourse against either Contractor or the Department except to be paid for work completed prior to reassignment or removal.

The parties agree that Contractor will provide sufficient training and support to Subcontractor as the parties agree is necessary for Subcontractor to efficiently and effectively conduct administrative appeals. Subcontractor agrees to provide professional and workmanlike effort to all stages of administrative hearings assigned by Contractor, and to provide status reports to Contractor as requested. Specifically, Subcontractor agrees to conduct pre-hearing conferences in assigned cases to identify and resolve evidential and procedural issues when necessary, schedule a hearing date in the case, declare the date when a case is deemed "fully submitted," and issue a written decision to appropriate parties in the case within **twenty-one (21) days** of the date the case is determined to be fully submitted.

Contractor agrees to pay, and Subcontractor agrees to accept as payment, the amount of **ONE HUNDRED DOLLARS (\$100.00)** per hour for legal services provided under this agreement. Payment will be made to Subcontractor's employer, Howard Lopez & Kelly PLLC. This amount includes Subcontractor's time and all ordinary and necessary expenses associated with Subcontractor's operation of a law practice. Contractor agrees to pay Subcontractor's employer a minimum fee of **TWO HUNDRED DOLLARS (\$200.00)** for each appeal accepted by the Subcontractor. When Subcontractor is required to travel the greater of 25 miles or 0.5 hours one way from Subcontractor's primary office location to the location of a scheduled hearing, contractor agrees to pay Subcontractor's employer as follows for services under this agreement: the amount of \$36.00 per hour for necessary travel time plus \$0.325 per mile;

1. Employment Contract

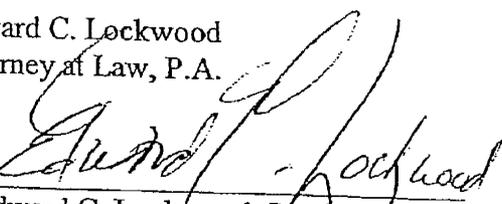
reimbursement for meals in the amount of \$7.50 for breakfast, \$10.50 for lunch, \$16.50 for dinner, or \$30.00 for a full day; any necessary lodging at the facility's government rate. Subcontractor agrees to obtain Contractor's approval prior to incurring costs for a court reporter or preparation of transcripts from a court reporter.

Subcontractor agrees to bill Contractor at the conclusion of Subcontractor's professional services in the case assigned, and Contractor agrees to pay Subcontractor within thirty (30) days from Contractor's receipt of Subcontractor's billing. Subcontractor agrees to promptly provide Contractor with a copy of all relevant orders and decisions rendered by Subcontractor in each case and to forward the entire original case file to Contractor concurrent with Subcontractor's submission of a bill to Contractor for services provided under this agreement.

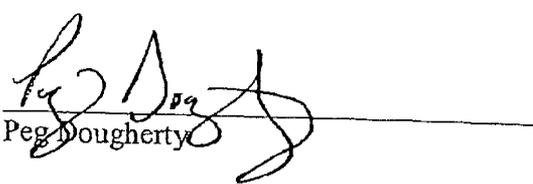
Subcontractor understands that identifying information regarding applicants/recipients/participants of public assistance programs administered by the Department may become known to Subcontractor in the course of conducting cases assigned by Contractor. Subcontractor understands that this information is considered confidential under enabling federal public assistance statutes and regulations, Idaho Code Sections 56-221, 56-222 and 9-335 *et seq.*, and IDAPA16.05.01 *et seq.*, and such statutes and promulgated rules and regulations provide for criminal and/or civil penalties for unlawful release or use of such information. Subcontractor specifically agrees to abide by restrictions of use and release contained in such statutes, rules and regulations.

This contract incorporates the entire understanding and agreement between Contractor and Subcontractor. This agreement is effective at the time of execution by the signatures of both parties below and is in effect for one year from the later date of either signature. Any dispute(s) between the parties regarding services or payment under this agreement will be resolved applying laws of the State of Idaho, and should either party file suit in State or Federal District Court to resolve any disputes under this agreement the non-prevailing party agrees to reimburse the prevailing party, as determined by the court in that lawsuit, for all reasonable attorney fees and costs incurred in that litigation.

Edward C. Lockwood
Attorney at Law, P.A.

By 
Edward C. Lockwood, President

12/30/04
Date


Peg Dougherty

01/17/05
Date

2. Employment Contract

Starr Kelso Law Office

August 11, 2005

CHARTERED

Peg M. Dougherty
208-342-4344

Dear Ms. Dougherty,

Thank you for your fax. Given the two prior recusals of hearing officers in this matter please fax me a copy of your resume and a copy of any job description and / or contract that you have with the State of Idaho as a hearing officer for the Department of Health and Welfare. Also please provide the involvement, if any, of any other partner or associate in your law firm with the State of Idaho.

Additionally, I note that you have listed Karen McGee as a telephone conference attendee. Please advise why she would be an appropriate participant. Indeed I object to her participation on behalf of Regions I, III, IV, and V given the fact that she is the Chair of the Council that will ultimately review your decision for adoption or modification.

Given the shortness in time between now and Monday at 8:30 a.m. Pacific Standard Time I am faxing this in letter form and to all those listed on your fax.

Very truly yours,


Starr Kelso

fax

Wanda Keefer 208-746-0576

Craig Bledsoe, Deputy Atty General, 208-334-6430

Chair Karen McGee-same fax number as Bledsoe

HOWARD LOPEZ & KELLY PLLC
ATTORNEYS AT LAW
WITH ATTORNEYS LICENSED IN IDAHO
OREGON WASHINGTON WYOMING & NEW YORK

JOHN P. HOWARD
THOMAS H. LOPEZ
MICHAEL E. KELLY
RANDALL C. PROBASCO
LOU PICCIONI
PEG M. DOUGHERTY

1100 KEY FINANCIAL CENTER
702 WEST IDAHO STREET
POST OFFICE BOX 856
BOISE, IDAHO 83701

TELEPHONE (208) 342-4300
FACSIMILE (208) 342-4344

August 11, 2005

www.idahodefense.com

Starr Kelso
Attorney at Law
P.O. Box 1312
Coeur d'Alene, ID 83816-1312

Via Facsimile

Wanda Keefer
Clearwater Economic Development Assn.
1626 6th Ave. North
Lewiston, ID 83501

Via Facsimile

Craig G. Bledsoe
Idaho Department of Commerce & Labor
317 W. Main St.
Boise, ID 83735

Via Facsimile

RE: Local Workforce Investment Area Designation Appeals of:
Panhandle Area Council
Clearwater Economic Development Association
Sage Community Resources
Region IV Development Association
Southeast Idaho Council of Governments Inc.
Our File No.: 6400.001

Dear Mr. Kelso, Ms. Keefer and Mr. Bledsoe:

The Chair of the Workforce Development Council has appointed me to act as the Council's hearing officer in the above-referenced appeals. With the exception of the June 9, 2005, letter from Roger Madsen, I believe I have received the appeal documents that have been filed to date. In order to proceed I would like to hold a telephonic pre-hearing conference in this matter on Monday, August 15, 2005 at 9:30 a.m. MST. The purpose will be to determine if the parties are prepared to proceed with the hearing previously scheduled to take place on August 17, 2005, and to discuss any matters that may expedite the orderly conduct of the hearing, such as whether there are any admissions or stipulations of fact and/or documents.

August 11, 2005

- Page 2

Please take notice that I will initiate the telephone call to the following numbers:

Starr Kelso at (208) 765-3260

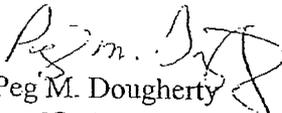
Wanda Keefer at (208) 746-0015

Craig Bledsoe at (208) 332-3570

Karen McGee at (208) 232-4779

If the above-referenced telephone numbers are not correct, please contact my assistant, Tracy, and provide her with the telephone number where you can be reached on the date and time set for the conference call.

Very truly yours,


Peg M. Dougherty
pmd@idahodefense.com

PMD/ts

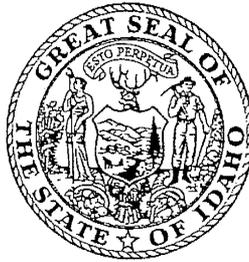
cc: Karen McGee (Via Facsimile/E-mail)

kmaster3@msn.com

Enclosure

Kelso.Keefer.bledsoe.wpd

DIRK KEMPTHORNE
GOVERNOR



Karen A. McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL
317 W. Main Street
Boise, ID 83735-0790

RESPONSE TO REQUEST FOR
EXAMINATION/COPYING OF COUNCIL RECORDS

August 11, 2005

To: Starr Kelso
Attorney at Law
P.O. Box 1312
Coeur d'Alene, ID 83816-1312

On August 8, 2005, we received your faxed request for copies of all correspondence of any nature or notes of any conversations between any member of the Idaho Workforce Development Council, and any employee or agent of the Governor's Office, and the Idaho Department of Commerce and Labor that discusses in any manner any plan or plans to eliminate local Workforce investment area board staff between January 1, 2005, and April 1, 2005.

This is to notify you that we have no records that are covered by your request.

Sincerely,

Karen A. McGee, Chair
Workforce Development Council

CERTIFICATE OF MAILING

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 11th day of August, 2005.

DIRK KEMPTHORNE
GOVERNOR



Karen A. McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

August 10, 2005

Peg M. Dougherty
Howard Lopez & Kelly PLLC
702 West Idaho Street
P.O. Box 856
Boise, ID 83701

Re: LETTER OF APPOINTMENT

Dear Ms. Dougherty:

As Chair of the Workforce Development Council, I hereby appoint you to act as the Council's hearing officer for five appeals from former local workforce investment areas (LWIAs) under the federal Workforce Investment Act. You will be compensated at the rate of \$100.00 per hour plus any expenses you may incur for conducting the hearings and issuing a recommended order to the Council.

Please hold a pre-hearing conference with the appealing parties at your earliest convenience and do everything you can to have these hearings completed as soon as possible. The last hearing officer had scheduled a hearing date of August 17, 2005. It is my understanding that this date was agreed upon by the Appellants. Hopefully this hearing date can be preserved. If you need help arranging for a hearing room, telephone conferencing services or a court reporter to create a transcript of the hearing, please contact Alice Taylor at (208) 332-3570 ext. 3313.

The appealing parties were former LWIAs under an expired WIA State Plan that were not re-designated as LWIAs by the Governor of the State of Idaho under the current WIA State Plan. Enclosed are copies of the Notices of Appeal, Notices of Hearing, Pre-Hearing Orders, recusal notices of two prior hearing officers, and copies of the relevant sections of the law, regulations and Idaho's WIA State Plan.

You are appointed to act as the Council's hearing officer for the limited purpose of conducting hearings pursuant to WIA § 116(a)(5), 20 CFR § 667.640(a) and section VIII (A)(3) of Idaho's current, approved WIA State Plan. These provisions authorize the Council to consider only allegations about entitlement to designation as a local area under either the automatic designation provisions of WIA § 116(a)(2) or the temporary and subsequent designation provisions of WIA § 116(a)(3). The Council lacks the legal authority to consider any other allegations.

Partners with
IDAHO

Please sign the signature line below to indicate your acceptance of this appointment and return this letter to me at 1420 Cedar Lake Road, Pocatello, Idaho 83204.

Peg M. Dougherty

Date

Sincerely,


Karen A. McGee, Chair
Workforce Development Council

Starr Kelso Law Office

CHARTERED

August 8, 2005

Via fax only: (208) 334-6300

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

Re: Hearing Officer

Dear Chair McGee:

I faxed you a request on August 4, 2005 requesting that the designation of a new hearing officer be facilitated by your forwarding three names for Wanda Keefer and I to review. You have not done so and time continues to march on towards a hearing date of 8-17-05 that was set by yet another disqualified hearing officer that had to, once the facts were disclosed, recuse himself.

Please comply with my request so that a hearing can be held within the sixty (60) day time frame (August 22, 2005).

Finally, I have not recieved any minutes from the Workforce Development Council's May 11, 2005 meeting. If final minutes are not available please provide the rough draft thereof.

Very truly yours,



STARR KELSO

Attorney at Law

:ad

cc: Clients

Starr Kelso Law Office

CHARTERED

August 8, 2005

Via fax only: (208) 334-6300

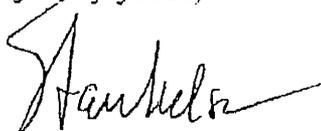
Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

Re: Public Records Request

Dear Chair McGee:

Please provide me with a true and correct copy of each correspondence of any nature, (mail, e-mail, memoranda etc.) or notes whether hand written or computer stored, of any conversation between you, or any member of Idaho Workforce Development Council, and any employee or agent of the office of the Governor of the State of Idaho, and the Idaho Department of Commerce and Labor that discusses in any manner any plan or plans to eliminate local Workforce investment area board staff between January 1, 2005 and April 1, 2005.

Very truly yours,



STARR KELSO
Attorney at Law

:ad
cc: Clients

DIRK KEMPTHORNE
GOVERNOR



Karen A. McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL
317 W. Main Street
Boise, ID 83735-0790

RESPONSE TO REQUEST FOR
EXAMINATION/COPYING OF COUNCIL RECORDS

August 5, 2005

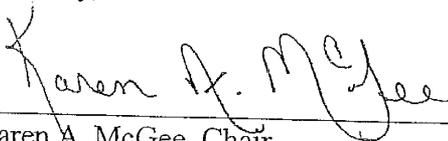
To: Starr Kelso
Attorney at Law
P.O. Box 1312
Coeur d'Alene, ID 83816-1312

On August 3, 2005, we received your faxed request for copies of:

1. All correspondence of any nature, including but not limited to e-mails, letters, or memos, from Craig G. Bledsoe to the Idaho State Workforce Development Council including any member or agent thereof from January 1, 2005 through July 22, 2005.
2. All correspondence of any nature, including but not limited to e-mails, letters, or memos, from the Idaho State Workforce Development Council including any member or agent thereof, to Craig G. Bledsoe from January 1, 2005 through July 22, 2005.
3. Any document that states or describes what duties, if any, Craig Bledsoe performs for the State of Idaho Workforce Development Council.

This is to notify you that we have no records that are covered by your request.

Sincerely,


Karen A. McGee, Chair
Workforce Development Council

CERTIFICATE OF MAILING

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 5th day of August, 2005.

Alice Taylor

DIRK KEMPTHORNE
GOVERNOR



Karen A. McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL
317 W. Main Street
Boise, ID 83735-0790

RESPONSE TO REQUEST FOR
EXAMINATION/COPYING OF COUNCIL RECORDS

August 4, 2005

To: Starr Kelso
Attorney at Law
P.O. Box 1312
Coeur d'Alene, ID 83816-1312

On August 1, 2005, we received your faxed request for copies of all correspondence of any nature or notes of any conversations between any member of the Idaho Workforce Development Council, and any employee or agent of the Governor's Office, and the Idaho Department of Commerce and Labor that discusses in any manner any plan or plans to eliminate local Workforce investment area board staff between January 1, 2005, and February 1, 2005.

This is to notify you that we have no records that are covered by your request.

Sincerely,

Karen A. McGee, Chair
Workforce Development Council

CERTIFICATE OF MAILING

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 4th day of August, 2005.

Starr Kelso Law Office

CHARTERED

August 4, 2005

Via fax only: (208) 334-6300

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

Re: Hearing Officer

Dear Chair McGee:

Once again I suggest you submit three names to Wanda Keefer and me to see if we can't agree on a hearing officer.

Very truly yours,



for **STARR KELSO**
Attorney at Law

:ad

cc: Clients



August 4, 2005

VIA FAX & US MAIL

Karen McGee
Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

Dear Ms. McGee:

Effective immediately, I am recusing myself as hearing officer in the matter regarding the designation of local areas under WIA. I am taking this action in order to restore the confidence of the appellants that they will receive a fair and impartial hearing.

I apologize for any inconvenience that this untimely action may cause the Workforce Development Council in conducting the hearing within the timeframes set forth in the state plan.

Sincerely,

A handwritten signature in cursive script that reads "Michael Brauser". The signature is written in black ink and is positioned above the printed name.

Michael Brauser

cc: Starr Kelso (via FAX)
Wanda Keefer (via FAX)
Craig Bledsoe (via FAX)

Starr Kelso Law Office

CHARTERED

August 3, 2005

Via fax only: (208) 334-6300

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

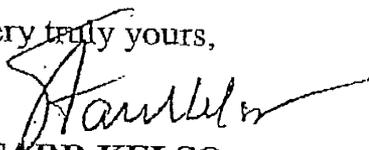
Re: Public Records Request

Dear Chair McGee:

Please provide me with true and correct copies of:

1. All correspondence of any nature, including but not limited to e-mails, letters, or memos, from Craig G. Bledsoe to the Idaho State Workforce Development Council including any member or agent thereof from January 1, 2005 through July 22, 2005.
2. All correspondence of any nature, including but not limited to e-mails, letters, or memos, from the Idaho State Workforce Development Council including any member or agent thereof, to Craig G. Bledsoe from January 1, 2005 through July 22, 2005.
3. Any document that states or describes what duties, if any, Craig Bledsoe performs for the State of Idaho Workforce Development Council.

Very truly yours,

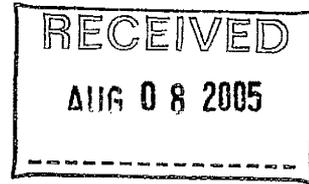


STARR KELSO
Attorney at Law

ad

cc: Clients

STARR KELSO
 Attorney at Law, ISB #2445
 Starr Kelso Law Offices, Chartered
 1621 N. Third Street, Suite 600
 PO Box 1312
 Coeur d'Alene, ID 83816-1312
 (208) 765-3260
 (208) 664-6261 - Fax



Attorney for Appellants

WORKFORCE DEVELOPMENT COUNCIL

In Re: Appeals of Regions I, III, IV, and V
 consolidated for hearing purposes

Appellants.

CASE NO. _____

**MEMORANDUM IN
 OBJECTION TO
 APPEARANCE AND
 MEMORANDUM FILED BY
 IDAHO DEPARTMENT OF
 COMMERCE AND LABOR**

FACTS

The State of Idaho Department of Commerce and Labor filed a Notice of Appearance claiming to be an interested party and advising that it intends to appear and present evidence at the administrative hearing in support of the Governor's actions under the 2005 Plan. The ICL's signatory counsel, (one of four) a Deputy Attorney General also filed a Memorandum "in support of the Governor's denial of Appellant's request". No statute or procedural rule was cited as authority for this unilateral act. These Appellants have objected to the ICL Appearance and filing of a Memorandum.

1 - OBJECTION TO APPEARANCE AND MEMORANDUM FILED BY IDAHO DEPARTMENT OF COMMERCE AND LABOR

ARGUMENT

There frankly are no rules of procedure setting forth who is or is not a party under the 2000 Plan. The 2005 Plan is clear, if only on that one point, that the only party is the Appellant(s). Section VIII(A)(3) specifically provides that “a unit of local government or grant recipient may appeal”. Section VIII(A)(3)(a) provides that the “hearing officer shall inform the *appellant* of the date time and place of the hearing”. No other person or entity, other than the hearing officer, is given notice. The same rule also provides that “the *appellant* shall have the right to present testimony and documentary evidence, to offer evidence in rebuttal, to present oral argument and to be represented by legal counsel”. No other person or entity is given this right. The same section also provides “that the decision shall be mailed *to the appealing party*”. The only other person or entity to receive a copy is the Chair of the State Council.

Nowhere in the 2005 Plan is there any indication that any other person or entity is a party to the appeal. While admittedly there are no procedural rules, what process is set forth clearly only provides for the Appellant(s) to be parties.

The Notice of Appearance filed reflects that the IDCL intends to appear and present evidence at the administrative hearing “in support of the Governor’s denial of Appellants’ request”. No such right or privilege is afforded to the Governor in what little appeal process is provided and certainly the IDCL can not act as a surrogate for a person or entity that can’t be a party to a proceeding. The Governor’s position is set forth in the Proposed 2005 Plan he submitted. It is the burden of the Appellants to prove either (1) legal err; (2) that the Appellants procedural due process rights were violated; (3) that the Governor exceeded his authority; (4) that the Governor improperly exercised any authority he might have had in his actions; or (5) that the Governor acted arbitrarily and capriciously.

CONCLUSION

A person, or entity, (even one represented by a Deputy A.G.) can not merely stroll

into a proceeding to which they are not a party designated with certain rights under the enabling document, whatever it may be. The action of filing the Notice of Appearance and Memorandum of the IDCL was without support under the 2005 Plan, the IDCL should not be allowed to participate as a party, and its Memorandum should be stricken from the record of these appeals.

DATED this 3rd day of August, 2005.



STARR KELSO
Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents was:

- Mailed by depositing in the United States Mails, postage prepaid;
 Hand-Delivered;
 Transmitted Via FAX.

this 3rd day of August, 2005, to the following individual(s):

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790
Fax: (208) 334-6300

Craig Bledsoe
Deputy Attorney General
317W. Main Street
Boise, ID 83735
Fax: (208) 334-6125

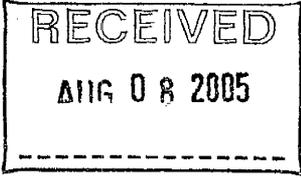
Wanda Keefer
Clearwater Economic Development Assoc.
1626 6th Ave. North
Lewiston, ID 83501
Fax: (208) 746-0576

Michael Brauser
3810 Kinsale Lane SE
Olympia, WA 98501
Fax: (360) 459-4127

Kimberly Baily
Fax: (208)334-4298

BY: 

STARR KELSO
 Attorney at Law, ISB #2445
 Starr Kelso Law Offices, Chartered
 1621 N. Third Street, Suite 600
 PO Box 1312
 Coeur d'Alene, ID 83816-1312
 (208) 765-3260
 (208) 664-6261 - Fax



Attorney for Appellants

WORKFORCE DEVELOPMENT COUNCIL

In Re: Appeals of Regions I, III, IV, and V consolidated for hearing purposes	)	CASE NO. _____
)	
Appellants.	)	MEMORANDUM FOR
	)	HEARING ON ALL
	)	RELEVANT ISSUES
)	
)	
)	

FACTS

The Workforce Development Council Chair McGee by letter of July 19, 2005 set forth that Appellants were constrained to relevant issues identified in WIA sec. 116(a)(5), 20CFR sec. 667.640(a) and section VIII(A)(3) of the 2005 Plan. Appellants have moved that the hearing be on all relevant issues under both the 2000 Plan as well as the 2005 Plan and the Workforce Investment Act of 1988 and related statutes and regulations.

ARGUMENT

The issues to be resolved at hearing are whether under the Workforce Investment Act and related statutes and regulations, the 2000 Plan, and the 2005 Plan:

1. The Appellants were accorded their procedural rights under the appeal process

established by the 2000 and 2005 Plans, 20 CFR sec. 667.640(a) and section VIII(A)(3) of the 2005 Plan and section V(E) of the 2000 Plan.;

2. Whether the Appellants meet the requirements of paragraph (2) or (3) of WIA sec. 116-A;

3. Whether the Governor exceeded his authority in not acknowledging the continued existence and authority of Regions (Areas) I, II, III, IV and V;

4. Whether the Governor's 2005 Plan is an inappropriate attempt to evade the provisions of the WIA of 1998 by only acknowledging one of the existing six regions (areas) wherein the one acknowledged existing area (Region VI) must agree to be controlled by the State Workforce Development Council;

5. Whether the Governor exceeded his authority in not acknowledging five of the six formally designated local Workforce Investment Areas and whether the Governor can fail or refuse to acknowledge five of the six previously designated local Workforce Investment Areas.

6. Whether the Governor can fail or refuse to acknowledge an existing local designated Workforce Area that was not an automatic or temporary designation;

7. Whether the Governor improperly exercised his authority;

8. Whether the State Workforce Development Council can act, with or without the nomination of local elected officials, as a local Workforce Investment Board;

9. Whether the Governor acted arbitrarily and capriciously. His 2005 Plan admittedly is designed to develop a Plan to evade the plain meaning and intent of the WIA of 1998;

10. Whether the US DOL inappropriately, in excess of its authority, and arbitrarily and capriciously, failed to follow and comply with the Workforce Investment Act of 1998 and related statutes and regulations by (a) approving Idaho's proposed 2005 Plan before evaluation of approving the waivers to the WIA sought by said proposed plan, and (b) by approving the said waivers in violation of its own standards (see attached) and the WIA;

11. Whether the process of preparation, presentation and submittal of the 2005 Plan by the Governor, the State Workforce Development Council and/or the Idaho Department of Commerce and Labor violated the procedural rights of Appellants and the requirements of the State the Workforce Investment Act of 1998 and the US DOL's own standards (see attached).

Procedural due process requires that there must be a process to ensure that one is not arbitrarily deprived of rights in violation of the state or federal constitutions. The fundamental requirements are notice and an opportunity to be heard. There are three factors to be considered (1) the private interests at stake (here literally all those counties and municipalities and individuals in Idaho except for those in Area/Region VI); (2) the government's interest (here a purported method to cut a funding loss and assist 500 workers statewide); and (3) the risk that the procedures used will lead to erroneous results (here the violation of the Workforce Investment Act of 1998, the 14th Amendment due process rights of Appellants and the total destruction of a statewide coordinated workforce system based upon local input and control) (see *State v. Rhoades*, 822 P.2d 960 (1991)).

Here Appellant's interests are in being afforded an adequate and full opportunity to present legal and factual issues in support of their above stated issues. Any interest that the "State" has should, given the broad statewide opposition to the Governor's actions in submitting the 2005 Plan pale in comparison. Appellants should be provided their opportunity to address each of these issues.

DATED this 3rd day of August, 2005.



STARR KELSO
Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents was:

- Mailed by depositing in the United States Mails, postage prepaid;
 Hand-Delivered;
 Transmitted Via FAX.

this 3rd day of August, 2005, to the following individual(s):

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790
Fax: (208) 334-6300

Craig Bledsoe
Deputy Attorney General
317W. Main Street
Boise, ID 83735
Fax: (208) 334-6125

Wanda Keefer
Clearwater Economic Development Assoc.
1626 6th Ave. North
Lewiston, ID 83501
Fax: (208) 746-0576

Michael Brauser
3810 Kinsale Lane SE
Olympia, WA 98501
Fax: (360) 459-4127

Kimberly Baily
Fax: (208)334-4298

BY: 

U. S. Department of Labor Employment and Training Administration Washington, D.C. 20210	CLASSIFICATION JTPA/Waivers
	CORRESPONDENCE SYMBOL TD
	DATE

TRAINING AND EMPLOYMENT GUIDANCE LETTER (TEGL) NO.

TO : ALL STATE WORKFORCE DEVELOPMENT LIAISONS
 ALL WAGNER-PEYSER ADMINISTERING AGENCIES
 ALL STATE WORKER ADJUSTMENT LIAISONS
 ALL ONE-STOP CAREER CENTER SYSTEM LEADS

FROM : EMILY STOVER DeROCCO
 Assistant Secretary

SUBJECT : Guidelines for Implementing Workforce Investment System Improvements through Waivers of the Workforce Investment Act (WIA) and the Wagner-Peyser Act

1. **Purpose.** To announce a new Internet-based system for the submission and processing of state waiver request, and to transmit guidance for the development and submission of a request for waiver of WIA and Wagner-Peyser Act general statutory and/or regulatory provisions.

2. **References.** The Workforce Investment Act of 1998 (WIA or the Act) (Public Law 105-220 section 189(i)(4)); 20 CFR 661.400 to 661.420. These guidelines do not address the Workforce Flexibility Plan (Work-Flex) provisions at WIA section 192. Separate guidance was issued in TEGL No. 6-99, dated February 22, 2000, on State Work-Flex designation requests.

3. **Background.** Section 189(i)(4) of WIA authorizes the Secretary to waive certain statutory and regulatory provisions of WIA and of the Wagner-Peyser Act. This general waiver authority is substantially the same as the Secretary's authority granted for one-year periods in the DOL Appropriations Acts for 1997 through 1999. Unlike the Job Training Partnership Act (JTPA) waiver authorities in the various Appropriations Acts, the new waiver authority is not specifically limited to the fiscal year in which it was approved. As described below, waivers approved under this guidance will remain in effect for the length of the State's approved WIA Plan. The Secretary's general statutory and regulatory waiver authority only applies to the provisions of Title I, Subtitles B and E of the Workforce Investment Act and to sections 8-10 of the Wagner-Peyser Act.

This general statutory and regulatory waiver authority provides:

- increased flexibility to States and local areas in implementing reforms to the workforce development system in exchange for State and local accountability for results including improved performance.
- an important opportunity for States and localities to continue to organize services into a workforce investment system through One-Stop Career Centers and School-to-Work systems which enhance the training and employment opportunities available to adults and youth.

4. Principles for Further Reforms of the Workforce Investment System. The Department of Labor's (DOL) guiding principles for providing flexibility through statutory/regulatory waivers to the State workforce investment systems are the seven Key Principles embodied in the Workforce Investment Act of 1998:

- **Streamlining Services** through better integration of information, guidance and services at the local level through the One-Stop delivery system.
- **Empowering individuals** who need employment and training services with the resources and information and guidance needed to make good choices.
- **Universal Access** for any individual to access the One-Stop system and to core employment-related services.
- **Increased accountability** at the State, local and service provider levels ensuring a clear focus on results, through mutually agreed upon performance outcomes and customer satisfaction indicators.
- **State and Local Flexibility.** Providing States, local communities and training systems with the freedom to tailor programs to meet real, locally determined needs.
- **Strong Public and Private Sector Roles.** Ensuring that business, labor and community organizations are full partners in system design and quality assurance.
- **Improved Youth Programs.** Improving youth programs through services which emphasize academic and occupational learning

The employment and training community has been provided with new authority to build a Workforce Investment System. We believe that effective use of the authority will demonstrate Federal, State and local commitment to meeting the needs of our joint customers.

5. Statutory and/or Regulatory Requirements Covered by the Waiver Authority.

Exclusions. The Statutory/Regulatory Waiver provision gives the Secretary authority to grant both statutory and regulatory waivers of WIA (Title I, Subtitles B and E) and Wagner-Peyser Act (Sections 8-10) and contains "exclusions," i.e., elements that may not be waived. Under the Secretary's WIA general statutory and regulatory waiver authority, requirements relating to the following items may not be waived:

1. wage and labor standards, including non-displacement provisions;
2. worker rights, participation and protection of workers and participants;
3. grievance procedures and judicial review;
4. nondiscrimination;
5. allocation of funds to local areas;
6. eligibility of providers or participants;
7. the establishment and functions of local areas and local boards; and
8. procedures for the review and approval of plans.

Requirements under sections 8 -10 of the Wagner-Peyser Act relating to the following may not be waived:

1. services to unemployment insurance claimants and veterans; and
2. universal access to basic labor exchange services without cost to job seekers.

We are very interested in working with States to use the statutory authority to make further improvements in the workforce investment system. To this end, we want the States to know that we will actively consider specific requests for waivers to remove both programmatic and administrative barriers: that will result in improved services and outcomes; that will assist the State and its local service delivery structure in implementing workforce delivery system improvements; or that will remove requirements, either program or administrative, that do not add value to the organization or to the delivery of quality services. The DOL Employment and Training Regional Administrators are available to discuss the provisions of the statute that may fall within the above cited exclusions.

We are not authorized to waive other legislation which extends beyond the authority provided in Public Law 105-220, such as, non-WIA regulations, or Office of Management and Budget Circulars. Therefore, should a request be received for waivers which extend beyond the WIA general waiver authority, it will not be granted. Additionally, we will not entertain requests to waive requirements which would be inconsistent with the above-referenced seven key principles of WIA, except in extremely unusual circumstances where the provision can be demonstrated as impeding reform. For instance, we will not grant a request to waive the requirement that training be provided through Individual Training Accounts (ITAs) since that would be inconsistent with the key principle of empowering individuals, through the use of ITAs for training at qualified institutions. However, in implementing the ITA requirements, a State or local area could encounter an element within the requirements that they feel impedes this reform principle and submit a waiver request, with a justification consistent with 20 CFR 661.420, which may be considered. In a similar manner, we cannot entertain requests for retroactive changes in program requirements.

6. Policy. In developing waiver requests, States should take into consideration that we will not grant waivers which result in the commingling of programmatic funds or which undermine accountability, as discussed below. In addition to the exclusions set forth in section 5 of this TEGL, the following significant policy considerations will affect the our decision on granting waivers.

a. Prohibition on Commingling of Funds. As under JTPA, we cannot approve waivers that would result in the commingling of separately appropriated funds. However, the issue of commingling of funds is, in part, addressed in the WIA legislation. The new legislation provides a limited Acommingling@ of funds by permitting an amount of up to 15-percent of a State's Title-I formula allotted funds for services to youth, adults and dislocated workers to be reserved by the Governor for Statewide workforce activities. Such reserved funds may be combined and spent on Statewide employment and training activities, for adults and dislocated workers, and statewide youth activities, without regard for the funding source of the reserved funds. Similarly, Title I funds available to a local area for administration (10-percent of each funding stream allocation) may be combined and used for allowable administrative costs of any local workforce investment activities for youth, adults and dislocated workers at WIA sections 129(c) and 134(d) and(e), respectively, without regard to the original funding source. However, WIA does not directly, or indirectly through these provisions, authorize the commingling of Title I within-State allocated funds to local workforce investment areas from separate sources for programmatic services to youth, adults and dislocated workers.

Consistent with general appropriations law (31 U.S.C. 1301 (a)), which requires that appropriations be applied only to the objects for which the appropriations were made

unless the law otherwise provides, the funds available to local areas for services to youth, adults and dislocated workers still have to be accounted for separately. In this case, the waiver provisions do not provide authority to merge (as opposed to transfer) program funds. This does not affect a local area's ability to transfer up to 20 percent of funds available for adult and dislocated workers programs between these programs, as provided for at WIA section 133(b)(4) and 20 CFR 667.140, but once transferred the funds must be accounted for under the program to which they have been transferred. Since eligibility is not waivable, for example, funds appropriated to provide assistance to dislocated workers under Title I would have to be expended for that purpose, even though the particular requirements relating to the form of such assistance could be waived. While we are committed to assisting States and local areas to minimize accounting and reporting burdens, the waiver authority does not permit us to relieve these entities from the responsibility of assuring that, except for the 15-percent State reserve and the amount available for local administration, WIA sections 128(b) and 133(b), each appropriation for local programmatic services for youth, adults and dislocated workers, is only expended for its intended purpose.

b. **Accountability.** Consistent with the WIA key principles, to ensure programmatic and fiscal integrity, it is extremely important that there be both adequate oversight and complete, consistent reporting. Reporting must be sufficient to provide: a record of individual need; the programmatic and financial outcomes achieved reflecting, at a minimum, a core set of measures; and the resultant indication of success and improvement traceable from an established baseline, relying on publically-available quality data. Monitoring is key to ensuring that the goals and objectives of both the program and of any waivers granted will be achieved. While we may entertain waiver requests about reporting, we will not approve any such request that undermines our ability to account to the Congress for fundamental programmatic and financial outcomes or the ability to make basic comparisons in the performance among States. Also, we expect that State waiver requests will include plans to monitor performance under the waiver(s) in order to demonstrate to the Secretary that the anticipated goals and objectives described in the State plan have been achieved.

7. **Waiver Elements.** The submission of waiver requests is voluntary. Under 20 CFR 661.420, the State must submit a plan to the Secretary to improve the statewide workforce investment system which includes a minimum amount of information regarding the waiver(s) requested. This information is discussed in Item 9.b. below. The "Waiver Plan" is the State's request to waive certain statutory or regulatory requirements and serves as the Memorandum of Understanding between the State and the Secretary requiring that the State will meet, or ensure that local areas will meet, the agreed-upon outcomes and will implement appropriate measures to ensure accountability. Upon approval of the State's request for waiver, the "Waiver Plan" will be treated as an appendix to the State WIA Plan for title I of WIA, or the Wagner-Peyser Plan, as appropriate. Under paragraph 3 of the State's WIA Grant Agreement, or the Wagner-Peyser Plan Agreement, the Department and the States agree that the States will expend funds in accordance with the terms of the approved State Plan. This includes the terms of the waiver plan in the State Plan Appendix.

8. **Duration and Applicability of Waiver.** Unlike JTPA general and statutory waivers, the life of WIA general and statutory waivers is not limited to the fiscal year in which the request is approved. Because WIA is silent as to the length of a waiver, we believe it makes the most sense to approve waivers for a period that corresponds to the length of the requesting State's State WIA plan. Accordingly, the Secretary may grant waivers for a period of up to five years, however, the duration of a given waiver will be related to when the waiver is granted and the period of time remaining for which the State's plan

is in effect.

9. Waiver Plan Submission

a. Development of Waiver Request. The Employment and Training Administration (ETA) Regional and Affiliate Offices are responsible for providing guidance and assistance to the States as they are developing their waiver requests, answering questions about the ETA waiver policy and advising the Assistant Secretary about approval of the waiver request(s). We expect that the Regional and Affiliate Offices, under the new ETA field configuration, will have continuing dialogue with their States during the developmental stages of waiver requests. These Offices are available to review and provide comments on draft proposals and provide technical assistance in preparation of the waiver plan submission. Upon completion of the Waiver Plan, the Governor will submit one copy of Plan to the appropriate Regional Administrator or Affiliate Office Administrator, along with the Plan in electronic form in order to reduce paperwork and to facilitate the automated processing of the States requests. States are asked to use either Microsoft WORD, Corel WordPerfect 6 or higher, or ASCII text for the electronic format to avoid conversion problems which might delay the processing of the States request.

b. Minimum Requirements. WIA requires the Secretary to make a determination of how a State's request to waive certain statutory and regulatory requirements would remove impediments and improve the State's or local areas's ability to achieve its goals. It also requires the State to include a summary description of the programmatic or administrative goals to be achieved in order to overcome the barrier.

The Governor must provide at least the minimum information set forth at 20 CFR 661.420(c), in order for the Secretary to make an informed decision on whether to approve the requested waiver. Where documentation (e.g., statistical information, reports, focus groups, customer surveys) is available, it should be provided to corroborate the statements made in the waiver request. In the absence of such data, we expect the State is expected to provide a substantive discussion and examples of barriers and proposed solutions which support the proposed removal of the requirements.

In accordance with 20 CFR 661.420(c), a Governor requesting general waivers must submit to the Secretary a plan to improve the Statewide workforce investment system that:

- (1) Identifies the statutory or regulatory requirements for which a waiver is requested and the goals that the State or local area, as appropriate, intends to achieve as a result of the waiver and how those goals relate to the Strategic Plan goals;
- (2) Describes the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers;
- (3) Describes the goals of the waiver and the expected programmatic outcomes if the request is granted. These expected outcomes do not necessarily have to relate to expected incremental increases in the State's negotiated performance levels. We recognize that States may identify other quantitative and qualitative ways to measure the programmatic impact of a particular waiver or series of waivers. For example, improved cycle times for services to participants or in procurement actions. A proposed outcome may be specific to a single waiver or may be the expected result from a combination of related waivers. Our primary concern is that the proposed outcomes be demonstrable in some way. Therefore, for each waiver requested, the waiver plan must specify how success and/or progress on outcomes will be measured

or determined, including how the baseline will be established and what data sources will be used.;

(4) Describes the individuals affected by the waiver; and

(5) Describes the processes used to:

(i) Monitor the progress in implementing the waiver;

(ii) Provide notice to any Local Board affected by the waiver;

(iii) Provide any Local Board affected by the waiver an opportunity to comment on the request; and

(iv) Ensure meaningful public comment, including comment by business and organized labor, on the waiver.

c. Public Comment Process. The State waiver plan must provide notice and an opportunity to comment to any Local Board affected by a waiver request, and must ensure ~~meaningful public comment~~ on the waiver requests, including comment by business and organized labor. We expect that the State will involve these groups, as well as local public officials, community-based organizations and other stakeholders, in the process of developing the waiver plan. The proposed waiver plan must be made reasonably available to the general public through such means as public hearings and local news media. Copies of all comments received on the requested waivers should be forwarded to the appropriate Regional or Affiliate Office with the waiver plan.

d. Time frame for Response. The Act provides for a decision on waiver requests within 90 days from the date of submission of a State's waiver plan. In general, we intend to respond to most waiver requests within 60 days from the date of receipt. Each waiver request will be evaluated on its own merits. Where necessary, we may seek further discussions or negotiations on a waiver request, either about changing certain aspects of the request or about the quality of the proposed improvements or outcomes. In order to provide a prompt response, we may respond with a partial approval in those instances where a request contains multiple parts and further information or clarification is required on one or more parts of the request.

In the spirit of a continuing partnership to improve the Workforce Investment System, we recognize that the need for additional waivers may become apparent to the State during the implementation of its plan. Therefore, States may submit a request for an additional waiver as the need arises, following the process described in this TEGL.

10. Action Required. As described in paragraph 9. c., we expect States to fully involve local areas in the development of the waivers. We also request that States distribute the information on both the Federal process described in this TEGL and the State-established waiver process to their State staff (both WIA and ES), the SESA local offices, the local Boards, and other interested stakeholders throughout the State.

11. OMB Reporting Burden. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Public reporting of information is estimated to average 80 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Office of IRM Policy, U.S. Department of Labor, N-1301, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (Paperwork Reduction Project (1205-XXXX)).

13. **Inquiries and Comments.** Requests for technical assistance or other inquiries should be directed to the Regional Office (see Attachment for list of Regional liaisons).

14. **Attachment.** List of Regional Liaisons on Waiver Requests

Attachment

List of Regional Liaisons on Waiver Requests

Region I - Boston

Name: Robert Downing
Phone: (617) 565-2251

Region I - New York

Thomas J. McKenna
(212) 337-2180

Region II - Philadelphia

Name: Richard Puerzer
Phone: (215) 596-6375

Region III - Atlanta

Name: Muslimah Abdullah
Phone: (404) 562-2119, Ext. 149

Region IV - Dallas/Denver

Dallas

Name: Bill Janes
Phone: (214) 767-2154

Denver (Affiliate Office)

Alfonso Fuentes
(303)844-1653

Region V - Chicago/Kansas City

Chicago

Name: Paul M. Fredericks
Phone: (312) 353-3492

Kansas City (Affiliate Office)

Robert Hansen
(816) 426-3796, Ext. 253

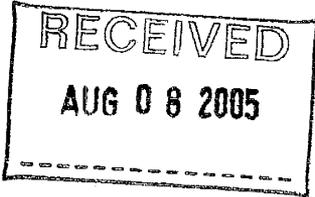
Region VI - San Francisco/Seattle (Affiliate Office) *ETA*

Name: Mary Edgar
Phone: (206) 553-4386, Ext. 8002

Margo Arcanin (Backup)
(415) 975-4777

Sheila Jones - 8066

STARR KELSO
 Attorney at Law, ISB #2445
 Starr Kelso Law Offices, Chartered
 1621 N. Third Street, Suite 600
 PO Box 1312
 Coeur d'Alene, ID 83816-1312
 (208) 765-3260
 (208) 664-6261 - Fax



Attorney for Appellants

WORKFORCE DEVELOPMENT COUNCIL

In Re: Appeals of Regions I, III, IV, and V)
 consolidated for hearing purposes) CASE NO. _____)

Appellants.)

**MEMORANDUM IN
 SUPPORT OF MOTION FOR
 ISSUANCE OF SUBPOENA'S**

FACTS

These consolidated for hearing appeals arise out of the respective Regions (Areas) appeals under the 2000 Plan and the 2005 Plan. Under the 2000 Plan the appeal process are available in accordance with federal law and regulations. Under the 2005 Plan each Appellant shall have the right to present testimony...to offer evidence in rebuttal at hearing. On July 14, 2005 (via fax) Chair McGee was asked to provide the procedure for issuance of subpoenas and specifically advised that the Regions intend to subpoena persons to testify and present evidence. On July 20, 2005 Chair McGee, without any authority, entered a "pre-hearing order" that "any request for the issue of subpoenas is denied". Hearing officer Brauser, prior to the subsequent Motion to Disqualify during a "status conference" operating

under no known set of procedures ordered memorandums filed regarding each Motion.

ARGUMENT

It is unknown what procedures are applicable to either or both of the appeals. Presuming, as one must, if there is a right to a hearing, one must also presume the right (as expressly acknowledged in the 2005 Plan) to present testimony. Such right is guaranteed by the Due Process Clause of the 14th Amendment to the United States Constitution. To grant a hearing and to grant the right to present testimony but deny a party the issuance of a subpoena is an unequivocal denial of procedural due process. Such a concept is so far foreign to fundamental concepts of fairness that finding case law to support this inherent right is tantamount to attempting to prove the negative.

One must actually resort to basic hornbook law contained in the numerous Am Jur volumes to find even a discussion of such an issue. The basic premise is clearly set forth therein:

The Compulsory attendance of witnesses both in criminal and civil proceedings is a vital part of the American concept of due process and fair hearing. (See 16B Am Jur 2d sec. 962 @ p. 577).

A body in which an action is pending has the inherent power to issue a subpoena to any person who can be a witness. (See 81 Am Jur 2d sec 21 @ p. 75).

The purpose of the Due Process Clause of the 14th Amendment in particular is to protect the fragile values of a vulnerable citizenry from the overbearing concern for efficiency and efficacy which may characterize praiseworthy government officials no less, and perhaps more than mediocre ones. (See 16B Am Jur 2d sec. 897 @ p. 480).

Protection from governmental arbitrary and capricious actions is the essence of due process protections afforded United States citizens. Due process protects the right to make an effective case against deprivation by the government. (See 16B Am Jur 2d sec. 897 @ p. 478).

Without the ability to compel the attendance of witnesses who might otherwise not

desire to voluntarily present themselves for questioning and production of documentary evidence because of personal desires to avoid involvement or to protect their employers/superiors (and their own jobs), the right to a hearing is but an illusion. Justice in America at times appears illusory at best, but the refusal to permit a party to compel the attendance of witnesses is nothing short of a perversion of our system of justice.

The Hearing Officer should issue subpoenas to the persons deemed necessary by Appellants to present testimony and documentation (duces tecum) in support of their appeal seeking protection from arbitrary and capricious exercise of governmental authority.

DATED this 3rd day of August, 2005.



STARR KELSO
Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents was:

- Mailed by depositing in the United States Mails, postage prepaid;
 Hand-Delivered;
 Transmitted Via FAX.

this 3rd day of August, 2005, to the following individual(s):

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790
Fax: (208) 334-6300

Craig Bledsoe
Deputy Attorney General
317W. Main Street
Boise, ID 83735
Fax: (208) 334-6125

Wanda Keefer
Clearwater Economic Development Assoc.
1626 6th Ave. North
Lewiston, ID 83501
Fax: (208) 746-0576

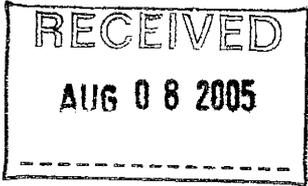
Michael Brauser
3810 Kinsale Lane SE
Olympia, WA 98501
Fax: (425) 454-9286

Kimberly Bailly
Fax: (208)334-4298

BY: _____



STARR KELSO
 Attorney at Law, ISB #2445
 Starr Kelso Law Offices, Chartered
 1621 N. Third Street, Suite 600
 PO Box 1312
 Coeur d'Alene, ID 83816-1312
 (208) 765-3260
 (208) 664-6261 - Fax



Attorney for Appellants

WORKFORCE DEVELOPMENT COUNCIL

In Re: Appeals of Regions I, III, IV, and V consolidated for hearing purposes	)	CASE NO. _____
)	
Appellants.)	
	)	MEMORANDUM IN
	)	SUPPORT OF RENEWED
	)	MOTION TO DISQUALIFY
	)	HEARING OFFICER
	)	BRAUSER
_____)	

Robert Bakes succinctly noted in his letter of July 13, 2005 wherein he recused himself from acting as a hearing officer “the matter should be heard by a neutral hearing officer in which all of the parties are satisfied is a neutral decision maker”. That level of satisfaction is not present in this case. Indeed the subsequently exposed e-mails submitted with the Renewed Motion reveal communications that clearly can be interpreted as reflecting that hearing officer Brauser is not neutral. These documents speak rather candidly for themselves.

Idaho Code of Judicial Conduct, Canon 3(E) clearly provides that a judge shall disqualify himself when his impartiality may be reasonably questioned. There can be no

1 - MEMORANDUM IN SUPPORT OF RENEWED MOTION TO DISQUALIFY HEARING OFFICER
 BRAUSER

serious debate that for John McAllister, who apparently has the authority to sign documents on behalf of IDCL's Roger Madsen (see attached) to state to Mr. Brauser that "several of us were pulling for you" and for Mr. Brauser to respond to Cheryl Brush, Chief, Workforce System Bureau that "let's hope that the results of the hearing are also satisfactory", can not be ignored or explained away. They reflect an actual bias or prejudice of Mr. Brauser in this matter in favor of denying these appeals consistent with Cheryl Brush's e-mail to one of the Governor's policy advisors, Megan Ronk (see attached) that Karen McGee "fully supported the elimination of any support for local workforce investment area board staff" (see attached).

CONCLUSION

There is far far more actual factual basis for Mr. Brauser to disqualify himself than existed for Mr. Bakes' recusal. He did the appropriate act as should Mr. Brauser. Indeed the factual basis for reasonable belief of bias and prejudice on the part of Mr. Brauser against the Appellants is so overwhelming that a refusal to disqualify himself would be tantamount to a stamp of complete legitimacy, to Appellants reasonable beliefs and concerns. With numerous other persons available to act as hearing officer, that would be agreeable to Appellants and in the face of this information there can be no legitimate reason for Mr. Brauser to refuse to disqualify himself and push ahead despite the record..

DATED this 3rd day of August, 2005.



STARR KELSO
Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents was:

- Mailed by depositing in the United States Mails, postage prepaid;
 Hand-Delivered;
 Transmitted Via FAX.

this 3rd day of August, 2005, to the following individual(s):

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790
Fax: (208) 334-6300

Craig Bledsoe
Deputy Attorney General
317W. Main Street
Boise, ID 83735
Fax: (208) 334-6125

Wanda Keefer
Clearwater Economic Development Assoc.
1626 6th Ave. North
Lewiston, ID 83501
Fax: (208) 746-0576

Michael Brauser
3810 Kinsale Lane SE
Olympia, WA 98501
Fax: (360) 459-4127

Kimberly Baily
Fax: (208)334-4298

BY: _____



IDAHO

COMMERCE & LABOR

DIRK KEMPTHORNE, GOVERNOR
ROGER MADSEN, DIRECTOR

September 28, 2004

Mr. Dave Jett, President
Sage Community Resources
370 E 17th N
Mountain Home, ID 83647

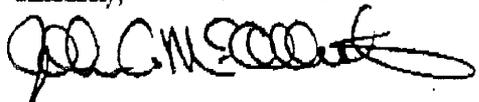
Dear Mr. Jett:

As you will recall, local workforce investment areas were required to submit applications for recertification of local *IdahoWorks* Boards to the State earlier this year. These applications were reviewed by State staff, who then made recommendations to the Workforce Development Council regarding recertification of local boards. On September 16, 2004 the Workforce Development Council approved staff recommendations to recertify all six local boards.

On behalf of the Governor, I am therefore pleased to notify you that the State is recertifying the WorkSOURCE Board as generally compliant with requirements set forth in the Workforce Investment Act and policy established by the State for Program Years 2004-5. It was noted, however, that Ada County is substantially over-represented among the business members of the board, which raises questions about the board's ability to represent the business interests of the entire ten-county region. We are therefore requesting that Sage take affirmative steps to rectify this by recruiting business members from the other nine counties in the region.

This legislation has provided Idaho an excellent opportunity to bring together the various partners in the workforce development system at the state and local level to collaboratively streamline service delivery and enhance the ability of the system to meet the needs of its customers. We look forward to continuing our work with you toward this end.

Sincerely,



~~FOR~~ Roger B. Madsen
Director

cc: Rick Jackson
Bob Barber
Laura Gleason

Cheryl Brush

From: Cheryl Brush
Sent: Tuesday, March 29, 2005 3:02 PM
To: 'Megan Ronk'
Cc: Roger Madsen; John McAllister; Jay Engstrom; Dwight Johnson
Subject: Response from karen McGee

Megan,

Karen wanted me to share with you that she fully supported the elimination of any support for local workforce investment area board staff. As always, she was completely in support of the Governor here and felt "it is the right thing to do." She considers the situation as very different from 1998 when Governor Batt appointed them and views their initial designation as a compromise. She is planning to be available to make calls on Monday morning via conference call from her home. She also extends her apologies for missing the meeting—I assured her that everyone understood her emergency.

Please let me know if I can add anything.

Cheryl

Starr Kelso Law Office

CHARTERED

August 1, 2005

Via fax only: (208) 334-6300

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

Re: Public Records Request

Dear Chair McGee:

Please provide me with a true and correct copy of each correspondence of any nature, (mail, e-mail, memoranda etc.) or notes whether hand written or computer stored, of any conversation between you, or any member of the Idaho Workforce Development Council, and any employee or agent of the office of the Governor of the State of Idaho, and the Idaho Department of Commerce and Labor that discusses in any manner any plan or plans to eliminate local Workforce investment area board staff between January 1, 2005 and February 1, 2005.

Very truly yours,



STARR KELSO
Attorney at Law

:ad

cc: Clients

STARR KELSO
 Attorney at Law, ISB #2445
 Starr Kelso Law Offices, Chartered
 1621 N. Third Street, Suite 600
 PO Box 1312
 Coeur d'Alene, ID 83816-1312
 (208) 765-3260
 (208) 664-6261 - Fax

Attorney for Appellants

WORKFORCE DEVELOPMENT COUNCIL

In Re: Appeals of Regions I, III, IV, and V	)	CASE NO. _____
consolidated for hearing purposes)	
)	
Appellants.)	
	)	RENEWED MOTION TO
	)	DISQUALIFY HEARING
	)	OFFICER BRAUSER
)	
)	

COMES NOW the Appellants and renew their Motion to Disqualify Hearing Officer Brauser based upon newly discovered information provided to counsel for Appellants on July 29, 2005 by Karen A. McGee, Chair, Workforce Development Council.

The newly discovered information consists of,

1. E-mails dated November 1, 2004; June 29, 2005; and June 30, 2005 (Exhibit "A");
2. E-mails dated June 3 (Exhibit "B");
3. E-mails dated July 5, 2005 (Exhibit "C");
4. E-mail dated July 12, 2005 (Exhibit "D")
5. E-mail dated July 19, 2005 (Exhibit "E");

I - RENEW MOTION TO DISQUALIFY HEARING OFFICER BRAUSER

6. E-mail dated July 19, 2005 (Exhibit "F").

Exhibit "A" reflects an ongoing working relationship between Brauser and the Workforce Council which are reflected by Exhibit "B" through June 30, after the appeals were filed, and even into July 5, in the same e-mail that discusses his being hearing officer.

Exhibit "A" also reflects directions to communicate directly with Jay Engstrom who has been designated as the only witness that will be offered, if allowed, by the Idaho Department of Labor and Commerce. This e-mail, Exhibit "A" also exhibits overt ingratiating comments such as "We would really appreciate it if you would consider doing this." This ties quite bizarrely in with John McAllister's e-mail, Exhibit "C", that states "Several of us were pulling for you." (To be hearing officer of this appeal) Exhibit "C" also reflects the failure of Chair Karen McGee to be the one, per the 2005 Plan who is to appoint the hearing officer. Clearly it is "Roger" (Madsen), head of the proposed "adverse party" Idaho Department of Labor and Commerce who is trampling the authority of the Chair in choosing the hearing officer, to wit:

"Roger prefers Chief Justice Bakes because of his credibility with the Idaho Legislature. We have several legislators criticize the Governor and the Department for eliminating the local WIB's and Roger wants to do everything possible to strengthen our response to them."

Finally, and perhaps most draconian is the comment of Brauser to Cheryl Brush that:

"Let's hope the results of the hearing are also satisfactory." (To the ICL)

It is clear that Karen A. McGee, Chair of the Workforce Development Council is merely a pawn in this strategically designed sham of a process supposedly to represent a fair hearing process. She literally did not choose the hearing officer, she was told who to appoint, and the appointed hearing officer Brauser clearly continues to work hand in hand with the Idaho Department of Commerce and Labor and has clearly received and acknowledged his marching orders and the intended decision, to the Idaho Department of Labor.

This shameless exchange of correspondence reveals the process hearing for the sham it is intended to be: a manner in which to silence the critics of the plan signed off on by the Governor. The first rule of an Appellants due process rights is to have a fair and unbiased hearing officer. That is not the case here.

These correspondences graphically add real and incontrovertible substance to the reasons, listed in the original Motion to Disqualify Mr. Brauser, which are adopted here, and unequivocally support the position that Mr. Brauser must disqualify himself from acting as hearing officer.

DATED this 1st day of August, 2005.



STARR KELSO
Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents was:

- Mailed by depositing in the United States Mails, postage prepaid;
- Hand-Delivered;
- Transmitted Via FAX.

this 1st day of August, 2005, to the following individual(s):

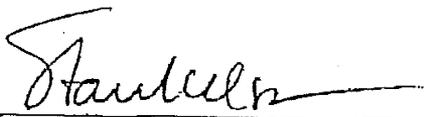
Karen A. McGee, Chair
 Workforce Development Council
 317 W. Main Street
 Boise, ID 83735-0790
 Fax: (208) 334-6300

Craig Bledsoe
 Deputy Attorney General
 317W. Main Street
 Boise, ID 83735
 Fax: (208) 334-6125

Wanda Keefer
 Clearwater Economic Development Assoc.
 1626 6th Ave. North
 Lewiston, ID 83501
 Fax: (208) 746-0576

Michael Brauser
 3810 Kinsale Lane SE
 Olympia, WA 98501
 Fax: (425) 454-9286

Kimberly Baily
 Fax: (208)334-4298

BY: 

Venet Carlson

From: Michael Brauser [mbrauser@worldnet.att.net]
Sent: Thursday, June 30, 2005 6:00 PM
To: John McAllister; Cheryl Brush
Subject: Re: We are seeking your assistance--time sensitive

John,

Since Cheryl is out for the weekend, could you let the appropriate people know that I would be available to serve as hearing officer on the issue. My fee is \$500/day, plus expenses such as travel, recording, and transcription, if necessary.

Mike

p.s. the correct area code for my phone number is 360.

----- Original Message -----

From: Cheryl Brush
To: Michael Brauser
Sent: Wednesday, June 29, 2005 1:30 PM
Subject: We are seeking your assistance--time sensitive

Mike,

We have five appeals from local areas who were denied designation and need to hold hearings on July 18 and 19. We have also contacted a Supreme Court judge who may be interested, but we are checking for conflict of interest. Could you possibly be available to hear these cases? Could you contact us at 208 332-3570 --either Jay Engstrom (2121) or me at 3312 and let us know if you might be available. I'll be out Thursday, Friday and Tuesday, but John will be available. We would really appreciate it if you would consider doing this. By the way, I could not reach you on this number.

From: Michael Brauser [mailto:mbrauser@worldnet.att.net]

Sent: Monday, November 01, 2004 7:30 PM

To: Cheryl Brush

Cc: John McAllister

Subject: Re: Organizational Call

Good idea. I am available all day, but morning would be preferable. How about 9:00 am pacific standard time?

(350) 455-0883.

Mike

----- Original Message -----

From: Cheryl Brush

To: Mike Brauser

Cc: John McAllister

Sent: Monday, November 01, 2004 5:01 PM

Subject: Organizational Call

Mike,

It will be wonderful to have you working in Idaho. Would there be a good time to call you Tuesday morning or later in the afternoon so we could make some preliminary plans? If you share your number, I can call you directly. Cheryl

Ex A. 342

The information contained in this e-mail from Idaho Commerce and Labor may be privileged, confidential, or otherwise protected from disclosure. Persons who share such information with unauthorized individuals may face penalties under state and federal law. If you have received this e-mail in error, please reply to the sender that you received this information in error and delete this e-mail after replying to the sender.

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-----Original Message-----

From: Michael Brauser [mailto:mbrauser@worldnet.att.net]
 Sent: Thursday, June 30, 2005 5:47 PM
 To: John McAllister
 Subject: Re: Idho Repot NBLP

John,

Here is my take on the "missing pieces."

page 2: You should provide the name of a contact for further information.

page 3: The "How to Use" piece for each prior case study was created personally by Bill Janes as his way to emphasize and reinforce aspects of each case study that he deemed important for readers. It appears that Dalles does not plan to follow Bill's lead on this matter. I will take a crack at creating something here; but additionally, I will contact Bill who is in the process of moving from Dalles to Seattle. He was scheduled to arrive in Seattle today. I will be gone for the weekend but can work on it next Tuesday (and hopefully, I can get together with Bill, too).

page 11: I suggest that we create a new paragraph with the sentence beginning "Businesses were sometimes ..." We might also open that paragraph with the phrase "At that time,". Regarding the suggestion to add a few quotes, I suggest that you get a pithy quote from Roger to emphasize the point being made.

page 32: You can do a better job than I can in providing a properly titled org chart and in the desired .tif format..

page 33: The desired graphic is "We Haved Merged". You can provide it in the desired format easier than I can.

page 43: there is only one Author.

I will give you a report on Tuesday pm regarding what I have for page 3.

Mike

----- Original Message -----

From: "John McAllister" <John.McAllister@cl.idaho.gov>
 To: "Michael Brauser" <mbrauser@worldnet.att.net>
 Sent: Thursday, June 30, 2005 11:03 AM
 Subject: FW: Idho Repot NBLP

Mike,
 The company setting up the case study for printing had some questions about missing pieces. I have not had time to review the attached file but thought I would send it to you to see if you had any ideas on the response to the questions. We are trying to get this done in time for the Workforce Innovations Conference in mid-July. Thanks.
 John.

-----Original Message-----

From: Rob Gamble [mailto:rgamble31@earthlink.net]
 Sent: Thursday, June 30, 2005 10:00 AM
 To: John McAllister; Georgia Smith; Jean Cullen
 Cc: walton.Diane@dol.gov; Lalpui.Nickolas@dol.gov
 Subject: Re: Idho Repot NBLP

This is the inertial layout of your report. The notes generally comment on items that need to be completed or enhanced.

Rob

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Venet Carlson

From: John McAllister
 Sent: Tuesday, July 05, 2005 4:13 PM
 To: 'Michael Brauser'
 Cc: Cheryl Brush; Jay Engstrom; Craig Bledsoe
 Subject: RE: Idho Repot NBLP

Michael,

These are excellent. We do not intend to change anything. On the WIA hearings for which we asked you to be a hearing officer, Roger has asked that we utilize a former Chief Justice of the Idaho Supreme Court, Robert Bakes. Chief Justice Bakes is making sure he has no conflicts with his private law practice before he accepts the engagement, and he has promised to let us know by noon tomorrow, July 6. Several of us were pulling for you, but Roger prefers Chief Justice Bakes because of his credibility with the Idaho Legislature. We have had several legislators criticize the Governor and Department for eliminating the local WIB's, and Roger wants to do everything possible to strengthen our response to them. Thanks for considering our request to do the hearings. If Chief Justice Bakes identifies a conflict, I will let you know tomorrow. We do not think such a conflict is likely. Also, thanks for your help on the Idaho Case Study. Every time I read it, it just seems to get better!

John.

-----Original Message-----

From: Michael Brauser [mailto:mbrauser@worldnet.att.net]
 Sent: Tuesday, July 05, 2005 3:35 PM
 To: John McAllister
 Subject: Re: Idho Repot NBLP

John,

Attached you will find a file containing 2 additions for the case study: "How to Use" and "Inquiry Guide" (found at the end of the previous case studies). They could most assuredly be improved upon, so please feel free to revise as you may desire.

Reagrnding sub-titles for the Chapter titled "Overview and Chronology", I suggest the following

1. Insert the subtitle "The Drivers of Change" before the paragraph that begins "Chronologically . . ."
2. Insert subtitle "Raising the Bar" before the paragraph that begins "Elected in 1998, Governor K . . ."
3. Insert subtitle "Making Great Strides" before the paragraph that begins "By 2003, the strong and vigorous . . ."
4. Insert subtitle "Discovering Synergy" before the paragraph that begins "The success of the Department of Labor . . ."

Please feel free to over-ride any of the suggestions.

Mike

----- Original Message -----

From: "John McAllister" <John.McAllister@cl.idaho.gov>
 To: "Michael Brauser" <mbrauser@worldnet.att.net>
 Sent: Friday, July 01, 2005 3:29 PM
 Subject: RE: Idho Repot NBLP

Michael,

They also wanted subtitles on page 11. Do you have any suggestions for that?

John.

Cheryl Brush

From: Michael Brauser [mbrauser@worldnet.att.net]
Sent: Tuesday, July 12, 2005 9:54 AM
To: Cheryl Brush
Subject: Re: Change again--we have solved our COI problem

Cheryl,

I am glad that it has all worked out. Let's hope that the results of the hearing are also satisfactory.

Best wishes

Mike

----- Original Message -----

From: Cheryl Brush
To: Mike Brauser
Sent: Monday, July 11, 2005 1:32 PM
Subject: Change again--we have solved our COI problem

Mike,

We appreciate your patience with us and our apparent indecision. At some point, we will actually engage you in a contract! Thanks so much for considering to be of service to us. Cheryl

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7/21/2005

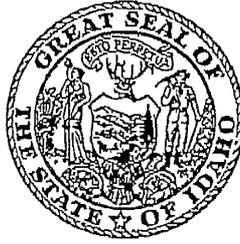
The date you retired from USDOL.
Permission to send notice of a hearing on your behalf.
Cheryl

The information contained in this e-mail from Idaho Commerce and Labor may be privileged, confidential, or otherwise protected from disclosure. Persons who share such information with unauthorized individuals may face penalties under state and federal law. If you have received this e-mail in error, please reply to the sender that you received this information in error and delete this e-mail after replying to the sender.

End E

7/21/2005

DIRK KEMPTHORNE
GOVERNOR



Karen A. McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL
317 W. Main Street
Boise, ID 83735-0790

**RESPONSE TO REQUEST FOR
EXAMINATION/COPYING OF COUNCIL RECORDS**

July 28, 2005

To: Starr Kelso
Attorney at Law
P.O. Box 1312
Coeur d'Alene, ID 83816-1312

On July 20, 2005, we received your faxed request for copies of all correspondence of any nature between any representative of the Idaho Workforce Development Council and Michael Brauser between January 1, 2005 and July 20, 2005.

In response to your request, enclosed are copies of the Council's records.

Sincerely,

A handwritten signature in cursive script that reads "Karen A. McGee".

Karen A. McGee, Chair
Workforce Development Council

CERTIFICATE OF MAILING

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 28th day of July, 2005.

A handwritten signature in cursive script that reads "Alice Taylor".

DIRK KEMPTHORNE
GOVERNOR



Karen A. McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL
317 W. Main Street
Boise, ID 83735-0790

July 19, 2005

Michael Brauser
3810 Kinsale Lane SE
Olympia, WA 98501

Re: LETTER OF ENGAGEMENT

Dear Mr. Brauser:

Thank you for agreeing to act as the Workforce Development Council's hearing officer for five appeals from former local workforce investment areas (LWIAs) under the Workforce Investment Act. The appealing parties were former LWIAs under the expired WIA State Plan that were not re-designated as LWIAs by the Governor of the State of Idaho under the current WIA State Plan. Enclosed are copies of the Notices of Appeal, the Notices of Hearing/Pre-hearing Orders sent on your behalf and copies of the relevant sections of the law, regulations and Idaho's WIA State Plan.

You are engaged to act as the Workforce Development Council's hearing officer for the limited purpose of conducting hearings and authoring a recommended order pursuant to WIA § 116(a)(5), 20 CFR § 667.640(a) and section VIII (A)(3) of Idaho's current, approved WIA State Plan. These provisions authorize the Workforce Development Council to consider only allegations about entitlement to designation as a local area under either the automatic designation provisions of WIA § 116(a)(2) or the temporary and subsequent designation provisions of WIA § 116(a)(3). The Workforce Development Council lacks the legal authority to consider any other allegations.

I have asked the Idaho Department of Commerce and Labor's Workforce Systems Bureau to act as your facilitator for these hearings. They will arrange for the hearing room, telephone conferencing services as needed and a court reporter to create a transcript of the hearing. If you have any questions about these arrangements, please contact Alice Taylor at (208) 332-3570 ext. 3313.

Sincerely,


Karen A. McGee, Chair
Workforce Development Council

STARR KELSO
 Attorney at Law, ISB #2445
 Starr Kelso Law Offices, Chartered
 1621 N. Third Street, Suite 600
 PO Box 1312
 Coeur d'Alene, ID 83816-1312
 (208) 765-3260
 (208) 664-6261 - Fax

Attorney for Appellants

WORKFORCE DEVELOPMENT COUNCIL

In Re: Appeals of Regions I, III, IV, and V)
 consolidated for hearing purposes) CASE NO. _____)
)

Appellants.)

) **RENEWED OBJECTION TO**
) **VENUE IN BOISE AND**
) **MOTION FOR VENUE TO**
) **BE, AT LEAST FOR**
) **RECEIPT OF TESTIMONY**
) **TO BE IN EACH REGION,**
) **AND GENERAL TESTIMONY**
) **IN LEWISTON**
)

COMES NOW the Appellants, consolidated for the purpose of hearing only, and object to the holding of the hearing of this matter in Boise. This objection was filed on or about July 21, 2005 originally seeking a rescheduled time and place. The time has been rescheduled but the place has not been established.

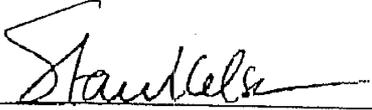
There are no rules of procedure governing the process and certainly there are none governing where the hearing should be held. Indeed if convenience of the Appellants is the criterion to be used (as was used when the appeals were consolidated for hearing purposes

(see July 19, 2005 letter from Karen McGee, paragraph 2, page 2) this objection clearly sets forth the correct venue(s). It is the position of these Appellants that the hearing should be held in Lewiston to allow the separate Appellant, Region II, to fully and completely participate in presenting witnesses and exhibits and cross examining witnesses that are relevant to Region II. It is uncontroverted and established at the pre-hearing status conference that Region II will not only be without legal counsel at the hearing but that it will likely be without any representation if the hearing is held in Boise.

These Appellants, while specific merits of their various appeals may differ to one extent or another from that of Region II believe that Region II should have the opportunity to present its case in Lewiston. The other Appellant Regions can present the similar relevant aspects of their cases at Lewiston, a far more central location than Boise. There is no reason for the hearing to be held in Boise. It is not even home base of the current hearing officer.

To the extent that witnesses for each of Regions I, III, IV and V are not able to attend a hearing in Lewiston, post hearing testimony can be taken in Coeur d'Alene, Boise, Pocatello, and Twin Falls. Their testimony should be presented in post-hearing depositions or proceedings presided over by the hearing officer. There is no time set for post hearing depositions. These can be held in a manner similar to those held before the Idaho Industrial Commission.

DATED this 1st day of August, 2005.



STARR KELSO
Attorney at Law

CERTIFICATE OF SERVICE

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- Mailed by depositing in the United States Mails, postage prepaid;
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this 1st day of August, 2005, to the following individual(s):

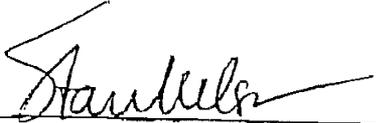
Karen A. McGee, Chair
 Workforce Development Council
 317 W. Main Street
 Boise, ID 83735-0790
 Fax: (208) 334-6300

Craig Bledsoe
 Deputy Attorney General
 317W. Main Street
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Wanda Keefer
 Clearwater Economic Development Assoc.
 1626 6th Ave. North
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 Fax: (208) 746-0576

Michael Brauser
 3810 Kinsale Lane SE
 Olympia, WA 98501
 Fax: (425) 454-9286

Kimberly Baily
 Fax: (208)334-4298

BY: 

STARR KELSO
Attorney at Law, ISB #2445
Starr Kelso Law Offices, Chartered
1621 N. Third Street, Suite 600
PO Box 1312
Coeur d'Alene, ID 83816-1312
(208) 765-3260
(208) 664-6261 - Fax

Attorney for Appellants

WORKFORCE DEVELOPMENT COUNCIL

In Re: Appeals of Regions I, III, IV, and V	)	CASE NO. _____
consolidated for hearing purposes)	
)	
Appellants.)	
	)	MEMORANDUM IN
	)	SUPPORT OF OBJECTION
	)	TO A BOISE HEARING
	)	VENUE
)	

Each of the five (5) Regions that have appealed the 2005 Plan are specifically designed local Workforce investment areas that were designated as such by Governor Batt under the provisions of the Workforce Investment Act of 1988. Each of the specific Regions have the unique interests of regionally connected counties each of which have a personal vested interest in seeing that their highly productive local Workforce Investment Board receives a full and fair hearing and continues to serve its Region. Such a full and fair hearing is an absolute necessity to maintain public confidence in the WIA programs in their area. For good or bad, politically based governmental decisions emanating from Boise are viewed with suspicion by the rest of the regions of the state. This can also be said to be true of state versus "local" issues such as would be the case of Region III which, in this particular

case, was overlooked and cast aside in preference for Region VI which doesn't have the population in excess of 500,000 that Region III services.

The Idaho Supreme Court, has had the opportunity to address venue in a somewhat analogous challenge in Priest Lake Coalition v. State, 111 Idaho 354, 723 P2d 898 (1986) (Priest Lake). A copy is provided herewith. In Priest Lake the suit was filed in Bonner County (Sandpoint) against the State Land Board et al for actions the Land Board took that were seen as highly prejudicial to Bonner County citizens. Likewise, it is the counties, other local governments, private industry and citizens of each respective Region that are appealing this current matter through the respective Region representatives.

In Priest Lake the Idaho Supreme Court, as should occur here, interpreted venue liberally in favor of finding venue in the forum more practical and convenient for the citizens of the area impacted. In that case it was Bonner County. In this matter each of the respective Regions is the more practical and convenient location for its citizens, private industry and labor.

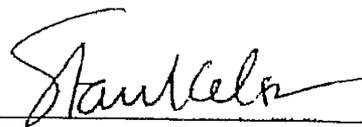
Because this hearing was originally set for two separate days in Boise at different times for each Region, the Appellants, above named, sought consolidation for economy of time and scale. Many of the issues are similar and should be heard in a consolidated manner. In this matter since Region II has voiced its inability to actively and effectively participate if the hearing is held in Boise, the consolidated hearing should be held in Lewiston, at least as far as the common issues are concerned. Matters distinct to each other Region should be heard or received through post hearing depositions or live testimony in each of the respective Regions as is routinely done by the Industrial Commission. The hearing, proper, date is sixty days but there is no prohibition against post hearing depositions. It certainly is less onerous on the Idaho Department of Commerce and Labor, if it is allowed to participate as a party, or as a witness, to have its one witness travel to Lewiston with its Counsel than to effectively preclude Region II from participating. Likewise it is far more practical for the one attorney representing the Idaho Department of Commerce and Labor, apparently with

an actual budget for costs and expenses being supplied from some place other than through WIA funds, to travel to Lewiston and the other Regions, if permitted, to cross-examine witnesses. The exact witnesses for all the other Regions has yet to be determined because of the lack of Region staff due to their lay-off and the late receipt of information from Chair McGee, on the 29th.

As the Idaho Supreme Court held, venue is to be in a place practical and convenient to citizens - not the state.

These Appellants submit that the main "common issue" hearing should be held in Lewiston and that any necessary Region specific testimony be heard at the Regions headquarters for the others respective Regions.

DATED this 1st day of August, 2005.



STARR KELSO

Attorney at Law

CERTIFICATE OF SERVICE

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this 1st day of August, 2005, to the following individual(s):

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Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790
Fax: (208) 334-6300

Craig Bledsoe
Deputy Attorney General
317W. Main Street
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Kimberly Baily
Fax: (208)334-4298

BY: _____


111 Idaho 354; Priest Lake Coalition, Inc. v. State; 723 P.2d 898

Page 354

PRIEST LAKE COALITION, INC., an Idaho nonprofit corporation, Applicant-Respondent, v. STATE of Idaho, ex rel., John V. EVANS, Governor; Pete T. Cnarrusa, Secretary of State; Jim Jones, Attorney General; Joe R. Williams, State Auditor; and Jerry L. Evans, Superintendent of Public Instruction; as the State Board of Land Commissioners, and Stanley F. Hamilton, Director, Department of Lands, all in their official capacities, Respondents-Appellants.

[Cite as Priest Lake Coalition, Inc. v. State, 111 Idaho 354]

No. 16358.

Supreme Court of Idaho.

July 30, 1986.

Citizen's group filed petition for writ of mandate in county in which they resided, seeking order rescinding exercise of authority by State Board of Land Commissioners to exchange public for private land. Land board moved for change of venue. The District Court of the First Judicial District, County of Bonner, Gary M. Haman, J., denied motion. Land board appealed. The Supreme Court, Huntley, J., held that venue was proper in county in which citizens resided and in which impact of land board's decision would be felt.

Affirmed.

Bakes, J., dissented and filed opinion in which Shepard, J., concurred.

Page 355

Jim Jones, Atty. Gen. and Patrick J. Kole, Deputy Atty. Gen., Boise, for respondents-appellants.

Scott W. Reed, Coeur d'Alene, for applicant-respondent.

HUNTLEY, Justice.

This case presents the question of whether, in a suit challenging public officers' exercise of authority to exchange land, venue lies in the county impacted by the officers' action even though the officers approved the exchange and executed the title documents in the county of their official residence.

The State Board of Land Commissioners (land board), comprised of the Governor, Secretary of State, Attorney General, State Auditor, and Superintendent of Public Instruction, approved an exchange of public land for private land. Nearly all of the public land exchanged lies in Bonner County and none lies in Ada County. Before the exchange, the land board held hearings in which Priest Lake participated in both Bonner and Ada Counties. After the hearings, the land board, acting in Ada County, approved the exchange and executed various documents, including deeds, consummating the exchange. The deeds were then filed in Bonner County.

Priest Lake Coalition filed a petition for writ of mandate in Bonner County, seeking an order rescinding the exchange of public for private land. Priest Lake alleged the land board both exceeded its authority and improperly exercised any authority it might have had in approving the exchange.

The land board moved for change of venue to Ada County pursuant to I.C. § 5-402(2) (1985). That venue statute requires the trial of actions against public officers in the county where all or part of the cause of action arose:

5-402. Actions for penalties and against officers.-Actions for the following causes must be tried in the county where the cause, or some part thereof, arose, subject to the like power of the court to change the place of trial:

2. Against a public officer, or person specially appointed to execute his duties, for any act done by him in virtue of his office; or against a person who, by his command or in his aid, does anything touching the duties of such officer.

The land board reasons Priest Lake's entire cause of action arises from the board's approval of the land exchange. Since the board

formally approved the exchange in Ada County, it argues venue lies there under I.C. § 5-402(2) (1985).

Notwithstanding the provisions of I.C. § 5-402(2) (1985), the district court, in reliance upon I.R.C.P. 40(e)(4) (1985), denied the land board's motion for change of venue. The district court reasoned that retaining venue in Bonner County would promote the ends of justice, such being one of the criteria listed in Rule 40(c)(4) (1985), stating grounds for a district court's discretionary denial of a motion for change of venue. (fn1)

Page 356

The district court believed that the decision, which was a matter of immediate and great concern to Bonner County residents living near the exchanged land, should be made by a court in Bonner County. Regardless of the outcome of the case, the district court believed this would promote public confidence in the judiciary to a greater extent than would a decision by a court in Ada County. On these grounds, the court found venue in Bonner County would promote the ends of justice, and was therefore proper under I.R.C.P. 40(e)(4). However, in light of the apparent conflict between Rule 40(c)(4) and I.C. § 5-402(2), the district court certified the following question for review under I.A.R. 12 (1985):

Whether Idaho Code § 5-402 requires that venue in an action against public officials be in the county in which the cause of action arose; or whether I.R.C.P. Rule 40(e)(4) modifies the mandatory provisions of § 5-402 so as to allow the court to engage in an exercise of discretion and deny an otherwise proper motion for change of venue pursuant to § 5-402 upon a finding that the ends of justice would be promoted by retaining jurisdiction in the county where the action was filed.

[1] To analyze this question we first construe I.C. § 5-402(2). Under the statute, if all or part of the cause of action arose in Bonner County, then venue lies there and we need not reach the issue of whether venue might alternatively lie there under I.R.C.P. 40(e)(4). This case involved allegations that the land board both exceeded its authority and improperly exercised its authority. These two types of allegations have received different treatment under venue laws similar to § 5-402. Where suits allege public officers exceeded their authority (but do not allege they exercised their authority in an improper manner) some courts have held that the entire cause of action arises in the county of the officers' official residence. *Lunt v. Division of Workmen's Compensation, Department of Labor and Industry of the State*, 167 Mont. 251, 537 P.2d 1080, 1081 (1975); *Guldroy v. Anderson*, 159 Mont. 325, 497 P.2d 688, 689-690 (1972); *Cf. School Dist. No. 7, Bozeman, Montana v. Human Rights Commission*, 173 Mont. 113, 566 P.2d 799, 801 (1977) (dictum).

In suits alleging only that the officers exercised their authority in a defective manner (but not that they exceeded their authority) some courts have held that venue lies in the county impacted by the officers' action. *Brown v. Superior Court*, 37 Cal.3d 477, 208 Cal.Rptr. 724, 691 P.2d 272 (1984); *Regents of the University of California v. Superior Court of Los Angeles County*, 3 Cal.3d 529, 91 Cal.Rptr. 57, 476 P.2d 457 (1970); *Stoneham v. Rusher*, 137 Cal.App.3d 729, 188 Cal.Rptr. 130 (Ct.App.1982); *Ford v. Montana Dept. of Fish, Wildlife and Parks*, 676 P.2d 207 (Mont. 1984); *School Dist. No. 7, Bozeman, Montana v. Human Rights Commission*, 173 Mont. 113, 566 P.2d 799 (1977); *Guhrie v. Montana Dept. of Health and Environmental Sciences*, 172 Mont. 142, 561 P.2d 913 (1977); *Deaconess Hospital v. Washington State Highway Commission*, 66 Wash.2d 378, 403 P.2d 54 (1965). *But see, Tharp v. Superior Court of Tulane County*, 32 Cal.3d 496, 186 Cal.Rptr. 335, 651 P.2d 1141 (1982).

The purpose, if any, for differentiation of venue depending upon whether authority has been either exceeded or improperly exercised has not been convincingly articulated.

The purpose for permitting local venue is to provide the citizens most directly impacted by a public act with a practical and convenient forum in which to sue public

Page 357

officials. *Ford*, 676 P.2d at 209. The California Supreme Court has said:

The underlying purpose of statutory provisions as to venue for actions against state agencies is to afford to the citizen a forum that is not so distant and remote that access to it is impractical and expensive. To that end, such provisions should be liberally construed in favor of the private litigant.

Regents of the University of California, 476 P.2d at 461.

In the instant case, the challenged land exchange directly and substantially affects many citizens of Bonner County. It is these citizens, through Priest Lake, who are suing the land board. We therefore interpret the applicable venue statute, I.C. § 5-402(2) (1985), liberally in favor of finding venue in the forum more practical and convenient for Bonner County citizens: Bonner County.

The statute allows venue in Bonner County if all or part of the cause of action arose there. Priest Lake's cause of action is for a writ of mandate requiring that the land board rescind its approval of the exchange of public for private land. Montana has a venue statute virtually identical to Idaho's and the Montana Supreme Court's interpretation of that statute (Mont. Code Ann. § 93-2902) provides some guidelines for our interpretation of the Idaho statute. Several Montana cases have interpreted the Montana statute.

In *Ford*, a public agency whose official residence was in Lewis & Clark County demoted an employee working in Missoula County and the employee filed suit for a writ of mandamus requiring the agency to return him to his original position. The Montana Supreme Court held part of the cause of action arose in Missoula County. It reasoned Missoula was the county in which the employee originally worked as well as the one in which he worked after his demotion. The Montana court held that venue therefore lay in Missoula County. *Ford*, 676 P.2d at 209.

In the instant case, the vast majority of the land in issue and the persons most directly affected are in Bonner County. Therefore, under *Ford*, part of the cause of action arose in Bonner County and venue lies there under I.C. § 5-402(2). This conclusion holds even though the land board made its decision in Ada County.

In *Guthrie*, the Montana Wilderness Association sought an injunction against the Montana Department of Health and Environmental Sciences prohibiting the alteration of the character of land in Teton County until the association complied with certain statutory duties. *Guthrie*, 561 P.2d at 914. The Montana Supreme Court reversed the trial court and granted the Wilderness Association's motion for change of venue from Lewis & Clark County (the department's official residence) to Teton County, the location of the land in issue. *Id.* at 914. The court reasoned the action for an injunction arose entirely in the county threatened by the irreparable harm. The court said venue under the statute depended on two variables: First, the nature of the cause of action and second, the time and place where it sprang into existence. *Id.* at 916.

In dicta, the court noted actions for mandamus almost always lie in the county of the official residence because it is in that county which the official "officially refuses or neglects to act." *Id.* at 916 (quoting *Lunt v. Division of Workmen's Compensation, Department of Labor and Industry*, 537 P.2d 1080, 1081 (1975)).

However, the same court said in a later decision, *Ford*, that while it is the general rule that mandamus actions lie in the county of official residence, courts should not apply the rule so as to defeat the interest in providing a practical and convenient forum for plaintiffs. *Ford*, 676 P.2d at 209, (citing *Regents of University of California*, 476 P.2d at 461).

In *Tharp*, a car dealer brought a mandamus action to compel the New Motor Vehicles Board to dismiss certain proceedings allegedly beyond the jurisdiction of the Board. The California Supreme Court held venue lay in the county of the car dealer,

Page 358

where the impact of the board's decision was felt, rather than in the county of the board's official residence. *Tharp*, 651 P.2d at 1144-45. The California venue statute is substantially the same as that in Idaho. (fn2)

In the instant case the impact of the board's decision was felt almost entirely in Bonner County. Nearly all the land in issue lies in Bonner County, and according to the district judge, the exchange created a "hot political issue" in Bonner County.

The authorization in I.C. § 5-402 of venue to counties in which part of the cause of action arose must be interpreted to include counties impacted by the decision of public officials. Such an analysis fulfills the primary legislative purpose behind the venue statutes—the ensuring of a practical and convenient forum for citizens suing public officials. Therefore, venue, in this case, lies in Bonner County.

The land board argues that this broad interpretation of I.C. § 5-402(2) (1985) will result in venue lying in multiple counties, subjecting public officials to conflicting court judgments, in instances where their decisions impact several counties. *Grand River Dam Authority v. State*, 645 P.2d 1011, 1013-14 (Okla. 1982). Although the applicable statutory language in *Grand River* parallels I.C. § 5-402(2) (1985), we cannot so narrowly interpret that statute. The Idaho legislature said venue must lie in not only the county where the cause of action arose, but where any part of it arose. It seems unlikely that the legislature would include such broad language if it intended a reading of the venue statute as narrow as that given in *Grand River*. The narrow interpretation in *Grand River* defeats the purpose of venue statutes, which is to provide a convenient and practical forum for citizens suing public officials.

[2] Moreover, public officials do not necessarily have the absolute right to be sued in the county of their official residence. For example, if a suit were against a public official, but related to real property, under I.C. § 5-401 (1985) the action would have to be tried in the county in which all or part of the land was located. Furthermore, under I.C. § 5-402(1) (1985), an action for recovery of a statutory penalty or forfeiture must be tried in the county in which all or part of the cause of action arose. Under I.C. § 5-403 (1985), actions against counties may be brought in the county against which the action is brought. Under I.C. § 5-404 (1985), all other actions

must be tried in the county in which the defendant resides. Therefore, actions against public officials may, on occasion, have to be tried in a county other than the county of the official's official residence.

[3] In light of the broad interpretation to be given to venue statutes in order to provide a practical and convenient forum for citizens suing public officials, and in light of the broad statutory language of § 5-402(2) (1985) and the fact public officials are frequently amenable to suit outside of their official residence, the district court properly decided venue lies in Bonner County.(fn3)

Affirmed. Costs to respondent. No attorney fees awarded.

DONALDSON, C.J., and BISTLINE, J., concur.

BAKES, Justice, dissenting.

The district court certified, and this Court accepted for review pursuant to Idaho Appellate Rule 12, the following question:

"Whether Idaho Code § 5-402 requires that venue in an action against public officials be in the county in which the cause of action arose; or whether IRCP 40(e)(4) modifies the mandatory provisions of § 5-402 so as to allow the court to engage in an exercise of discretion and deny an otherwise proper motion for change of venue pursuant to § 5-402 upon a finding that the ends of justice would be promoted by retaining jurisdiction in the county where the action was filed."

The Court today does not answer the question certified and accepted, *i.e.*, "whether I.R.C.P. 40(c)(4) modifies the mandatory provisions of I.C. § 5-402," but instead decides this case solely on the interpretation of I.C. § 5-402(2), an issue which was not directly briefed by the parties. While some of the briefing peripherally touches on that issue, it has not had the close attention which could be expected of counsel, primarily because the sole issue before the Court is the issue certified and accepted by us, *i.e.*, whether I.R.C.P. 40(c)(4) modifies the mandatory provisions of I.C. § 5-402.

The district court concluded that the provisions of 5-402 were mandatory and, but for the application of the discretionary provisions in I.R.C.P. 40(e)(4), he would have been required to change the venue to Ada County, R. p. 4, lines 18-25. The very question certified to this Court by the district court was "whether I.R.C.P. 40(c)(4) modifies the mandatory provisions of § 5-402...." If this Court is not going to address the issue certified and briefed and argued by the parties, then we should dismiss this certified appeal rather than decide this case upon an issue not certified, briefed or argued by the parties.

Furthermore, the Court's statement, *ante* at 902, that "I.C. § 5-402's authorization of venue in counties in which part of the cause of action arose must be interpreted to include counties impacted by the decision of public officials," will render I.C. § 5-402's provision totally meaningless. Every action of the State Land Board in disposing of or trading property has an impact throughout the entire state. Not only the counties where the land is located are impacted, but the State Endowment Fund from which the public schools throughout the state are partially financed, would be affected by the decision. Accordingly, if as the Court's opinion indicates venue will lie in any county where the "impact of the board's decision was felt," then venue will lie in any county in Idaho for every decision of the State Land Board. The opinion of the Court cites no authority for that proposition, and indeed there is none. All of our prior decisions indicate the contrary.

We should either decide the certified question, or we should dismiss this appeal on the ground that the Rule 12 certification was improvidently granted.

I agree with the Court's footnote 3, *ante* at 902, that judicial review of the land board's administrative decision must be conducted in Ada County pursuant to I.C. § 67-5215(b). Our cases are clear that, in the absence of other statutory procedure for review of administrative decisions being set out in the statute, *e.g.*, *Swisher v. State Dept. of Environ. & Com. Serv.*, 28 Idaho 565, 569 P.2d 910 (1977); *Mills v. Swanson*, 93 Idaho 279, 460 P.2d 704 (1969), the procedure set out in the Administrative Procedures Act, I.C. § 67-5215(b), sets up the only means of appealing administrative agency decisions. Other types of civil actions, such as declaratory judgments, mandamus, etc., cannot be used to circumvent the procedure set out in the Administrative Procedures Act. *Bone v. City of Lewiston*, 107 Idaho 844, 693 P.2d 1046 (1984).

SHEPARD, J., concurs.

Footnotes:

1. I.R.C.P. 40(e)(4) authorizes discretionary denial of a motion for change of venue if the district court "finds that the convenience of witnesses *and* the ends of justice would be promoted by retaining jurisdiction [venue] in the county where the action is filed." I.R.C.P. 40(c)(4) (emphasis added). The district court found only that retention of venue in Bonner County would promote the ends of justice but did not find it would promote the convenience of witnesses. Indeed, the court said it anticipated the need for few, if any, witnesses in the proceeding. Since we decide this case under I.C. § 5-402(2), we need not reach the issue of the correctness of the district court's application of Rule 40(e)(4).

2. 4. California Code of Civil Procedure, section 393, reads in pertinent part:

Venue actions for penalty or forfeiture, and actions against public officers.-"(1) Subject to the power of the court to transfer actions and proceedings as provided in this title, the county in which the cause, or some part thereof, arose, is the proper county for the trial of the following actions: ... (b) Against a public officer or person especially appointed to execute his duties, for an act done by him in virtue of his office; or against a person who, by his command or in his aid, does anything touching the duties of such officer.

3. This decision may be an empty victory for Priest Lake. Entitlement to a writ of mandate requires that Priest Lake prove no plain, speedy and adequate remedy at law exists. *Rufener v. Shaud*, 98 Idaho 823, 573 P.2d 142 (1977); *Lewis v. Mountain Home Co-Operative Irrigation Co.*, 28 Idaho 682, 692, 156 P. 419 (1916). Under I.C. § 67-5215(a) and (b) (1985), Priest Lake is entitled to judicial review of the land board's decision in the Ada County district court. We are not advised as to how the mandamus action can be maintained in Bonner County when an appeal, which may provide an adequate remedy at law, lies in Ada County. We do not however, on the basis of the record before us, determine whether the appeal is, in fact, an adequate remedy as to all issues between the parties.

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LAWRENCE G. WASDEN
ATTORNEY GENERAL

CAROL LYNN BRASSEY
EVELYN THOMAS
CRAIG G. BLEDSOE
ANNE BAKER WILDE
Deputy Attorneys General
Idaho Department of Commerce and Labor
317 W. Main Street
Boise, ID 83735
Telephone: (208) 332-3570 x 3232
ISB No. 3431

Attorneys for Idaho Department of Commerce & Labor

BEFORE THE STATE WORKFORCE DEVELOPMENT COUNCIL

In the matter of the Local Workforce)
Investment Area Designation Appeals of:)
PANHANDLE AREA COUNCIL;)
CLEARWATER ECONOMIC)
DEVELOPMENT ASSOCIATION;)
SAGE COMMUNITY RESOURCES;)
REGION IV DEVELOPMENT)
ASSOCIATION;)
and)
SOUTHEAST IDAHO COUNCIL OF)
GOVERNMENTS, INC.;)
Appellants.)

Case No. _____

MOTION IN LIMINE

COMES NOW the Idaho Department of Commerce and Labor, by and through its attorney of record, Craig G. Bledsoe, and does hereby request the entry of an Order in Limine to preclude Appellants from questioning witnesses, offering evidence or arguing any matters that are beyond the subject matter jurisdiction of the Workforce Development Council and its hearing

COPY 363

officer. This motion is based on the plain language of Workforce Investment Act (WIA) § 116(a)(5), its regulations at 20 CFR §§ 661.280 and 667.640(a), and the Department's Memorandum in Support of the Governor's Denial that has already been filed in this case.

It is a general principle of administrative law that administrative authorities are tribunals of limited jurisdiction and their limited jurisdiction is dependant entirely upon the statutes reposing power in them. *Knight v. Department of Insurance*, 124 Idaho 645, 862 P.2d 337 (1993) and *Washington Water Power Co. v. Kootenai Environmental Alliance*, 99 Idaho 875, 591 P.2d 122 (1979).

Regarding the appeals that have been filed in this matter, WIA § 116(a)(5) and 20 CFR §§ 661.280 and 667.640(a) specifically limit the Workforce Development Council's subject matter jurisdiction to questions of whether a unit of general local government is entitled to designation as a Local Workforce Investment Area under either the automatic designation criteria of WIA § 116(a)(2) or the temporary and subsequent designation criteria of WIA § 116(a)(3). No authority is given in WIA for adjudication by the Workforce Development Council or its hearing officer of any other issues. To allow Appellants to fill the record with irrelevant evidence will be unfairly prejudicial to the State of Idaho; confuse rather than clarify the limited, very narrow issues that the hearing officer has authority to decide; and cause a protraction of the hearing process far beyond what is legally required to protect Appellants' due process rights.

Dated this 29 day of July, 2005.



CRAIG G. BLEDSOE
Deputy Attorney General
Idaho Department of Commerce and Labor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29 day of July, 2005, I caused a true and correct copy of the foregoing to be served by the method indicated below, and addressed to the following:

Starr Kelso
Attorney at Law
PO Box 1312
Coeur d'Alene, ID 83816-1312
Fax: (208) 664-6261

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile

Wanda Keefer
Clearwater Economic Development Assoc.
1626 6th Ave. North
Lewiston, ID 83501
Fax: (208) 746-0576

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile

Michael Brauser
3810 Kinsale Lane SE
Olympia, WA 98501

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile



CRAIG G. BLEDSOE



WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

NOTICE OF ADDITIONAL TIME REQUIRED FOR RESPONSE TO REQUEST FOR EXAMINATION/COPYING OF COUNCIL RECORDS

July 28, 2005

To: Starr Kelso
Attorney at Law
P.O. Box 1312
Coeur d'Alene, ID 83816-1312

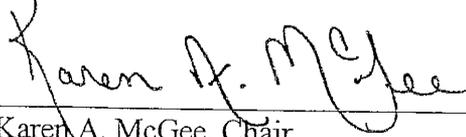
On July 18, 2005, we received your request for:

1. A copy of all documents attached to Emily Stover DeRocco's letter dated June 30, 2005 to Governor Dirk Kempthorne regarding approval of requested waivers;
2. A copy of any communications from or to either the Chair or Vice Chair of Idaho's Workforce Development Council (or their representatives or agents) and the office of Governor Kempthorne, regarding WIA grant funds, between March 25, 2005 and July 13, 2005;
3. A copy of the minutes of any Workforce Development Council meeting held during March, April, May, and June, 2005;
4. A copy of any communications from or to the Chair or Vice Chair and the Idaho Association of Commerce and Industry and the Idaho State Department of Administration regarding WIA grant funds, between January 1, 2005 and July 13, 2005;
5. A copy of any communications from or to the Idaho Workforce Council and any representative of the U.S. Department of Labor, between March 1, 2005 and July 13, 2005, regarding WIA grant funds pertaining to the 2005 proposal;
6. A copy of all documents regarding all MOU negotiations to operate under the 2005 plan, between January 1, 2005 and July 13, 2005, to or from the Idaho Workforce Council and any entity; and

7. A copy of all documents in the possession or control of the Idaho Workforce Council, between February 1, 2005 and present, (not requested above in 1-5) that regard WIA grant funds pertaining to the 2005 proposal.

In response to your request, enclosed are copies of the Council's records.

Sincerely,

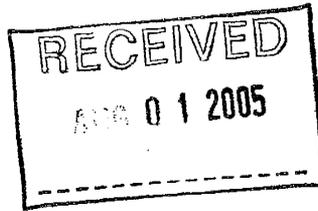


Karen A. McGee, Chair
Workforce Development Council

CERTIFICATE OF MAILING

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 28th day of July, 2005.





MICHAEL BRAUSER
HEARING OFFICER
3810 Kinsale Lane SE
Olympia, WA 98501

BEFORE THE STATE WORKFORCE DEVELOPMENT COUNCIL

In the Matter of the Local Workforce)	
Investment Area Designation Appeals of:)	
)	
PANHANDLE AREA COUNCIL;)	
)	
CLEARWATER ECONOMIC)	
DEVELOPMENT ASSOCIATION;)	
	)	ORDER GOVERNING
SAGE COMMUNITY RESOURCES	)	PROCEEDINGS AND
	)	VACATING AND
REGION IV DEVELOPMENT	)	RESCHEDULING HEARING
ASSOCIATION;	)	DATE
)	
and)	
)	
SOUTHEAST IDAHO COUNCIL OF)	
GOVERNMENTS INC.;)	
)	
)	
Appellants)	
)	

A telephonic status conference was held on July 26, 2005 between the Hearing Officer and the parties for the purpose of discussing procedural issues pertaining to certain preliminary motions currently pending before the Hearing Officer and to establish deadlines for filing motions and responsive pleadings thereto. Based on the Status Conference, the Hearing Officer hereby establishes the following Scheduling Order governing the administrative proceeding.

1. The hearing in the above matter, currently scheduled for August 1, 2005, is hereby vacated and a new hearing date is scheduled for August 17, 2005, commencing at 9:00 a.m. or as soon thereafter as the parties can be heard.
2. The last day for the parties to file motions and accompanying affidavits and points and authorities with the Hearing Officer shall be August 1, 2005 and last day to file briefs and responsive pleadings to motions with the Hearing Officer shall be August 5, 2005. In conjunction with any motion, the moving party shall serve and file affidavits or other documentary evidence, upon which the moving party intends to rely in support of such motion. Each motion, other than routine or uncontested matters, shall be accompanied by a separate brief containing all the reasons and points and authorities relied upon by the moving party.
3. The parties shall file their list of witnesses and exhibits with the Hearing Officer no later than 5:00 p.m. on August 15, 2005.
4. Any party who does not intend to oppose a motion shall immediately notify opposing counsel and the Hearing Officer in writing.

Dated this 28th day of July, 2005.


Michael Brauser
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of July 2005, I caused a true and correct copy of the ORDER GOVERNING PROCEEDINGS AND VACATING AND RESCHEDULING HEARING DATE to be served upon the following individuals by the designated means:

Starr Kelso
Attorney at Law
P.O. Box 1312
Coeur d'Alene, ID 83816-1312
Fax: (208) 664-6261

- first class mail
- certified mail
- hand delivery
- via facsimile

Wanda Keefer
Clearwater Economic Development Assn.
1626 6th Ave. North
Lewiston, Id 83501
Fax: (208) 746-0576

- first class mail
- certified mail
- hand delivery
- via facsimile

Karen McGee
Workforce Development Council
317 W. Main St.
Boise, ID 83735
(208) 334-6430

- first class mail
- certified mail
- hand delivery
- via facsimile

Craig G. Bledsoe
Idaho Department of Commerce & Labor
317 W. Main St.
Boise, ID 83735
Fax: (208) 334-6430

- first class mail
- certified mail
- hand delivery
- via facsimile



Michael Brauser
Hearing Officer

DIRK KEMPTHORNE
GOVERNOR



Karen A. McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

RESPONSE TO REQUEST FOR
EXAMINATION/COPYING OF COUNCIL RECORDS

July 28, 2005

To: Starr Kelso
Attorney at Law
P.O. Box 1312
Coeur d'Alene, ID 83816-1312

On July 20, 2005, we received your faxed request for copies of all correspondence of any nature between any representative of the Idaho Workforce Development Council and Michael Brauser between January 1, 2005 and July 20, 2005.

In response to your request, enclosed are copies of the Council's records.

Sincerely,

A handwritten signature in cursive script that reads "Karen A. McGee".

Karen A. McGee, Chair
Workforce Development Council

CERTIFICATE OF MAILING

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 28th day of July, 2005.

A handwritten signature in cursive script that reads "Alice Taylor".

DIRK KEMPTHORNE
GOVERNOR



Karen A. McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

July 19, 2005

Michael Brauser
3810 Kinsale Lane SE
Olympia, WA 98501

Re: LETTER OF ENGAGEMENT

Dear Mr. Brauser:

Thank you for agreeing to act as the Workforce Development Council's hearing officer for five appeals from former local workforce investment areas (LWIAs) under the Workforce Investment Act. The appealing parties were former LWIAs under the expired WIA State Plan that were not re-designated as LWIAs by the Governor of the State of Idaho under the current WIA State Plan. Enclosed are copies of the Notices of Appeal, the Notices of Hearing/Pre-hearing Orders sent on your behalf and copies of the relevant sections of the law, regulations and Idaho's WIA State Plan.

You are engaged to act as the Workforce Development Council's hearing officer for the limited purpose of conducting hearings and authoring a recommended order pursuant to WIA § 116(a)(5), 20 CFR § 667.640(a) and section VIII (A)(3) of Idaho's current, approved WIA State Plan. These provisions authorize the Workforce Development Council to consider only allegations about entitlement to designation as a local area under either the automatic designation provisions of WIA § 116(a)(2) or the temporary and subsequent designation provisions of WIA § 116(a)(3). The Workforce Development Council lacks the legal authority to consider any other allegations.

I have asked the Idaho Department of Commerce and Labor's Workforce Systems Bureau to act as your facilitator for these hearings. They will arrange for the hearing room, telephone conferencing services as needed and a court reporter to create a transcript of the hearing. If you have any questions about these arrangements, please contact Alice Taylor at (208) 332-3570 ext. 3313.

Sincerely,

Karen A. McGee, Chair
Workforce Development Council

Venet Carlson

From: John McAllister
Sent: Tuesday, July 05, 2005 4:13 PM
To: 'Michael Brauser'
Cc: Cheryl Brush; Jay Engstrom; Craig Bledsoe
Subject: RE: Idho Repot NBLP

Michael,

These are excellent. We do not intend to change anything. On the WIA hearings for which we asked you to be a hearing officer, Roger has asked that we utilize a former Chief Justice of the Idaho Supreme Court, Robert Bakes. Chief Justice Bakes is making sure he has no conflicts with his private law practice before he accepts the engagement, and he has promised to let us know by noon tomorrow, July 6. Several of us were pulling for you, but Roger prefers Chief Justice Bakes because of his credibility with the Idaho Legislature. We have had several legislators criticize the Governor and Department for eliminating the local WIB's, and Roger wants to do everything possible to strengthen our response to them. Thanks for considering our request to do the hearings. If Chief Justice Bakes identifies a conflict, I will let you know tomorrow. We do not think such a conflict is likely. Also, thanks for your help on the Idaho Case Study. Every time I read it, it just seems to get better!
John.

-----Original Message-----

From: Michael Brauser [mailto:mbrauser@worldnet.att.net]
Sent: Tuesday, July 05, 2005 3:35 PM
To: John McAllister
Subject: Re: Idho Repot NBLP

John,

Attached you will find a file containing 2 additions for the case study: "How to Use" and "Inquiry Guide" (found at the end of the previous case studies). They could most assuredly be improved upon, so please feel free to revise as you may desire.

Reagrdring sub-titles for the Chapter titled "Overview and Chronology", I suggest the following

1. Insert the subtitle "The Drivers of Change" before the paragraph that begins "Chronologically"
2. Insert subtitle "Raising the Bar" before the paragraph that begins "Elected in 1998, Governor K"
3. Insert subtitle "Making Great Strides" before the paragraph that begins "By 2003, the strong and vigorous . . ."
4. Insert subtitle "Discovering Synergy" before the paragraph that begins "The success of the Department of Labor"

Please feel free to over-ride any of the suggestions.

Mike

----- Original Message -----

From: "John McAllister" <John.McAllister@cl.idaho.gov>
To: "Michael Brauser" <mbrauser@worldnet.att.net>
Sent: Friday, July 01, 2005 3:29 PM
Subject: RE: Idho Repot NBLP

Michael,

They also wanted subtitles on page 11. Do you have any suggestions for that?
John.

-----Original Message-----

From: Michael Brauser [mailto:mbrauser@worldnet.att.net]
Sent: Thursday, June 30, 2005 5:47 PM
To: John McAllister
Subject: Re: Idho Repot NBLP

John,

Here is my take on the "missing pieces."

page 2: You should provide the name of a contact for further information.

page 3: The "How to Use" piece for each prior case study was created personally by Bill Janes as his way to emphasize and reinforce aspects of each case study that he deemed important for readers. It appears that Dalles does not plan to follow Bill's lead on this matter. I will take a crack at creating something here; but additionally, I will contact Bill who is in the process of moving from Dalles to Seattle. He was scheduled to arrive in Seattle today. I will be gone for the weekend but can work on it next Tuesday (and hopefully, I can get together with Bill, too).

page 11: I suggest that we create a new paragraph with the sentence beginning "Businesses were sometimes ..." We might also open that paragraph with the phrase "At that time,". Regarding the suggestion to add a few quotes, I suggest that you get a pithy quote from Roger to emphasize the point being made.

page 32: You can do a better job than I can in providing a properly titled org chart and in the desired .tif format..

page 33: The desired graphic is "We Haved Merged". You can provide it in the desired format easier than I can.

page 43: there is only one Author.

I will give you a report on Tuesday pm regarding what I have for page 3.

Mike

----- Original Message -----

From: "John McAllister" <John.McAllister@cl.idaho.gov>
To: "Michael Brauser" <mbrauser@worldnet.att.net>
Sent: Thursday, June 30, 2005 11:03 AM
Subject: FW: Idho Repot NBLP

Mike,

The company setting up the case study for printing had some questions about missing pieces. I have not had time to review the attached file but thought I would send it to you to see if you had any ideas on the response to the questions. We are trying to get this done in time for the Workforce Innovations Conference in mid-July. Thanks.
John.

-----Original Message-----

From: Rob Gamble [mailto:rgamble31@earthlink.net]
Sent: Thursday, June 30, 2005 10:00 AM
To: John McAllister; Georgia Smith; Jean Cullen
Cc: walton.Diane@dol.gov; Lalpuis.Nickolas@dol.gov
Subject: Re: Idho Repot NBLP

This is the inertial layout of your report. The notes generally comment on items that need to be completed or enhanced.

Rob

The information contained in this e-mail from Idaho Commerce and Labor may be privileged, confidential, or otherwise protected from disclosure. Persons who share such information with unauthorized individuals may face penalties under state and federal law. If you have received this e-mail in error, please reply to the sender that you received this information in error and delete this e-mail after replying to the sender.

The information contained in this e-mail from Idaho Commerce and Labor may be privileged, confidential, or otherwise protected from disclosure. Persons who share such information with unauthorized individuals may face penalties under state and federal law. If you have received this e-mail in error, please reply to the sender that you received this information in error and delete this e-mail after replying to the sender.

Cheryl Brush

From: Michael Brauser [mbrauser@worldnet.att.net]
Sent: Tuesday, July 12, 2005 9:54 AM
To: Cheryl Brush
Subject: Re: Change again--we have solved our COI problem

Cheryl,

I am glad that it has all worked out. Let's hope that the results of the hearing are also satisfactory.

Best wishes

Mike

----- Original Message -----

From: Cheryl Brush
To: Mike Brauser
Sent: Monday, July 11, 2005 1:32 PM
Subject: Change again--we have solved our COI problem

Mike,

We appreciate your patience with us and our apparent indecision. At some point, we will actually engage you in a contract! Thanks so much for considering to be of service to us. Cheryl

The information contained in this e-mail from Idaho Commerce and Labor may be privileged, confidential, or otherwise protected from disclosure. Persons who share such information with unauthorized individuals may face penalties under state and federal law. If you have received this e-mail in error, please reply to the sender that you received this information in error and delete this e-mail after replying to the sender.

Cheryl Brush

From: Michael Brauser [mbrauser@worldnet.att.net]
Sent: Tuesday, July 19, 2005 4:50 PM
To: Cheryl Brush
Subject: Re: Request for information

Cheryl,

As discussed earlier today by phone, I retired from USDOL on September 3, 2002.

Yes, you have my permission to send a notice of hearing on my behalf.

Mike Brauser

----- Original Message -----

From: Cheryl Brush
To: Mike Brauser
Sent: Tuesday, July 19, 2005 11:48 AM
Subject: Request for information

Mike,
Can you provide me with the following information;
The date you retired from USDOL.
Permission to send notice of a hearing on your behalf.
Cheryl

The information contained in this e-mail from Idaho Commerce and Labor may be privileged, confidential, or otherwise protected from disclosure. Persons who share such information with unauthorized individuals may face penalties under state and federal law. If you have received this e-mail in error, please reply to the sender that you received this information in error and delete this e-mail after replying to the sender.

Venet Carlson

From: Michael Brauser [mbrauser@worldnet.att.net]
Sent: Thursday, June 30, 2005 6:00 PM
To: John McAllister; Cheryl Brush
Subject: Re: We are seeking your assistance--time sensitive

John,

Since Cheryl is out for the weekend, could you let the appropriate people know that I would be available to serve as hearing officer on the issue. My fee is \$500/day, plus expenses such as travel, recording, and transcription, if necessary.

Mike

p.s. the correct area code for my phone number is 360.

----- Original Message -----

From: Cheryl Brush
To: Michael Brauser
Sent: Wednesday, June 29, 2005 1:30 PM
Subject: We are seeking your assistance--time sensitive

Mike,

We have five appeals from local areas who were denied designation and need to hold hearings on July 18 and 19. We have also contacted a Supreme Court judge who may be interested, but we are checking for conflict of interest. Could you possibly be available to hear these cases? Could you contact us at 208 332-3570 --either Jay Engstrom (2121) or me at 3312 and let us know if you might be available. I'll be out Thursday, Friday and Tuesday, but John will be available. We would really appreciate it if you would consider doing this. By the way, I could not reach you on this number.

From: Michael Brauser [mailto:mbrauser@worldnet.att.net]
Sent: Monday, November 01, 2004 7:30 PM
To: Cheryl Brush
Cc: John McAllister
Subject: Re: Organizational Call

Good idea. I am available all day, but morning would be preferable. How about 9:00 am pacific standard time?
(350) 455-0883.

Mike

----- Original Message -----

From: Cheryl Brush
To: Mike Brauser
Cc: John McAllister
Sent: Monday, November 01, 2004 5:01 PM
Subject: Organizational Call

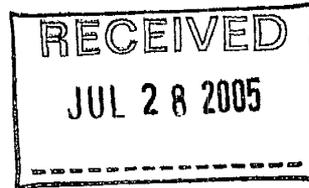
Mike,

It will be wonderful to have you working in Idaho. Would there be a good time to call you Tuesday morning or later in the afternoon so we could make some preliminary plans? If you share you number, I can call you directly. Cheryl

The information contained in this e-mail from Idaho Commerce and Labor may be privileged, confidential, or otherwise protected from disclosure. Persons who share such information with unauthorized individuals may face penalties under state and federal law. If you have received this e-mail in error, please reply to the sender that you received this information in error and delete this e-mail after replying to the sender.

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STARR KELSO
 Attorney at Law, ISB #2445
 Starr Kelso Law Offices, Chartered
 1621 N. Third Street, Suite 600
 PO Box 1312
 Coeur d'Alene, ID 83816-1312
 (208) 765-3260
 (208) 664-6261 - Fax



Attorney for Appellants

WORKFORCE DEVELOPMENT COUNCIL

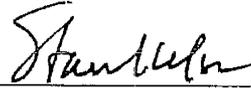
In Re: Appeals of Regions I, III, IV, and V	)	CASE NO. _____
consolidated for hearing purposes)	
)	
Appellants.	)	SUPPLEMENTAL MOTION
	)	TO VACATE AND
	)	RESCHEDULE HEARING
)	
)	
)	
)	

COMES NOW Appellants (Regions I, III, IV, V) and hereby file this Supplemental Motion to Vacate and Reschedule the hearing in this matter.

The basis for this Motion is, in addition to those filed earlier, the Motion to Disqualify Mr. Brauser as hearing officer, and the letter of Chair McGee dated July 19, 2005 requiring (without citation or reference to any procedure) the filing of among other matters, exhibits and summary of proposed testimony by fax on or before July 28, 2005. Given the attached, Exhibit "1" hereto, it is clear that the Workforce Development Council will not provide necessary requested documents until at least July 28th to Counsel for Appellants making compliance with what appears to be an arbitrary deadline literally impossible.

It is just such arbitrary scheduling of hearings that violates Appellants procedural and substantive due process rights and require that the hearing date be vacated and rescheduled.

DATED this 28 day of July, 2005.



STARR KELSO
Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents was:

- Mailed by depositing in the United States Mails, postage prepaid;
- Hand-Delivered;
- Transmitted Via FAX.
- Fed Ex

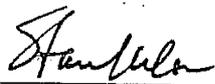
this 25 day of July, 2005, to the following individual(s):

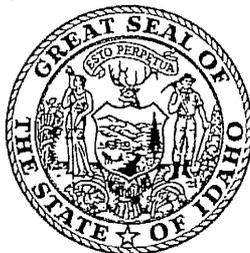
Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790
Fax: (208) 334-6300

Craig Bledsoe
Deputy Attorney General
317W. Main Street
Boise, ID 83735
Fax: (208) 334-6125

Wanda Keefer
Clearwater Economic Development Assoc.
1626 6th Ave. North
Lewiston, ID 83501
Fax: (208) 746-0576

Michael Brauser
3810 Kinsale Lane SE
Olympia, WA 98501
(208) 947-0049

BY: 



7-25

WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

NOTICE OF ADDITIONAL TIME REQUIRED FOR RESPONSE TO REQUEST FOR EXAMINATION/COPYING OF COUNCIL RECORDS

July 21, 2005

To: Starr Kelso
Attorney at Law
P.O. Box 1312
Coeur d'Alene, ID 83816-1312

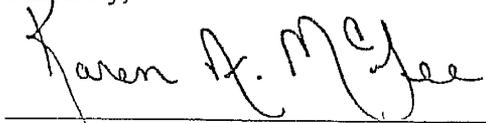
On July 18, 2005, we received your request for:

1. A copy of all documents attached to Emily Stover DeRocco's letter dated June 30, 2005 to Governor Dirk Kempthorne regarding approval of requested waivers;
2. A copy of any communications from or to either the Chair or Vice Chair of Idaho's Workforce Development Council (or their representatives or agents) and the office of Governor Kempthorne, regarding WIA grant funds, between March 25, 2005 and July 13, 2005;
3. A copy of the minutes of any Workforce Development Council meeting held during March, April, May, and June, 2005;
4. A copy of any communications from or to the Chair or Vice Chair and the Idaho Association of Commerce and Industry and the Idaho State Department of Administration regarding WIA grant funds, between January 1, 2005 and July 13, 2005;
5. A copy of any communications from or to the Idaho Workforce Council and any representative of the U.S. Department of Labor, between March 1, 2005 and July 13, 2005, regarding WIA grant funds pertaining to the 2005 proposal;
6. A copy of all documents regarding all MOU negotiations to operate under the 2005 plan, between January 1, 2005 and July 13, 2005, to or from the Idaho Workforce Council and any entity; and

7. A copy of all documents in the possession or control of the Idaho Workforce Council, between February 1, 2005 and present, (not requested above in 1-5) that regard WIA grant funds pertaining to the 2005 proposal.

The public records you requested to examine and/or copy are not immediately available. A longer period of time is needed to locate or retrieve the public records requested. A response shall be made by the Council within ten (10) working days of the received date of your request.

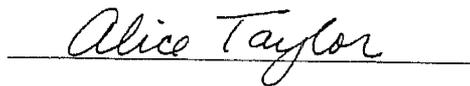
Sincerely,



Karen A. McGee, Chair
Workforce Development Council

CERTIFICATE OF MAILING

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 21st day of July, 2005.





WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

NOTICE OF ADDITIONAL TIME REQUIRED FOR RESPONSE TO REQUEST FOR EXAMINATION/COPYING OF COUNCIL RECORDS

July 25, 2005

To: Starr Kelso
Attorney at Law
P.O. Box 1312
Coeur d'Alene, ID 83816-1312

On July 20, 2005, we received your faxed request for copies of all correspondence of any nature between any representative of the Idaho Workforce Development Council and Michael Brauser between January 1, 2005 and July 20, 2005.

The public records you requested to examine and/or copy are not immediately available. A longer period of time is needed to locate or retrieve the public records requested. A response shall be made by the Council within ten (10) working days of the received date of your request.

Sincerely,

A handwritten signature in cursive script that reads "Karen A. McGee".

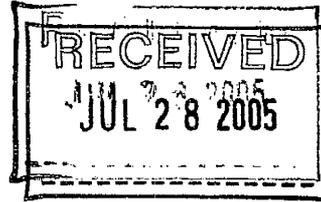
Karen A. McGee, Chair
Workforce Development Council

CERTIFICATE OF MAILING

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 25th day of July, 2005.

A handwritten signature in cursive script that reads "Alice Taylor".

STARR KELSO
 Attorney at Law, ISB #2445
 Starr Kelso Law Offices, Chartered
 1621 N. Third Street, Suite 600
 PO Box 1312
 Coeur d'Alene, ID 83816-1312
 (208) 765-3260
 (208) 664-6261 - Fax



Attorney for Appellants

WORKFORCE DEVELOPMENT COUNCIL

In Re: Appeals of Regions I, III, IV, and V
 consolidated for hearing purposes

Appellants.

CASE NO. _____

**SUPPLEMENTAL
 OBJECTION IN SUPPORT
 OF MOTION TO
 DISQUALIFY MICHAEL
 BRAUSER**

COMES NOW the Appellants and submit this Supplemental Objection in support of their previous Motion to Disqualify Michael Brauser.

In addition to the factual basis asserted originally, further indication of appearance of impropriety is reflected by the Notice of Appearance and Memoranda filed by Counsel for the Idaho Department of Commerce and Labor.

The Certificate of Service reflects that the documents were mailed overnight to the hearing officer at a specific residential or office address in Olympia, Washington. Appellants were not provided any address for Mr. Brauser. The only method provided by Chair McGee on behalf of Mr. Brauser was the fax number being of (208) 947-0049. Even

that fax number is suspect given the fact that 208 is an Idaho prefix and not a Washington prefix.

This knowledge of an actual address and subsequent direct contact with Mr. Brauser, when Appellants were not provided any direct contact information is further indication that Mr. Brauser is not an appropriate person to act as hearing officer in this matter.

DATED this 25 day of July, 2005.



STARR KELSO

Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents was:

- Mailed by depositing in the United States Mails, postage prepaid;
- Hand-Delivered;
- Transmitted Via FAX.
- Fed Ex

this 25 day of July, 2005, to the following individual(s):

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790
Fax: (208) 334-6300

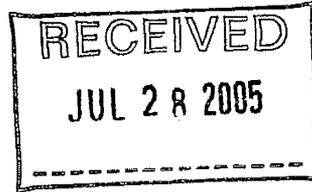
Craig Bledsoe
Deputy Attorney General
317W. Main Street
Boise, ID 83735
Fax: (208) 334-6125

Wanda Keefer
Clearwater Economic Development Assoc.
1626 6th Ave. North
Lewiston, ID 83501
Fax: (208) 746-0576

Michael Brauser *VIA FedEx*
3810 Kinsale Lane SE
Olympia, WA 98501
(208) 947-0049

BY: *Staudel*

STARR KELSO
 Attorney at Law, ISB #2445
 Starr Kelso Law Offices, Chartered
 1621 N. Third Street, Suite 600
 PO Box 1312
 Coeur d'Alene, ID 83816-1312
 (208) 765-3260
 (208) 664-6261 - Fax



Attorney for Appellants

WORKFORCE DEVELOPMENT COUNCIL

In Re: Appeals of Regions I, III, IV, and V	)	CASE NO. _____
consolidated for hearing purposes)	
)	
Appellants.	)	OBJECTION TO IDAHO
	)	DEPARTMENT OF
	)	COMMERCE NOTICE OF
	)	APPEARANCE AND
	)	MEMORANDUM
	)	AND
	)	MOTION TO STRIKE
_____)	

COMES NOW the above Appellants and object to the filing of a Notice of Appearance and Memorandum for and on behalf of the Idaho Department of Commerce and Labor (CL).

CL has no standing to appear or file any memoranda in this proceeding. Neither the 2000 State Plan nor the 2005 State Plan make any provision for any non-appealing entity to appear or present evidence to the State Council. There is absolutely no known rule of procedure that permits any non-appealing party "of interest" or with "no interest" to appear let alone file memoranda and present evidence. Indeed no basis or authority for the Notice

1 - OBJECTION TO IDAHO DEPARTMENT OF COMMERCE NOTICE OF APPEARANCE AND MEMORANDUM AND MOTION TO STRIKE

of Appearance, Memorandum or presentation of evidence is cited by CL.

The Notice of Appearance and Memorandum should be stricken from this appeal.

DATED this 25 day of July, 2005.



STARR KELSO

Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents was:

- Mailed by depositing in the United States Mails, postage prepaid;
- Hand-Delivered;
- Transmitted Via FAX.
- Fed Ex

this 25 day of July, 2005, to the following individual(s):

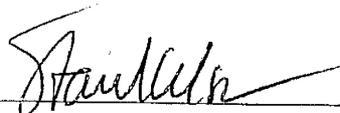
Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790
Fax: (208) 334-6300

Craig Bledsoe
Deputy Attorney General
317W. Main Street
Boise, ID 83735
Fax: (208) 334-6125

Wanda Keefer
Clearwater Economic Development Assoc.
1626 6th Ave. North
Lewiston, ID 83501
Fax: (208) 746-0576

Michael Brauser
3810 Kinsale Lane SE
Olympia, WA 98501
(208) 947-0049

BY: _____



LAWRENCE G. WASDEN
ATTORNEY GENERAL

CAROL LYNN BRASSEY
EVELYN THOMAS
CRAIG G. BLEDSOE
ANNE BAKER WILDE
Deputy Attorneys General
Idaho Department of Commerce and Labor
317 W. Main Street
Boise, ID 83735
Telephone: (208) 332-3570 x 3232
ISB No. 3431

Attorneys for Idaho Department of Commerce & Labor

BEFORE THE STATE WORKFORCE DEVELOPMENT COUNCIL

In the matter of the Local Workforce)
Investment Area Designation Appeals of:)
PANHANDLE AREA COUNCIL;)
CLEARWATER ECONOMIC)
DEVELOPMENT ASSOCIATION;)
SAGE COMMUNITY RESOURCES;)
REGION IV DEVELOPMENT)
ASSOCIATION;)
and)
SOUTHEAST IDAHO COUNCIL OF)
GOVERNMENTS, INC.;)
Appellants.)

Case No. _____

**MEMORANDUM OF THE IDAHO
DEPARTMENT OF COMMERCE
AND LABOR IN SUPPORT OF THE
GOVERNOR'S DENIAL OF
APPELLANTS' REQUEST FOR
DESIGNATION AS LOCAL
WORKFORCE INVESTMENT
AREAS UNDER THE CURRENT
WORKFORCE INVESTMENT ACT
STATE PLAN**

COMES NOW the Idaho Department of Commerce and Labor, by and through its attorney of record, Craig G. Bledsoe, and submits this memorandum in support of the Governor's denial of Appellants' requests for designation as Local Workforce Investment Areas

under the current Workforce Investment Act State Plan.

BACKGROUND

The Workforce Investment Act of 1998 (WIA or Act) (Pub. L. No. 105-220, August 7, 1998, 112 Stat. 936) is a federal job training program that replaced the Job Training Partnership Act (WIA § 190). Under WIA, Idaho is required to develop a State Plan that outlines a five year strategy for the statewide delivery of job training services that meets the requirements of the Act. Without the submission and approval of a WIA State Plan by the federal Secretary of Labor, Idaho would not be eligible to receive federal funding (WIA § 112(a)). Because implementation of WIA began on July 1, 2000, Idaho's initial five-year strategic plan began on July 1, 2000 and expired on June 30, 2005.

On April 12, 2005, the federal Department of Labor published in the Federal Register planning guidance and instructions for the submission of the first two years of a new WIA strategic five year State Plan (Exhibit A, Planning Guidance and Instructions for Submission of Two Years of the Strategic Five-Year Plan for Title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act, 70 Fed. Reg. 19206 *et seq.*, (April 12, 2005)) [hereinafter Planning Guidance]. The purpose of the Planning Guidance was to assist states with the development of new State Plans that would meet the requirements of WIA. This was necessary because the initial State Plans would expire on June 30, 2005 (Planning Guidance at 19206). The Planning Guidance required each Governor to submit a new State Plan to the federal Secretary of Labor by May 31, 2005 (Planning Guidance at 19210).

One of the content requirements for a new State Plan directed the Governor to identify the state's designation of Local Workforce Investment Areas (LWIAs) and indicate whether any

LWIAs at the end of their subsequent designation period under the initial State Plan were being re-designated as an LWIA under the new State Plan (Planning Guidance at 19213).

The Governor complied with the federal Department of Labor's Planning Guidance and on May 31, 2005, submitted the first two years of the state's new strategic WIA State Plan. On June 30, 2005, the Governor was notified by the federal Department of Labor that the state's new Plan was approved. According to the federal Department of Labor's written determination, Idaho's new WIA State Plan for the two-year period from July 1, 2005 through June 30, 2007, was found to be consistent with the requirements of WIA (Exhibit B). The new State Plan went into effect on July 1, 2005.

Appellants were LWIAs under the initial State Plan, but were not re-designated as LWIAs under the current State Plan.

ISSUE ON APPEAL

Appellants are appealing the Governor's denial of their requests to be designated as LWIAs under the current WIA State Plan. All five Appellants contend that they are entitled as a matter of law to designation as LWIAs under the current State Plan. Appellants specifically allege that the Governor's denial of their requests for designation as LWIAs under the current State Plan violates the temporary and subsequent designation provisions of WIA § 116(a)(3).

Appellants make additional allegations about the procedures followed by the State Workforce Development Council (State Board) at its May 11, 2005 public meeting and about the Governor's exercise of discretion; however these allegations are beyond the subject matter jurisdiction of the State Board and its hearing officer and should not be considered.

STATUTORY LIMITATION ON SUBJECT MATTER JURISDICTION

The subject matter jurisdiction of the State Board and its hearing officer to hear an appeal from the Governor's denial of a request for designation as an LWIA is limited by the provisions of WIA § 116(a)(5) and 20 CFR §§ 661.280 and 667.640(a). These sections provide that a unit of general local government, including a combination of such units, or a WIA grant recipient that requests, but is not granted designation as an LWIA under either the automatic designation criteria of WIA § 116(a)(2) or the temporary and subsequent designation criteria of WIA § 116(a)(3), may appeal to the State Board under an appeal process established in the State Plan. No statutory or regulatory authority is given to the State Board to consider any other issues.

The State Plan's appeal procedure is found in section VIII (A)(3) of the State of Idaho's current, approved WIA State Plan (Exhibit C). Consistent with the statutory and regulatory limitations of WIA § 116(a)(5) and 20 CFR §§ 661.280 and 667.640(a), the appeal procedures in the State Plan specifically limit the State Board's jurisdiction solely to questions of whether a unit of general local government is entitled to designation as an LWIA under either the automatic designation criteria of WIA § 116(a)(2) or the temporary and subsequent designation criteria of WIA § 116(a)(3). These procedures obligate Appellants to prove that they are entitled to designation as LWIAs under these limited and very specific requirements.

No authority is given in WIA, its regulations or the State Plan's procedures for adjudication by the State Board of any other issues. In the context of these appeals, the State Board and its hearing officer do not have subject matter jurisdiction to consider any issues other than the issues identified in WIA § 116(a)(5) and in section VIII (A)(3) of the current, approved WIA State Plan. All other allegations, including allegations about the procedures followed by the State Board in past public meetings or the Governor's exercise of discretion under other

provisions of WIA, are beyond the subject matter jurisdiction of the State Board and its hearing officer.

APPELLANTS ARE NOT ENTITLED TO DESIGNATION AS LWIAs
UNDER THE CURRENT WIA STATE PLAN

Under the provisions of WIA § 116(a), the Governor has the authority to designate LWIAs within the state. However, the Governor's designation of the LWIAs must also be consistent with the provisions of WIA § 116(a)(2), (3) and (4).

In construing a federal statute, the starting point is the language used by Congress. *Vergos v. Gregg's Enterprises, Inc.*, 159 F.3d 989 (6th Cir. 1998). Statutes should be read in a straightforward and common sense manner. *In re Laurain*, 113 F.3d 595 (6th Cir. 1997). A statute must be read as a whole and construed so as to give each word operative effect. *United States v. Branson*, 21 F.3d 113 (6th Cir. 1994).

In reading WIA § 116 as a whole, it is apparent that Congress intended to give the Governor discretion in designating LWIAs with the very limited exceptions contained in subsections (a)(2) and (a)(3) for the automatic and temporary designations of LWIAs. Both subsections (a)(2) and (a)(3) use the term "shall approve" as opposed to "may approve" as used in subsection (a)(4). Accordingly, legislative intent is clear that the Governor has the discretion to designate LWIAs unless a unit of general local government can satisfy the statutory criteria for automatic designation under WIA § 116(a)(2) or the statutory criteria for temporary and subsequent under WIA § 116(a)(3).

As provided in WIA § 116(a)(2), the Governor shall automatically approve any request for designation as an LWIA from any unit of general local government with a population of 500,000 or more. WIA defines a "unit of general local government" as "any general purpose political subdivision of a state that has the power to levy taxes and spend funds, as well as

general corporate and police powers.” (WIA § 101(48)). Although there is additional statutory criteria that must be met to qualify for automatic designation, the disqualifying factor for all of the Appellants is the population requirement.

The statutory definition of a “unit of general local government” that includes the power to levy taxes and exercise police powers limits its application to cities and counties. In Idaho, there is no city or county with a population of 500,000 or more. According to the 2000 U.S. Census, Ada is the largest county in Idaho with a population of 300,904, and Boise is the largest city with a population of 185,787. (*U.S. Census Bureau, Census 2000: Redistricting Data (Public Law 94-171) Summary File, generated by Elizabeth Bowen, using American Factfinder, available at <http://factfinder.census.gov/> (July 7, 2005)*). Consequently, Appellants cannot meet this statutory criterion and therefore are not entitled to designation as LWIAs under the automatic designation provisions of WIA § 116(a)(2).

The temporary and subsequent designation limitation on the Governor’s discretion applies only to LWIA designations made under the initial State Plan, which expired on June 30, 2005. Under the provisions of WIA § 116(a)(3), the Governor was required to approve any request, made not later than the date of submission of the initial State Plan, for temporary designation as an LWIA from any unit of general local government or combination of such units with a population of 200,000 or more that was a service delivery area under the Job Training Partnership Act on the day before August 7, 1998.

Temporary designation as an LWIA under the initial State Plan could not be made for a period of longer than two years. However, the Governor could subsequently extend the temporary designation period until the end of the period covered by the initial State Plan if an LWIA met local performance measures and sustained fiscal integrity (WIA § 116(a)(3)(B)).

This is what is meant by the phrase “temporary and subsequent” designation. However, the plain language of the statute makes it clear that the subsequent designation period expired when the initial State Plan under which the LWIA was temporarily designated expired.

This plain language interpretation of the law is confirmed by technical guidance issued recently by the federal Department of Labor. In a July 14, 2005 letter from Christine D. Kulick, the Federal Coordinator for Plan Review and Approval for the federal Department of Labor, to the Deputy Director of the Idaho Department of Commerce and Labor, the following specific technical guidance was given:

Confirm that the original Year 2000 Five Year Plan expired June 30, 2005.

Response: The Department of Labor’s (DOL) April 12, 2005, Federal Register notice, “Planning Guidance and Instructions for Submission of Two Years of the Strategic Five-Year State Plan for title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act,” clearly states that the prior five year plans expired on June 30, 2005. (70 Fed. Reg. 19206 (April 12, 2005.))

Confirm that optional, temporary and subsequent workforce area designations in the Program Year (PY) 2000 Five Year Plan also expired June 30, 2005.

Response: The DOL PY2005 planning guidelines (referenced above) clearly requires states to designate local workforce investment areas for PY 2005 – 2006, and provides that the subsequent designation period for areas designated in the prior five year plan has ended. 70 Fed. Reg. at 19213 (Sec. VII., A,1.).

Confirm that temporary and subsequent workforce area designations were only available in the PY 2000 Plan.

Response: It is DOL policy that the period of subsequent designation under WIA sec. 116(a)(3) extended until the end of the period covered by the prior state plan. The law contains no provision mandating temporary and subsequent designation following the expiration of the prior plan.

(Exhibit D).

Although all of the Appellants mistakenly allege a continuing entitlement to designation under temporary and subsequent designation criteria that is no longer available, only Appellant

Sage Community Resources was designated in the initial State Plan as an LWIA under this criteria. None of the other Appellants met the statutory requirements because they did not exist as service delivery areas under the Job Training Partnership Act on the day before August 7, 1998. In a December 8, 1998 memorandum from the Chair of the State Board to then Governor Philip E. Batt, the State Board noted that only the Southwest Idaho LWIA (Sage Community Resources) met the temporary and subsequent designation criteria of WIA § 116(a)(3) (Exhibit E).

The other Appellants were designated as LWIAs in the initial State Plan under the discretionary designation provision of WIA § 116(a)(4). Under this provision, the Governor may, but is not required to, approve recommendations for designation as LWIAs from the State Board. The purpose of the December 8, 1998 memorandum from the State Board to Governor Batt was to make such a recommendation. Because the provisions of WIA § 116(a)(4) provide that the Governor “may approve” such requests, the designation of these Appellants as LWIAs in the initial State Plan was the discretionary act of then Governor Batt and the denial of their designation under the current State Plan was the discretionary act of Governor Kempthorne. Because these Appellants have never met, initially or otherwise, either the automatic designation criteria of WIA § 116(a)(2) or the temporary and subsequent designation criteria of WIA § 116(a)(3), the exercise of the Governor’s discretion in not designating them as LWIAs under the current, approved State Plan is in accordance with all applicable laws. Appellants’ appeals must be denied by the hearing officer and the State Board because there is no statutory basis that entitles these Appellants to designation as LWIAs under WIA.

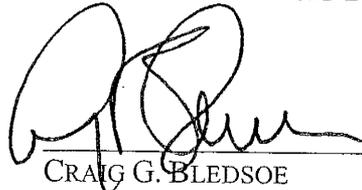
With regards to Appellant Sage Community Resources, its temporary and subsequent designation expired on June 30, 2005, when the initial State Plan expired. And, because the

temporary and subsequent designation limitation on the Governor's discretion was only available for the initial State Plan, it cannot provide a statutory basis for requiring Appellant Sage Community Resource's designation as an LWIA under the current State Plan. According to the plain language of WIA § 116(a)(3) and the technical guidance received from the federal Department of Labor, this subsection ceased to apply as LWIA designating criteria on June 30, 2005, when the initial State Plan expired.

In light of the facts and the law set forth above, there is no legal basis that entitles Appellants to designation as LWIAs under the current WIA State Plan and the Department of Commerce and Labor respectfully urges the hearing officer and the State Board to affirm the Governor's denial of Appellants' requests for designation as LWIAs under Idaho's current WIA State Plan.

DATED this 22 day of July, 2005.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL



CRAIG G. BLEDSOE
Deputy Attorney General
Idaho Department of Commerce and Labor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22 day of July, 2005, I caused a true and correct copy of the foregoing to be served by the method indicated below, and addressed to the following:

Starr Kelso
Attorney at Law
PO Box 1312
Coeur d'Alene, ID 83816-1312
Fax: (208) 664-6261

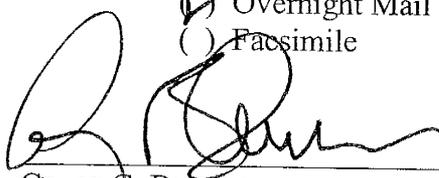
- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile

Wanda Keefer
Clearwater Economic Development Assoc.
1626 6th Ave. North
Lewiston, ID 83501
Fax: (208) 746-0576

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile

Michael Brauser
3810 Kinsale Lane SE
Olympia, WA 98501

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile



CRAIG G. BLEDSOE



Federal Register

Tuesday,
April 12, 2005

Part III

Department of Labor

Employment and Training Administration

Planning Guidance and Instructions for
Submission of Two Years of the Strategic
Five-Year State Plan for Title I of the
Workforce Investment Act of 1998 and
the Wagner-Peyser Act; Notice

DEPARTMENT OF LABOR

Employment and Training Administration

Planning Guidance and Instructions for Submission of Two Years of the Strategic Five-Year State Plan for Title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act

AGENCY: Employment and Training Administration.

ACTION: Notice.

SUMMARY: The purpose of this notice is to provide interested parties with the planning guidance for use by States in submitting two years of their Strategic Five-Year State Plan for Title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act. The Planning Guidance and Instructions provide a framework for the collaboration of Governors, Local Elected Officials, businesses and other partners to continue the development of workforce investment systems that address customer needs, deliver integrated, user-friendly services; and are accountable to the customers and the public.

FOR FURTHER INFORMATION CONTACT: Ms. Gay Gilbert, Administrator, Office of Workforce Investment, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-4231, Washington, DC 20210. Telephone: (202) 693-3980 (voice) (This is not a toll free number) or (202) 693-7755 (TTY). Information may also be found at the Web site—<http://www.doleta.gov/usworkforce>.

SUPPLEMENTARY INFORMATION: The Workforce Investment Act (WIA or Act), Pub. L. 105-220 (August 7, 1998) provides the framework for a reformed workforce investment system designed to meet the needs of the nation's employers, job seekers and those who want to further their careers.

In the context of the 21st century innovation economy, the workforce investment system has a critical role to play at every level—local, State, and Federal—to ensure a skilled and competitive workforce. To effectively drive the economic growth of our communities and the nation and to provide the workers of this country with the right skills and opportunities for good jobs with good pay and career pathways, the public investments in workforce development need to be strategic. Strategies for investment need to embrace new methods of engagement with strategic partners as well as new service delivery paradigms that address the ever changing economy and labor market. Innovation and technology are continuously changing the nature of

work at an accelerated pace. Therefore, the strategic planning process for workforce investment must be dynamic, fluid, and future oriented.

The Workforce Investment Act (WIA) of 1998 created dramatic changes to the workforce system. With the overarching goal to streamline, consolidate, and integrate a wide array of employment and training programs, system changes spanned every facet of operation including governance, administration and funding, and service delivery. The vision is for an integrated workforce investment system better able to respond to the needs of its customers. The framework of WIA embodies principles that remain critical to the strategic planning process in today's economy.

Since the passage of WIA, the workforce investment system broadly has made great strides in implementing the principles described above. However, there remains significant opportunity for States and local areas to utilize the framework of WIA to realize the vision these principles reflect. The changes in the WIA State planning process reflected in this document are intended to facilitate a realization of that vision as well as to set the stage for the planning process in the context of the 21st century economy.

Signed at Washington, DC this 5th day of April, 2005.

Emily Stover DeRocco,
Assistant Secretary of Labor, Employment and Training Administration.

State Planning Guidance and Instructions for Title I of the Workforce Investment Act of 1998 (Workforce Investment Systems) and Wagner-Peyser Act

Statement of Purpose

The purpose of this document is to provide planning guidelines to States and localities for the development of the Strategic Five-Year State Plan for title I of the Workforce Investment Act of 1998 (WIA) and the Wagner-Peyser Act (hereinafter referred to as the State Plan.) The State Plan is required in order for States to receive formula allotments under the Act. The current Strategic Five-Year State Plans expire June 30, 2005. The Department of Labor is anticipating the reauthorization of WIA within the next two years. To meet the requirement that States must have approved State plans in place to receive allotments, the Employment and Training Administration (ETA) is requiring states to only develop a plan for the first two years of the five year strategic planning cycle. This will allow States to strategically approach their

workforce investment policies for the immediate future, without requiring a full five year strategic plan, in light of the anticipated reauthorization of WIA. The information required in the Plan is requested in order to meet the information requirements of the act and/or to demonstrate compliance with WIA, the WIA regulations, including 29 CFR part 37, the Wagner-Peyser Act, and the Wagner-Peyser Act regulations.

Background

The Planning Guidance and Instructions provide a framework for the collaboration of Governors, Local Elected Officials, businesses and other partners to design and build workforce investment systems that address customer needs; deliver integrated, user-friendly services; and are accountable to the customers and the public. The document is organized in two distinct sections. The first section of the document is devoted to providing strategic guidance from a national perspective and communicates the current goals and strategic direction for the workforce system of the U.S. Department of Labor. The second section of the document is the actual format and guidance related to content for submission of the State Plan.

The Department of Labor sees as one of its primary roles providing leadership and guidance to support a system that meets the objectives of title I of WIA, and in which State and local partners have flexibility to design systems and deliver services in a manner designed to achieve the goals for WIA based on their particular needs.

Part I. National Strategic Direction

The purpose of this portion of the document is to communicate national direction and strategic priorities for the workforce investment system. Broadly, the Federal goals for the workforce investment system for this planning cycle include:

○ Realizing the reforms envisioned by the Workforce Investment Act including:

- Integrated, seamless service delivery through comprehensive One-Stop Career Centers;
- A demand-driven workforce system governed by business-led workforce investment boards;
- Maximum flexibility in tailoring service delivery and making strategic investment in workforce development activities to meet the needs of State and local economies and labor markets;
- Customers making informed choices based on quality workforce information and accessing quality training providers;

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- Increased fiscal and performance accountability; and
- A youth program targeting out-of-school populations with increased accountability for employment and/or increased secondary and post-secondary education outcomes.
 - Incorporating new statutory and regulatory program requirements that have evolved since the passage of WIA, such as priority of service for veterans as prescribed by the Jobs for Veterans Act (Pub. L. 107-288), (38 U.S.C. 4215).
 - Providing the national strategic priorities and direction in the following areas:
 - Implementation of a demand-driven workforce system;
 - System reform to eliminate duplicative administrative costs and to enable increased training investments;
 - Enhanced integration of service delivery through One-Stop delivery systems nationwide;
 - A refocusing of the WIA youth investments on out-of-school youth populations, collaborative service delivery across Federal programs, and increased accountability;
 - Improved development and delivery of workforce information to support workforce investment boards in their strategic planning and investments; providing tools and products that support business growth and economic development; and providing quality career guidance directly to students and job seekers and their counselors through One-Stop Career Centers;
 - Faith-based and community-based organizations playing an enhanced role in workforce development;
 - Enhanced use of waivers and workflex provisions in WIA to provide greater flexibility to States and local areas in structuring their workforce investment systems; and
 - Reporting against common performance measures across Federal employment and training programs.

Demand-Driven Workforce Investment System

The realities of today's global economy make it imperative that the workforce investment system be demand-driven, providing services that prepare workers to take advantage of new and increasing job opportunities in high growth/high demand and economically vital industries and sectors of the American economy. The foundation of this effort is partnerships that include the workforce system, business and industry, and education and training providers, that develop and implement a strategic vision for economic development. Becoming

demand-driven represents a major transformation of this system, which, for 40 years, framed around individuals needs for service rather than focusing on both the needs of job seekers and the business community.

To be successful, the workforce investment system must begin today to prepare the workforce of tomorrow. Each year, the United States invests approximately \$15 billion in the workforce system. To ensure that this large investment is used effectively, it is imperative that all of the components of the workforce system at the national, State, and local levels become demand-driven and contribute to the economic well-being of communities and the nation by developing a qualified and competitive workforce. Current job opportunities must be known as well as where the good jobs will be in the future by (1) identifying the workforce needs in high-growth, high-demand and economically critical industries and the necessary preparation required to succeed in those occupations and (2) understanding the workforce challenges that must be addressed to ensure a prepared and competitive workforce. This requires all of the key players in the State and local system, including Governors and Local Elected Officials, State and Local Workforce Investment Boards (WIBs), State Workforce Agencies, and One-Stop Career Centers to:

- Have a firm grasp of their State and local economies;
- Strategically invest and leverage their resources;
- Build partnerships between industry leaders and educational institutions that develop solutions to workforce challenges; and
- Allocate training dollars to provide the skills and competencies necessary to support industry now and in the future.

The workforce investment system is a catalyst that links employers, economic development organizations, public agencies, and the education community to build and deliver innovative answers to workforce challenges.

Development of a demand driven strategic plan requires utilizing economic information and analysis to drive strategic investments, identifying strategic partners, and designing effective service delivery systems. Some of the important elements of a demand-driven strategic plan include the following:

- Economic analysis is a fundamental starting point for a demand-driven approach to workforce investment. A wide array of workforce information and data, including economic indicators, labor market information, census data,

educational data, transactional data, projections and data from the private sector, and one-on-one interviews with businesses needs to be collected and analyzed.

- Workforce strategies that target industries that are high growth, high demand and critical to the State and/or local economy are most likely to support economic growth and provide individuals with the opportunities to get good jobs with good pay and career pathways.

- Strategic partnerships among the workforce investment system, targeted businesses and industries, economic development agencies, and education and training providers (including K-12) provide a strong foundation for identifying workforce challenges and developing and implementing innovative workforce solutions focused on a workforce with the right skills. The workforce system must be the catalyst for bringing these target partnerships together.

- A solutions-based approach that brings the right strategic partners and resources to the table promotes a comprehensive analysis of workforce challenges and also provides the synergy for successful, innovative workforce solutions and the opportunity to leverage workforce investment resources effectively.

- A demand-driven workforce investment system ensures that the full array of assets available through the One-Stop delivery system is available to support individual workers as well as to provide solutions to workforce issues identified by business and industry.
- Translating the demand for workers with the skills businesses need into demand-driven career guidance must be one of the human resource solutions provided broadly by the workforce investment system.

The proposed State planning guidance includes new language in support of these principles which offers States an opportunity, in the context of the State planning process, to articulate formally demand-driven goals and strategies tailored to the unique needs of the State.

System Reform and Increased Focus on Training

Workforce training is one of the major areas in which the President is focusing reform efforts. In April 2004, he challenged the workforce investment system at the State and local levels to eliminate unnecessary overhead costs and simplify administration in order to preserve more resources for training. The system currently spends approximately 30% of appropriated

funds each year on infrastructure and "other" costs as currently reported by States as part of their routine reporting under WIA. Some of these funds are wisely spent, but clearly more can be made available for training. The President has called for the system to double the number of individuals trained under WIA. Through WIA reauthorization, additional reforms in support of these goals are anticipated.

1. The WIA State Plan provides States with a platform to promote greater efficiencies in the workforce system by articulating administrative policies for State and local governance processes. The State has multiple vehicles to increase consolidation and integration of the infrastructure through policies, required practices, provision of technical assistance and monitoring. The State also can articulate its goals for expenditure of resources for training in industries and occupations critical to the State's economy.

Enhanced Integration Through One-Stop Delivery System

One of the primary expectations of the workforce system under the WIA statutory framework is a seamless, integrated One-Stop delivery system. The expectation for an integrated service delivery system remains firmly embedded as a key principle of a demand-driven workforce system.

The goal of integration is to ensure that the full spectrum of community assets is used in the service delivery system to support human capital solutions for businesses, industry and individual customers. Different programs fund different types of services and serve different populations. These unique program features in the system provide both breadth and depth to the human capital solutions offered to businesses and industry. However, the assets go beyond program funding, and without integration of those assets as well, the system limits its impact and success.

The workforce system has had a vision of integration for over a decade, supported with the Federal investment in One-Stop Centers in the mid-1990s and later realized in statute with the passage of WIA. Despite many efforts, the vision of seamless, integrated service delivery remains unrealized in many areas. It is still all too common to visit local areas across the nation and find a One-Stop office within blocks of a separate "job service" or "affiliate" office or a comprehensive One-Stop Center where programs are co-located, but with little integration. In addition, there is often a lack of consistency in policy and service delivery across

workforce investment areas within a State, which causes customer confusion and frustration. While there are real challenges to achieving the vision of integration, it is a vision that can be realized. Due to strong leadership, creativity, and hard work at the State and local levels, a number of One-Stop Centers have overcome turf issues and administrative challenges to offer integrated service delivery.

Strong State leadership has been identified as one of the key success factors in achieving integration in One-Stop Centers. The WIA State planning process offers a unique opportunity for the Governor and the State workforce investment board to clearly articulate the State's goals for integration and to help remove any barriers. The Employment and Training Administration (ETA) is committed to working with States to support integration efforts.

A New Vision for Serving Youth Most in Need

The Administration is committed to bold, innovative and flexible initiatives to prepare the most at-risk and neediest youth for jobs in our changing economy. ETA, in collaboration with the Departments of Education, Health and Human Services, and Justice, have developed a new strategic vision to more effectively and efficiently serve out-of-school youth and those at risk of dropping out of school (Training and Employment Guidance Notice No. 3-04). Regional Youth Forums were conducted in the fall of 2004 that brought together State youth leaders to develop similar partnerships at the State level, and to begin to develop a common vision and action plan for implementing cross-agency State approaches for serving the neediest youth.

Out-of-school youth (and those most at risk of dropping out) are an important part of the new workforce *supply pipeline* needed by businesses to fill job vacancies in a knowledge-based economy. WIA-funded youth programs should connect these youth with quality secondary and post-secondary educational opportunities and high-growth and other employment opportunities.

ETA's new vision for serving youth will present challenges for how State and local WIA programs interact and link with State and local education and economic development systems. To achieve this vision, States should consider this new strategic approach and associated goals across four major areas:

⇒ *Alternative Education—Goal:* Provide leadership to ensure that youth

served in alternative education programs will receive a high quality education that adheres to the State standards developed in response to the No Child Left Behind (NCLB) legislation.

⇒ *Demand of Business—Goal:* The investment of WIA youth resources will be demand-driven, assuring that youth obtain the skills needed by businesses so that they can succeed in the 21st century economy.

⇒ *Neediest Youth—Goal:* Investments will be prioritized to serve youth most in need including out-of-school youth (and those at risk of dropping out of school), youth in foster care, those aging out of foster care, youth offenders, children of incarcerated parents, homeless youth, and migrant and seasonal farmworker youth.

⇒ *Improved Performance—Goal:* Key initiatives will be implemented to assure that programs are performance-based and focused on outcomes.

ETA has developed strategic partnerships at the Federal level with the Department of Education's Office of Vocational and Adult Education, the Department of Health and Human Services' Administration for Children and Families, and the Department of Justice's Office of Juvenile Justice and Delinquency Prevention. Through the State planning process, Governors have the opportunity to promote strategic partnerships across State agencies serving youth to enhance service delivery and more effectively leverage available resources.

ETA encourages Governors to play a key leadership role in enhancing intra-State coordination among youth serving agencies and to develop cross-agency approaches for serving youth. The WIA State planning process is a vehicle for driving a Statewide youth vision that ensures that previously marginalized youth become an important pipeline of workers that helps drive the State's economy.

A Stronger Workforce Information System

As discussed previously, a strong foundation of economic data and workforce information, along with the ability to analyze the data and transform it into easily understood intelligence, is one of the keys to effective strategic planning for a demand-driven workforce investment system. To achieve that vision, the workforce system needs to move beyond traditional labor market information strategies and develop a workforce information system that helps drive both economic development and workforce investment for the State. In

their lead role, States need to embrace a wide array of data sources, new strategies for making it available to customers, and consider alternative ways to invest and leverage public and private resources to build the State's workforce information system.

Workforce information is critical not only for driving the investments of the workforce system, but it is also a fundamental decision tool for the nation's businesses, students, workers, parents, guidance counselors, and education institutions. The development of workforce information is the responsibility broadly of Governors, State workforce agencies, State agencies designated under WIA as responsible for labor market information, State economic development agencies, and local workforce investment boards. A better alignment of information producers, brokers, and consumers both inside and outside the publicly funded workforce system must occur.

Effective Utilization of Faith-Based and Community Based Organizations

President Bush signed Executive Order 13198 on January 29, 2001, with the goal of removing statutory, regulatory, and procedural barriers that prevent faith-based and community organizations (FBCOs) from participating in the provision of social services. The Department of Labor Center for Faith-based and Community Initiatives, created under the Executive Order, has worked closely with ETA to help increase the opportunities for FBCOs to partner with the workforce investment system. As legal and regulatory barriers have been removed, the Department of Labor has been increasingly focusing on ways to integrate FBCOs into the WIA system at the local level including:

- Expanding the access of faith-based and community organizations' clients and customers to the training, job and career services offered by the local One-Stop Centers;
- Increasing the number of faith-based and community organizations serving as committed and active partners in the One-Stop delivery system.

By integrating the workforce system with the resources available through these organizations, the capacity of the workforce investment system to serve those most in need is significantly expanded. Continuing to promote integration of FBCOs remains a focal point for the President and the Department of Labor. States are encouraged to incorporate strategies that include FBCOs into their State Plans.

Increased Use of Flexibility Provisions in WIA

For the workforce system to be successful in promoting business prosperity and employment opportunities for workers, States must have the flexibility to design innovative programs based on local need and labor markets. WIA as it exists today provides significant opportunities to States to obtain waivers of statutory and regulatory requirements that may impede achieving the State's workforce goals. Therefore, one of the key focal points as States move into a new planning cycle is to encourage States to utilize the full range of flexibility offered under WIA's waiver and workflex provisions. The workflex option has not been utilized by States and may offer the greatest range of opportunity for States. ETA is committed to sharing the waiver strategies States have utilized to date and providing technical assistance to States considering requesting waivers. The State planning guidance is a vehicle for the State to identify waiver opportunities and to formally request waivers in concert with overall strategic planning. Waivers may be requested at other times as well. (Approved waivers are on the DOLETA automated waiver Web site which can easily be linked to from the <http://www.doleta.gov> Web site.)

Performance Accountability and Implementation of Common Performance Measures

Improved performance accountability for customer-focused results is a central feature of WIA and remains a strategic priority for the President and the Department of Labor. In an effective accountability system, a clear link should exist between the State's program design and the results achieved. The performance information should be available to and easily understood by all customers, stakeholders, and operators of the workforce investment system.

To enhance the management of the workforce system and the usability of performance information, the Department, in collaboration with other Federal agencies, has developed a set of common performance measures for federally-funded training and employment programs. The value of common measures is the ability to describe in a similar manner the core purposes of the workforce system—did people find jobs; did people stay employed; and did earnings increase? Standardizing the definitions of the outcomes across programs simplifies

reporting. Coupled with valid and accurate information, use of common measures provides a greater ability to compare and manage results.

It is ETA's intent to begin data collection in support of common measures effective July 1, 2005, for Program Year 2005. This was recently announced in Training and Employment Guidance Letter 18-04, "Announcing the soon-to-be-published Proposed Revisions to Existing Performance Reporting Requirements for the Implementation of Common Measures for title I of the Workforce Investment Act (WIA), the Wagner-Peyser Act (Employment Service (ES)/ Labor Exchange), the Trade Adjustment Assistance Reform Act (TAA), and title 38, chapter 41 Job Counseling, Training, and Placement Service (Veterans' Employment and Training Service (VETS))." Prior to the effective date, ETA will publish proposed revisions to reporting and recordkeeping requirements in support of common measures in a separate **Federal Register** Notice.

The common measures are an integral part of ETA's performance accountability system. ETA will continue to collect from States and grantees other data on program activities, participants, and outcomes necessary for program management, including data that support the existing WIA performance measures, and to convey full and accurate information on the performance of workforce programs to policymakers and stakeholders.

Part II. State Planning Instructions

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- A. ETA Regional Administrators List
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Plan Development Process

WIA gives states and local areas a unique opportunity to develop employment and training systems tailored specifically to state and local area needs. Since the state plan is only as effective as the partnerships that operationalize it, it should represent a collaborative process among state and local elected officials, Boards and partners (including economic development, education and private sector partners) to create a shared understanding of the state's workforce investments needs, a shared vision of how the workforce investment system can be designed to meet those needs, and agreement on the key strategies to attain this vision. This type of collaborative planning at all stages—from the initial planning discussions through drafting the state plan document—will enable the state plan to both drive local system improvements and allow room for strategies tailored to local needs. Plan development must also include an opportunity for stakeholder and public review and comment.

Describe, *in one page or less*, the process for developing the state plan.

1. Include (a) a discussion of the involvement of the Governor and the State Board in the development of the plan, and (b) a description of the manner in which the State Board collaborated with economic development, education, the business community and other interested parties in the development of the state plan. (§ 112(b)(1).)

2. Include a description of the process the State used to make the Plan available to the public and the outcome of the State's review of the resulting public comments. (§§ 111(g), 112(b)(9).)

Plan Submission Requirements

WIA state plans must have an original signature of the Governor, and the name of the Governor must be typed below the signature. The due date for submission of the first two-year period, July 1, 2005 through June 30, 2007, of

the five-year strategic plan is *Tuesday, May 31, 2005*.

States have the option to submit state plans in an electronic, hard copy, or CD-ROM format. The Department of Labor is encouraging states to submit state plans in electronic format to reduce the reporting and processing burden and to ensure timely receipt by the Department. The designated Federal Coordinator for the review and approval process is Christine Kulick, e-mail: kulick.christine@dol.gov; phone: (202) 693-3045.

Options for Submission

Electronic Submission. States can submit a state plan electronically either by posting it on an Internet Web site that is accessible to the Department or by transmitting it through electronic mail to the Department.

Posting State Plans on an Internet Web Site. Under this option, a state need only post its state plan on an Internet Web site; inform the Federal Coordinator and the appropriate ETA Regional Administrator (as listed in Attachment A) through electronic mail of the URL and the location of the document on the Web site; provide contact information in the event of problems with accessing the Web site; and certify that no changes will be made to the version of the state plan posted on the Web site after it has been submitted to the Department, unless the Department grants prior approval for such changes.

Transmitting State Plans by Electronic Mail. States submitting their Plan by electronic mail should send it to WIA.PLAN@DOL.GOV with a copy sent to the appropriate ETA Regional Administrator (as listed in Attachment A).

Other Considerations When Using Electronic Submission. State plan certifications with electronic signatures are acceptable. If a state chooses not to use an electronic signature, then the signature page must be submitted in hard copy. If a state chooses to submit its State plan by transmitting it through electronic mail, the state must submit it in Microsoft Word or PDF format.

Hard Copy or CD-ROM Submission. States choosing to submit a hard copy should submit one copy of the plan (with an original signature) to the appropriate ETA Regional Administrator, as listed in Attachment A, and one copy to Christine Kulick, the Federal Coordinator for Plan Review and Approval.

States submitting a state plan on CD-ROM should submit one copy of the plan to Christine Kulick, the Federal Coordinator for Plan Review and

Approval, and one copy to the appropriate ETA Regional Administrator (as listed in Attachment A). If the state plan on the CD-ROM does not include the signature of the Governor on the signature page, the state must submit separately an electronic signature or a signature page in hard copy. Plans submitted on a CD-ROM must be in Microsoft Word or PDF format.

Any state submitting its plan in hard copy, or on a CD-ROM, should send it to the following address, with a copy to the Regional Administrator: Division of One-Stop Operations, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-4231, Washington, DC 20210, Attn: Ms. Christine Kulick.

The Federal Coordinator will confirm receipt of the state plan within two workdays of receipt and indicate the date for the start of the review period. When a state submits an incomplete state plan, the period for review will not start until all required components of the state plan have been received.

Department of Labor Review and Approval

State plans will be reviewed in accordance with 20 CFR 661.220(e), which provides that the Secretary must approve all state plans within 90 days of their submission, unless the Secretary determines in writing that: (1) The state plan is inconsistent with the provisions of title I of WIA or the WIA regulations, including 29 CFR part 37; or (2) the portion of the state plan impacting the Wagner-Peyser Act plan does not satisfy the criteria for approval in section 8(d) of the Wagner-Peyser Act or the Wagner-Peyser Act regulations at 20 CFR part 652. However, for state plans that are submitted by the due date of May 31, 2005, for the two-year planning period, July 1, 2005 through June 30, 2007, the Department of Labor is committed to completing its review of the plan within 30 days.

The appropriate Regional Administrator will advise the state by letter, as soon as possible, that the state plan is approved or disapproved. If the state plan is not approved, the Regional Administrator will clearly indicate the reasons for disapproval and specify what additional information is required or what action needs to be taken for the state plan to be approved.

Negotiated Performance Indicators

WIA allows considerable flexibility in system design and service delivery, in exchange for both accountability for a key set of outcomes and improving those outcomes over time. To

accomplish this, the Secretary of Labor and the Governor of each State must reach agreement on the State's negotiated performance levels for the core indicators of performance, and for customer satisfaction indicators of employers' and participants' satisfaction. These levels of performance become the basis for sanctions for failed performance and, with additional performance levels under Adult Education and Vocational Education, the basis for incentive grants.

At a minimum, the state plan should include proposed performance goals each of the performance indicators for the two program years covered by the Plan for all programs covered in the plan (including Wagner-Peyser). While the state plan is under review, the ETA Regional Administrator and the state will discuss the performance levels, and negotiate on them as appropriate. The Department expects states to enter into preliminary discussions with the local boards and the ETA Regional Administrators before submitting the state plan. States are expected to come to the negotiating table with support from their local boards for the proposed performance goals. Entering into preliminary discussions prior to plan submission will maximize the time available to States, local areas, and the Department to develop a shared set of goals. ETA Regional Administrators will coordinate with other Department of Labor program administrators, including the Veterans' Employment and Training Service (VETS) Regional Administrators, to assure comprehensive Departmental participation. The Department will provide additional guidance regarding the negotiation process at a later date.

Modifications to State Plans

Modifications may be needed in any number of areas to keep the state plan a viable, living document over its two-year life. WIA regulations permit states to modify their plan at any time and 20 CFR 652.212 and 661.230 outline the circumstances under which modifications must be submitted. Modifications are required 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 the Statewide vision, strategies, policies, performance indicators, the methodology used to determine local allocation of funds, reorganizations which change the working relationship with system employees, changes in organizational responsibilities, changes to the membership structure of the State Board

or alternative entity and similar substantial changes to the State's workforce investment system.

(3) The State has failed to meet performance goals, and must adjust service strategies.

The regulations, at 20 CFR 652.212, which relate to the Wagner-Peyser Act portions of the plan, also require modifications when there is any reorganization of the State agency designated to deliver services under the Wagner-Peyser Act, any change in service delivery strategy, any change in levels of performance when performance goals are not met, or any change in services delivered by State merit-staff employees.

In general, it is substantial changes to the Strategic Five-Year Plan that require a modification under the regulations, *i.e.*, any change that significantly impacts the operation of the state's workforce investment system.

Modifications to the state plan are subject to the same public review and comment requirements that apply to the development of the original state plan. States should direct any questions about the need to submit a plan modification to the appropriate ETA Regional Administrator (as listed in Attachment A).

Inquiries

General inquiries about the State Planning Instructions may be directed to Christine Kulick, the Federal Coordinator for Plan Review and Approval. She may be contacted by e-mail at kulick.christine@dol.gov or by phone at (202) 693-3045. Inquiries about specific State issues should be directed to the appropriate ETA Regional Administrator (as listed in Attachment A).

State Vision

Describe the Governor's vision for a Statewide workforce investment system. Provide a *summary* articulating the Governor's vision for utilizing the resources of the workforce system in support of the State's economic development that address the issues and questions below. States are encouraged to attach more detailed documents to expand upon any aspect of the summary response if available. (§ 112(a) and (b)(4)(A-C).)

A. What are the State's economic development goals for attracting, retaining and growing business and industry within the State? (§ 112(a) and (b)(4)(A-C).)

B. Given that a skilled workforce is a key to the economic success of every business, what is the Governor's vision for maximizing and leveraging the broad

array of Federal and State resources available for workforce investment flowing through the State's cabinet agencies and/or education agencies in order to ensure a skilled workforce for the State's business and industry? (§ 112(a) and (b)(4)(A-C).)

C. Given the continuously changing skill needs that business and industry have as a result of innovation and new technology, what is the Governor's vision for ensuring a continuum of education and training opportunities that support a skilled workforce? (§ 112(a) and (b)(4)(A-C).)

D. What is the Governor's vision for bringing together the key players in workforce development including business and industry, economic development, education, and the workforce system to continuously identify the workforce challenges facing the State and to develop innovative strategies and solutions that effectively leverage resources to address those challenges? (§ 112(b)(10).)

E. What is the Governor's vision for ensuring that every youth has the opportunity for developing and achieving career goals through education and workforce training, including the youth most in need of assistance, such as out-of-school youth, homeless youth, youth in foster care, youth aging out of foster care, youth offenders, children of incarcerated parents, migrant and seasonal farmworker youth, and other youth at risk? (§ 112(b)(18)(A).)

II. State Workforce Investment Priorities

Identify the Governor's key workforce investment priorities for the State's workforce system and how each will lead to actualizing the Governor's vision for workforce and economic development. (§§ 111(d)(2) and 112(a).)

III. State Governance Structure (§ 112(b)(8)(A))

A. Organization of State Agencies in Relation to the Governor

1. Provide an organizational chart that delineates the relationship to the Governor of the agencies involved in the public workforce investment system, including education and economic development and the required and optional One-Stop partner programs managed by each agency.

2. In a narrative describe how the agencies involved in the public workforce investment system interrelate on workforce and economic development issues and the respective lines of authority.

B. State Workforce Investment Board (§ 112(b)(1))

1. Describe the organization and structure of the State Board. (§ 111.)
2. Identify the organizations or entities represented on the State Board. If you are using an alternative entity which does not contain all the members required under section 111(b)(1), describe how each of the entities required under this section will be involved in planning and implementing the State's workforce investment system as envisioned in WIA. How is the alternative entity achieving the State's WIA goals? (§ 111(a-c), 111(e), and 112(b)(1).)
3. Describe the process your State used to identify your State board members. How did you select board members, including business representatives, who have optimum policy-making authority and who represent diverse regions of the State as required under WIA? (20 CFR 661.200.)
4. Describe how the board's membership enables you to achieve your vision described above. (§§ 111(a-c) and 112(b)(1).)
5. Describe how the Board carries out its functions as required in § 111(d) and 20 CFR 661.205. Include functions the Board has assumed that are in addition to those required. Identify any functions required in § 111(d) the Board does not perform and explain why.
6. How will the State board ensure that the public (including people with disabilities) has access to board meetings and information regarding State board activities, including membership and meeting minutes? (20 CFR 661.205.)
7. Identify the circumstances which constitute a conflict of interest for any State or local workforce investment board member or the entity that s/he represents, and any matter that would provide a financial benefit to that member or his or her immediate family. (§§ 111(f), 112(b)(13), and 117(g).)
8. What resources does the State provide the board to carry out its functions, *i.e.*, staff, funding, etc.?

C. Structure/Process for State Agencies and State Board To Collaborate and Communicate With Each Other and With the Local Workforce Investment System (§ 112(b)(8)(A))

1. Describe the steps the State will take to improve operational collaboration of the workforce investment activities and other related activities and programs outlined in section 112(b)(8)(A), at both the State and local level (*e.g.*, joint activities, memoranda of understanding, planned

mergers, coordinated policies, etc.). How will the State board and agencies eliminate any existing State-level barriers to coordination? (§§ 111(d)(2) and 112(b)(8)(A).)

2. Describe the lines of communication established by the Governor to ensure open and effective sharing of information among the State agencies responsible for implementing the vision for the workforce system and between the State agencies and the State workforce investment board.

3. Describe the lines of communication and mechanisms established by the Governor to ensure timely and effective sharing of information between the State agencies/ State Board and local workforce investment areas and local Boards. Include types of regularly issued guidance and how Federal guidance is disseminated to local Boards and One-Stop Career Centers. (§ 112(b)(1).)

4. Describe any cross-cutting organizations or bodies at the State level designed to guide and inform an integrated vision for serving youth in the State within the context of workforce investment, social services, juvenile justice, and education. Describe the membership of such bodies and the functions and responsibilities in establishing priorities and services for youth. How is the State promoting a collaborative cross-agency approach for both policy development and service delivery at the local level for youth? (§ 112(b)(18)(A).)

IV. Economic and Labor Market Analysis (§ 112(b)(4))

As a foundation for this strategic plan and to inform the strategic investments and strategies that flow from this plan, provide a detailed analysis of the State's economy, the labor pool, and the labor market context. Elements of the analysis should include the following:

- A. What is the current makeup of the State's economic base by industry?
- B. What industries and occupations are projected to grow and/or decline in the short term and over the next decade?
- C. In what industries and occupations is there a demand for skilled workers and available jobs, both today and projected over the next decade? In what numbers?
- D. What jobs/occupations are most critical to the State's economy?

E. What are the skill needs for the available, critical and projected jobs?

F. What are the current and projected demographics of the available labor pool (including the incumbent workforce) both now and over the next decade?

G. Is the State experiencing any "in migration" or "out migration" of workers that impact the labor pool?

H. Based on an analysis of both the projected demand for skills and the available and projected labor pool, what skill gaps is the State experiencing today and what skill gaps are projected over the next decade?

I. Based on an analysis of the economy and the labor market, what workforce development issues has the State identified?

J. What workforce development issues has the State prioritized as being most critical to its economic health and growth?

V. Overarching State Strategies

A. Identify how the State will use WIA title I funds to leverage other Federal, State, local, and private resources in order to maximize the effectiveness of such resources and to expand the participation of business, employees, and individuals in the Statewide workforce investment system? (§ 112(b)(10).)

B. What strategies are in place to address the national strategic direction discussed in part I of this guidance, the Governor's priorities, and the workforce development issues identified through the analysis of the State's economy and labor market? (§ 112(b)(4)(D), 112(a).)

C. Based on the State's economic and labor market analysis, what strategies has the State implemented or plans to implement to target industries and occupations within the State that are high growth, high demand, and vital to the State's economy? (§ 112(a), 112(b)(4)(A).) The State may want to consider:

1. Industries projected to add a substantial number of new jobs to the economy; or
2. Industries that have a significant impact on the overall economy; or
3. Industries that impact the growth of other industries; or
4. Industries that are being transformed by technology and innovation that require new skill sets for workers; or
5. Industries that new and emerging and are expected to grow.

D. What strategies are in place to promote and develop ongoing and sustained strategic partnerships that include business and industry, economic development, the workforce system, and education partners (K-12, community colleges and others) for the purpose of continuously identifying workforce challenges and developing solutions to targeted industries' workforce challenges? (§ 112(b)(8).)

E. What State strategies are in place to ensure that sufficient system resources are being spent to support training of individuals in high growth/high demand industries? (§ 112(b)(17)(A)(i), and 112(b)(4)(A).)

F. What workforce strategies does the State have to support the creation, sustainability, and growth of small businesses and support for the workforce needs of small businesses as part of the State's economic strategy? (§§ 112(b)(4)(A) and 112(b)(17)(A)(i).)

G. How are the funds reserved for Statewide activities used to incent the entities that make up the State's workforce system at the State and local levels to achieve the Governor's vision and address the national strategic direction identified in part I of this guidance? (§ 112(a).)

H. Describe the State's strategies to promote collaboration between the workforce system, education, human services, juvenile justice, and other systems to better serve youth that are most in need and have significant barriers to employment, and to successfully connect them to education and training opportunities that lead to successful employment. (§ 112(b)(18)(A).)

I. Describe the State's strategies to identify State laws, regulations, policies that impede successful achievement of workforce development goals and strategies to change or modify them. (§ 112(b)(2).)

J. Describe how the State will take advantage of the flexibility provisions in WIA for waivers and the option to obtain approval as a workflex State pursuant to § 189(i) and § 192.

VI. Major State Policies and Requirements

Describe major State policies and requirements that have been established to direct and support the development of a Statewide workforce investment system not described elsewhere in this Plan as outlined below. (§ 112(b)(2).)

A. What State policies and systems are in place or planned to support common data collection and reporting processes, information management, integrated service delivery, and performance management? (§§ 111(d)(2) and 112(b)(8)(B).)

B. What State policies are in place that promote efficient use of administrative resources such as requiring more co-location and fewer affiliate sites in local One-Stop systems to eliminate duplicative facility and operational costs or requiring a single administrative structure at the local level to support local boards and to be the fiscal agent for WIA funds to avoid

duplicative administrative costs that could otherwise be used for service delivery and training? The State may include administrative cost controls, plans, reductions, and targets for reductions if it has established them. (§§ 111(d)(2) and 112(b)(8)(A).)

C. What State policies are in place to promote universal access and consistency of service Statewide? (§ 112(b)(2).)

D. What policies support a demand-driven approach, as described in Part I. "Demand-driven Workforce Investment System", to workforce development—such as training on the economy and labor market data for local Board and One-Stop Career Center staff? (§§ 112(b)(4) and 112(b)(17)(A)(iv).)

E. What policies are in place to ensure that the resources available through the Federal and/or State apprenticeship programs and the Job Corps are fully integrated with the State's One-Stop delivery system? (§ 112(b)(17)(A)(iv).)

VII. Integration of One-Stop Service Delivery

Describe the actions the State has taken to ensure an integrated One-Stop service delivery system Statewide. (§§ 112(b)(14) and 121.)

A. What State policies and procedures are in place to ensure the quality of service delivery through One-Stop Centers such as development of minimum guidelines for operating comprehensive One-Stop Centers, competencies for One-Stop Career Center staff or development of a certification process for One-Stop Centers? (§ 112(b)(14).)

B. What policies or guidance has the State issued to support maximum integration of service delivery through the One-Stop delivery system for both business customers and individual customers? (§ 112(b)(14).)

C. What actions has the State taken to promote identifying One-Stop infrastructure costs and developing models or strategies for local use that support integration? (§ 112(b)(14).)

D. How does the State use the funds reserved for Statewide activities pursuant to §§ 129(b)(2)(B) and 134(a)(2)(B)(v) to assist in the establishment and operation of One-Stop delivery systems? (§ 112(b)(14).)

E. How does the State ensure the full array of services and staff in the One-Stop delivery system support human capital solutions for businesses and individual customers broadly? (§ 112(b)(14).)

VIII. Administration and Oversight of Local Workforce Investment System

A. Local Area Designations:

1. Identify the State's designated local workforce investment areas and the date of the most recent area designation, including whether the State is currently re-designating local areas pursuant to the end of the subsequent designation period for areas designated in the previous State Plan. (§ 112(b)(5).)

2. Include a description of the process used to designate such areas. Describe how the State considered the extent to which such local areas are consistent with labor market areas: geographic areas served by local and intermediate education agencies, post-secondary education institutions and area vocational schools; and all other criteria identified in section 116(a)(1) in establishing area boundaries, to assure coordinated planning. Describe the State Board's role, including all recommendations made on local designation requests pursuant to section 116(a)(4). (§§ 112(b)(5) and 116(a)(1).)

3. Describe the appeals process used by the State to hear appeals of local area designations referred to in § 112(b)(5) and § 116(a)(5).

B. Local Workforce Investment Boards—Identify the criteria the State has established to be used by the chief elected official(s) in the local areas for the appointment of local board members based on the requirements of section 117. (§§ 112(b)(6), 117(b).)

C. How will your State build the capacity of Local Boards to develop and manage high performing local workforce investment system? (§§ 111(d)(2) and 112(b)(14).)

D. Local Planning Process—Describe the State mandated requirements for local workforce areas' strategic planning. What assistance does the State provide to local areas to facilitate this process, (112(b)(2) and 20 CFR 661.350(a)(13).) including:

1. What oversight of the local planning process is provided, including receipt and review of plans and negotiation of performance agreements? and

2. How does the local plan approval process ensure that local plans are consistent with State performance goals and State strategic direction?

E. Regional Planning (§§ 112(b)(2), 116(c)).

1. Describe any intra-State or inter-State regions and their corresponding performance measures.

2. Include a discussion of the purpose of these designations and the activities (such as regional planning, information sharing and/or coordination activities) that will occur to help improve performance. For example, regional planning efforts could result in the sharing of labor market information or

in the coordination of transportation and support services across the boundaries of local areas.

3. For inter-State regions (if applicable), describe the roles of the respective Governors and State and local Boards.

F. Allocation Formulas (112(b)(12)).

1. If applicable, describe the methods and factors (including weights assigned to each factor) your State will use to distribute funds to local areas for the 30% discretionary formula adult employment and training funds and youth funds pursuant to §§ 128(b)(3)(B) and 133(b)(3)(B).

2. Describe how the allocation methods and factors help ensure that funds are distributed equitably throughout the State and that there will be no significant shifts in funding levels to a local area on a year-to-year basis.

3. Describe the State's allocation formula for dislocated worker funds under § 133(b)(2)(B).

4. Describe how the individuals and entities on the State board were involved in the development of the methods and factors, and how the State consulted with chief elected officials in local areas throughout the State in determining such distribution.

G. Provider Selection Policies (§§ 112(b)(17)(A)(iii), 122, 134(d)(2)(F)).

1. Identify the policies and procedures, to be applied by local areas, for determining eligibility of local level training providers, how performance information will be used to determine continuing eligibility and the agency responsible for carrying out these activities.

2. Describe how the State solicited recommendations from local boards and training providers and interested members of the public, including representatives of business and labor organizations, in the development of these policies and procedures.

3. Describe how the State will update and expand the State's eligible training provider list to ensure it has the most current list of providers to meet the training needs of customers?

4. Describe the procedures the Governor has established for providers of training services to appeal a denial of eligibility by the local board or the designated State agency, a termination of eligibility or other action by the board or agency, or a denial of eligibility by a One-Stop operator. Such procedures must include the opportunity for a hearing and time limits to ensure prompt resolution.

5. Describe the competitive and non-competitive processes that will be used at the State level to award grants and contracts for activities under title I of

WIA, including how potential bidders are being made aware of the availability of grants and contracts. (§ 112(b)(16).)

6. Identify the criteria to be used by local boards in awarding grants for youth activities, including criteria that the Governor and local boards will use to identify effective and ineffective youth activities and providers of such activities. (§ 112(b)(18)(B).)

H. One-Stop Policies (§ 112(D)(14)).

1. Describe how the services provided by each of the required and optional One-Stop partners will be coordinated and made available through the One-Stop system. Include how the State will consolidate Wagner-Peyser Act funds to avoid duplication of core services. (§ 112(b)(8)(A).)

2. Describe how the State helps local areas identify areas needing improvement and how technical assistance will be provided.

3. Identify any additional State mandated One-Stop partners (such as TANF or Food Stamp Employment and Training) and how their programs and services are integrated into the One-Stop Career Centers.

I. Oversight/Monitoring Process— Describe the monitoring and oversight criteria and procedures the State utilizes to move the system toward the State's vision and achieve the goals identified above, such as the use of mystery shoppers, performance agreements. (§ 112(b)(14).)

J. Grievance Procedures.— Attach a copy of the State's grievance procedures for participants and other affected parties (including service providers.) (§ 122(g) and 181(cc).)

K. Describe the following State policies or procedures that have been developed to facilitate effective local workforce investment systems (§§ 112(b)(17)(A) and 112 (b)(2).):

1. State guidelines for the selection of One-Stop providers by local boards;

2. Procedures to resolve impasse situations at the local level in developing memoranda of understanding (MOUs) to ensure full participation of all required partners in the One-Stop delivery system;

3. Criteria by which the State will determine if local Boards can run programs in-house;

4. Performance information that on-the-job training and customized training providers must provide;

5. Reallocation policies;

6. State policies for approving local requests for authority to transfer funds (not to exceed 20%) between the Adult and Dislocated Worker funding streams at the local level;

7. Policies related to displaced homemakers, nontraditional training for

low-income individuals, older workers, low-income individuals, disabled individuals and others with multiple barriers to employment and training;

8. If you did not delegate this responsibility to local boards, provide your State's definition regarding the sixth youth eligibility criterion at section 101(13)(C)(iv) ("an individual who requires additional assistance to complete an educational program, or to secure and hold employment"). (§§ 112(b)(18)(A) and 20 CFR 664.210.)

IX. Service Delivery

Describe the approaches the State will use to provide direction and support to local Boards and the One-Stop Career Center delivery system on the strategic priorities to guide investments, structure business engagement, and inform service delivery approaches for all customers. (§§ 112(b)(17)(A) Activities could include:

A. One-Stop Service Delivery Strategies (§§ 112(b)(2) and 111(d)(2))

1. How will the services provided by each of the required and optional One-Stop partners be coordinated and made available through the One-Stop system? (§ 112(b)(8)(A).)

2. How are youth formula programs funded under § 128(b)(2)(A) integrated in the One-Stop system?

3. What minimum service delivery requirements does the State mandate in a comprehensive One-Stop Center or an affiliate site?

4. What tools and products has the State developed to support service delivery in all One-Stop Centers Statewide?

5. What models/templates/approaches does the State recommend and/or mandate for service delivery in the One-Stop Centers? For example, do all One-Stop Centers have a uniform method of organizing their service delivery to business customers? Is there a common individual assessment process utilized in every One-Stop Center? Are all One-Stop Centers required to have a resource center that is open to anyone?

B. Workforce Information

A fundamental component of a demand-driven workforce investment system is the integration and application of the best available State and local workforce information including, but not limited to, economic data, labor market information, census data, private sources of workforce information produced by trade associations and others, educational data, job vacancy surveys, transactional data from job boards, and information obtained directly from businesses.

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(§§ 111(d)(8), 112(b)(1), and 134(d)(2)(E).)

1. Describe how the State will integrate workforce information into its planning and decision making at the State and local level, including State and local Boards, One-Stop operations, and case manager guidance.

2. Describe the approach the State will use to disseminate accurate and timely workforce information to businesses, job seekers, and employment counselors, in easy to use formats that are readily accessible within One-Stop Career Centers and at remote locations such as libraries, schools, worksites, and at home.

3. Describe how the State's Workforce Information Core Products and Services Plan is aligned with the WIA State Plan to ensure that the investments in core products and services support the State's overall strategic direction for workforce investment.

4. Describe how State workforce information products and tools are coordinated with the national electronic workforce information tools including America's Career Information Network and Career Voyages.

C. Adults and Dislocated Workers

1. Core Services. § 112(b)(17)(a)(i).

a. Describe state strategies and policies to ensure adults and dislocated workers have universal access to the minimum required core services as described in § 134(d)(2).

b. Describe how the state will ensure the three-tiered service delivery strategy for labor exchange services for job seekers and employers authorized by the Wagner-Peyser Act includes: (1) Self-service, (2) facilitated self-help service, and (3) staff-assisted service, and is accessible and available to all customers at the local level.

c. Describe how the state will integrate resources provided under the Wagner-Peyser Act and WIA title I for adults and dislocated workers as well as resources provided by required One-Stop partner programs, to deliver core services.

2. Intensive Services.

(§ 112(b)(17)(a)(i).) Describe State strategies and policies to ensure adults and dislocated workers who meet the criteria in § 134(d)(3)(A) receive intensive services as defined.

3. Training Services.

(§ 112(b)(17)(A)(i).)

a. Describe the Governor's vision for increasing training access and opportunities for individuals including the investment of WIA title I funds and the leveraging of other funds and resources.

b. Individual Training Accounts:

i. What policy direction has the State provided for ITAs?

ii. Describe innovative training strategies used by the State to fill skills gaps. Include in the discussion the State's effort leverage additional resources to maximize the use of ITAs through partnerships with business, education (in particular, community and technical colleges), economic development agencies, and industry associations and how business and industry involvement is used to drive this strategy.

iii. Discuss the State's plan for committing all or part of WIA title I funds to training opportunities in high-growth, high-demand, and economically vital occupations.

iv. Describe the State's policy for limiting ITAs (e.g., dollar amount or duration).

v. Describe the State's current or planned use of WIA title I funds for the provision of training through apprenticeship.

vi. Identify State policies developed in response to changes to WIA regulations that permit the use of WIA title I financial assistance to employ or train participants in religious activities when the assistance is provided indirectly such as through an ITA. (Note that the Department of Labor provides Web access to the equal treatment regulations and other guidance for the workforce investment system and faith-based and community organizations at <http://www.dol.gov/cfbci/legalguidance.htm>.)

c. Eligible Training Provider List. Describe the State's process for providing broad customer access to the statewide list of eligible training providers and their performance information including at every One-Stop Career Center. (§ 112(b)(17)(A)(iii).)

d. On-the-Job (OJT) and Customized Training (§§ 112(b)(17)(A)(i) and 134(b)). Based on the outline below, describe the State's major directions, policies and requirements related to OJT and customized training.

i. Describe the Governor's vision for increasing training opportunities to individuals through the specific delivery vehicles of OJT and customized training.

ii. Describe how the State:

- Identifies OJT and customized training opportunities;
- Markets OJT and customized training as an incentive to untapped employer pools including new business to the State, employer groups;
- Partners with high-growth, high-demand industries and economically vital industries to develop potential OJT and customized training strategies;

- Taps business partners to help drive the demand-driven strategy through joint planning, competency and curriculum development; and determining appropriate lengths of training, and

- Leverages other resources through education, economic development and industry associations to support OJT and customized training ventures.

4. Service to Specific Populations. (§ 112(b)(17)(A)(iv).)

a. Describe the State's strategies to ensure that the full range of employment and training programs and services delivered through the State's One-Stop delivery system are accessible to and will meet the needs of dislocated workers, displaced homemakers, low-income individuals migrant and seasonal farmworkers, women, minorities, individuals training for non-traditional employment, veterans, public assistance recipients and individuals with multiple barriers to employment (including older individuals, people with limited English-speaking proficiency, and people with disabilities.)

b. Describe the reemployment services you will provide to unemployment insurance claimants and the Worker Profiling services provided to claimants identified as most likely to exhaust their unemployment insurance benefits in accordance with section 3(c)(3) of the Wagner-Peyser Act.

c. Describe how the State administers the unemployment insurance work test and how feedback requirements (under § 7(a)(3)(F) of the Wagner-Peyser Act) for all UI claimants are met.

d. Describe the State's strategy for integrating and aligning services to dislocated workers provided through the WIA rapid response, WIA dislocated worker, and Trade Adjustment Assistance (TAA) programs. Does the State have a policy supporting co-enrollment for WIA and TAA?

e. How is the State's workforce investment system working collaboratively with business and industry and the education community to develop strategies to overcome barriers to skill achievement and employment experienced by the populations listed in paragraph (a.) above and to ensure they are being identified as a critical pipeline of workers?

f. Describe how the State will ensure that the full array of One-Stop services are available to individuals with disabilities and that the services are fully accessible?

g. Describe the role LVER/DVOP staff have in the One-Stop Delivery System. How will the State ensure adherence to

the legislative requirements for veterans' staff? How will services under this Plan take into consideration the agreement reached between the Secretary and the State regarding veterans' employment programs? (§§ 112(b)(7), 112 (b)(17)(B); 322, 38 U.S.C. chapter 41; and 20 CFR 1001.120.)

h. Department of Labor regulations at 29 CFR 37, require all recipients of Federal financial assistance from DOL to provide meaningful access to limited English proficient (LEP) persons. Federal financial assistance includes grants, training, equipment usage, donations of surplus property, and other assistance. Sub-recipients are also covered when Federal DOL funds are passed through from one recipient to a sub-recipient. Describe how the State will ensure access to services through the State's One-Stop delivery system by persons with limited English proficiency and how the State will meet the requirements of ETA Training and Employment Guidance Letter (TEGL) 26-02 (May 29, 2003), which provides guidance on methods of complying with the Federal rule.

i. Describe the State's strategies to enhance and integrate service delivery through the One-Stop delivery system for migrant and seasonal farm workers and agricultural employers. How will the State ensure that migrant and seasonal farm workers have equal access to employment opportunities through the State's One-Stop delivery system? Include the following:

- The number of Migrant and Seasonal Farmworkers (MSFWs) the State anticipates reaching annually through outreach to increase their ability to access core, intensive, and training services in the One-Stop Career Center System.

5. Priority of Service.

a. What procedures and criteria are in place under 20 CFR 663.600 for the Governor and appropriate local boards to direct One-Stop operators to give priority of service to public assistance recipients and other low-income individuals for intensive and training services if funds allocated to a local area for adult employment and training activities are determined to be limited? (§§ 112(b)(17)(A)(iv) and 134(d)(4)(E).)

b. What policies and strategies does the State have in place to ensure that, pursuant to the Jobs for Veterans Act (Pub. L. 107-288) (38 U.S.C. 4215), that priority of service is provided to veterans (and certain spouses) who otherwise meet the eligibility requirements for all employment and training programs funded by the U.S. Department of Labor, in accordance

with the provisions of TEGL 5-03 (9/16/03)?

D. Rapid Response (112(b)(17)(A)(ii))

Describe how your State provides Rapid Response services with the funds reserved under section 133(a)(2).

1. Identify the entity responsible for providing Rapid Response services. Describe how Rapid Response activities involve local boards and Chief Elected Officials. If Rapid Response activities are shared between the State and local areas, describe the functions of each and how funds are allocated to the local areas.

2. Describe the process involved in carrying out Rapid Response activities.

a. What methods are involved in receiving notice of impending layoffs (include WARN Act notice as well as other sources)?

b. What efforts does the Rapid Response team make to ensure that rapid response services are provided, whenever possible, prior to layoff date, onsite at the company, and on company time?

c. What services are included in Rapid Response activities? Does the Rapid Response team provide workshops or other activities in addition to general informational services to affected workers? How do you determine what services will be provided for a particular layoff (including layoffs that may be trade-affected)?

3. How does the State ensure a seamless transition between Rapid Response services and One-Stop activities for affected workers?

4. Describe how Rapid Response functions as a business service. Include whether Rapid Response partners with economic development agencies to connect employees from companies undergoing layoffs to similar companies that are growing and need skilled workers? How does Rapid Response promote the full range of services available to help companies in all stages of the economic cycle, not just those available during layoffs. How does the State promote Rapid Response as a positive, proactive, business-friendly service, not only a negative, reactive service?

5. What other partnerships does Rapid Response engage in to expand the range and quality of services available to companies and affected workers and to develop an effective early layoff warning network?

6. What systems does the Rapid Response team use to track its activities? Does the State have a comprehensive, integrated Management Information System that includes Rapid Response,

Trade Act programs, National Emergency Grants, and One-Stop activities?

7. Are Rapid Response funds used for other activities not described above; e.g., the provision of additional assistance to local areas that experience increased workers or unemployed individuals due to dislocation events?

E. Youth

ETA's strategic vision identifies youth most in need, such as out of school youth and those at risk, youth in foster care, youth aging out of foster care, youth offenders, children of incarcerated parents, homeless youth, and migrant and seasonal farmworker youth as those most in need of service. State programs and services should take a comprehensive approach to serving these youth, including basic skills remediation, helping youth stay in or return to school, employment, internships, help with attaining a high school diploma or GED, post-secondary vocational training, apprenticeships and enrollment in community and four-year colleges. (§ 112(b)(18).)

1. Describe your State's strategy for providing comprehensive, integrated services to eligible youth, including those most in need as described above. Include any State requirements and activities to assist youth who have special needs or barriers to employment, including those who are pregnant, parenting, or have disabilities. Include how the State will coordinate across State agencies responsible for workforce investment, foster care, education, human services, juvenile justice, and other relevant resources as part of the strategy. (§ 112(b)(18).)

2. Describe how coordination with Job Corps and other youth programs will occur. (§ 112(b)(18)(C).)

3. How does the State plan to utilize the funds reserved for Statewide activities to support the State's vision for serving youth? Examples of activities that would be appropriate investments of these funds include:

a. Utilizing the funds to promote cross agency collaboration;

b. Demonstration of cross-cutting models of service delivery;

c. Development of new models of alternative education leading to employment; or

d. Development of demand-driven models with business and industry working collaboratively with the workforce investment system and education partners to develop strategies for bringing these youth successfully into the workforce pipeline with the right skills.

e. Describe how your State will, in general, meet the Act's provisions regarding youth program design. (§§ 112(b)(18) and 129(c).)

F. Business Services (§§ 112(a) and 112(b)(2))

Provide a description of the State's strategies to improve the services to employers, including a description of how the State intends to:

1. Determine the employer needs in the local areas and on a Statewide basis.
2. Integrate business services, including Wagner-Peyser Act services, to employers through the One-Stop system.
3. Streamline administration of Federal tax credit programs within the One-Stop system to maximize employer participation. (20 CFR part 652.3(b), § 112(b)(17)(A)(i).)

G. Innovative Service Delivery Strategies (§ 112(b)(17)(A))

1. Describe innovative service delivery strategies the State has or is planning to undertake to maximize resources, increase service levels, improve service quality, achieve better integration or meet other key State goals. Include in the description the initiative's general design, anticipated outcomes, partners involved and funds leveraged (e.g., title I formula, Statewide reserve, employer contributions, education funds, non-WIA State funds).

2. If your State is participating in the ETA Personal Re-employment Account (PRA) demonstration, describe your vision for integrating PRAs as a service delivery alternative as part of the State's overall strategy for workforce investment.

H. Strategies for Faith-Based and Community-Based Organizations (§ 112(b)(17)(i))

Reaching those most in need is a fundamental element of the demand-driven system's goal to increase the pipeline of needed workers while meeting the training and employment needs of those most at risk. Faith-based and community organizations provide unique opportunities for the workforce investment system to access this pool of workers and meet the needs of business and industry. Describe those activities to be undertaken to: (1) increase the opportunities for participation of faith-based and community organizations as committed and active partners in the One-Stop delivery system; and (2) expand the access of faith-based and community-based organizations' clients and customers to the services offered by the One-Stops in the State. Outline those action steps designed to

strengthen State collaboration efforts with local workforce investment areas in conducting outreach campaigns to educate faith-based and community organizations about the attributes and objectives of the demand-driven workforce investment system. Indicate how these resources can be strategically and effectively leveraged in the State's workforce investment areas to help meet the objectives of the Workforce Investment Act.

X. State Administration

A. What technology infrastructure and/or management information systems does the State have in place to support the State and local workforce investment activities such as a One-Stop operating system designed to facilitate case management and service delivery across programs, a State job matching system, Web-based self service tools for customers, fiscal management systems, etc.? (§§ 111(d)(2), 112(b)(1), and 112(b)(8)(B).)

B. Describe the State's plan for use of the funds reserved for Statewide activities under WIA § 128 (a)(1).

C. Describe how any waivers or workflex authority (both existing and planned) will assist the State in developing its workforce investment system. (§§ 189(i)(1), 189 (i)(4)(A), and 192.)

D. Performance Management and Accountability. Improved performance and accountability for customer-focused results are central features of WIA. To improve, states need not only systems in place to collect data and track performance, but also systems to analyze the information and modify strategies to improve performance. (See Training and Employment Guidance Letter (TEGL) 15-03, Common Measures Policy, December 10, 2003.) In this section, describe how the State measures the success of its strategies in achieving its goals, and how the State uses this data to continuously improve the system.

1. Describe the State's performance accountability system, including any state-system measures and the state's performance goals established with local areas. Identify the performance indicators and goals the State has established to track its progress toward meeting its strategic goals and implementing its vision for the workforce investment system. For each of the core indicators, explain how the State worked with local boards to determine the level of the performance goals. Include a discussion of how the levels compare with the State's previous outcomes as well as with the State-adjusted levels of performance

established for other States (if available), taking into account differences in economic conditions, the characteristics of participants when they entered the program and the services to be provided. Include a description of how the levels will help the State achieve continuous improvement over the two years of the Plan. (§§ 112(b)(3) and 136(b)(3).)

2. Describe any targeted applicant groups under WIA title I, the Wagner-Peyser Act or title 38 chapters 41 and 42 (Veterans Employment and Training Programs) that the State tracks. (§§ 111(d)(2), 112(b)(3) and 136(b)(2)(C).)

3. Identify any performance outcomes or measures in addition to those prescribed by WIA and what process the State is using to track and report them.

4. Describe the State's common data system and reporting processes in place to track progress. Describe what data will be collected from the various One-Stop partners (beyond that required by DOL), use of quarterly wage records (including how your State accesses wage records), and how the Statewide system will have access to the information needed to continuously improve. (§ 112(b)(8)(B).)

5. Describe any actions the Governor and State Board will take to ensure collaboration with key partners and continuous improvement of the Statewide workforce investment system. (§§ 111(d)(2) and 112(b)(1).)

6. How do the State and local boards evaluate performance? What corrective actions (including sanctions and technical assistance) will the State take if performance falls short of expectations? How will the State and Local Boards use the review process to reinforce the strategic direction of the system? (§§ 111(d)(2), 112(b)(1), and 112(b)(3).)

7. What steps, has the State taken to prepare for implementation of new reporting requirements against the common performance measures as described in Training and Employment Guidance Letter (TEGL), 15-03, December 10, 2003, Common Measures Policy? In addition, what is the State's plan for gathering baseline data and establishing performance targets for the common measures? **Note:** ETA will issue additional guidance on reporting requirements for common measures.

8. Include a proposed level for each performance measure for each of the two program years covered by the Plan. While the plan is under review, the state will negotiate with the respective ETA Regional Administrator to set the appropriate levels for the next two years. States must identify the

performance indicators required under section 136, and, for each indicator, the State must develop an objective and quantifiable performance goal for two program years. States are encouraged to address how the performance goals for local workforce investment areas and training provides will help them attain their statewide performance goals. (§§ 112(b)(3) and 136.)

E. Administrative Provisions.

1. Provide a description of the appeals process referred to in § 116(a)(5)(m).

2. Describe the steps taken by the State to ensure compliance with the non-discrimination requirements outlined in § 188.

XI. Assurances

1. The State assures that it will establish, in accordance with section 184 of the Workforce Investment Act, fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State through the allotments made under sections 127 and 132. (§ 112(b)(11).)

2. The State assures that it will comply with section 184(a)(6), which requires the Governor to, every two years, certify to the Secretary, that—

a. The State has implemented the uniform administrative requirements referred to in section 184(a)(3);

b. The State has annually monitored local areas to ensure compliance with the uniform administrative requirements as required under section 184(a)(4); and

c. The State has taken appropriate action to secure compliance with section 184 (a)(3) pursuant to section 184(a)(5). (§ 184(a)(6).)

3. The State assures that the adult and youth funds received under the Workforce Investment Act will be distributed equitably throughout the State, and that no local areas will suffer significant shifts in funding from year to year during the period covered by this Plan. (§ 112(b)(12)(B).)

4. The State assures that veterans will be afforded employment and training activities authorized in section 134 of the Workforce Investment Act, and the activities authorized in chapters 41 and 42 of title 38 U.S. code. The State assures that it will comply with the veterans priority established in the Jobs for Veterans Act. (38 U.S.C. 4215.)

5. The State assures that the Governor shall, once every two years, certify one local board for each local area in the State. (§ 117(c)(2).)

6. The State assures that it will comply with the confidentiality requirements of section 136(f)(3).

7. The State assures that no funds received under the Workforce Investment Act will be used to assist, promote, or deter union organizing. (§ 181(b)(7).)

8. The State assures that it will comply with the nondiscrimination provisions of section 188, including an assurance that a Methods of Administration has been developed and implemented (§ 188.)

9. The State assures that it will collect and maintain data necessary to show compliance with the nondiscrimination provisions of section 188. (§ 185.)

10. The State assures that it will comply with the grant procedures prescribed by the Secretary (pursuant to the authority at section 189(c) of the Act) which are necessary to enter into grant agreements for the allocation and payment of funds under the Act. The procedures and agreements will be provided to the State by the ETA Office of Grants and Contract Management and will specify the required terms and conditions and assurances and certifications, including, but not limited to, the following:

• General Administrative Requirements:

○ 29 CFR part 97—Uniform Administrative Requirements for State and Local Governments (as amended by the Act).

○ 29 CFR part 96 (as amended by OMB Circular A-133)—Single Audit Act.

○ OMB Circular A-87—Cost Principles (as amended by the Act).

• Assurances and Certifications:

○ SF 424 B—Assurances for Non-construction Programs.

○ 29 CFR part 37—Nondiscrimination and Equal Opportunity Assurance (and regulation) 29 CFR 37.20.

○ CFR part 93—Certification Regarding Lobbying (and regulation).

○ 29 CFR part 98—Drug Free Workplace and Debarment and Suspension Certifications (and regulation).

• Special Clauses/Provisions:

Other special assurances or provisions as may be required under Federal law or policy, including specific appropriations legislation, the Workforce Investment Act, or subsequent Executive or Congressional mandates.

11. The State certifies that the Wagner-Peyser Act Plan, which is part of this document, has been certified by the State Employment Security Administrator.

12. The State certifies that veterans' services provided with Wagner-Peyser Act funds will be in compliance with 38 U.S.C. chapter 41 and 20 CFR part 1001.

13. The State certifies that Wagner-Peyser Act-funded labor exchange activities will be provided by merit-based public employees in accordance with DOL regulations.

14. The State assures that it will comply with the MSFW significant office requirements in accordance with 20 CFR part 653.

15. The State certifies it has developed this Plan in consultation with local elected officials, local workforce boards, the business community, labor organizations and other partners.

16. As a condition to the award of financial assistance from the Department of Labor under title I of WIA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

—Section 188 of the Workforce

Investment Act of 1998 (WIA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA title I—financially assisted program or activity;

—Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;

—Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

—The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and

— Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that it will comply with 29 CFR part 37 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIA title I—financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIA title I—financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

17. The State assures that funds will be spent in accordance with the

Workforce Investment Act and the Wagner-Peyser Act and their regulations, written Department of Labor Guidance implementing these laws, and all other applicable Federal and State laws and regulations.

Attachment A

ETA Regional Administrators: January 2005

Region 1—Boston/New York

Douglas Small, Regional Administrator, U.S. Department of Labor/ETA, JFK Federal Building, Room E-350, Boston, Massachusetts 02203, (617) 788-0170, Fax: (617) 788-0101, *Small.Douglas@dol.gov*.

Region 2—Philadelphia

Lenita Jacobs-Simmons, Regional Administrator, U.S. Department of Labor/ETA, The Curtis Center, 170 South Independence Mall West, Suite 825 East, Philadelphia, Pennsylvania 19106-3315, (215) 861-5205, Fax: (215) 861-5205, *Jacobs-simmons.lenita@dol.gov*.

Region 3—Atlanta

Helen Parker, Regional Administrator, U.S. Department of Labor/ETA, Atlanta Federal Center, Rm. 6M12, 61 Forsyth Street, SW., Atlanta, Georgia 30303, (404) 562-2092, Fax: (404) 562-2149, *parker.helen@dol.gov*.

Region 4—Dallas/Denver

Joseph C. Juarez, Regional Administrator, U.S. Department of Labor/ETA, Federal Building, Rm. 317, 525 Griffin Street, Dallas, Texas 75202, (214) 767-8263, Fax: (214) 767-5113, *Juarez.joseph@dol.gov*.

Region 5—Chicago/Kansas City

Byron Zuidema, Regional Administrator, U.S. Department of Labor/ETA, 230 S. Dearborn Street, Rm. 628, Chicago, Illinois 60604, (312) 596-5400, Fax: (312) 596-5401, *Zuidema.byron@dol.gov*.

Region 6—San Francisco/Seattle

Richard Trigg, Regional Administrator, U.S. Department of Labor/ETA, 71 Stevenson Street, Rm. 830, San Francisco, California 94119-3767, (415) 975-4610, Fax: (415) 975-4612, *trigg.richard@dol.gov*.

Name of WIA Title I Grant Recipient Agency: _____

Attachment B

Program Administration Designees and Plan Signatures

Name of WIA Title I Grant Recipient Agency: _____

Address: _____

Telephone Number: _____

Facsimile Number: _____

E-mail Address: _____

Name of State WIA Title I Administrative Agency (if different from the Grant Recipient): _____

Address: _____

Telephone Number: _____

Facsimile Number: _____

E-mail Address: _____

Name of WIA Title I Signatory Official: _____

Address: _____

Telephone Number: _____

Facsimile Number: _____

E-mail Address: _____

Name of WIA Title I Liaison: _____
Address: _____

Telephone Number: _____

Facsimile Number: _____

E-mail Address: _____

Name of Wagner-Peyser Act Grant Recipient/State Employment Security Agency: _____

Address: _____

Telephone Number: _____

Facsimile Number: _____

E-mail Address: _____

Name and title of State Employment Security Administrator (Signatory Official): _____

Address: _____

Telephone Number: _____

Facsimile Number: _____

E-mail Address: _____

As the Governor, I certify that for the State/Commonwealth of _____, the agencies and

officials designated above have been duly designated to represent the State/Commonwealth in the capacities indicated for the Workforce Investment Act, title I, and Wagner-Peyser Act grant programs. Subsequent changes in the designation of officials will be provided to the U.S. Department of Labor as such changes occur.

I further certify that we will operate our Workforce Investment Act and Wagner-Peyser Act programs in accordance with this Plan and the assurances herein.

Typed Name of Governor: _____

Signature of Governor: _____

Date: _____

Attachment C

Optional Table for State Performance Indicators and Goals¹

WIA requirement at section 136(b)	Corresponding performance indicator(s)	Previous year performance	Performance goals out-years		
			1	2	3
Adults:					
Entry into Unsubsidized Employment					
6-Months Retention in Unsubsidized Employment					
6-Months Earnings received in Unsubsidized Employment					
Attainment of Educational or Occupational Skills Credential					
Dislocated Workers:					
Entry into Unsubsidized Employment					
6-Months Retention in Unsubsidized Employment					
6-Months Earnings received in Unsubsidized Employment					
Attainment of Educational or Occupational Skills Credential					
Youth Aged 19-21:					
Entry into Unsubsidized Employment					
6-Months Retention in Unsubsidized Employment					
6-Months Earnings received in Unsubsidized Employment					
Attainment of Educational or Occupational Skills Credential					
Youth 14-18:					
Attainment of Basic, Work Readiness and/or Occupational Skills					
Attainment of Secondary School Diplomas/Equivalents					
Placement and Retention in Post-Secondary Education/Training, or Placement in Military, Employment, Apprenticeships					

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WIA requirement at section 136(b)	Corresponding performance indicator(s)	Previous year performance	Performance goals out-years		
			1	2	3
Participant Customer Satisfaction Employer Customer Satisfaction Additional State-Established Measures					

¹ Further guidance, including definitions of specific indicators, will be provided separately.

Attachment D

Local Planning Guidance for Single Workforce Investment Area States

I. Local Plan Submission

Section 118 of the Workforce Investment Act requires that the Board of each local workforce investment area, in partnership with the appropriate chief elected official, develop and submit a comprehensive Local Plan for activities under title I of WIA to the Governor for his or her approval. In States where there is only one local workforce investment area, the Governor serves as both the State and local Chief Elected Official. In this case, the State must submit both the State and Local Plans to the Department of Labor for review and approval. States may (1) submit their Local Plan as an attachment to the State Plan or (2) include these elements within their State Plan, and reference them in an attachment.

The State Planning Guidance on plan modifications and the plan approval process applies to a single workforce investment area State Local Plan, with one addition: The Department will approve a Local Plan within ninety days of submission, unless it is inconsistent with the Act and its implementing regulations, or deficiencies in activities carried out under the Act have been

identified and the State has not made acceptable progress in implementing corrective measures. (§ 112(c).)

II. Plan Content

In the case of single workforce investment area States, much of the Local Plan information required by section 118 of WIA will be contained in the State Plan. At a minimum, single workforce investment area State Local Plans shall contain the additional information described below, and any other information that the Governor may require. For each of the questions, if the answers vary in different areas of the State, please describe those differences.

A. Plan Development Process

1. Describe the process for developing the Local Plan. Describe the process and timeline used to provide an opportunity for public comment, including how local Chief Elected Officials, representatives of businesses and labor organizations, and other appropriate partners provided input into the development of the Local Plan, prior to the submission of the Plan. (§ 118(b)(7).)

2. Include with the local Plan any comments that represent disagreement with the Plan. (§ 118(c)(3).)

B. Services

1. Describe the One-Stop system(s) that will be established in the State.

Describe how the system(s) will ensure the continuous improvement of eligible providers of services and ensure that such providers meet the employment and training needs of employers, workers and job seekers throughout the State. Describe the process for the selection of One-Stop operator(s), including the competitive process used or the consortium partners. (§ 118(b)(2)(A).)

2. Describe and assess the type and availability of youth activities, including an identification of successful providers of such activities. (§ 118(b)(6).)

C. System Infrastructure

1. Identify the entity responsible for the disbursement of grant funds, as determined by the Governor. Describe how funding for areas within the State will occur. Provide a description of the relationship between the State and within-State areas regarding the sharing of costs where co-location occurs. (§ 118(b)(8).)

2. Describe the competitive process to be used to award the grants and contracts in the State for WIA title I activities. (§ 118(b)(9).)

[FR Doc. 05-7159 Filed 4-11-05; 8:45 am]
BILLING CODE 4510-30-P

U.S. Department of Labor

Employment and Training Administration
200 Constitution Avenue, N.W.
Washington, D.C. 20210



JUN 29 2005

The Honorable Dirk Kempthorne
Governor of Idaho
Office of the Governor
700 West Jefferson, 2nd Floor
Boise, Idaho 83720-0034

RE: Idaho's Strategic State Plan for Title I of the Workforce Investment Act
and the Wagner-Peyser Act

Dear Governor Kempthorne:

This letter provides approval of Idaho's Strategic Plan for Title I of the Workforce Investment Act (WIA) and the Wagner-Peyser Act for the two-year period, July 1, 2005 through June 30, 2007. The Employment and Training Administration (ETA) received your State's proposed Plan on May 31, 2005, and appreciates your timely submission. ETA views the strategic planning process under WIA to be a foundational driver for the State's workforce investment system which is key to economic growth. The role of governors in this process is critical, and we thank you for your leadership and that of your State's Workforce Investment Board.

Plan Review and Approval

ETA has reviewed the Idaho Plan, including supplemental information provided to the initial Plan by the State on June 21 and 22, 2005 (hereafter "the Plan"), in accordance with Title I of the Workforce Investment Act, the Wagner-Peyser Act, the corresponding regulations, and the WIA/Wagner-Peyser Act Planning Guidance issued on April 12, 2005. Pursuant to 20 CFR 661.220(e), this letter constitutes a written determination under WIA section 112(c) (29 USC 2822(c)), that the Plan, for the two-year period, July 1, 2005 through June 30, 2007, is consistent with the requirements of WIA and the Wagner-Peyser Act.

The Grant Officer will issue a Notice of Obligation for the "July portion" of the WIA formula allocations (Youth, Adult and Dislocated Worker), effective July 1, 2005, under the current Program Year 2005 Annual Funding Agreement. The Wagner-Peyser Act program grant documents for Program Year 2005/Fiscal Year 2006 were sent to the designated State grantee agency for signature. Upon return the Grant Officer will execute the grant effective July 1, 2005. These Wagner-Peyser Act documents will provide for the initial base allocation of Program Year 2005 funds.

Performance Levels

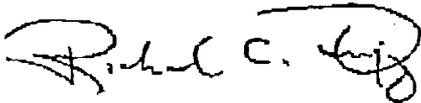
Enclosed are the negotiated Program Year 2005 and 2006 performance levels for WIA which were agreed upon in prior discussions with the Regional Office. These performance levels have been incorporated into the State Plan, and approval of this Plan constitutes formal approval of Idaho's WIA performance levels for Program Years 2005 and 2006.

Waiver Requests

This Plan approval does not include approval of the requests for waivers submitted as part of the Plan. In accordance with 20 CFR 661.220(e)(3) and 661.420(e), the Department has requested additional information required for our determination that the waivers meet the standard for approval. You will soon be receiving a letter from the Assistant Secretary of the Employment and Training Administration advising you of the disposition of these requests.

If you have any questions related to the issues discussed above, please contact Christine Kulick at (202) 693-3045 or kulick.christine@dol.gov, or Todd Yamamoto at (415) 975-4666 or yamamoto.todd@dol.gov.

Sincerely,



Richard C. Trigg
Regional Administrator
Employment and Training
Administration



Gay M. Gilbert
Administrator
Office of Workforce Investment
Employment and Training
Administration

Enclosure

cc: Roger B. Madsen, Director, Idaho Department of Commerce and Labor
Emily Stover DeRocco, Assistant Secretary for Employment and Training
Jack Rapport, Administrator, Office of Field Operations
Christine Kulick, Federal Coordinator for Plan Review and Approval
E. Fred Tello, Grant Officer

WIA Performance Levels for PYs 2005 and 2006

Idaho

	<u>PY 2005</u>	<u>PY 2006</u>
<u>Adult Measures</u>		
Adult entered employment	87.00	87.00
Adult employment retention	84.00	84.00
Adult earnings change	\$3,900.00	\$3,900.00
Adult employment and credential	70.00	73.00
<u>Dislocated Worker Measures</u>		
Dislocated worker entered employment	90.00	90.00
Dislocated worker employment retention	91.00	91.00
Dislocated worker earnings change	(\$1,500.00)	(\$1,500.00)
Dislocated worker employment and credential	72.00	74.00
<u>Older Youth Measures</u>		
Older youth entered employment	83.00	83.00
Older youth employment retention	89.00	89.00
Older youth earnings change	\$3,094.00	\$3,094.00
Older youth credential	58.00	59.00
<u>Younger Youth Measures</u>		
Younger Youth Skill Attainment	92.00	92.00
Younger youth diploma	77.00	77.00
Younger youth retention	78.00	78.00
<u>Customer Satisfaction Measures</u>		
Participant ACSI	85.00	85.00
Employer ACSI	85.00	85.00

Region 5

consideration along with all other proposals and an evaluation of those proposals. The Council also voted to recommend to Governor Kempthorne that, if local funds were made available to fully support the cost of the WIB's and their staff, local elected officials be allowed to retain their local boards under the new structure.

After careful consideration of the issues presented, Governor Kempthorne designated two regions, the special eastern Idaho district known as region VI and the Balance of the State, for the life of the five-year plan. At the same time, the State will recognize the existing local WIBs in the substate regions and solicit their advice if local elected officials choose to maintain them using other state or local funds.



3. *Describe the appeals process used by the State to hear appeals of local area designations referred to in §§112 (b)(5) and 116(a)(5).*

Denial of Automatic or Temporary and Subsequent Designation

A unit of general local government or grant recipient may appeal the denial of a request for automatic or temporary and subsequent designation as a local workforce investment area under sections 116(a)(2) or 116(a)(3) of the Workforce Investment Act.

All such appeals shall be in writing and be filed within twenty (20) calendar days of the date the denial letter was mailed by the Governor or the Governor's designee. The appeal must include all factual and legal arguments as to why the appeal should be granted. The appeal shall be filed with the Chair of the State Council, Idaho Department of Commerce and Labor, Workforce Systems Bureau, 317 West Main Street, Boise, Idaho 83735. The Chair of the State Council, or the Chair's designee, shall promptly acknowledge receipt of the appeal.

The workforce areas designated in this plan will continue while the appeal is in progress and will be modified should the initial denial of designation be overturned.

(a) Appeal to the State Council

The appeal shall be deemed timely filed if it is received by the Chair of the State Council within the 20-day period, unless the appeal is filed by mail, in which case the official postmark affixed by the U. S. Postal Service shall be deemed to be the date of filing. Any appeal that is filed late shall be summarily dismissed.

The Chair of the State Council will select a hearing officer. The appeal shall be heard by the hearing officer not more than thirty (30) days after the appeal was filed. With the consent of the appealing party, the hearing may be held after the 30-day period, but in no case shall the hearing be conducted more than sixty (60) days after the appeal was filed.

The hearing officer shall inform the appellant of the date, time, and place of the hearing by written notice mailed at least ten (10) calendar days in advance. The appellant shall have the right to present testimony and documentary evidence, to offer evidence in rebuttal, to present oral argument and to be represented by legal counsel. All testimony received by the hearing officer shall be under oath or affirmation. If the appellant retains legal counsel, federal WIA funds cannot be used for remuneration.

An appellant must establish that it is entitled to either automatic or temporary and subsequent designation as a local area under sections 116(a)(2) or 116(a)(3) of the Workforce Investment Act.

Within fifteen (15) days of the hearing, the hearing officer shall issue a recommended decision, which shall include findings of fact, recommendations, and the basis therefore. That decision shall be mailed to the appealing party. The hearing officer shall file a copy of the recommended decision with the Chair of the State Council.

The recommended decision of the hearing officer shall be placed on the agenda of the next Council meeting for disposition; however, if no council meeting is scheduled within forty-five (45) days of the date the decision was issued, a special meeting of the Council, or a Committee designated by the Chair, shall be conducted within that 45-day period to accept, reject, or modify the hearing officer's recommended decision.

In its deliberations, the Council shall consider only the evidence presented to the hearing officer. The Council shall not receive or consider any evidence not presented to the hearing officer. The decision of the Council shall be reduced to writing and be mailed to the Governor and the appealing party. The decision must set out in summary fashion the Council's findings and conclusions. The Council may adopt, in whole or in part, the findings of fact, recommendations, and rationale of the hearing officer.

(b) Appeal to USDOL

If a timely appeal of the decision does not result in the requested designation, the unit of general local government or grant recipient may further appeal the designation decision to the U.S. Secretary of Labor within thirty (30) days after receipt of the Council's written decision. The appeal to the Secretary must be consistent with the requirements of the Workforce Investment Act. The Secretary, after receiving a request for review and upon determining that the entity was not accorded procedural rights under the appeal process established in the State Plan, or that the area meets the requirements of Section 116(a) paragraph (2) or (3), as appropriate, may require that the area be designated as a local area.

- B. *Local Workforce Investment Boards -- Identify the criteria the State has established to be used by the chief elected official(s) in the local areas for the appointment of local board members based on the requirements of section 117. (§§112(b)(6) and 117(b).)*

The certification package (Attachment 8) is included at this time and will be used, to the extent possible, to direct activities during PY'2005. Because local boards will no longer "administer" WIA funds, the Council will consider alternative structures proposed by local elected officials in those areas. A map of the two areas and the substate regions may be found in Attachment 7.

- C. *How will your State build the capacity of Local Boards to develop and manage high performing local workforce investment system? (§§111(d)(2) and 112(b)(14).)*

With the shift to a statewide structure, this will not be applicable effective July 1, 2005.

- D. *Local Planning Process -- Describe the State mandated requirements for local workforce areas' strategic planning. What assistance does the State provide to local areas to facilitate this process, (112(b)(2) and 20 CFR 661.350(a)(13).) including*
1. *What oversight of the local planning process is provided, including receipt and review of plans and negotiation of performance agreements? And*

The attached guidance was provided to local areas for the PY'05 planning year (see Attachment 9 for WIAB-08-04 and Attachment 10 for the Local Planning Guidance). The state asks for major modifications by April 1 in draft with final plans due May 15th. Minor



JUL 14 2005

Mr. John A. McAllister
Deputy Director
Idaho Department of Commerce and Labor
317 West Main Street
Boise, ID 83735

Dear Mr. McAllister:

This letter is in response to a number of points of clarification your office requested regarding the Idaho Two Years of the Strategic Five-Year Plan for Title I of the Workforce Investment Act (WIA) of 1998 and the Wagner-Peyser Act. The specific points of clarification are listed below along with the Employment and Training Administration's response:

Confirm that the original Year 2000 Five Year Plan expired June 30, 2005.

Response: The Department of Labor's (DOL) April 12, 2005, Federal Register notice, "Planning Guidance and Instructions for Submission of Two Years of the Strategic Five-Year State Plan for title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act," clearly states that the prior five year plans expired on June 30, 2005. (70 Fed. Reg. 19206 (April 12, 2005.))

Confirm that optional, temporary and subsequent workforce area designations in the Program Year (PY) 2000 Five Year Plan also expired June 30, 2005.

Response: The DOL PY2005 planning guidelines (referenced above) clearly requires states to designate local workforce investment areas for PY 2005 – 2006, and provides that the subsequent designation period for areas designated in the prior five year plan has ended. 70 Fed. Reg. at 19213 (Sec. VII., A,1.).

Confirm that temporary and subsequent workforce area designations were only available in the PY 2000 Plan.

Response: It is DOL policy that the period of subsequent designation under WIA sec. 116(a)(3) extended until the end of the period covered by the prior state plan. The law contains no provision mandating temporary and subsequent designation following the expiration of the prior plan.

Confirm that the PY2000 Five Year Plan could not be extended after June 30, 2005 and why the PY 2000 Plan cannot be extended.

Response: 20 CFR 661.220(b) provides that state workforce investment plans must be submitted in accordance with DOL planning guidelines. The planning guidelines for PY 2005 – 2006, (cited above) required new strategic plans addressing new national priorities and meeting new content requirements. It did not provide an option to extend existing plans.

Confirm that Workforce Investment Act (WIA)/Wagner Peyser funds can not be drawn down from the Federal Treasury unless expended in accordance with the approved Plan.

Response: The WIA Program Annual Funding Agreement, which includes the Notice of Obligation (NOO) that the state must sign and return to the Grant Officer to receive the state's allotment of Federal WIA and Wagner-Peyser funds includes the following statement:

“Funds provided under this grant agreement must be expended in accordance with all applicable federal statutes, regulations and policies, including those of the Workforce investment Act; **the applicable approved State WIA plan including approved modifications and amendments to the plan, and any waiver plan approved under 20 CFR 661.420 (emphasis added)**”

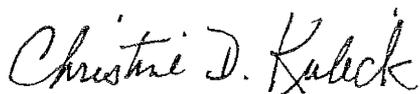
A copy of that document is attached.

Clarify the scope of the appeals process.

Response: State appeal issues should be handled in accordance with the procedures for appeals provided in the state plan. Minimum standards for such procedures are set forth at 20 CFR 667.640(a). The standards for federal review of a final state decision are at 20 CFR 661.280 and 667.645. One component of the federal review is whether the local area was accorded procedural rights under the appeal process.

I hope that these responses adequately clarify the issues identified. Please do not hesitate to contact me in the future if further clarification related to the State Plan or waiver requests arise.

Sincerely,



Christine D. Kulick
Federal Coordinator for Plan Review and Approval

attachment

**WORKFORCE INVESTMENT ACT (WIA) PROGRAM
ANNUAL FUNDING AGREEMENT – PY2005
(& Initial Notice of Obligation)**

Grant/Agreement No. AA -
(To be completed by DOL)

1. **Parties.** Pursuant to the Governor/Secretary Agreement provided for at 20 CFR 667.110 and 20 CFR 667.105, this grant agreement is entered into between the U.S. Department of Labor, Employment and Training Administration (Grantor) and the **STATE/COMMONWEALTH of** (Grantee).
2. **Grant Funds.** This grant agreement applies to funds appropriated for **Program Year (PY) 2005** for WIA Title I, State formula-funded Youth, Adult and Dislocated Worker programs.
3. **Applicable Authority.** Funds provided under this grant agreement must be expended in accordance with all applicable federal statutes, regulations and policies, including those of the Workforce Investment Act (*as presently in effect and as may become effective during the terms of this Agreement*); the applicable approved State WIA plan including approved modifications and amendments to the plan, and any waiver plan approved under 20 CFR 661.420 or Workforce Flexibility (Workflex) plan approved under 20 CFR 661.430; the negotiated performance levels and policies established pursuant to the Secretary’s authority under the transition provisions at WIA Section 506 (a); and the applicable provisions in the appropriations act(s).
4. **Grant Period.** This grant agreement is effective April 1, 2005 (required for Youth Program allocations only) and expires June 30, 2008. Commencement of expenditures is subject to the issuance of federal obligation authority.
5. **Notice of Obligation.** Funds shall be obligated and allocated via a Notice of Obligation (NOO). Obligations and costs may not exceed the amount obligated by the NOO unless otherwise modified by the Grantor. This agreement document will also serve as the initial PY 2005, Notice of Obligation. Funds are hereby obligated for the amount indicated below in accordance with the Grantee’s approved funding level (Note: If amount is blank, level of entitlement will be inserted at time of execution). This paragraph will be amended by the Grant Officer to increase (or adjust) amounts available to the State as funds become available for obligation and additional Notice of Obligation grant modifications are issued.

Notice Of Obligation

<u>Program</u>	<u>Amount</u>	<u>PMS Document #</u>
WIA Youth/Adult/Dislocated Workers Formula Combined, PY 2005		--
WIA Youth Formula Grants – States CFDA 17.259		AA

6. **Electronic Fund Transfers.** Cash payments shall be made to the Grantee under the Department of Health and Human Services (HHS) Payment Management System (PMS).

7. **Certifications and Assurances.** The following are incorporated by reference and attachment and are a part of this agreement:

- CERTIFICATION REGARDING LOBBYING
(29 CFR Part 93)
- DRUG-FREE WORKPLACE REQUIREMENTS CERTIFICATION
(29 CFR Part 98)
- NONDISCRIMINATION AND EQUAL OPPORTUNITY ASSURANCE
(29 CFR Part 37)
- CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS-- PRIMARY COVERED TRANSACTIONS
(29 CFR Part 98)
- STANDARD FORM 424B STANDARD ASSURANCES (NON CONSTRUCTION PROGRAMS)

8. **Buy American Notice Requirement.** It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under the Workforce Investment Act should be American made. See WIA Section 505--Buy American Requirements.

9. **Signatory Information.** By signing below, the signatories agree to the terms and conditions of this agreement on behalf of their respective agencies indicated below.

GRANTEE:

(State/Commonwealth)

_____	TAX EIN# _____
Agency Name	
_____	PMS EIN# _____
Address	
_____	PMS PIN# _____
	DUNS# _____

BY: _____

Governor/Authorized Representative (Print name)	Signature _____	Date _____
	Email Address _____	

FOR GRANTOR: U.S. Department of Labor/Employment and Training Administration
200 Constitution Ave NW; Room N 4438; Washington, DC 20210

_____	Signature	Date
E. FRED TELLO Grant Officer		

Attachment A

Grant Modification #1 Addendum
to the WIA PY 2005 Annual Funding Agreement Clauses:

Clause 8a. Veteran's Priority Provisions: This program is subject to the provisions of the "Jobs for Veterans Act", Public Law 107-288, which provides priority of service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services in any job training program directly funded, in whole or in part, by the Department of Labor. Please note that, to obtain priority service, a veteran must meet the program's eligibility requirements. ETA Training and Employment Guidance Letter (TEGL) No. 03 (September 16, 2003) provides general guidance on the scope of the veterans priority statute and its effect on current employment and training programs. DOL anticipates updating this guidance at the time of WIA reauthorization and issuing individual guidance on each affected employment and training program.



WORKFORCE DEVELOPMENT COUNCIL

317 Main Street
Boise, ID 83735-0790

December 8, 1998

MEMORANDUM

TO: Philip E. Batt, Governor

FROM: Karen A. McGee, Chair
Workforce Development Council *Karen A. McGee*

SUBJECT: Workforce Investment Area Designation

ACTION REQUESTED: Approve Workforce Development Council's recommendation presented below regarding Workforce Investment Area designation

APPROVED:

Philip E. Batt

PHILIP E. BATT, Governor

12/10/98

Date

Background:

In order for a State to receive funds under the Workforce Investment Act, the State must designate local Workforce Investment Areas. The Workforce Investment Act outlines a process for designating local areas. Each Governor, after consulting with the Workforce Development Council, local elected officials and the general public, designates the Workforce Investment Areas within the State.

At its September 29, 1998 meeting, the Workforce Development Council developed a process for soliciting and reviewing applications for Workforce Investment Area designation. This process emphasized the importance of involving local elected officials and providing opportunities for public input. Because of financial constraints, priority was given to applications from consortia of local governments that promote coordinated regional service delivery and demonstrate cost effectiveness.

In early October, your office issued a request for applications for local Workforce Investment Area designation. Applications were submitted from consortia of local elected officials from each of the State's six planning areas. No other proposals were submitted. At its November 23, 1998 meeting, the Workforce Development Council reviewed the applications. The Council agreed that each application was complete and complied with the designation criteria established

428

by the Council. It is important to note that the Southwest Idaho area qualifies for temporary mandatory designation under the provisions of the Workforce Investment Act.

Throughout the application process, the Council has had extensive discussions regarding the amount of resources available to support administrative functions. The Workforce Investment Act reduces the amount of administrative funds currently available under JTPA. The Council strongly supports local decision-making, but not the creation of separate and duplicative administrative systems. This concern becomes crucial as grant recipients are designated to administer local funds.

Once a Governor designates a Workforce Investment Area, the Act gives authority to the local elected officials to select the grant recipient for the local area. The local elected officials may choose to serve as the local grant recipient for administration of Workforce Investment Act funds and assume the liability for any misuse of these funds, or request and reach agreement with the Governor for the Governor to assume this role. The Council is encouraging local elected officials to postpone decisions regarding the designation of a grant recipient for these funds until after federal regulations are issued in February 1999. The regulations will define allowable administrative costs and will further clarify local administrative requirements, enabling local elected officials and the Governor to make more informed decisions regarding administrative systems.

The Council is recommending that the Workforce Investment Act funds for all areas be administered by a single entity for maximum efficiency and cost effectiveness. In the application for designation from Southwest Idaho, the local elected officials indicated that they intend to serve as the local grant recipient. While the Council acknowledges the local elected officials of the Southwest Idaho area may make this choice and create a separate administrative system, the Council recommends that the area be encouraged to participate in a single administrative system.

Council Recommendation: The Workforce Development Council recommends that the six applications submitted for Workforce Investment Area designation be approved as having met the stated requirements. We further recommend that the Workforce Investment Act funds be administered by a single entity for maximum efficiency and cost effectiveness.

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CAROL LYNN BRASSEY
EVELYN THOMAS
CRAIG G. BLEDSOE
ANNE BAKER WILDE
Deputy Attorneys General
Idaho Department of Commerce and Labor
317 W. Main Street
Boise, ID 83735
Telephone: (208) 332-3570 x 3232
ISB No. 3431

Attorneys for Idaho Department of Commerce & Labor

BEFORE THE STATE WORKFORCE DEVELOPMENT COUNCIL

In the matter of the Local Workforce)
Investment Area Designation Appeals of:)
PANHANDLE AREA COUNCIL;)
CLEARWATER ECONOMIC)
DEVELOPMENT ASSOCIATION;)
SAGE COMMUNITY RECOURSES;)
REGION IV DEVELOPMENT)
ASSOCIATION;)
and)
SOUTHEAST IDAHO COUNCIL OF)
GOVERNMENTS, INC.;)
Appellants.)

Case No. _____

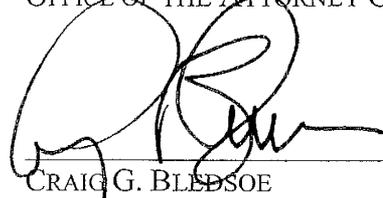
NOTICE OF APPEARANCE

NOTICE IS HEREBY GIVEN that Craig G. Bledsoe, Deputy Attorney General, does hereby appear as attorney of record for the Idaho Department of Commerce and Labor in the above entitled matter. The Idaho Department of Commerce and Labor is an interested party and

intends to appear and present evidence at the administrative hearing in support of the Governor's denial of Appellants' request for designation as local workforce investment areas under the current, federally approved Workforce Investment Act State Plan.

Dated this 22 day of July, 2005.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL



CRAIG G. BLEDSOE
Deputy Attorney General
Idaho Department of Commerce and Labor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22 day of July, 2005, I caused a true and correct copy of the foregoing to be served by the method indicated below, and addressed to the following:

Starr Kelso
Attorney at Law
PO Box 1312
Coeur d'Alene, ID 83816-1312
Fax: (208) 664-6261

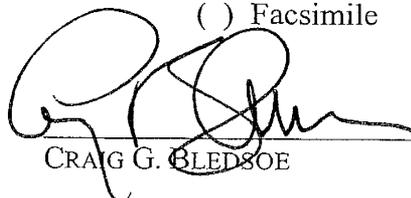
U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Facsimile

Wanda Keefer
Clearwater Economic Development Assoc.
1626 6th Ave. North
Lewiston, ID 83501
Fax: (208) 746-0576

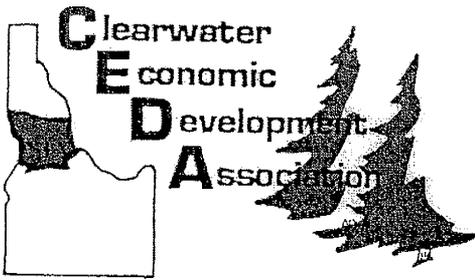
U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Facsimile

Michael Brauser
3810 Kinsale Lane SE
Olympia, WA 98501

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Facsimile



CRAIG G. BLEDSOE



1626 6th Ave. North
Lewiston, Idaho 83501
(208) 746-0015
Fax (208) 746-0576

July 22, 2005

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, Idaho 83735-0790

Re: Your Amended Notice of Hearing and Consolidation of Administrative Hearings
Objection To Hearing Notice and Issues
Objection to Hearing Officer/Motion to Disqualify Hearing Officer
Objection to Rules of Procedure Designation

Dear Chair McGee:

Receipt of your July 19, 2005 Amended Notice of Hearing and Consolidation of Administrative Appeals is acknowledged.

The process procedure, hearing officer, and limitation of issue(s) set forth in said correspondence are objected to and appealed.

These objections include, but are not limited to, the following:

1. The hearing date and time are objected to. They provide inadequate time within which to prepare exhibits, provide for witness availability, documentary evidence and briefing of issues. Further, the date of August 1, 2005, was selected without regard to the schedules of those representing Region II. Given that we no longer have WIA staff and cannot afford legal representation, I am sole representative, and I have had another commitment on August 1 that has been in place for eight months;
2. The location of the hearing is objected to. Since the appeals of Regions I, III, IV and V have been consolidated with the appeal of Region II, we believe it appropriate to hold that appeal in Region II, specifically Lewiston, Idaho.
3. The designated hearing officer, Michael Brauser, is objected to. As a consultant to the Idaho Department of Commerce and Labor (ICL), he is financially dependent upon ICL. In addition, as the author of "Moving to a Demand Driven Approach: Blurring the Lines between Workforce and Economic Development: A Case Study of Idaho," he has shaped the current ICL position and is

predisposed toward single agency delivery. His published work demonstrates a lack of comprehension of the value of local elected officials to the workforce training decision-making process.

4. The limitation of the issue(s) to be heard at the hearing is arbitrary and capricious and objected to. The hearing should encompass all issues set forth in the appeal demands and encompass both the 2000 Plan issues as well as the 2005 Plan issues;
5. Limiting the appeals procedure to that outlined in Section VIII (A)(3) of the 2005 Plan is objected to as the appeal involves issues under both the 2000 Plan and the 2005 Plan;
6. The failure of the Workforce Development Council to appoint or fund legal counsel to represent Region II is objected to. The Region, as the Council is aware, does not have funds to retain the necessary assistance of counsel to properly present its issues, witnesses and arguments on its behalf. The Council must appoint independent counsel or provide funding to the Region to obtain legal representation. Moreover, Region II incurred travel costs for the hearing scheduled for July 18 which was then cancelled. An invoice is attached requesting reimbursement of those costs in the amount of \$310.00.

Here in Region II, we are anxious to finally have an opportunity for our voices to be heard. The process and hearings officer you described in your July 19 letter will not present us with that opportunity. Thus, we provide the objections detailed above.

Sincerely,

Wanda Keefer
Wanda Keefer
Executive Director

CERTIFICATE OF MAILING

I hereby certify that the original of this OBJECTION was deposited in the United States Mail, postage prepaid, this 22th day of July, 2005.

Jenni Schecker

INVOICE

Billed to:
Idaho Department of
Commerce and Labor

Project:
Redesignation
of Region II

Invoice Date: 07/18/05
Customer #: ICL-01

Contact:
Cheryl Brush/Karen McGee

Invoice #: 05-07001

DESCRIPTION		AMOUNT
Travel to Boise for appeal hearing on July 18, which was subsequently cancelled		\$ 310.00
	NET INVOICE:	\$ 310.00
	INVOICE TOTAL:	\$310.00

Wanda

From: Alaska/Horizon Airlines [Alaska.IT@AlaskaAir.com]
Sent: Wednesday, July 06, 2005 12:54 PM
To: wkeefe@lewiston.com
Subject: Alaska Airlines/Horizon Air Confirmation Letter for 7/17/05

Thank you for choosing Alaska Airlines / Horizon Air!

For questions, changes or cancellations on an Alaska Airlines or Horizon Air purchased or Mileage Plan award ticket, please call 1-800-ALASKAAIR (1-800-252-7522) for Alaska Airlines, or 1-800-547-9308 for Horizon Air. (If calling from Mexico, precede these telephone numbers with 001.)

For questions, changes, or cancellations on an American Airlines, British Air, Continental Airlines, Delta Airlines, Hawaiian Airlines, KLM or Northwest Airlines Partner Award ticket, please call the Partner Desk at 1-800-307-6912.

Confirmation Code: JLWXMD

Name: KEEFER/WANDA
Ticket Number: 027-2126081430
Base Fare: 275.34
Tax: 34.66
Total: 310.00
Mileage Plan: Alaska Airlines #*****370

REMINDERS AND RESTRICTIONS

This electronic ticket is not transferable. This ticket is non-refundable. If you choose to change your itinerary, any fare increases and a change fee will be collected at that time.

PAYMENT INFORMATION

The amount of \$310.00 (USD) was charged to the MasterCard *****9807 held by CLEARWATER ECON DEV on 7/6/2005, using electronic ticket number 027-2126081430. This document is your receipt.

ITINERARY

July 17 2005

Alaska Airlines 2204, operated by HORIZON AIR
Check-in with HORIZON AIR
Depart: Lewiston, ID at 6:25 PM
Arrive: Boise, ID at 8:20 PM
Seats: 3A

July 18 2005

Alaska Airlines 2198, operated by HORIZON AIR
Check-in with HORIZON AIR
Depart: Boise, ID at 6:05 PM
Arrive: Lewiston, ID at 6:00 PM
Seats: 6A

BAGGAGE

Each ticketed passenger is allowed free of charge two checked bags and only one carry-on bag plus one personal item, such as a purse, briefcase, or laptop computer. The carry-on bag can measure up to 10" high, 17" wide, and 24" long (25 x 43 x 60 cm). The free weight

allowance per bag is 50 pounds per piece of checked baggage. Visit <http://www.alaskaair.com/www2/help/faqs/CheckedBaggage.asp> to read our full baggage policy.

CHECK-IN INFORMATION

Save time when you check in on the Web at www.alaskaair.com. You may also check in when you arrive at the airport at an Instant Travel Machine or at the ticket counter. Baggage may be checked at the ticket counter, or, where available, via an Instant Travel Machine. Please have this document or your confirmation code available. Check in using Web Check-In (<http://www.alaskaair.com/www2/it/WCI.asp>) or an Instant Travel Machine (<http://www.alaskaair.com/www2/it/ITM.asp>), it's fast and easy!

To accommodate everyone wishing to travel on your flight, you must be checked-in and available to board at the designated boarding gate at least 30 minutes before scheduled departure for domestic or international flights, except on 2000 series flights between Seattle/Portland, which require only 20 minutes. Failure to do so may cause the cancellation of reserved seats and cancellation of the entire reservation.

Picture identification, such as a driver's license or passport, is required to board the aircraft. For Canada and Mexico, proof of citizenship is required. A Notarized Letter of Consent for travel to/from Mexico or Canada is necessary for children under 18 when not traveling with both legal parents. Visit www.alaskaair.com/www2/help/faqs/Travel_Documents.asp or call 1-800-252-7522 for details.

CHANGE OF PLANS

Refund and change options are available online at alaskaair.com for select reservation types. For information on select reservation types, see the View/Change a Reservation page under the Air, Car & Hotel tab at alaskaair.com.

For further assistance with refunds or changes on all other reservations, contact 1-800-ALASKAAIR (1-800-252-7522) for Alaska Airlines or 1-800-547-9308 for Horizon Air. Please have your confirmation code ready for the Reservations Agent. Note: If calling from Mexico, precede these telephone numbers with 001.

For questions, changes, and cancellations on a Partner Award itinerary, please call the Partner Desk at 1-800-307-6912.

Refunds for qualifying tickets may be obtained by calling the appropriate toll-free number listed above or by applying at any ticket counter location.

Please review U.S. Department of Transportation Consumer Notices regarding your consumer rights and limitations of liability at: www.alaskaair.com/www2/help/faqs/ConsumerNotices.asp or simply obtain a copy when checking in.

DIRK KEMPTHORNE
GOVERNOR



Karen A. McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

July 21, 2005

Wanda Keefer
Clearwater Economic Development Association
1626 6th Ave. North
Lewiston, ID 83501

Dear Ms. Keefer:

Re: July 19, 2005 letter—Amended Notice of Hearing

I have been advised that you will be unavailable to attend the hearing scheduled for Monday, August 1, 2005, at 1:30 p.m. in Boise.

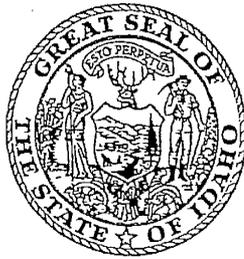
Since Clearwater Economic Development Association (CEDA) is the actual appealing party, either you or another representative of CEDA needs to be available, either in person or by telephone, to represent CEDA. Please follow the pre-hearing orders that were included in your Notice of Hearing letter and give timely notice to the hearing officer if you, another CEDA representative and any of CEDA's witnesses will be appearing by telephone.

Thank you for your cooperation.

Sincerely,


Karen A. McGee
Chair

cc: Michael Brauser



WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

NOTICE OF ADDITIONAL TIME REQUIRED FOR RESPONSE TO REQUEST FOR EXAMINATION/COPYING OF COUNCIL RECORDS

July 21, 2005

To: Starr Kelso
Attorney at Law
P.O. Box 1312
Coeur d'Alene, ID 83816-1312

On July 18, 2005, we received your request for:

1. A copy of all documents attached to Emily Stover DeRocco's letter dated June 30, 2005 to Governor Dirk Kempthorne regarding approval of requested waivers;
2. A copy of any communications from or to either the Chair or Vice Chair of Idaho's Workforce Development Council (or their representatives or agents) and the office of Governor Kempthorne, regarding WIA grant funds, between March 25, 2005 and July 13, 2005;
3. A copy of the minutes of any Workforce Development Council meeting held during March, April, May, and June, 2005;
4. A copy of any communications from or to the Chair or Vice Chair and the Idaho Association of Commerce and Industry and the Idaho State Department of Administration regarding WIA grant funds, between January 1, 2005 and July 13, 2005;
5. A copy of any communications from or to the Idaho Workforce Council and any representative of the U.S. Department of Labor, between March 1, 2005 and July 13, 2005, regarding WIA grant funds pertaining to the 2005 proposal;
6. A copy of all documents regarding all MOU negotiations to operate under the 2005 plan, between January 1, 2005 and July 13, 2005, to or from the Idaho Workforce Council and any entity; and

7. A copy of all documents in the possession or control of the Idaho Workforce Council, between February 1, 2005 and present, (not requested above in 1-5) that regard WIA grant funds pertaining to the 2005 proposal.

The public records you requested to examine and/or copy are not immediately available. A longer period of time is needed to locate or retrieve the public records requested. A response shall be made by the Council within ten (10) working days of the received date of your request.

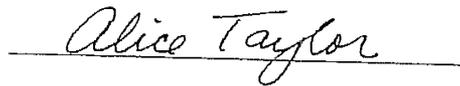
Sincerely,



Karen A. McGee, Chair
Workforce Development Council

CERTIFICATE OF MAILING

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 21st day of July, 2005.



STARR KELSO
 Attorney at Law, ISB #2445
 Starr Kelso Law Offices, Chartered
 1621 N. Third Street, Suite 600
 PO Box 1312
 Coeur d'Alene, ID 83816-1312
 (208) 765-3260
 (208) 664-6261 - Fax

Attorney for Appellants

WORKFORCE DEVELOPMENT COUNCIL

In Re: Appeals of Regions I, III, IV, and V	)	CASE NO. _____
consolidated for hearing purposes)	
)	
Appellants.)	
)	
	)	MOTION FOR
	)	DISQUALIFICATION OF
	)	MICHAEL BRAUSER
)	
_____)	

COMES NOW the above named Appellants, by and through their attorney of record, and hereby move that the appointed hearing officer, Michael Brauser, be disqualified for cause.

The basis of this Motion is that the appointed hearing officer, Michael Brauser, currently acts as a consultant to federal and state Workforce entities and has just recently been under contact with the Idaho Department of Commerce and Labor which is in practical effect an adverse party to each respective Appellant's appeal in this matter.

In his role as a consultant for hire by the U.S. Department of Labor and the Idaho Department of Commerce and Labor not only would a decision in this matter favorable to any of the respective Appellants reasonably be seen as detrimental to Mr. Brauser's ability

to obtain a future consulting jobs with both the U.S. Department of Labor and the Idaho Departments of Commerce and Labor but also other states interested in attempting to take actions similar to the actions taken by the State in each of these respective appeals.

Under Idaho's Code of Judicial Conduct Canon 3(E)(1) Disqualification rules and commentary it is unequivocal that a judge should disqualify himself in a proceeding if the judge's impartiality might reasonably be questioned because of an association and/or the judge is known to have more than a de minimus interest that could be substantially affected by the proceeding. Under Cannon 4, Mr. Brauser's active consultation business and frequent or continuous transactions/business dealings with the U.S. Department of Labor and the Idaho Department of Commerce and Labor preclude him from acting as the hearing officer. Michael Brauser should be disqualified from acting as a hearing officer in these appeals. Certainly a hearing officer with no past, present or future relationship with the U.S. Department of Labor and the Idaho Department of Commerce and Labor can be agreed upon. There is no necessity for such a reasonably questionable appointment.

DATED this 21st day of July, 2005.



STARR KELSO
Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents was:

- Mailed by depositing in the United States Mails, postage prepaid;
- Hand-Delivered;
- Transmitted Via FAX.
- Fed Ex

this 21st day of July, 2005, to the following individual(s):

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790
Fax: (208) 334-6300

Michael Brauser
Fax: (208) 947-0049

BY: _____



STARR KELSO
 Attorney at Law, ISB #2445
 Starr Kelso Law Offices, Chartered
 1621 N. Third Street, Suite 600
 PO Box 1312
 Coeur d'Alene, ID 83816-1312
 (208) 765-3260
 (208) 664-6261 - Fax

Attorney for Appellants

WORKFORCE DEVELOPMENT COUNCIL

In Re: Appeals of Regions I, III, IV, and V	)	CASE NO. _____
consolidated for hearing purposes)	
)	
Appellants.)	
)	
	)	AFFIDAVIT OF STARR
	)	KELSO REGARDING
	)	MICHAEL BRAUSER
)	
_____)	

COMES NOW Starr Kelso and after first being duly sworn upon oath hereby states:

1. I am counsel for Regions I, III, IV and V in this appeal and I make this Affidavit based upon my own personal knowledge;
2. That the basis for the Motion to Disqualify Michael Brauser as hearing officer is his vocation as a consultant with recent hire by the U.S. Department of Labor as well as the Idaho Department of Commerce and Labor as set forth in the Motion to Disqualify;
3. That upon consultation with representatives of the respective Regions I, IV and V it is unequivocal that there is reasonable knowledge and concern that Mr. Brauser's past intimate relations with the U.S. Department of Labor and the Idaho Department of

CERTIFICATE OF SERVICE

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this 21st day of July, 2005, to the following individual(s):

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790
Fax: (208) 334-6300

Michael Brauser
Fax: (208) 947-0049

BY: _____

Stauden

STARR KELSO
 Attorney at Law, ISB #2445
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 1621 N. Third Street, Suite 600
 PO Box 1312
 Coeur d'Alene, ID 83816-1312
 (208) 765-3260
 (208) 664-6261 - Fax

Attorney for Appellants

WORKFORCE DEVELOPMENT COUNCIL

In Re: Appeals of Regions I, III, IV, and V	)	CASE NO. _____
consolidated for hearing purposes)	
)	
Appellants.)	
)	
	)	MOTION FOR ISSUANCE
	)	OF SUBPOENAS AND
	)	OBJECTION TO PRIOR
	)	DENIAL
_____)	

COMES NOW the above named Appellants by and through their counsel and move for the issuance of subpoenas and object to the prior denial.

The basis of this Motion and Objection is that even VIII(3)(a) of the 2005 plan, which is not conceded as being controlling, specifically provides that:

“The Appellant shall have the right to present testimony and documentary evidence, to offer evidence in rebuttal, to present oral argument and to be represented by legal counsel.”

The refusal or failure to provide subpoenas as requested effectively violates the very “right” specifically given to Appellants to present testimony and as such violates Appellants

procedural and substantive due process rights to a fair and complete hearing on the merits. Indeed the necessity of the use of subpoenas is highlighted by the refusal or failure of Chair McGee to respond to Public Records Requests.

DATED this 21st day of July, 2005.



STARR KELSO
Attorney at Law

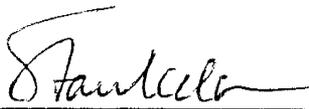
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents was:

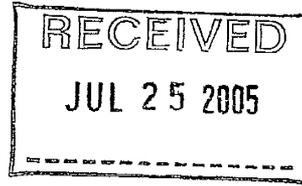
- Mailed by depositing in the United States Mails, postage prepaid;
- Hand-Delivered;
- Transmitted Via FAX.
- Fed Ex

this 21st day of July, 2005, to the following individual(s):

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790
Fax: (208) 334-6300

BY: 

STARR KELSO
Attorney at Law, ISB #2445
Starr Kelso Law Offices, Chartered
1621 N. Third Street, Suite 600
PO Box 1312
Coeur d'Alene, ID 83816-1312
(208) 765-3260
(208) 664-6261 - Fax



Attorney for Appellants

WORKFORCE DEVELOPMENT COUNCIL

In Re: Appeals of Regions I, III, IV, and V)
consolidated for hearing purposes)
Appellants.)
CASE NO. _____)
MOTION FOR HEARING ON)
ALL RELEVANT ISSUES)
AND OBJECTION TO)
LIMITATION OF ISSUES AND)
PLANS)

COMES NOW the above named Appellants and moves that the hearing be open to all relevant issues under both the 2000 and the 2005 plan and not the issue arbitrarily and capriciously set by the Chair.

The basis of this Motion is the denial of Appellants' procedural and substantive due process rights under both the 2000 and 2005 plans as well as the Workforce Investment Act of 1998.

DATED this 21st day of July, 2005.


STARR KELSO
Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents was:

- Mailed by depositing in the United States Mails, postage prepaid;
- Hand-Delivered;
- Transmitted Via FAX.
- Fed Ex

this 27th day of July, 2005, to the following individual(s):

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790
Fax: (208) 334-6300

BY: _____



STARR KELSO
 Attorney at Law, ISB #2445
 Starr Kelso Law Offices, Chartered
 1621 N. Third Street, Suite 600
 PO Box 1312
 Coeur d'Alene, ID 83816-1312
 (208) 765-3260
 (208) 664-6261 - Fax

Attorney for Appellants

WORKFORCE DEVELOPMENT COUNCIL

In Re: Appeals of Regions I, III, IV, and V	)	CASE NO. _____
consolidated for hearing purposes)	
)	
Appellants.)	
)	
	)	MOTION TO VACATE AND
	)	RESCHEDULE HEARING
)	
)	
_____)	

COMES NOW the above named Appellants and by and through their counsel move that the hearing in this matter be vacated and rescheduled.

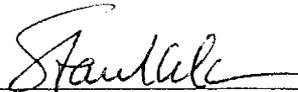
The basis for this motion is that, in addition to counsel, critical representatives and witnesses for the respective said Regions have other prior obligations for the date of August 1, 2005, which, contrary to requests of counsel, was set arbitrarily and without consultation of the Regions.

Even pursuant to VIII(3)(a), which is not conceded to be the controlling procedure, the hearing can be conducted up to 60 days after the respective appeal was filed.

The hearing should be vacated and rescheduled at a time and place determined after

reasonable consultation.

DATED this 21st day of July, 2005.



STARR KELSO
Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents was:

- Mailed by depositing in the United States Mails, postage prepaid;
- Hand-Delivered;
- Transmitted Via FAX.
- Fed Ex

this 21st day of July, 2005, to the following individual(s):

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790
Fax: (208) 334-6300

BY: 

STARR KELSO
 Attorney at Law, ISB #2445
 Starr Kelso Law Offices, Chartered
 1621 N. Third Street, Suite 600
 PO Box 1312
 Coeur d'Alene, ID 83816-1312
 (208) 765-3260
 (208) 664-6261 - Fax

Attorney for Appellants

WORKFORCE DEVELOPMENT COUNCIL

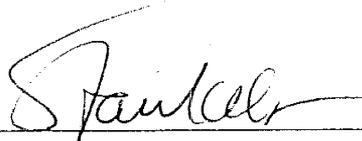
In Re: Appeals of Regions I, III, IV, and V	)	CASE NO. _____
consolidated for hearing purposes)	
)	
Appellants.	)	MOTION FOR FEES AND
	)	EXPENSES OBJECTION TO
	)	REFUSAL THEREOF AND
	)	OBJECTION TO LACK OF
	)	IDENTIFIED RULES OF
	)	PROCEDURE
_____)	

COMES NOW the above named Appellants by and through their counsel and move for the appointment of counsel to represent appellants and the payment of appeal incurred fees and costs. The Appellants are without necessary funds to fully and fairly present their issues, witnesses, exhibits and arguments and failure to provide the same is violative of Appellants procedural and substantive due process rights and arbitrary and capricious.

While part of the 2005 Plan provides that Federal WIA funds cannot be used for remuneration that does not prevent or preclude the State from utilizing others funds to provide the Appellants with their incurred costs, fees and expenses in pursuing their procedural and substantive due process rights under the 2000 and 2005 Plan and the WIA.

1 - MOTION FOR FEES AND EXPENSES OBJECTION TO REFUSAL THEREOF AND OBJECTION TO LACK OF IDENTIFIED RULES OF PROCEDURE

DATED this 21 day of July, 2005.



STARR KELSO
Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents was:

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- Fed Ex

this 21 day of July, 2005, to the following individual(s):

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790
Fax: (208) 334-6300

BY: _____



STARR KELSO
 Attorney at Law, ISB #2445
 Starr Kelso Law Offices, Chartered
 1621 N. Third Street, Suite 600
 PO Box 1312
 Coeur d'Alene, ID 83816-1312
 (208) 765-3260
 (208) 664-6261 - Fax

Attorney for Appellants

WORKFORCE DEVELOPMENT COUNCIL

In Re: Appeals of Regions I, III, IV, and V	)	CASE NO. _____
consolidated for hearing purposes)	
)	
Appellants.)	
)	
	)	AFFIDAVIT OF STARR
	)	KELSO REGARDING
	)	HEARING DATE
)	
)	

COMES NOW Starr Kelso and after being first duly sworn on oath states:

1. I am counsel for the above named Regions and that I make this Affidavit on my own personal knowledge;
2. That I am currently scheduled for a pre-hearing conference via telephone before the Industrial Commission for a North Idaho client at 10:30 a.m. on August 1, 2005;
3. That in consultation with critical representatives of respective Regions they have prior commitments on August 1, 2005;
4. That in my professioned opinion based upon tenently five yeas of practice and being licenced and practicing in Idaho, Montana, Colorado as well as their respective

Federal District Courts and Courts of Appeal the time set for the hearing and the preparation of and presentation of the information set forth in paragraph 4, is arbitrary and capricious and in violation of said appellants procedural and substantive due process rights. This is especially true given a Chair McGee's referral or failure to provide requested documentation necessary for preparation for hearing.

DATED this 21st day of July, 2005.

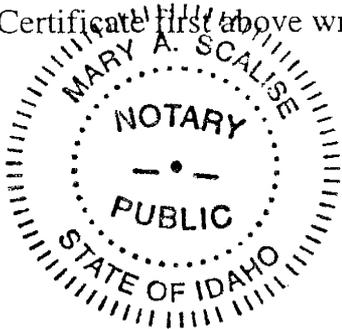


STARR KELSO
Attorney at Law

State of Idaho]
 ss.
County of Kootenai]

On this 21st day of July, 2005, before me, the undersigned Notary Public, personally appeared STARR KELSO, and acknowledged to me that he has read the foregoing and that the same is true to the best of his knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this Certificate first above written.



Mary A Scalise
Notary Public for the State of: Idaho
Residing at: Post Falls
My Commission expires: 8/22/08

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents was:

- Mailed by depositing in the United States Mails, postage prepaid;
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- Fed Ex

this 21 day of July, 2005, to the following individual(s):

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790
Fax: (208) 334-6300

BY: 

Starr Kelso Law Office

CHARTERED

July 20, 2005

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

Re: Preliminary Information
Public Records Act

Dear Chair McGee:

Please provide me with a copy of all correspondence of any nature between any representative of the Idaho's Workforce Development Council and Michael Brauser between January 1, 2005 and July 20, 2005.

Very truly yours,



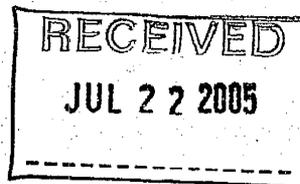
STARR KELSO
Attorney at Law

ad

cc: Clients

Starr Kelso Law Office

CHARTERED



July 20, 2005

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

Re: Your letter of 7-19-05

Dear Chair McGee:

Please advise me what rules of procedure you believe that you are operating under and are utilizing to support your above dated letter.

Once again, as I asked in my letter to you of July 15, 2005, I request a telephone conference with you or your legal counsel in order to attempt to address and smooth out procedural and substantive due process issues. To date, based upon your lack of response to my correspondences, I can only conclude that you are proceeding, whether intentionally or not, in an arbitrary and capricious manner. I would like to move forward, and not rehash the old acts, in a reasonable manner if possible.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Starr Kelso".

STARR KELSO
Attorney at Law

:ad

cc: Clients

Starr Kelso Law Office

CHARTERED

RECEIVED

JUL 22 2005

July 20, 2005

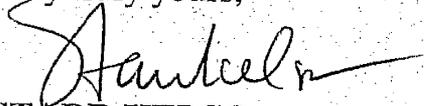
Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

Re: Attached Preliminary Information
Public Records Act

Dear Chair McGee:

I would like to clarify that the attached request for "all correspondence" includes but is not limited to e-mails. Thank you.

Very truly yours,



STARR KELSO
Attorney at Law

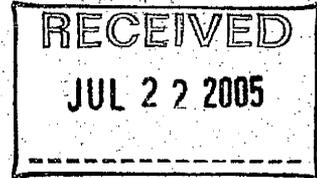
:ad

cc: Clients

Enclosure

Starr Kelso Law Office

CHARTERED



July 20, 2005

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

Re: Public Records Request

Dear Chair McGee:

On July 14, 2005 I faxed a public records request to you. I have attached a copy of the request hereto for your convenience.

I have not received the documents, nor a response. I would suggest to you that is contrary to Idaho's Public Records Act.

Please provide me with the requested documents ASAP.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Starr Kelso".

STARR KELSO
Attorney at Law

:ad
cc: Clients
Enclosure

DIRK KEMPTHORNE
GOVERNOR



Karen A. McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

July 19, 2005

VIA FACSIMILE &
CERTIFIED MAIL
#7099 3220 0006 2649 6504

Starr Kelso
Attorney at Law
P.O. Box 1312
Coeur d'Alene, ID 83816-1312

Re: LOCAL AREA DESIGNATION APPEALS OF REGIONS 1, 2, 3, 4, AND 5
AMENDED NOTICE OF HEARING
CONSOLIDATION OF ADMINISTRATIVE HEARINGS
ORDER GOVERNING PROCEEDINGS ON APPEAL

Dear Mr. Kelso:

A single consolidated hearing on above named Appellants' allegation that they are entitled to designation as a local workforce area under the temporary and subsequent designation provisions of section 116(a)(3) of the Workforce Investment Act (WIA) has been rescheduled and will be heard by Michael Brauser, the Workforce Development Council's new hearing officer, on August 1, 2005, at the Department of Commerce and Labor's Annex Conference Room, located at 120 South 3rd Street, Boise, Idaho. The hearing will begin promptly at 1:30 p.m. To ensure that you get this notice as soon as possible, I am sending you this Notice of Hearing on behalf of the hearing officer.

Mr. Brauser is from Olympia, Washington and does not believe he has a conflict of interest that would prevent him from acting as the Workforce Development Council's hearing officer. He asked that I disclose to you that from 1975 to 1976, while employed by the federal Department of Labor, he worked with Idaho's Human Resource Investment Council and Department of Employment on an intergovernmental personnel assignment.

As an employee of the federal Department of Labor, Mr. Brauser had contact with both state and local employees in the workforce system and was required to provide assistance, oversight and enforcement of the federal Department of Labor's laws and regulations. Before his retirement, Mr. Brauser was the Administrator of the Region X office of the Employment and Training Administration. He also served as the Deputy Administrator of the Region VI office upon the consolidation of the federal Department of Labor's Regions IX and X offices.

Mr. Brauser retired as an employee of the federal Department of Labor in September of 2002. Since that time he has served as a consultant to federal, state and local workforce entities. Recently, Mr. Brauser was selected as a contractor by the Region IV office of the federal Department of Labor to investigate and author a report on the transformation of Idaho's Workforce Source into a demand driven system. This report highlighted achievements by Idaho's state and local partners in workforce investment. At the request of the federal Department of Labor, the Idaho Department of Commerce and Labor served as the contracting agent for this project.

The statutory basis for appealing the Governor's denial of local workforce investment area designations is narrowly defined by WIA. According to WIA § 116(a)(5), the only allegations the State Council has authority to consider are allegations about entitlement to designation as a local workforce area under either the automatic designation provisions of section 116(a)(2) or the temporary and subsequent designation provisions of section 116(a)(3). The State Council lacks the legal authority to consider any other allegations.

Consequently, to keep the hearing focused on the relevant issues, to make it easier for parties and witnesses to appear and present testimony, and to prevent further delay, I hereby enter the following pre-hearing order:

1. Appellants are directed to limit testimony and evidence to the relevant issues identified in WIA § 116(a)(5), 20 CFR § 667.640(a) and section VIII (A)(3) of the current, approved WIA State Plan. This limitation shall be enforced by the hearing officer;
2. For Appellants' convenience, the appeals of Regions 1, 2, 3, 4, and 5 will be consolidated into one hearing;
3. Appellants may, at their option, notify the hearing officer no later than July 25, 2005, that legal counsel and some or all of their witnesses intend to participate in the hearing by telephone. This notice shall be sent to the hearing officer by facsimile at (208) 947-0049 and shall contain the full name and telephone number of those individuals who will participate by telephone. It will be each Appellant's sole responsibility to ensure that legal counsel and witnesses appearing by telephone are available when called by the hearing officer;
4. The following information and documentation shall be received by the hearing officer by facsimile at (208) 947-0049 with copies to all other interested parties, no later than July 28, 2005:
 - a. a memorandum describing the factual and legal basis either supporting Appellants' allegation of entitlement to designation as a local workforce investment area or supporting the Governor's denial of Appellants requests for designation;
 - b. copies of all documents to be offered in evidence at the hearing; and
 - c. a list of all witnesses to be called at the hearing with a summary of the substance of each witness' proposed testimony;

5. Since neither the Workforce Development Council nor its hearing officer has been granted subpoena power, any request for the issuance of subpoenas is denied;

6. Appellants' requests for the payment of their legal costs are denied. The Workforce Development Council does not have authority to authorize the use of WIA grant funds for the payment of Appellants' legal costs;

7. Any procedural matters not covered by this order and any procedural matters that may be raised by Appellants' subsequent to the date of this order will be addressed by the hearing officer at the time set for Appellants' administrative hearing.

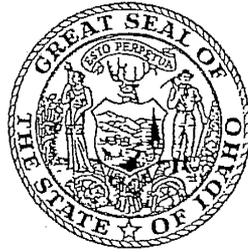
Sincerely,



Karen A. McGee, Chair
Workforce Development Council

cc: Regions 1, 3, 4 and 5
Cheryl Brush
Michael Brauser

DIRK KEMPTHORNE
GOVERNOR



Karen A. McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

July 19, 2005

VIA FACSIMILE &
CERTIFIED MAIL
7099 3220 0006 2649 6511

Wanda Keefer
Clearwater Economic Development Association
1626 6th Ave. North
Lewiston, ID 83501

Re: LOCAL AREA DESIGNATION APPEALS OF REGIONS 1, 2, 3, 4, AND 5
AMENDED NOTICE OF HEARING
CONSOLIDATION OF ADMINISTRATIVE HEARINGS
ORDER GOVERNING PROCEEDINGS ON APPEAL

Dear Ms. Keefer:

A single consolidated hearing on above named Appellants' allegation that they are entitled to designation as a local workforce area under the temporary and subsequent designation provisions of section 116(a)(3) of the Workforce Investment Act (WIA) has been rescheduled and will be heard by Michael Brauser, the Workforce Development Council's new hearing officer, on August 1, 2005, at the Department of Commerce and Labor's Annex Conference Room, located at 120 South 3rd Street, Boise, Idaho. The hearing will begin promptly at 1:30 p.m. To ensure that you get this notice as soon as possible, I am sending you this Notice of Hearing on behalf of the hearing officer.

Mr. Brauser is from Olympia, Washington and does not believe he has a conflict of interest that would prevent him from acting as the Workforce Development Council's hearing officer. He asked that I disclose to you that from 1975 to 1976, while employed by the federal Department of Labor, he worked with Idaho's Human Resource Investment Council and Department of Employment on an intergovernmental personnel assignment.

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The statutory basis for appealing the Governor's denial of local workforce investment area designations is narrowly defined by WIA. According to WIA § 116(a)(5), the only allegations the State Council has authority to consider are allegations about entitlement to designation as a local workforce area under either the automatic designation provisions of section 116(a)(2) or the temporary and subsequent designation provisions of section 116(a)(3). The State Council lacks the legal authority to consider any other allegations.

Consequently, to keep the hearing focused on the relevant issues, to make it easier for parties and witnesses to appear and present testimony, and to prevent further delay, I hereby enter the following pre-hearing order:

1. Appellants are directed to limit testimony and evidence to the relevant issues identified in WIA § 116(a)(5), 20 CFR § 667.640(a) and section VIII (A)(3) of the current, approved WIA State Plan. This limitation shall be enforced by the hearing officer;
2. For Appellants' convenience, the appeals of Regions 1, 2, 3, 4, and 5 will be consolidated into one hearing;
3. Appellants may, at their option, notify the hearing officer no later than July 25, 2005, that legal counsel and some or all of their witnesses intend to participate in the hearing by telephone. This notice shall be sent to the hearing officer by facsimile at (208) 947-0049 and shall contain the full name and telephone number of those individuals who will participate by telephone. It will be each Appellant's sole responsibility to ensure that legal counsel and witnesses appearing by telephone are available when called by the hearing officer;
4. The following information and documentation shall be received by the hearing officer by facsimile at (208) 947-0049 with copies to all other interested parties, no later than July 28, 2005:
 - a. a memorandum describing the factual and legal basis either supporting Appellants' allegation of entitlement to designation as a local workforce investment area or supporting the Governor's denial of Appellants requests for designation;
 - b. copies of all documents to be offered in evidence at the hearing; and
 - c. a list of all witnesses to be called at the hearing with a summary of the substance of each witness' proposed testimony;

5. Since neither the Workforce Development Council nor its hearing officer has been granted subpoena power, any request for the issuance of subpoenas is denied;

6. Appellants' requests for the payment of their legal costs are denied. The Workforce Development Council does not have authority to authorize the use of WIA grant funds for the payment of Appellants' legal costs;

7. Any procedural matters not covered by this order and any procedural matters that may be raised by Appellants' subsequent to the date of this order will be addressed by the hearing officer at the time set for Appellants' administrative hearing.

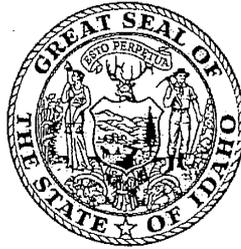
Sincerely,



Karen A. McGee, Chair
Workforce Development Council

cc: Cheryl Brush
Michael Brauser

DIRK KEMPTHORNE
GOVERNOR



Karen A. McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

July 19, 2005

Michael Brauser
3810 Kinsale Lane SE
Olympia, WA 98501

Re: LETTER OF ENGAGEMENT

Dear Mr. Brauser:

Thank you for agreeing to act as the Workforce Development Council's hearing officer for five appeals from former local workforce investment areas (LWIAs) under the Workforce Investment Act. The appealing parties were former LWIAs under the expired WIA State Plan that were not re-designated as LWIAs by the Governor of the State of Idaho under the current WIA State Plan. Enclosed are copies of the Notices of Appeal, the Notices of Hearing/Pre-hearing Orders sent on your behalf and copies of the relevant sections of the law, regulations and Idaho's WIA State Plan.

You are engaged to act as the Workforce Development Council's hearing officer for the limited purpose of conducting hearings and authoring a recommended order pursuant to WIA § 116(a)(5), 20 CFR § 667.640(a) and section VIII (A)(3) of Idaho's current, approved WIA State Plan. These provisions authorize the Workforce Development Council to consider only allegations about entitlement to designation as a local area under either the automatic designation provisions of WIA § 116(a)(2) or the temporary and subsequent designation provisions of WIA § 116(a)(3). The Workforce Development Council lacks the legal authority to consider any other allegations.

I have asked the Idaho Department of Commerce and Labor's Workforce Systems Bureau to act as your facilitator for these hearings. They will arrange for the hearing room, telephone conferencing services as needed and a court reporter to create a transcript of the hearing. If you have any questions about these arrangements, please contact Alice Taylor at (208) 332-3570 ext. 3313.

Sincerely,

Karen A. McGee, Chair
Workforce Development Council

DIRK KEMPTHORNE
GOVERNOR



Karen A. McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

July 15, 2005
via Facsimile and U.S. Mail

Rick Currie
Panhandle Area Council
11100 N. Airport Drive
Hayden, ID 83835-9743

Re: CANCELLATION OF HEARING SCHEDULED FOR JULY 18, 2005

Dear Mr. Currie:

Please be advised that I have cancelled the July 18, 2005, hearing on your appeal of the Governor's denial of the Panhandle Area Council's request to be designated as a local workforce area under the current WIA State Plan that went into effect on July 1, 2005.

On July 12 and July 13, 2005, I received objections from Regions I, II and V to Robert E. Bakes serving as the hearing officer, among other things. Based on these objections, on July 13, 2005, Mr. Bakes notified me that he was recusing himself from serving as the hearing officer for all of the appeals filed with the Workforce Development Council related to the Governor's designation of local workforce areas under the current WIA State Plan.

It is my responsibility under the State Plan's appeal procedures to appoint a hearing officer. I intend to make this selection as soon as possible. The hearing officer will then address any procedural matters raised by the Appellants. I will notify you as soon as a new hearing officer has been retained.

Sincerely,


Karen A. McGee, Chair
Workforce Development Council

cc: Cheryl Brush

CERTIFICATE OF MAILING

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 15th day of July, 2005.

Alice Taylor
Alice Taylor



WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

July 15, 2005
via Facsimile and U.S. Mail

Wanda Keefer
Clearwater Economic Development Association
1626 6th Ave. North
Lewiston, ID 83501

Re: CANCELLATION OF HEARING SCHEDULED FOR JULY 18, 2005

Dear Ms. Keefer:

Please be advised that I have cancelled the July 18, 2005, hearing on your appeal of the Governor's denial of the Clearwater Economic Development Association's request to be designated as a local workforce area under the current WIA State Plan that went into effect on July 1, 2005.

On July 12 and July 13, 2005, I received objections from Regions I, II and V to Robert E. Bakes serving as the hearing officer, among other things. Based on these objections, on July 13, 2005, Mr. Bakes notified me that he was recusing himself from serving as the hearing officer for all of the appeals filed with the Workforce Development Council related to the Governor's designation of local workforce areas under the current WIA State Plan.

It is my responsibility under the State Plan's appeal procedures to appoint a hearing officer. I intend to make this selection as soon as possible. The hearing officer will then address any procedural matters raised by the Appellants. I will notify you as soon as a new hearing officer has been retained.

Sincerely,

A handwritten signature in cursive script that reads "Karen A. McGee".

Karen A. McGee, Chair
Workforce Development Council

cc: Cheryl Brush

Ms. Keefer
July 15, 2005
Page 2

CERTIFICATE OF MAILING

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 15th day of July, 2005.

Alice Taylor
Alice Taylor



WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

July 15, 2005
via Facsimile and U.S. Mail

Dave Jett
Sage Community Resources
10624 W. Executive Dr.
Boise, ID 83713

Re: CANCELLATION OF HEARING SCHEDULED FOR JULY 18, 2005

Dear Mr. Jett:

Please be advised that I have cancelled the July 18, 2005, hearing on your appeal of the Governor's denial of the Sage Community Resources' request to be designated as a local workforce area under the current WIA State Plan that went into effect on July 1, 2005.

On July 12 and July 13, 2005, I received objections from Regions I, II and V to Robert E. Bakes serving as the hearing officer, among other things. Based on these objections, on July 13, 2005, Mr. Bakes notified me that he was recusing himself from serving as the hearing officer for all of the appeals filed with the Workforce Development Council related to the Governor's designation of local workforce areas under the current WIA State Plan.

It is my responsibility under the State Plan's appeal procedures to appoint a hearing officer. I intend to make this selection as soon as possible. The hearing officer will then address any procedural matters raised by the Appellants. I will notify you as soon as a new hearing officer has been retained.

Sincerely,


Karen A. McGee, Chair
Workforce Development Council

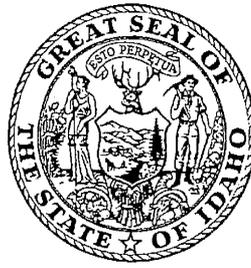
cc: Cheryl Brush

Mr. Jett
July 15, 2005
Page 2

CERTIFICATE OF MAILING

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 15th day of July, 2005.

Alice Taylor
Alice Taylor



WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

July 15, 2005
via Facsimile and U.S. Mail

Joe Herring
Region IV Development Association
P.O. Box 5079
Twin Falls, ID 83303-5079

Re: CANCELLATION OF HEARING SCHEDULED FOR JULY 19, 2005

Dear Mr. Herring:

Please be advised that I have cancelled the July 19, 2005, hearing on your appeal of the Governor's denial of the Region IV Development Association's request to be designated as a local workforce area under the current WIA State Plan that went into effect on July 1, 2005.

On July 12 and July 13, 2005, I received objections from Regions I, II and V to Robert E. Bakes serving as the hearing officer, among other things. Based on these objections, on July 13, 2005, Mr. Bakes notified me that he was recusing himself from serving as the hearing officer for all of the appeals filed with the Workforce Development Council related to the Governor's designation of local workforce areas under the current WIA State Plan.

It is my responsibility under the State Plan's appeal procedures to appoint a hearing officer. I intend to make this selection as soon as possible. The hearing officer will then address any procedural matters raised by the Appellants. I will notify you as soon as a new hearing officer has been retained.

Sincerely,


Karen A. McGee, Chair
Workforce Development Council

cc: Cheryl Brush

Mr. Herring
July 15, 2005
Page 2

CERTIFICATE OF MAILING

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 15th day of July, 2005.

Alice Taylor
Alice Taylor



WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

July 15, 2005
via Facsimile and U.S. Mail

Kent Kearns
Southeast Idaho Council of Governments, Inc.
P.O. Box 6079
Pocatello, ID 83205-6079

Re: CANCELLATION OF HEARING SCHEDULED FOR JULY 19, 2005

Dear Mr. Kearns:

Please be advised that I have cancelled the July 19, 2005, hearing on your appeal of the Governor's denial of the Southeast Idaho Council of Governments, Inc's., request to be designated as a local workforce area under the current WIA State Plan that went into effect on July 1, 2005.

On July 12 and July 13, 2005, I received objections from Regions I, II and V to Robert E. Bakes serving as the hearing officer, among other things. Based on these objections, on July 13, 2005, Mr. Bakes notified me that he was recusing himself from serving as the hearing officer for all of the appeals filed with the Workforce Development Council related to the Governor's designation of local workforce areas under the current WIA State Plan.

It is my responsibility under the State Plan's appeal procedures to appoint a hearing officer. I intend to make this selection as soon as possible. The hearing officer will then address any procedural matters raised by the Appellants. I will notify you as soon as a new hearing officer has been retained.

Sincerely,


Karen A. McGee, Chair
Workforce Development Council

cc: Cheryl Brush

Mr. Kearns
July 15, 2005
Page 2

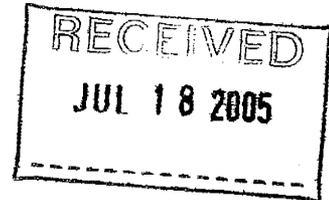
CERTIFICATE OF MAILING

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 15th day of July, 2005.

Alice Taylor
Alice Taylor

Starr Kelso Law Office

CHARTERED



July 15, 2005

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

Dear Chair McGee:

I now represent four (4) of the six Regions (Regions 1, 3, 4, and 5) in regards their appeals concerning the 2000 Strategic Five-Year State Workforce Investment Plan the 2005 Plan and the waivers dated June 30, 2005.

Each appeal will involve substantial overlapping of testimony and evidence and therefore the request for a consolidation of the appeal hearings is renewed.

While I do not represent Region II on their appeal, my clients formally request that their appeals be consolidated with Regions II's appeal for purposes of hearing. This seems to make sense economically as well as procedurally, especially since it is my understanding that Mr. Bakes' recusal also applies to Region II.

As I have expressed from the outset, my clients do not wish to expend time and expenses with legal procedural wrangling. These issues should squarely focus on the merits; therefore, I once again request a telephone conferences with you or your legal counsel in order to smooth out procedural and substantive due process issues. Any arbitrary limitation of the hearing process through directions from you to a hearing officer would violate my clients' procedural and substantive due process rights.

KAREN McGEE

July 15, 2005

Page 2

Finally, I have just received formal notification of the hearing being canceled. I would request that in order to facilitate a proper hearing officer that you provide me with a list of proposed names for review and consultation with my clients. This aspect will also go to the venue questions.

Very truly yours,



STARR KELSO

Attorney at Law

:ad

cc: Clients

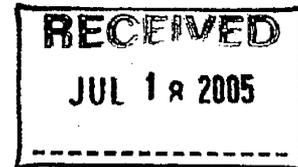
Starr Kelso Law Office

CHARTERED

July 15, 2005

Via fax: (208) 334-6300

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790



Re: Workforce Development Council
Appeal Hearing

Dear Chair McGee:

I am counsel for Sage Community Resources (Region III), on their administrative appeal.

There are serious and substantial issues raised by their appeal as well as the proposed hearing. Mr. Bakes has taken the first appropriate action in recusing himself and noting that "the matter be heard by a neutral hearing officer in which all of the parties are satisfied is a neutral decision matter". The other issues raised in the other Regions objections also need to be addressed prior to any hearing regarding Region III..

I would recommend a telephone conference with you or your counsel to discuss procedure and the other matters so that a reasonable approach to this hearing(s) can be ironed out beforehand. After all we are interested in a proper resolution on the merits and not legal procedural wrangling.

Finally the issue of fees for Region III to pursue their due process administrative appeal right needs to be addressed and demand is made for provision in that regard on behalf of Region III.

KAREN McGEE

July 15, 2005

Page 2

I look forward to hearing from you or your counsel to discuss these and other relevant matters. As it currently stands and given Mr. Bakes recusal and the time issues addressed in the objections, I presume that the proposed hearing dates will be rescheduled with venue addressed.

Very truly yours,



STARR KELSO

Attorney at Law

:ad

cc: Client

Starr Kelso Law Office

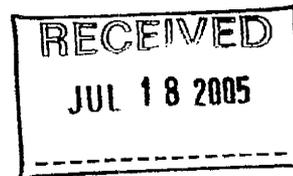
CHARTERED

July 15, 2005

Via fax: (208) 334-6300

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

Re: Workforce Development Council
Appeal Hearing



Dear Chair McGee:

I am counsel for Panhandle Area Council (Region I), on their administrative appeal.

There are serious and substantial issues raised by the appeal as well as the Region I, objections to the proposed hearing. Mr. Bakes has taken the first appropriate action in recusing himself and noting that "the matter be heard by a neutral hearing officer in which all of the parties are satisfied is a neutral decision matter". The other issues raised in the Region I objection need to be addressed prior to any hearing.

I would recommend a telephone conference with you or your counsel to discuss procedure and the other matters so that a reasonable approach to this hearing(s) can be ironed out beforehand. After all we are interested in a proper resolution on the merits and not legal procedural wrangling.

Finally the issue of fees for Region I to pursue their due process administrative appeal right needs to be addressed and demand is made for provision in that regard on behalf of Region I.

KAREN McGEE

July 15, 2005

Page 2

I look forward to hearing from you or your counsel to discuss these and other relevant matters. As it currently stands and given Mr. Bakes recusal and the time issues addressed in the objections, I presume that the proposed hearing dates will be rescheduled with venue addressed.

Very truly yours,

A handwritten signature in black ink, appearing to read "Starr Kelso", with a long horizontal flourish extending to the right.

STARR KELSO

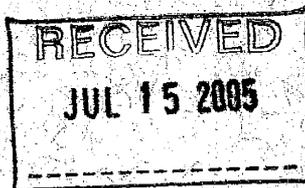
Attorney at Law

:ad

cc: Client

Region IV Development

South Central Idaho Works!



July 13, 2005

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, Idaho 83735-0790

Re: Your Acknowledgment of Appeal and Notice of Hearing
Objection to Hearing Notice and Issues
Objection to Hearing Officer/Motion to Disqualify Hearing Officer
Objection to Rules of Procedure Designation

Dear Chair McGee:

Receipt of your July 6, 2005 Acknowledgement of Appeal and Notice of Hearing is acknowledged.

The process procedure, hearing officer, and limitation of issue(s) set forth in said correspondence are objected to and appealed.

These objections are, but are not limited to, the following:

1. The hearing date and time are objected to. They provide totally inadequate time within which to prepare exhibits, provide for witness availability, documentary evidence and briefing of issues;
2. The location of the hearing is objected to and is inappropriate (unless all appeals from all appealing Regions are consolidated into one). Even in the event of consolidation there may be a more central location that would be more appropriate and should be addressed. If consolidation does not occur the hearing for Region IV, must be held in said Region so that appropriate witnesses and evidence can be presented;
3. The designated hearing officer, Robert E. Bakes, is objected to. He is a member of the Moffatt, Thomas, Barrett, Rock and Fields Law Firm that has and is currently representing the State of Idaho on various other contested matters currently pending across the state and a conflict of interest exists and is not waived;
4. The limitation of the issue(s) to be heard at the hearing is arbitrary and capricious and objected to. The hearing should encompass all issues set forth in the appeal demands and encompass both the 2000 Plan issues as well as the 2005 Plan issues.

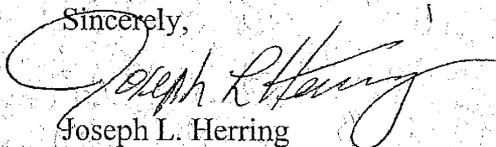
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5. Limiting the appeals procedure to that outlined in Section VIII (A)(3) of the 2005 Plan is objected to as the appeal involves issues under both the 2000 Plan and the 2005 Plan.

6. The failure of the Workforce Development Council to appoint or fund legal counsel to represent Region IV is objected to. The Region, as the Council is aware does not have funds to retain the necessary assistance of counsel to properly present its issues, witnesses and arguments on its behalf. The Council must appoint independent counsel or provide funding to the Region to obtain legal representation.

For your convenience a copy of this OBJECTION is being sent to Robert E. Bakes, P.O. Box 829, Boise, Idaho 83701-0829 so that he can be advised of the various objections including the specific objection to his acting as hearing officer.

Sincerely,



Joseph L. Herring
Executive Director

cc: Workforce Development Council
Region IV Legislators
Region IV Development Board of Directors
Robert E. Bakes

CERTIFICATE OF MAILING

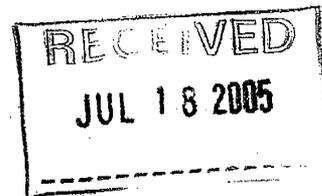
I hereby certify that the original of this OBJECTION was deposited in the United States Mail, postage prepaid, this 13th day of July, 2005.

Starr Kelso Law Office

CHARTERED

July 14, 2005

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790



Re: Rescheduled Appeal Hearings

Dear Ms. McGee:

Following up my earlier letters to you, as to the timing and venue issues set forth therein, I enclose a copy of an electronic copy of a letter from John G. Chamberlin that I received yesterday evening.

As you can see Mr. Chamberlin, who would be a central witness at the hearing(s) on behalf of my clients, is not able to attend the hearing on the proposed date(s) due to prior commitments. In addition, there is no question that regardless of the hearing(s) venue(s) the other witnesses (which will include County Commissioners, local elected officials, and representatives from private industry, among others) will not be able to make changes in their schedules or any necessary travel arrangements in time to prepare and appear.

Obviously the unavailability of these witnesses to appear at my clients' respective hearing(s) would result in significant irreparable prejudice to their appeals and their fundamental due process rights.

KAREN McGEE

July 14, 2005

Page 2

I want to take the opportunity to once again emphasize that each of my respective clients want to make every effort to avoid legal procedural wrangling. They are only seeking a reasonable opportunity to present their case(s) and reach a proper resolution in this issue of significant statewide importance. In order for this to occur it is essential that basic procedures be agreed upon before proceeding. I request that you or your counsel contact me so that we may address all of the relevant issues.

Very truly yours,



STARR KELSO

Attorney at Law

:ad

cc: Clients

John G. Chamberlin, Attorney
PO Box 335
Corbett, OR 97019
(503) 695-3200 or 781-4872 (cell)
<jchamberlin@worksystems.org>

July 13, 2005

Starr Kelso
P.O. Box 1312
Coeur d'Alene, Idaho 83816-1312

Re: Idaho Area Designation Appeals

Dear Mr. Kelso:

Per our telephone conversation, I have a meeting to attend in Tacoma, Washington on Tuesday and Wednesday, July 19 and 20, 2005. I am the principal speaker and cannot reschedule without inconveniencing attendees.

Please let me know as soon as possible if you are able to arrange alternative hearing dates. I would very much appreciate the opportunity to testify.

Sincerely,

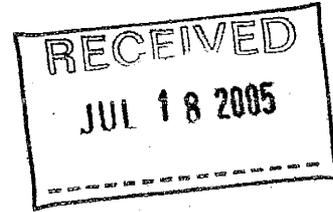
ss/ J. G. C.

John G. Chamberlin

: Sent by US Mail on 7/13/05, pm.
: Sent via email on 7/13/05, evening.

Starr Kelso Law Office

CHARTERED



July 14, 2005

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

Re: Subpoenas

Dear Chair McGee:

Please contact me or have your counsel contact me so that the procedure for issuance of subpoenas can be reviewed and agreed upon. I also have various other pre-hearing(s) matters that need to be discussed.

My clients, currently Regions IV and V, intended to subpoena persons, who could be technically considered adverse, to testify and present evidence at the hearing(s) when they are rescheduled.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Starr Kelso".

STARR KELSO
Attorney at Law

:ad
cc: Clients

Starr Kelso Law Office

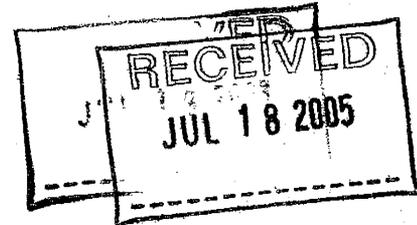
CHARTERED

July 14, 2005

Via fax: (208) 334-6300

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

Re: Workforce Development Council
Appeal Hearing



Dear Chair McGee:

I am counsel for Southeast Idaho Council of Governments, Inc. (Region V), on their administrative appeal. It is likely that over the next day or so I will be formally retained to represent other Regions on their administrative appeals.

There are serious and substantial issues raised by the appeal as well as the Region V, objections to the proposed hearing. Mr. Bakes has taken the first appropriate action in recusing himself and noting that "the matter be heard by a neutral hearing officer in which all of the parties are satisfied is a neutral decision matter". The other issues raised in the Region V objection need to be addressed prior to any hearing.

I would recommend a telephone conference with you or your counsel to discuss procedure and the other matters so that a reasonable approach to this hearing(s) can be ironed out beforehand. After all we are interested in a proper resolution on the merits and not legal procedural wrangling.

Finally the issue of fees for Region V to pursue their due process administrative appeal right needs to be addressed and demand is made for provision in that regard on behalf of Region V.

KAREN McGEE

July 13, 2005

Page 2

I look forward to hearing from you or your counsel to discuss these and other relevant matters. As it currently stands and given Mr. Bakes recusal and the time issues addressed in the objections, I presume that the proposed hearing dates will be rescheduled with venue addressed.

Very truly yours,



STARR KELSO

Attorney at Law

:ad

cc: Client

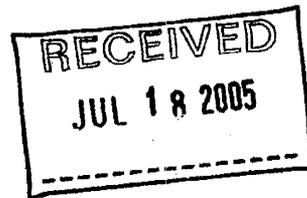
Starr Kelso Law Office

CHARTERED

July 14, 2005

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

Re: Preliminary Information
Public Records Request



Dear Chair McGee:

In order to move this matter as expeditiously as reasonably possible, it is necessary that I receive, review and consider the following documents prior to the hearing(s).

1. A copy of all documents attached to Emily Stover DeRocco's letter dated June 30, 2005 to Governor Dirk Kempthorne regarding approval of requested waivers;
2. A copy of any communications from or to either the Chair or Vice Chair of Idaho's Workforce Development Council (or their representatives or agents) and the office of Governor Kempthorne, regarding WIA grant funds, between March 25, 2005 and July 13, 2005;
3. A copy of the minutes of any Workforce Development Council meeting held during March, April, May, and June, 2005;

1621 N. 3rd Street, Suite 600 ♦ Post Office Box 1312 ♦ Coeur d'Alene, ID 83816-1312
(208) 765-3260 ♦ (208) 664-6261 FAX

KAREN McGEE

July 14, 2005

Page 2

4. A copy of any communications from or to the Chair or Vice Chair and the Idaho Association of Commerce and Industry and the Idaho State Department of Administration regarding WIA grant funds, between January 1, 2005 and July 13, 2005.

5. A copy of any communications from or to the Idaho Workforce Council and any representative of the U.S. Department of Labor, between March 1, 2005 and July 13, 2005, regarding WIA grant funds pertaining to the 2005 proposal;

6. A copy of all documents regarding all MOU negotiations to operate under the 2005 plan, between January 1, 2005 and July 13, 2005, to or from the Idaho Workforce Council and any entity; and

7. A copy of all documents in the possession or control of the Idaho Workforce Council, between February 1, 2005 and present, (not requested above in 1-5) that regard WIA grant funds pertaining to the 2005 proposal.

Very truly yours,



STARR KELSO

Attorney at Law

:ad

cc: Clients

Starr Kelso Law Office

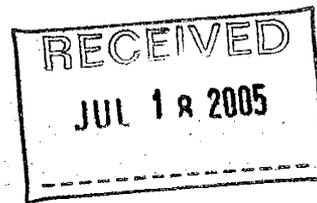
CHARTERED

July 13, 2005

Via fax: (208) 334-6300

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, ID 83735-0790

Re: Workforce Development Council
Appeal Hearing



Dear Chair McGee:

I am counsel for Region IV Development Association, Inc., on their administrative appeal. It is likely that over the next day or so I will be formally retained to represent other Regions on their administrative appeals.

There are serious and substantial issues raised by the appeal as well as the Region IV objections to the proposed hearing. Mr. Bakes has taken the first appropriate action in recusing himself and noting that "the matter be heard by a neutral hearing officer in which all of the parties are satisfied is a neutral decision matter". The other issues raised in the Region IV objection need to be addressed prior to any hearing.

I would recommend a telephone conference with you or your counsel to discuss procedure and the other matters so that a reasonable approach to this hearing(s) can be ironed out beforehand. After all we are interested in a proper resolution on the merits and not legal procedural wrangling.

Finally the issue of fees for Region IV to pursue their due process administrative appeal right needs to be addressed and demand is made for provision in that regard on behalf of Region IV.

1621 N. 3rd Street, Suite 600 ❖ Post Office Box 1312 ❖ Coeur d'Alene, ID 83816-1312
(208) 765-3260 ❖ (208) 664-6261 FAX

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KAREN McGEE

July 13, 2005

Page 2

I look forward to hearing from you or your counsel to discuss these and other relevant matters. As it currently stands and given Mr. Bakes recusal and the time issues addressed in the objections, I presume that the proposed hearing dates will be rescheduled with venue addressed.

Very truly yours,



STARR KELSO

Attorney at Law

:ad

cc: Client

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell

Robert B. Burns
James C. Dale
Michael E. Thomas
Patricia M. Olsson
James C. deGlee
Bradley J. Williams
Lee Radford
Michael O. Roc
David S. Jensen
James L. Martin
C. Clayton Gill
David P. Gardner
John O. Fitzgerald, II
Julian E. Gabiola
Angela Schaefer Kaufmann
Michael W. McGeehan

Kimberly D. Evans Ross
Jon A. Srenquist
Eric M. Barzee
Valerie N. Charles
Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Russell G. Mercalf

Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

Boise
Idaho Falls
Pocatello
Twin Falls

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise, Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

July 13, 2005
via Facsimile

Karen A. McGee
Chair
Workforce Development Council
317 W. Main Street
Boise, Idaho 83735-0790

Re: Workforce Development Council - Appeal Hearings

Dear Chair McGee:

I have been advised that several of the appellants in the hearing to be held on Monday and Tuesday, July 18-19, 2005, have filed motions of disqualification because of the potential conflict of interest as a result of my firm's representation of other state entities. In light of these objections, I do not believe that I could serve as hearing officer for the state Workforce Development Council at the hearings. Therefore, I recuse myself from hearing those appeals. I am sorry that this has come up on such short notice, but it is better that the matter be heard by a neutral hearing officer in which all of the parties are satisfied is a neutral decision maker. Therefore, please make other arrangements for a new hearing officer.

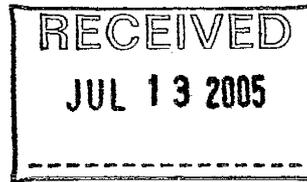
Very truly yours,

**[DICTATED BY AUTHOR, BUT NOT READ.
SENT WITHOUT SIGNATURE TO AVOID DELAY.]**

Robert E. Bakes

REB/jrt

cc: Craig G. Bledsoe (*via Facsimile*)
Kathleen Lewis (*via Facsimile*)
Joe Herring
Rick Currie
Wanda Keefer
Dave Jett



July 12, 2005

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, Idaho 83735-0790

RE: Your Acknowledgment of Appeal and Notice of Hearing
Objection to Hearing Notice and Issues
Objection to Hearing Officer/Motion to Disqualify Hearing Officer
Objection to Rules of Procedure Designation

Dear Chair McGee:

Receipt of your July 6, 2005 Acknowledgement of Appeal and Notice of Hearing is acknowledged.

The process procedure, hearing officer, and limitation of issue(s) set forth in said correspondence are objected to and appealed. These objections are, but are not limited to, the following:

1. The hearing date and time are objected to. They provide totally inadequate time within which to prepare exhibits, provide for witness availability, documentary evidence and briefing of issues.
2. The location of the hearing is objected to and is inappropriate (unless all appeals from all appealing Regions are consolidated into one). Even in the event of a consolidation of all the Region's appeals into one with one hearing, there may be a more central location that would be more appropriate and should be addressed. If consolidation does not occur, the hearing for Region I must be held in said Region so that appropriate witnesses and evidence can be presented.
3. The designated hearing officer, Robert E. Bakes, is objected to. He is a member of the Moffatt, Thomas, Barrett, Rock and Fields Law Firm that has and is currently representing the State of Idaho on various other contested matters currently pending across the state and a conflict of interest exists and is not waived.
4. The limitation of the issue(s) to be heard at the hearing is arbitrary and capricious and objected to. The hearing should encompass all issues set forth in the appeal demands and encompass both the 2000 Plan issues as well as the 2005 Plan issues.
5. Limiting the appeals procedure to that outlined in Section VIII (A)(3) of the 2005 Plan is objected to as the appeal involves issues under both the 2000 Plan and the 2005 Plan.

Karen A. McGee
July 12, 2005
Page 2

6. The failure of the Workforce Development Council to appoint or fund legal counsel to represent Region I is objected to. The Region, as the Council is aware, does not have funds to retain the necessary assistance of counsel to properly present its issues, witnesses and arguments on its behalf. The Council must appoint independent counsel or provide funding to the Region to obtain legal representation.

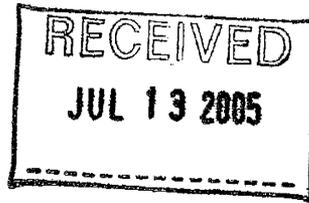
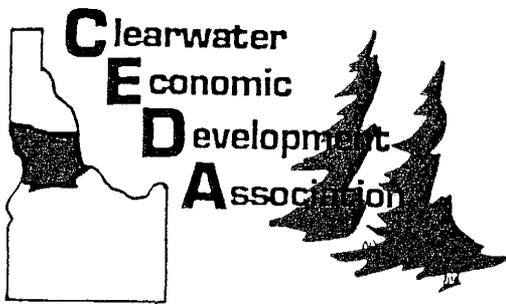
For your convenience, a copy of this OBJECTION is being sent to Robert E. Bakes, P.O. Box 829, Boise, Idaho 83701-0829, so that he can be advised of the various objections including the specific objection to his acting as hearing officer.

Sincerely,



James L. Deffenbaugh
Executive Director

cc: Robert E. Bakes
Workforce Development Council



1626 6th Ave. North
Lewiston, Idaho 83501

(208) 746-0015
Fax (208) 746-0576

July 12, 2005

Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, Idaho 83735-0790

Re: Your Acknowledgement of Appeal and Notice of Hearing
Objection To Hearing Notice and Issues
Objection to Hearing Officer/Motion to Disqualify Hearing Officer
Objection to Rules of Procedure Designation

Dear Chair McGee:

Receipt of your July 6, 2005 Acknowledgement of Appeal and Notice of Hearing is acknowledged.

The process procedure, hearing officer, and limitation of issue(s) set forth in said correspondence are objected to and appealed.

These objections include, but are not limited to, the following:

1. The hearing date and time are objected to. They provide totally inadequate time within which to prepare exhibits, provide for witness availability, documentary evidence and briefing of issues;
2. The location of the hearing is objected to and is inappropriate (unless all appeals from all appealing Regions are consolidated into one). Even in the event of consolidation, there may be a more central location that would be more appropriate and should be addressed. If consolidation does not occur, the hearing for Region II must be held in said Region so that appropriate witnesses and evidence can be presented;
3. The designated hearing officer, Robert E. Bakes, is objected to. He is a member of the Moffatt, Thomas, Barrett, Rock and Fields Law Firm that has and is currently representing the State of Idaho on various other contested matters currently pending across the state and a conflict of interest exists and is not waived;

4. The limitation of the issue(s) to be heard at the hearing is arbitrary and capricious and objected to. The hearing should encompass all issues set forth in the appeal demands and encompass both the 2000 Plan issues as well as the 2005 Plan issues;
5. Limiting the appeals procedure to that outlined in Section VIII (A)(3) of the 2005 Plan is objected to as the appeal involves issues under both the 2000 Plan and the 2005 Plan;
6. The failure of the Workforce Development Council to appoint or fund legal counsel to represent Region II is objected to. The Region, as the Council is aware, does not have funds to retain the necessary assistance of counsel to properly present its issues, witnesses and arguments on its behalf. The Council must appoint independent counsel or provide funding to the Region to obtain legal representation.

For your convenience, a copy of this OBJECTION is being sent to Robert E. Bakes, P.O. Box 829, Boise, Idaho 83701-0829 so that he can be advised of the various objections including the specific objection to his acting as hearing officer.

Sincerely,

Wanda Keefer

Wanda Keefer
Executive Director

cc: Robert E. Bakes
P.O. Box 829
Boise, Idaho 83701-0829
RE: MTBR&F File No. New

CERTIFICATE OF MAILING

I herby certify that the original of this OBJECTION was deposited in the United States Mail, postage prepaid, this 12th day of July, 2005.

Southeast Idaho Council of Governments, Inc.

P.O. Box 6079
Pocatello, Idaho 83205-6079
(208) 233-4032
FAX (208) 233-4841

BANNOCK COUNTY
Chubbuck
Downey
Inkom
Lava Hot Springs
McCammon
Pocatello
Arimo

BEAR LAKE COUNTY
Bloomington
Georgetown
Montpelier
Paris
St. Charles

BINGHAM COUNTY
Aberdeen
Atomic City
Basalt
Blackfoot
Firth
Shelley

CARIBOU COUNTY
Bancroft
Grace
Soda Springs

FRANKLIN COUNTY
Clifton
Dayton
Franklin
Oxford
Preston
Weston

ONEIDA COUNTY
Malad

POWER COUNTY
American Falls
Rockland

IDAHO MIGRANT
COUNCIL

JAPANESE AMERICAN
CITIZENS LEAGUE

NATIONAL ASSOCIATION
FOR THE ADVANCEMENT
OF COLORED PEOPLE

POCATELLO CENTRAL
LABOR COUNCIL

THE SHOSHONE
BANNOCK
TRIBES

IDAHO STATE
UNIVERSITY

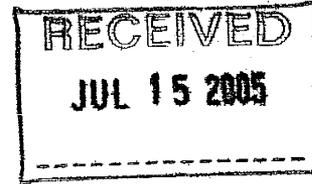
COMMUNITY
DEVELOPMENT DIVISION

AREA AGENCY ON AGING

WORKFORCE
DEVELOPMENT
DIVISION

BANNOCK PLANNING
ORGANIZATION

July 12, 2005



Karen A. McGee, Chair
Workforce Development Council
317 W. Main Street
Boise, Idaho 83735-0790

RE: You Acknowledgement of Appeal and Notice of Hearing
Objection to Hearing Notice and Issues
Objection to Hearing Officer/Motion to Disqualify Hearing Officer
Objection to Rules of Procedure Designation

Dear Chair McGee:

Receipt of your July 6, 2005 Acknowledgement of Appeal and Notice of Hearing is acknowledged.

The process procedure, hearing officer, and limitation of issue(s) set forth in said correspondence are objected to and appealed.

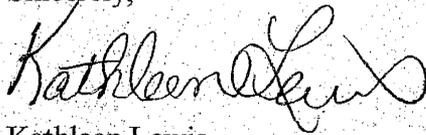
These objections are, but are not limited to, the following:

1. The hearing date and time are objected to. They provide totally inadequate time within which to prepare exhibits, provide for witness availability, documentary evidence and briefing of issues.
2. The location of the hearing is objected to and is inappropriate (unless all appeals from all appealing Regions are consolidated into one). Even in the event of consolidation there may be a more central location that would be more appropriate and should be addressed. If consolidation does not occur the hearing for Region V, must be held in said Region so that appropriate witnesses and evidence can be presented:
3. The designated hearing officer, Robert E. Bakes, is objected to. He is a member of the Moffatt, Thomas, Barrett, Rock and Fields Law Firm that has and is currently representing the State of Idaho on various other contested matters currently pending across the state and a conflict of interest exists and is not waived:
4. The limitation of the issue(s) to be heard at the hearing is arbitrary and capricious and objected to. The hearing should encompass all issues set forth in the appeal demands and encompass both the 2000 Plan issues as well as the 2005 Plan issue;

5. Limiting the appeals procedure to that outlined in Section VIII (A)(3) of the 2005 Plan is objected to as the appeal involves issues under both the 2000 Plan and the 2005 Plan.
6. The failure of the Workforce Development Council to appoint or fund legal counsel to represent Region V is object to. The Region, as the Council is aware does not have funds to retain the necessary assistance of counsel to properly present its issues, witnesses and arguments on its behalf. The Council must appoint independent counsel or provide funding to the Region to obtain legal representation.

For your convenience a copy of the OBJECTION is being sent to Robert E. Bakes, P.O. Box 829, Boise, Idaho 83701-0829 so that he can be advised of the various objections including the specific objection to his acting as hearing officer.

Sincerely,

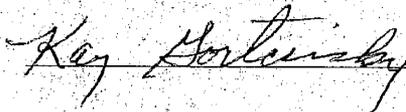


Kathleen Lewis
Executive Director

Cc: Robert E. Bakes
P.O. Box 829
Boise, Idaho 83701-0829

CERTIFICATE OF MAILING

I hereby certify that the original of this OBJECTION was deposited in the United States Mail, postage prepaid, this 12th day of July 2005.





STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

July 11, 2005

Dave Jett
Board Chair
Sage Community Resources
10624 W. Executive Dr.
Boise, ID 83713

*via Facsimile
and U.S. Mail*

Re: AGREEMENT TO WAIVE CONFLICT OF INTEREST

Dear Mr. Jett:

This letter confirms our July 11, 2005 telephone conversation where you agreed to waive, on behalf of Ida-Ore Planning and Development, dba Sage Community Resources; and I agreed to waive, on behalf of the Idaho Department of Commerce and Labor, any actual or perceived conflict of interest Robert E. Bakes may have in acting as a hearing officer for the State Workforce Development Council in a matter to be heard on July 18, 2005.

As you are aware, a member of Mr. Bakes' law firm is currently representing the Private Industry Council, dba Workforce-e in a matter pending judicial review in the Fourth Judicial District. This matter involves Sage Community Resources. Since the issues to be addressed by the hearing officer at the July 18, 2005 administrative hearing do not involve issues being addressed by the Fourth District Court, we agreed that Mr. Bakes could continue to act as our hearing officer.

If the representations made in this letter do not accurately reflect our agreement, please notify me immediately so that any misunderstandings can be corrected. I can be contacted at (208) 322-3570 ext. 3232.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Craig Bledsoe".

Craig Bledsoe
Deputy Attorney General
Idaho Department of Commerce and Labor

cc: Robert E. Bakes



WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

July 7, 2005

Rick Currie
Panhandle Area Council
11100 N. Airport Drive
Hayden, ID 83835-9743

Re: NOTIFICATION OF COURT REPORTER TO RECORD PROCEEDINGS
OF HEARING

Dear Mr. Currie:

Tucker & Associates have been retained to provide a court reporter for the hearing to make a record of the proceedings to be held on:

DATE: Monday, July 18, 2005
TIME: 10:30 a.m.
LOCATION: Department of Commerce and Labor's Annex Conference Room
120 South 3rd Street, Boise, Idaho

Parking: Metered parking is available on 3rd Street or Main Street

If you have any questions, please contact Cheryl Brush at (208) 332-3570 ext. 3312.

Sincerely,

Karen A. McGee, Chair
Workforce Development Council

cc: Robert E. Bakes
Cheryl Brush
Craig Bledsoe



WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

July 7, 2005

Wanda Keefer
Clearwater Economic Development Association
1626 6th Ave. North
Lewiston, ID 83501

Re: NOTIFICATION OF COURT REPORTER TO RECORD PROCEEDINGS
OF HEARING

Dear Ms. Keefer:

Tucker & Associates have been retained to provide a court reporter for the hearing to make a record of the proceedings to be held on:

DATE: Monday, July 18, 2005
TIME: 1:30 p.m.
LOCATION: Department of Commerce and Labor's Annex Conference Room
120 South 3rd Street, Boise, Idaho

Parking: Metered parking is available on 3rd Street or Main Street

If you have any questions, please contact Cheryl Brush at (208) 332-3570 ext. 3312.

Sincerely,

A handwritten signature in cursive script that reads "Karen A. McGee".

Karen A. McGee, Chair
Workforce Development Council

cc: Robert E. Bakes
Cheryl Brush
Craig Bledsoe



WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

July 7, 2005

Dave Jett
Sage Community Resources
10624 W. Executive Dr.
Boise, ID 83713

Re: NOTIFICATION OF COURT REPORTER TO RECORD PROCEEDINGS
OF HEARING

Dear Mr. Jett:

Tucker & Associates have been retained to provide a court reporter for the hearing to make a record of the proceedings to be held on:

DATE: Monday, July 18, 2005
TIME: 9:00 a.m.
LOCATION: Department of Commerce and Labor's Annex Conference Room
120 South 3rd Street, Boise, Idaho

Parking: Metered parking is available on 3rd Street or Main Street

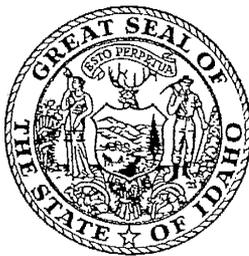
If you have any questions, please contact Cheryl Brush at (208) 332-3570 ext. 3312.

Sincerely,

A handwritten signature in cursive script that reads "Karen A. McGee".

Karen A. McGee, Chair
Workforce Development Council

cc: Robert E. Bakes
Cheryl Brush
Craig Bledsoe



WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

July 7, 2005

Joe Herring
Region IV Development Association
P.O. Box 5079
Twin Falls, ID 83303-5079

Re: NOTIFICATION OF COURT REPORTER TO RECORD PROCEEDINGS
OF HEARING

Dear Mr. Herring:

Tucker & Associates have been retained to provide a court reporter for the hearing to make a record of the proceedings to be held on:

DATE: Tuesday, July 19, 2005
TIME: 9:00 a.m.
LOCATION: Department of Commerce and Labor's Annex Conference Room
120 South 3rd Street, Boise, Idaho

Parking: Metered parking is available on 3rd Street or Main Street

If you have any questions, please contact Cheryl Brush at (208) 332-3570 ext. 3312.

Sincerely,

Karen A. McGee, Chair
Workforce Development Council

cc: Robert E. Bakes
Cheryl Brush
Craig Bledsoe



WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

July 7, 2005

Kent Kearns
Southeast Idaho Council of Governments, Inc.
P.O. Box 6079
Pocatello, ID 83205-6079

Re: NOTIFICATION OF COURT REPORTER TO RECORD PROCEEDINGS
OF HEARING

Dear Mr. Kearns:

Tucker & Associates have been retained to provide a court reporter for the hearing to make a record of the proceedings to be held on:

DATE: Tuesday, July 19, 2005
TIME: 10:30 a.m.
LOCATION: Department of Commerce and Labor's Annex Conference Room
120 South 3rd Street, Boise, Idaho

Parking: Metered parking is available on 3rd Street or Main Street

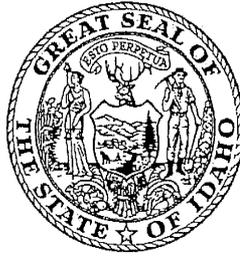
If you have any questions, please contact Cheryl Brush at (208) 332-3570 ext. 3312.

Sincerely,

Karen A. McGee, Chair
Workforce Development Council

cc: Robert E. Bakes
Cheryl Brush
Craig Bledsoe

DIRK KEMPTHORNE
GOVERNOR



Karen A. McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

July 6, 2005

Rick Currie
Panhandle Area Council
11100 N. Airport Drive
Hayden, ID 83835-9743

CERTIFIED MAIL
7099 3220 0006 2649 6498

Re: ACKNOWLEDGEMENT OF APPEAL AND NOTICE OF HEARING

Dear Mr. Currie:

Please be advised that on June 21, 2005, I received the Panhandle Area Council's appeal of the Governor's denial of its request for designation as a local workforce area under the Workforce Investment Act (WIA).

The statutory basis for appealing the Governor's denial is narrowly defined by WIA. According to section 116(a)(5), the only allegations the State Council has authority to consider are allegations about entitlement to designation as a local area under either the automatic designation provisions of section 116(a)(2) or the temporary and subsequent designation provisions of section 116(a)(3). All other allegations and issues raised in your appeal cannot be considered by the hearing officer or the State Council.

A hearing on your allegation that the Panhandle Area Council should be entitled to designation as a local workforce area under the temporary and subsequent designation provisions of section 116(a)(3) will be heard by Robert E. Bakes, the State Council's hearing officer, on July 18, 2005, at the Department of Commerce and Labor's Annex Conference Room, located at 120 South 3rd Street, Boise, Idaho. The hearing will begin promptly at 10:30 a.m.

Mr. Bakes is a member of the Moffatt, Thomas, Barrett, Rock and Fields law firm. His mailing address is P.O. Box 829, Boise, ID 83701-0829, and his phone number (208) 345-2000.

Mr. Currie
July 6, 2005
Page 2

To ensure that you get notice as soon as possible, I am sending you this Notice of Hearing on behalf of the hearing officer. This hearing will follow the appeals procedure outlined in section VIII(A)(3) of the new WIA State Plan that was submitted to the Secretary of the United States Department of Labor on May 31, 2005, and approved by the Secretary on June .

If you have any questions about the hearing, please contact the hearing officer. If you have any other questions, please contact Cheryl Brush at (208) 332-3570 ext. 3312.

Sincerely,



Karen A. McGee, Chair
Workforce Development Council

cc: Cheryl Brush

CERTIFICATE OF MAILING

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 6th day of July, 2005.


Alice Taylor



WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

July 6, 2005

Wanda Keefer
Clearwater Economic Development Association
1626 6th Ave. North
Lewiston, ID 83501

CERTIFIED MAIL
7099 3220 0006 2649 6467

Re: ACKNOWLEDGEMENT OF APPEAL AND NOTICE OF HEARING

Dear Ms. Keefer:

Please be advised that on June 27, 2005, I received the Clearwater Economic Development Association's appeal of the Governor's denial of its request for designation as a local workforce area under the Workforce Investment Act (WIA).

The statutory basis for appealing the Governor's denial is narrowly defined by WIA. According to section 116(a)(5), the only allegations the State Council has authority to consider are allegations about entitlement to designation as a local area under either the automatic designation provisions of section 116(a)(2) or the temporary and subsequent designation provisions of section 116(a)(3). All other allegations and issues raised in your appeal cannot be considered by the hearing officer or the State Council.

A hearing on your allegation that the Clearwater Economic Development Association should be entitled to designation as a local workforce area under the temporary and subsequent designation provisions of section 116(a)(3) will be heard by Robert E. Bakes, the State Council's hearing officer, on July 18, 2005, at the Department of Commerce and Labor's Annex Conference Room, located at 120 South 3rd Street, Boise, Idaho. The hearing will begin promptly at 1:30 p.m.

Mr. Bakes is a member of the Moffatt, Thomas, Barrett, Rock and Fields law firm. His mailing address is P.O. Box 829, Boise, ID 83701-0829, and his phone number (208) 345-2000.

Ms. Keefer
July 6, 2005
Page 2

To ensure that you get notice as soon as possible, I am sending you this Notice of Hearing on behalf of the hearing officer. This hearing will follow the appeals procedure outlined in section VIII(A)(3) of the new WIA State Plan that was submitted to the Secretary of the United States Department of Labor on May 31, 2005, and approved by the United States Department of Labor on June 29, 2005.

If you have any questions about the hearing, please contact the hearing officer. If you have any other questions, please contact Cheryl Brush at (208) 332-3570 ext. 3312.

Sincerely,



Karen A. McGee, Chair
Workforce Development Council

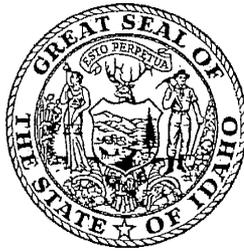
cc: Cheryl Brush

CERTIFICATE OF MAILING

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 6th day of July, 2005.



Alice Taylor



WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

July 6, 2005

Dave Jett
Sage Community Resources
10623 W. Executive Dr.
Boise, ID 83713

CERTIFIED MAIL
7099 3220 0006 2649 6481

Re: ACKNOWLEDGEMENT OF APPEAL AND NOTICE OF HEARING

Dear Mr. Jett:

Please be advised that on June 23, 2005, I received Sage Community Resources' appeal of the Governor's denial of its request for designation as a local workforce area under the Workforce Investment Act (WIA).

The statutory basis for appealing the Governor's denial is narrowly defined by WIA. According to section 116(a)(5), the only allegations the State Council has authority to consider are allegations about entitlement to designation as a local area under either the automatic designation provisions of section 116(a)(2) or the temporary and subsequent designation provisions of section 116(a)(3). All other allegations and issues raised in your appeal cannot be considered by the hearing officer or the State Council.

A hearing on your allegation that Sage Community Resources should be entitled to designation as a local workforce area under the temporary and subsequent designation provisions of section 116(a)(3) will be heard by Robert E. Bakes, the State Council's hearing officer, on July 18, 2005, at the Department of Commerce and Labor's Annex Conference Room, located at 120 South 3rd Street, Boise, Idaho. The hearing will begin promptly at 9:00 a.m.

Mr. Bakes is a member of the Moffatt, Thomas, Barrett, Rock and Fields law firm. His mailing address is P.O. Box 829, Boise, ID 83701-0829, and his phone number (208) 345-2000.

Mr. Jett
July 6, 2005
Page 2

To ensure that you get notice as soon as possible, I am sending you this Notice of Hearing on behalf of the hearing officer. This hearing will follow the appeals procedure outlined in section VIII(A)(3) of the new WIA State Plan that was submitted to the Secretary of the United States Department of Labor on May 31, 2005, and approved by the United States Department of Labor on June 29, 2005.

If you have any questions about the hearing, please contact the hearing officer. If you have any other questions, please contact Cheryl Brush at (208) 332-3570 ext. 3312.

Sincerely,

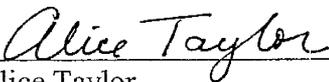


Karen A. McGee, Chair
Workforce Development Council

cc: Cheryl Brush

CERTIFICATE OF MAILING

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 6th day of July, 2005.



Alice Taylor



WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

July 6, 2005

Joe Herring
Region IV Development Association
P.O. Box 5079
Twin Falls, ID 83303-5079

CERTIFIED MAIL
7099 3220 0006 2649 6450

Re: ACKNOWLEDGEMENT OF APPEAL AND NOTICE OF HEARING

Dear Mr. Herring:

Please be advised that on June 22, 2005, I received the Region IV Development Association's appeal of the Governor's denial of its request for designation as a local workforce area under the Workforce Investment Act (WIA).

The statutory basis for appealing the Governor's denial is narrowly defined by WIA. According to section 116(a)(5), the only allegations the State Council has authority to consider are allegations about entitlement to designation as a local area under either the automatic designation provisions of section 116(a)(2) or the temporary and subsequent designation provisions of section 116(a)(3). All other allegations and issues raised in your appeal cannot be considered by the hearing officer or the State Council.

A hearing on your allegation that the Region IV Development Association should be entitled to designation as a local workforce area under the temporary and subsequent designation provisions of section 116(a)(3) will be heard by Robert E. Bakes, the State Council's hearing officer, on July 19, 2005, at the Department of Commerce and Labor's Annex Conference Room, located at 120 South 3rd Street, Boise, Idaho. The hearing will begin promptly at 9:00 a.m.

Mr. Bakes is a member of the Moffatt, Thomas, Barrett, Rock and Fields law firm. His mailing address is P.O. Box 829, Boise, ID 83701-0829, and his phone number (208) 345-2000.

Mr. Herring
July 6, 2005
Page 2

To ensure that you get notice as soon as possible, I am sending you this Notice of Hearing on behalf of the hearing officer. This hearing will follow the appeals procedure outlined in section VIII(A)(3) of the new WIA State Plan that was submitted to the Secretary of the United States Department of Labor on May 31, 2005, and approved by the United States Department of Labor on June 29, 2005.

If you have any questions about the hearing, please contact the hearing officer. If you have any other questions, please contact Cheryl Brush at (208) 332-3570 ext. 3312.

Sincerely,



Karen A. McGee, Chair
Workforce Development Council

cc: Cheryl Brush

CERTIFICATE OF MAILING

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 6th day of July, 2005.



Alice Taylor

Karen A. McGee
Chair

Steve Ahrens
Vice Chair



DIRK KEMPTHORNE
GOVERNOR

WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

July 6, 2005

CERTIFIED MAIL

7099 3220 0006 2649 6474

Kent Kearns
Southeast Idaho Council of Governments, Inc.
P.O. Box 6079
Pocatello, ID 83205-6079

Re: ACKNOWLEDGEMENT OF APPEAL AND NOTICE OF HEARING

Dear Mr. Kearns:

Please be advised that on June 29, 2005, I received the Southeast Idaho Council of Governments, Inc.'s appeal of the Governor's denial of its request for designation as a local workforce area under the Workforce Investment Act (WIA).

The statutory basis for appealing the Governor's denial is narrowly defined by WIA. According to section 116(a)(5), the only allegations the State Council has authority to consider are allegations about entitlement to designation as a local area under either the automatic designation provisions of section 116(a)(2) or the temporary and subsequent designation provisions of section 116(a)(3). All other allegations and issues raised in your appeal cannot be considered by the hearing officer or the State Council.

A hearing on your allegation that the Southeast Idaho Council of Governments, Inc., should be entitled to designation as a local workforce area under the temporary and subsequent designation provisions of section 116(a)(3) will be heard by Robert E. Bakes, the State Council's hearing officer, on July 19, 2005, at the Department of Commerce and Labor's Annex Conference Room, located at 120 South 3rd Street, Boise, Idaho. The hearing will begin promptly at 10:30 a.m.

Mr. Bakes is a member of the Moffatt, Thomas, Barrett, Rock and Fields law firm. His mailing address is P.O. Box 829, Boise, ID 83701-0829, and his phone number (208) 345-2000.

Mr. Kearns
July 6, 2005
Page 2

To ensure that you get notice as soon as possible, I am sending you this Notice of Hearing on behalf of the hearing officer. This hearing will follow the appeals procedure outlined in section VIII(A)(3) of the new WIA State Plan that was submitted to the Secretary of the United States Department of Labor on May 31, 2005, and approved by the United States Department of Labor on June 29, 2005.

If you have any questions about the hearing, please contact the hearing officer. If you have any other questions, please contact Cheryl Brush at (208) 332-3570 ext. 3312.

Sincerely,



Karen A. McGee, Chair
Workforce Development Council

cc: Cheryl Brush

CERTIFICATE OF MAILING

I hereby certify that the original of this letter was deposited in the United States mail, postage prepaid, this 6th day of July, 2005.



Alice Taylor

Boise
Idaho Falls
Pocatello
Twin Falls

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas	Robert B. Burns
John W. Barrett	James C. Dale
R. B. Rock	Michael E. Thomas
Richard C. Fields	Patricia M. Olsson
Robert E. Bakes	James C. deGlee
John S. Simko	Bradley J. Williams
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Stephen R. Thomas	John O. Fitzgerald, II
Helena M. Christensen	Julian B. Gabiola
Gerald T. Hirsch	Angela Schaefer Kaufmann
Scott L. Campbell	Michael W. McGraham

Kimberly D. Evans Ross
Jon A. Stenquist
Eric M. Barzee
Valene N. Charles
Jason G. Murray
Mark C. Peterson
Andrew J. Waldrer
Tyler J. Anderson
Russell G. Metcalf

Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvic, 1956-2003

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 7000
800 422 2889
208 385 5384 fax
www.moffatt.com

July 6, 2005
via Facsimile
334-6125

Craig G. Bledsoe
Idaho Attorney General's Office
317 West Main Street
Boise, Idaho 83735

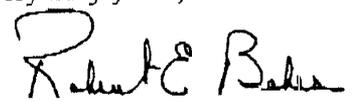
Re: Southeast Idaho Council of Governments, Inc.'s Appeal

Dear Mr. Bledsoe:

We have run a conflicts check on the additional appellant, Southeast Idaho Council of Governments, Inc., and it did not disclose any conflict. I will plan on including that in the hearing to commence on July 18, 2005, and continue into July 19.

When you have an opportunity, please give me a call so that we can discuss the logistics of the hearing.

Very truly yours,



Robert E. Bakes

REB/jrt
cc: Cheryl Brush (*via Facsimile*)

MAIN STREET OFFICE

FAX

Date: July 1, 2005

To: Robert E. Bakes

Company: Moffatt, Thomas, Barrett, Rock & Fields

Fax number: 385-5384

Total pages, including cover: 8

From: Craig Bledsoe

Phone number: 332-3570 ext. 3232

URGENT REPLY ASAP PLEASE COMMENT PLEASE REVIEW FYI

COMMENTS:

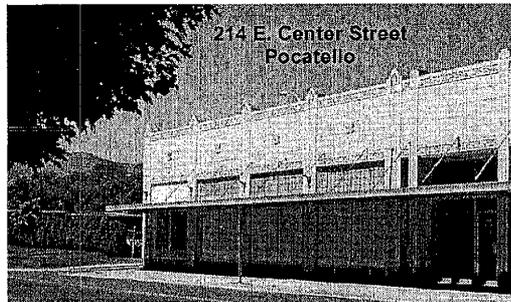
Thank you for your July 1, 2005 letter. We received another appeal. This one is from the Southeast Idaho Council of Governments, Inc. Attached for your review is a list of their board members and officers. This makes a total of 5 appeals. We may need to spread the hearings over 2 days. If these new names don't create a conflict for you, would you also be available July 19th?

We would like to have the hearing officer selected and the notices mailed by July 5, 2005. Please let me know if you have any questions. Thank you for your assistance.

- [SICOG Home Page](#)
- [Community Development](#)
- [Area Agency on Aging](#)
- [Workforce Development](#)
- [Fiscal & Admin & Support](#)

SICOG

The Southeast Idaho Council of Governments improves the quality of life for southeast Idaho residents by cooperatively assessing, planning, developing and implementing public service.



Southeast Idaho Council of Governments

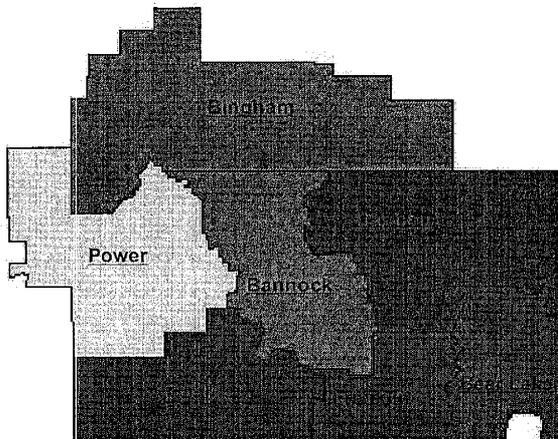
P.O. Box 6079
 Pocatello ID 83205
 (208) 233-4032
 Fax - (208) 233-4841

SICOG Board Officers:

President,
Gene Caldwell
 Oneida County
 Commissioner

Vice President,
Kent Kearns
 Chubbuck City
 Councilr

Secretary/Treasurer,
Ken Estep
 Power County
 Commissioner



SICOG serves seven counties and is a voluntary association of local governments and community organizations funded through local, state and federal sources.

9,200 square miles
152,550 population

Cities:

- Aberdeen
- American Falls
- Arimo
- Atomic City
- Bancroft
- Basalt
- Blackfoot
- Bloomington
- Chubbuck
- Clifton
- Dayton
- Downey
- Firth
- Franklin
- Georgetown
- Grace
- Inkom
- Lava Hot Springs
- Malad
- McCammon
- Montpelier
- Oxford
- Paris
- Pocatello
- Preston
- Rockland
- Shelley
- Soda Springs
- St. Charles
- Weston

Member Agencies

- Idaho Migrant Council
- Japanese American Citizens League
- NAACP
- Shoshone Bannock Tribes
- Pocatello Labor Council
- Idaho State University

SICOG Board of Directors Meeting:

RSVP to Deann
 233-4032 ext 44 or email deann@sicog.org

website suggestions & comments

COUNTIES

Bannock

Commissioner Jim Guthrie
Commissioner Steve Hadley
Commissioner Larry Ghan

Bear Lake

Commissioner Dwight Cochran
Commissioner Conrad Michaelson
Commissioner Vaughn Rasmussen

Bingham

Commissioner Wayne Brower
Commissioner Errol Covington
Commissioner Cleone Jolley

Caribou

Commissioner
Bruce Dredge
Commissioner Bart Conlin
Commissioner Lloyd Rasmussen

Franklin County

Commissioner Alan Carter
Commissioner William Palmer
Commissioner Dal Von Atkinson

Oneida County

Commissioner Joe Daniels
Commissioner Gerald Goodenough
Commissioner
Dallan Nalder

Power

Commissioner Ken Estep
Commissioner Vicki Meadows
Commissioner Ray Zimmerman

CITIES

Aberdeen

Mayor Morgan Anderson
Councilperson Dena Blaker
Councilperson Hap Fettis
Councilperson Mary Leisy
Councilperson Darren Simpson
Councilperson Craig Wampler

American Falls

Mayor Cecil Weisenburger
Councilperson Chuck Chadbourne
Councilperson Kristen Jensen
Councilperson Stuart Pankratz
Councilperson Dean Weaver
Councilperson Norman Wright
Councilperson Amy Wynn

Arimo

Mayor Jean Anderson
Councilperson Karen Anderson
Councilperson Lee Bean
Councilperson Rex Thompson
Councilperson Randy Waite

Atomic City

Mayor Lynn Staten
Councilperson Debra Butler
Councilperson Paul Smith
Councilperson Don Sorter
Councilperson Patricia Wickberg

Bancroft

Mayor William Lester
Councilperson Eric Christensen
Councilperson Sterling Dredge
Councilperson Brad Hemmert
Councilperson Gerald Tolman

Basalt

Mayor Larry Russell
Councilperson Kay Kremin
Councilperson Barbara Simpkins
Councilperson Ken Tucker
Councilperson Michael Young

Blackfoot

Mayor Scott Reese
Councilperson Steven Archibald
Councilperson Farrell Cammack
Councilperson Cherie Harper Clawson
Councilperson Robert Layton

Bloomington

Mayor Wayne Lloyd
Councilperson Stacy Higley
Councilperson Ted Stocker
Councilperson Dale Thornock
Councilperson Philip Ward

Chubbuck

Mayor John Cotant
Councilperson Steve England
Councilperson Marvin Gunter
Councilperson Kent Kearns
Councilperson Leroy Quick

Clifton

Mayor David Weatherspoon
Councilperson Ryan Buttars
Councilperson John Gailey
Councilperson Carol Mumford
Councilperson Richard Penrod

Downey

Mayor Ralph Riser
Councilperson Lonny Dahlke
Councilperson Dennis Phillips
Councilperson Kirk Price
Councilperson Clarence Wilson

Firth

Mayor Mike Kress
Councilperson Barbara Johnson
Councilperson Vincent Larson
Councilperson Marlene Rogers
Councilperson Tim Shaw

Franklin

Mayor Robert Wilkinson
Councilperson Brenton Atkinson
Councilperson Linda Hampton
Councilperson Todd Hawkes
Councilperson Robert Saxton

Georgetown

Mayor Albert Johnson
Councilperson Karl Bartschi
Councilperson Greg Kunz
Councilperson Kevin Nate
Councilperson Annell Williamson

Grace

Mayor Ronald Coombs
Councilperson Bart Benson
Councilperson Lucetta Holt
Councilperson Greg Mansfield
Councilperson Thomas Westre

Inkom

Mayor Ernest Moser
Councilperson Gladys Barker
Councilperson Joel Jolley
Councilperson Paul Lish
Councilperson Rex Shaffer

Lava Hot Springs

Mayor Ray Bailey
Councilperson Marshall Eurgin
Councilperson Leon Gates
Councilperson Jane Linford
Councilperson Newton Lowe

Malad

Mayor Spence Horsley
Councilperson Tom Jenkins
Councilperson Larry Thomas
Councilperson Mike Williams
Councilperson Joan Williams

McCammon

Mayor Ken Bullock
Councilperson Ivan Bullock
Councilperson Valarie Gray
Councilperson Clyde Lowther
Councilperson Susan Nay

Montpelier

Mayor George Lane
Councilperson Sherrell Burgoyne
Councilperson Dan Fisher
Councilperson Steve Hammond
Councilperson Chris Henderson
Councilperson Ron Peterson
Councilperson Jerry Scott

Oxford

Mayor Alan Hatch
Councilperson Curtis Cox
Councilperson Claire Hatch
Councilperson Bill Stewart

Paris

Mayor David Matthews
Councilperson Lori Carlsen
Councilperson Dana Jacobson
Councilperson Brent Lewis
Councilperson James Mattson

Pocatello

Mayor Roger Chase
Councilperson Ron Frasure
Councilperson Gary Moore
Councilperson Harry Neuhardt
Councilperson Eva Nye
Councilperson Richard Stallings
Councilperson Brian Underwood

Preston

Mayor Neal Larson
Councilperson Sandra Hubbard
Councilperson Michael Kunz
Councilperson Milt Liechty
Councilperson Kent Palmer

Rockland

Mayor Dan Ralphs
Councilperson Rowan Barker
Councilperson Bill Dean
Councilperson Eddy Hansen
Councilperson Lorri Robinson

Shelley

Mayor Swede Christensen
Councilperson Steve Cederberg
Councilperson Lorin Croft
Councilperson Charlotte Fredrickson
Councilperson John Lent

Soda Springs

Mayor Kirk Hansen
Councilperson Ryan Anderson
Councilperson Mitch Hart
Councilperson Lynda Lee
Councilperson Randall Prescott

St. Charles

Mayor Alan Michaelson
Councilperson Dallas Arnell
Councilperson Carl Clark
Councilperson Jess Johnson
Councilperson Kathy Pack

Weston

Mayor Leo Daley
Councilperson Brent King
Councilperson Camille Larsen
Councilperson Rick Nielsen
Councilperson Van Woodward

President Kent Kearns

Vice President Ken Estep
Secretary Treasurer Mitch Hart

Boise
Idaho Falls
Pocatello
Twin Falls

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

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John W. Barrett
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Russell G. Metcalf

Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

July 1, 2005
via Facsimile
334-6125

Craig G. Bledsoe
Idaho Attorney General's Office
317 West Main Street
Boise, Idaho 83735

Re: Hearing Officer -- Idaho Workforce Development Council

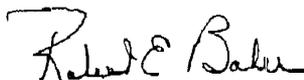
Dear Mr. Bledsoe:

I have reviewed the conflicts report regarding the four regional development associations and their executive directors set out in your June 28, 2005, fax letter. There are no conflicting representations with the Moffatt Thomas law firm. Also, I have reviewed the names set out in your letter, and I do not know any of them on a personal basis, although I have been introduced to Judy Peavey-Derr and John Evans, assuming that is the same John Evans who is an officer in the DL Evans Bank. That does not constitute a conflict of interest.

I have reserved July 18, 2005, as the date for the hearings, which I understand are to be held in some state hearing room. We will need to talk about the arrangements for the hearing, including such matters as whether the hearing will be reported or recorded and if the parties will be represented by attorneys. I would like to receive preliminary position papers by each of the parties by July 13, 2005, so that I can familiarize myself with the issues that will be involved in the hearings.

Thank you for the opportunity to participate in these proceedings. My fee for conducting these hearings and making appropriate findings is \$200 per hour.

Very truly yours,



Robert F. Bakes

REB/jrt

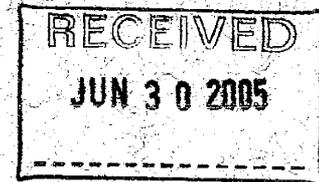
cc: Terry E. Coffin (*via Facsimile*)
Cheryl Brush (*via Facsimile*)

Region IV Development

South Central Idaho Works!

June 29, 2005

Karen McGee
Chair, Workforce Development Council
Idaho Department of Commerce and Labor
317 West Main Street
Boise, ID 83735



Re: Appeal of the Denial of Region IV Development Association, Inc. Request to be a Local Workforce Investment Area

Dear Ms. McGee:

This appeal is submitted pursuant to the applicable provisions of the July 1, 2000 – June 30, 2005 Strategic Five-Year State workforce Investment Plan and to the extent applicable, if at all, the applicable provisions of the Governor's proposed 2005 Idaho Workforce Investment Act State Plan and the applicable federal law and regulations, this letter serves to file an appeal of the proposed action(s) of the Governor's proposed 2005 Idaho Workforce Investment Act State Plan to the full extent that it attempts to amend, alter or fail to designate the status and the authority of the Region IV Development Association, Inc. to act for and on behalf of the Local Elected Officials of the Eight South Central Counties of Idaho as a Workforce Investment Area under the Workforce Investment Act of 1998. Region IV Development Association, Inc. contends that its request to be a local workforce investment area was wrongfully denied by the State of Idaho for the following factual and legal reasons.

1. WIA §116(a)(1)(B) lists factors which the State Board and the Governor must consider when designating local areas. These factors were not considered. Only the factor of cost was presented. At the public meeting on May 11, 2005 the presenters of the draft plan identified the factor for the change from a system of local boards to no local workforce boards as being the reduction in WIA funds coming to the state. This error violates WIA and its implementing rules and, therefore, the designation decision must be set aside.
2. WIA section (116)(a)(3)(B) requires that temporary designations made under the first five year WIA plan be extended "until the end of the period covered by the State plan...". Region IV Development Association, Inc. requested that its designation be extended though the end of Idaho's WIA planning cycle, which begins July 1, 2005. The referenced designation request is attached to this appeal letter, along with initial designation by Governor Batt on December 15, 1998. Notwithstanding statutory requirements, Region IV Development Association, Inc. request for continuing designation was denied. None of the statutory reasons for denial... poor performance or lack of fiscal integrity... existed or was used to justify denial. The designation request of Region IV Development Association, Inc. must be granted, as required by law.
3. The State Board discussion and vote on Idaho WIA Plan approval was flawed in that a majority favorable vote did not occur as was represented to the public, USDOL and the

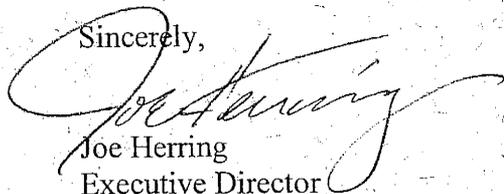
Governor. Instead, the vote was tied (8 to 8) which does not represent approval pursuant to State Board bylaws. This misrepresentation is a fatal flaw and requires that the designation process be set aside.

The appellant agency's local workforce area designation request should be granted and its operation as a local area should be continued while this appeal is pending and legal fees, costs and damages should be awarded to the appellant agency to the extent allowed by law.

Further, the appellant requests that the State Board Chair declare a conflict of interest and avoid participating in the appeal process in any way since this appeal concerns the State Chair's conduct and decision making. An impartial hearing officer should be jointly selected by the parties to this dispute using principles established by the American Arbitration Association.

You may contact me at 732-5727 ext. 3003, or by e-mail to joe@rivda.org with questions, concerns or scheduling a hearing on our appeal.

Sincerely,



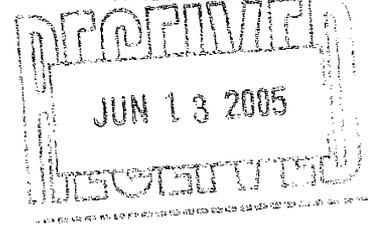
Joe Herring
Executive Director

Cc: Region IV Development Association Board of Directors
State Legislators of Region IV
Governor Dirk Kempthorne
Roger Madsen

IDAHO

COMMERCE & LABOR

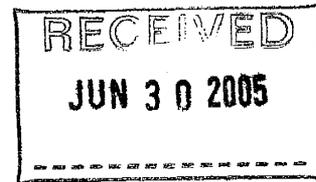
DIRK KEMPTHORNE, GOVERNOR
ROGER B. MADSEN, DIRECTOR



June 9, 2005

Mr. Brent Jussel, President
Region IV Development Assn.
Seastrom Manufacturing
456 Seastrom St.
Twin Falls, ID 83301

Re: Expiration of Current Area Designation
Denial of Request for Area Designation



Dear Mr. Jussel:

As Governor Kempthorne's designee for the purpose of notifying local elected officials and local area boards of the requirements of the new Workforce Investment Act (WIA) State Plan that the Governor signed and sent to the Secretary of the United States Department of Labor on May 31, 2005, you are hereby given notice of the following:

1. Your current designation as a WIA local area expires on June 30, 2005. The Department's Workforce Systems Bureau will contact you to provide information about close-out procedures and discuss transition activities.
2. Because you do not meet the criteria for designation as a local area under sections 116(a)(2) and 116(a)(3) of the WIA, your request for designation as a local area under the new WIA State Plan is denied. If you believe that you do meet this statutory criteria, you may appeal the Governor's decision by following the appeals procedure in Section VIII(A)(3) of the new WIA State Plan.

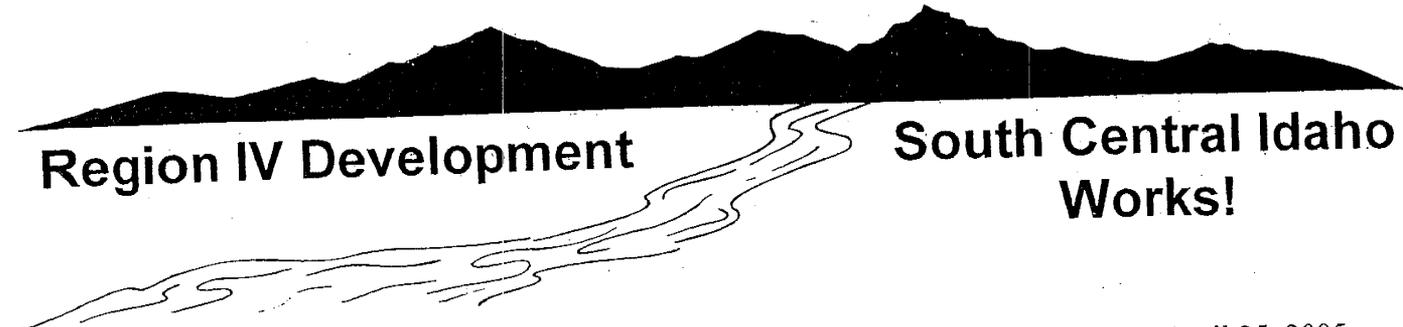
This action does not eliminate your local board. It only ends the designation that allows you to receive and administer federal WIA funds.

Governor Kempthorne and I appreciate your efforts and value your support as we join together to ensure that the recent reduction of federal funding will not adversely affect the ability of Idahoans to receive job training.

Sincerely

Roger B. Madsen
Director

cc: Candy McElfresh ;/



Region IV Development

**South Central Idaho
Works!**

April 25, 2005

Dear Governor Kempthorne:

We do not believe that your decision to remove local planning and implementation of the Workforce Investment Act from the local elected officials of Idaho Region IV is in the best interest of our people. We believe implementation of your decision done without consultation with our local elected officials will result in degradation of service delivery to the people of South-central Idaho.

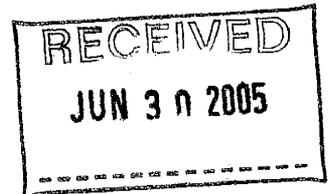
Region IV Development has successfully implemented the Workforce Investment Act for our eight county area since 2000. We have helped boost the state's performance levels by our knowledgeable local planning of service delivery. We have an experienced Workforce Investment Board, with some members serving in a similar capacity under past federal job training initiatives for approximately 30 years. We have experienced staff in place.

Based on these beliefs and facts, Region IV Development Association respectfully request re-certification as the Workforce Investment Area for the area referred to as Region IV including the counties of Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls.

We are available for assistance and discussion of this matter.

Sincerely,

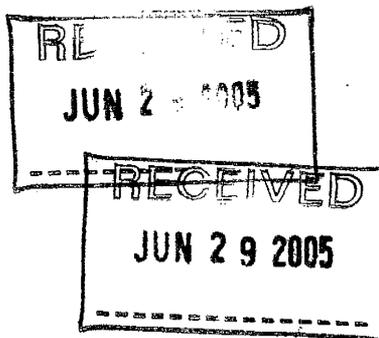
Brent Jussel
President



COBY

June 28, 2005

Chair of the State Council
Idaho Department of Commerce and Labor
Workforce Systems Bureau
317 West Main Street
Boise, Idaho 83735



Council of Governments
Certified Development
Company
Government Procurement
International Trade
Associate Office
North Idaho Workforce
Investment Board
Business Incubator Center
North Idaho Community
Services Corporation

RE: Appeal of Denial of Request for Area Designation

Dear Madam:

I am in receipt of a letter dated June 9, 2005, from Roger Madsen who as the Governor's designee has notified the Panhandle Area Council that it has been denied designation as a local area under the new WIA State Plan.

Pursuant to the applicable provisions of the July 1, 2000 - June 30, 2005 Strategic Five-Year State Workforce Investment Plan and to the extent applicable, if at all, the applicable provisions of the Governor's proposed 2005 Idaho Workforce Investment Act State Plan and the applicable federal law and regulations, this letter serves to file an appeal of the proposed action(s) of the Governor's proposed 2005 Idaho Workforce Investment Act State Plan to the full extent that it attempts to amend, alter or fail to designate the status and the authority of the Panhandle Area Council to act for and on behalf of the Local Elected Officials of the Five Northern Counties of Idaho as a Workforce Investment Area under the Workforce Investment Act of 1998.

The rationalization for denial made by Idaho Commerce & Labor is that Panhandle Area Council/ Region I does not meet the criteria for designation under WIA Sections 113(a)(2) and 116(a)(3). This claim is false and is not upheld by Workforce Investment Act law. The facts are as follows, pursuant to WIA Section 116:

1. Panhandle Area Council/Region I was designated as a local Workforce Investment Area by the Governor in 1998 at the inception of the Workforce Investment Act.
2. Subsequent designation *shall be granted* to areas upon request if the area "...substantially met (as defined by the State board) the local performance measures for the local area and sustained the fiscal integrity of the funds used by the area to carry out activities under this subtitle." (WIA Section 116 (a)1(3)B)
Please note: This subsequent designation occurs *regardless of the conditions of the initial designation when the Workforce Investment Act became law seven years ago*. The state cannot move back in time to 1997 and the service delivery structure under JTPA, using it as a reference upon which to base its

State Plan in 2005. The state is attempting to use the specious argument that Region I did not meet mandatory designation criteria then nor does it now. Once designated, an area remains so until it fails in performance or fiscal integrity. The issue of whether mandatory or optional designation was granted at the outset of WIA is rendered null and void under the law.

3. Region I is entitled to designation as required by Workforce Investment Act law. The Workforce Development Council did not follow procedure and utilize the criteria in the Act to determine designation as required by law. Panhandle Area Council acting as the local elected official represents a combination of units of general local governments that comprises all the required criteria outlined in WIA Section 116(a)1(B), to wit:

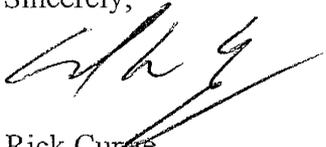
(B) Considerations.--In making the designation of local areas, the Governor shall take into consideration the following:

- (i) Geographic areas served by local educational agencies and intermediate educational agencies.
- (ii) Geographic areas served by postsecondary educational institutions and area vocational education schools.
- (iii) The extent to which such local areas are consistent with labor market areas.
- (iv) The distance that individuals will need to travel to receive services provided in such local areas.
- (v) The resources of such local areas that are available to effectively administer the activities carried out under this subtitle.

Panhandle Area Council is within its rights under the law to request designation and it must be granted by the state. Any action that prevents this from occurring is in contravention of the law as written and its intent as espoused by Congress and the US Department of Labor.

Panhandle Area Council looks forward to working with the Workforce Development Council to resolve this matter and continue to provide outstanding services to the citizens of our region and the state of Idaho.

Sincerely,



Rick Currie
Chair

cc: Governor Dirk Kempthorne
Roger Madsen
Idaho Workforce Development Council
Local Elected Officials
Mason Bishop
Rosemary Cowan
Emily Stover DeRocco

Tom Dowd
Gay Gilbert
Sean Kelly
Christine Kulick
Richard Trigg
Todd Yamamoto

MAIN STREET OFFICE

FAX

Date: June 28, 2005

To: Robert E. Bakes

Company: Moffatt, Thomas, Barrett, Rock & Fields

Fax number: 385-5384

Total pages, including cover: 11

From: Cheryl Brush

Phone number: 332-3570 ext. 3312

URGENT REPLY ASAP PLEASE COMMENT PLEASE REVIEW FYI

COMMENTS: The Idaho Workforce Development Council needs a hearing officer to conduct hearings and issue non-binding, recommended orders for the Council's consideration. Currently there are 4 entities appealing the Governor's denial of their request for designation as a local area under the federal Workforce Investment Act. They are:

1. The Panhandle Area Council (PAC).
2. The Clearwater Economic Development Association (CEDA).
3. Sage Community Resources.
4. Region IV Development Association, Inc.

Information about these entities is enclosed for your review. Please let me know at your earliest convenience if you will be able to act as the State Council's hearing officer. The Department of Commerce & Labor, which provides administrative support to the State Council, believes all 4 hearings can be completed in one day. We would tentatively like to schedule the hearings for July 18, 2005.

Please let me know if you have any questions. Thank you for your assistance.

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Panhandle Area Council

11100 N. Airport Drive
Hayden, ID 83835
Phone: (208) 772-0584
Fax: (208) 772-6196

Email:

Jim Deffenbaugh

Executive Director

Nancy Mabile

Economic Development Planner

Kay Kitchel

Grant Administration/Fiscal Officer

Paul Ferguson

Commercial Loan Officer

Webmaster@pacni.org

WEBMASTER

PANHANDLE AREA COUNCIL MEMBERS

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Clearwater Economic Development Association

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**Clearwater Economic Development Association Board of Directors
June 28, 2005**

Name	Address	City	Postal Code	Representing	Work Phone	Home Phone	Email address
* Jim Angle	P.O. Box 336	Lapwai	83540	City of Lapwai Clearwater RC&D	(208) 843-2212	(208) 843-2202	Lapwai@lewiston.com
* Steve Bateman	PO Box 321	Nezperce	83543-	City of Nezperce	(208) 937-2566		sbateman@jacklin.com cells 509-760-6611, 208-791-1855
Jayne Bentz	1626 6 th Ave N	Lewiston	83501	Port of Lewiston	(208) 743-5531		portlaynie@lewiston.com
Barbara Crouch	P.O. Box 8273	Moscow	83843	Latah EDC	(208) 885-3800		edc@moscow.com
* John Currin	PO Box 1388	Lewiston	83501-	City of Lewiston	(208) 799-1742		john.currin@potlatchcorp.com
John Dickenson	PO Box 9203	Moscow	83843	City of Moscow	(208) 883-7080		
* Randy Doman	320 W. Main	Grangeville	83530	Idaho County	(208) 983-2751		rdoman@idahocounty.org
Denis Duman	Box 571	Cottonwood	83522-	City of Cottonwood	(208) 962-3941		
Russell Foster	P.O. Box 236	Deary	83823	City of Deary	(208) 877-1582		
Kevin Jacobsen	100 Sixth St.	Culdesac	83524	City of Culdesac	(208) 843-5483		
* Carroll A Keith	510 Oak St., Rm 1	Nezperce	83543-	Lewis County	(208) 937-2661		Carroll.keith@hillcotechnologies.com
Becky Kellom	P.O. Box 652	Bovill	83806	City of Bovill	(208) 826-3335		
Cassandra Kipp	17825 Nez Perce Rd.	Lewiston	83501	Nez Perce Tribe	(208) 843-2253		cassandrak@nezperce.org
Terry Kolb	803 Main Street	Lewiston	83501-	Avista	(208) 798-1425		tkolb@avistacorp.com
Jeff Kutner	PO Box 3	Grangeville	83530-	City of Grangeville	(208) 983-2626		
* Rick Laam	P.O. Box 312	Orofino	83544-	City of Orofino	(208) 476-4725		rlaam@orofino-id.com
* Stan Leach	P.O. Box 686	Orofino	83544	Clearwater County	(208) 476-3615	(208) 476-7132	commissioners@clearwatercounty.org
* Rob Lohmeyer	500 8th Ave. MTB-101	Lewiston	83501	Lewis Clark State College	(208) 792-2225		rlohmeyer@lcsc.edu
Dana Magnuson	PO Box 179	Kendrick	83537-	City of Kendrick - Kendrick/Juliaetta RD	(208) 289-4271		dmagnuson@juno.com
* Jack Nelson	P.O. Box 8068	Moscow	83843	Latah County	(208) 882-8580		jnelson@latah.id.us
* Bob Olive	Rt. 1 Box 706	Kamiah	83536-	City of Kamiah	(208) 935-2672	(208) 935-2757	oliveoil@camasnet.com
Becky Patterson	PO Box 155	Elk River	83827	City of Elk River	(208) 826-3209		citver@turbonet.com
Mike Potratz	PO Box 383	Pierce	83546	NCITA	(208) 464-2171		
Tedi Roach	1714 G Street	Lewiston	83501	NCIWB	(208) 799-5531		tedi.roach@expresspersonell.com
John Schurbon	P.O. Box 156	Kooskia	83539-	City of Kooskia	(208) 926-4406		KTP@cybrquest.com
* Kellye Sharp	P.O. Box 1147	Lewiston	83501-	Job Service	(208) 799-5000		ksharp@labor.state.id.us
Don Smith	1217 9th Street	Lewiston	83501-	Labor	(208) 743-2852	(208) 743-2852	nsmith@lewiston.com
Norm Steadman	PO Box 312	Weippe	83553	City of Weippe	(208) 435-4246		weippenorm@hotmail.com
* LeAnn Trautman	P.O. Box 263	Winchester	83555	City of Winchester	(208) 791-4454		winchcty@camasnet.com
* J.R. Van Tassel	PO Box 896	Lewiston	83501-	Nez Perce County	(208) 799-3090	(208) 746-3771	irvt@co.nezperce.id.us
Sarah Walz	P.O. Box 105	Peck	83545	City of Peck	(208) 486-7791		
Suzann Underwood	PO Box 712	Riggins	83549-	City of Riggins	(208) 628-3441	(208) 628-3116	suzann@ctcweb.net
Position vacant	HC64 Box 41A	Pierce	83546-	City of Pierce	(208) 464-2472		

* Executive Committee

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Clearwater Economic Development Association

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CEDA Staff

John Lane Business—Finance Specialist
johnlane@lewiston.com

John is a native of north central Idaho. Before joining the CEDA team, John earned a Business Administration degree with an accounting emphasis, spent 13 years in management at two retail grocery outlets, and was an Associate Business Counselor with the Idaho Small Business Development Center where he specialized in business planning and accounting assistance. John's duties at CEDA include marketing and administration of the Business Development program and providing technical assistance to borrowers on business related and credit issues.

Dona L. Lannon—Fiscal Manager
donal@lewiston.com

Dona began working for CEDA in March 1996 as an intern serving as the Flood Recovery Coordinator while finishing her senior year at Lewis-Clark State College. After graduating with a B. S. in Business Management, she became a full-time permanent staff member. Dona has a diverse business background with over twenty-two years of experience in accounting and customer service. She is an Idaho Certified Grant Administrator specializing in financial management, labor monitoring, civil rights and Fair Housing Compliance, and public participation. She lives in Lewiston with her husband. Her interests include reading, writing, camping, fishing, and riding ATV's around their cabin in Clearwater County.

Jenni Schacher—Bicentennial Coordinator
jennischach@lewiston.com

Jenni began working part time for CEDA November 1999 as an administrative assistant in the Business Finance Department, while finishing her Associates in Applied Arts and Sciences Degree in Legal Administration from Walla Walla Community College, graduating in June 2000. In the fall of 2001, she furthered her role at CEDA as the administrative assistant in the Lewis Clark Bicentennial Department thus splitting her time between the two programs. In June of 2003 she accepted the role of Director/Coordinator for the LC Bicentennial Department. Jenni is a Certified Grant Administrator and her duties at CEDA include administration and implementation of bicentennial awards as well as working closely with Keith Peterson, Idaho Governor's Lewis and Clark Trail Committee Coordinator on Bicentennial related projects. "

Julie Borders—Administrative Assistant
jborders@lewiston.com

Julie joined CEDA's organization in December 2000. She earned an Associates of Arts Degree from Spokane Falls Community College in 1993. In the fall of 2002 Julie also became the administrative assistant for the North Central Idaho Works Board and splits her time between the two departments.

Christine L. Frei—Community Development Specialist
cfrei@lewiston.com

Christine has been an integral part of professional teams in region II for several years and is efficient in organizing, controlling, and managing through the coordination of operational activities, process and data control, and record maintenance. She acquired grant writing and administration skills in the fiscal management of federal grants through the Idaho Rural Water Association. She has several years of hands on experience working with Boards of Directors while managing programs and projects. Her

personal knowledge of our region and the economic/community development issues we face will be a great benefit to all of Region II.

Tim Rubio—Workforce Planner
trubio@lewiston.com

Tim is the Workforce Investment Act (WIA) Workforce Planner for Region II. Tim provides staff support to the Chief Local Elected Officials and the local Idaho Works Board in carrying out their responsibilities set forth under the Workforce Investment Act. Duties include planning and oversight of the WIA program under the Regional Comprehensive Plan. Tim has worked for CEDA since 2001. He has over 30 years of experience with federal and state employment and training programs.

Chris Kuykendall—Clearwater County Economic Development Specialist
cceds@orofino-id.com

After completing a B.S in Biology at the University of Minnesota in 1990 Chris ventured west in search of skiable terrain and a career. In April of 1990 she landed a job in Orofino and has been in north central Idaho ever since. She has worked in a variety of natural resource management and program development positions with federal, state and tribal entities. At CEDA, Chris is the regional EDS, with responsibilities focusing on developing economic and community opportunities, building partnerships to foster implementing the Comprehensive Economic Development Strategy for the Region, evaluating, writing and administering grant opportunities that benefit the Region and its communities. Feel free to contact Chris if you have ideas/needs related to economic and/or community development.

Wanda Keefer—Executive Director
wkeefe@lewiston.com

After four and a half years as an CPA for Presnell-Gage Accounting and Consulting in Lewiston, Idaho, (and many previous years in Montana as a program manager), Wanda transferred her skills to CEDA as Executive Director. A graduate of Asotin High School, Wanda has a two-year degree from Lewis-Clark State College, a Bachelors in Accounting from Carroll College in Helena, Montana, and a Masters degree in Public Administration from the University of Montana in Missoula. She is excited about the difference CEDA can make in the lives of people in Region II, and hopes, through her efforts, that things will get even better.

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Sage Community Resources

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2004-2005

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First Chair
John Evans

Secretary/Treasurer
Diana Thomas

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Liaison	AAA Advisory Council	Fred Lawson
Vice Chair	Loan Review Committee	Dan Noble
Immediate Past Chair		Rich Hahn

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Bill Brown Commissioner Adams County	Ed Mansfield Commissioner Gem County
Vacant Payette County	Dan Noble Washington County Member-At-Large
Jim Dakan CouncilMember City of Caldwell	Kirby Ortiz Boise, Idaho Minority Representative
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Rich Hahn Ada County	Tom Kerr Commissioner Valley County
Layna Hafer CouncilMember City of Weiser	Dr. James Weatherby Ada County Member-At-Large



STAFF of Region IV Development

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The People at Region IV Development Association

This section includes email addresses for key employees and our Board of Directors director listing. If you need additional biographical information, please call the office at 208.732.5727.

Main Office Contacts

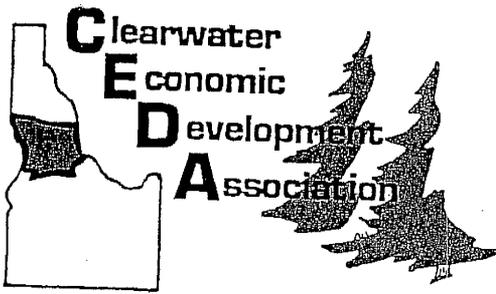
Susanne Richardson, Administrative Assistant, is in charge of our front office and telephone assistance. You can reach her by calling our main office number: 208.732.5727 ext 3001 or mail her at susanne@rivda.org. All of the Region IV employees may be reached by phone : main office number, their email addresses are listed below.

<p>Joe Herring Administrative Director Email: joe@rivda.org ext 3003</p>	<p>Jeff McCurdy Grant Writer/ Grant Administrator Email: jeff@rivda.org ext 3005</p>
<p>Catherine Anderson Project Coordinator Youth Offender Demonstration Project Email: catherine@rivda.org ext 3004</p>	<p>Candy McElfresh Workforce Division Manager Email: candy@rivda.org ext 3007</p>
<p>Kristi Dunn Loan & Fiscal Division Associate Email: kristi@rivda.org ext 3012</p>	<p>Susanne Richardson Administrative Assistant Email: susanne@rivda.org ext 3001</p>
<p>Thomas Hawley Senior Loan Officer Email: tom@rivda.org ext 3006</p>	<p>Karen Velasquez Short Loan Portfolio Manager Email: karen@rivda.org ext 3009</p>
<p>Carleen Herring Econ. Development Division Mgr. Email: carleen@rivda.org ext 3010</p>	<p>Kathy Uker Fiscal Manager/Grant Administrator Email: kathy@rivda.org ext 3008</p>

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Gerald Beck (Sec/Treasurer)	<u>College of Southern Idaho</u>
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Buck Ward	Region IV Development Corporation
Dennis Wright	<u>Blaine County</u>
Vacant	<u>Lincoln Cities</u>
Vacant	Finance



1626 6th Ave. North
Lewiston, Idaho 83501
(208) 746-0015
Fax (208) 746-0576

June 24, 2005



Karen McGee
Chair, Workforce Development Council
Idaho Department of Commerce and Labor
317 West Main Street
Boise, ID 83735

**Re: Appeal of the Denial of Clearwater Economic Development
Association's Request to be a Local Workforce Investment Area**

Dear Ms. McGee:

This letter serves to file an appeal of the proposed action(s) of the Governor's proposed 2005 Idaho Workforce Investment Act State Plan to the full extent that it attempts to amend, alter or fail to designate the status and the authority of the Clearwater Economic Development Association (CEDA) to act for and on behalf of the local elected officials of the five north central counties of Idaho as a Workforce Investment Area under the Workforce Investment Act of 1998. This appeal is pursuant to the applicable provisions of the July 1, 2000 -June 30, 2005 Strategic Five-Year State Workforce Investment Plan and to the extent applicable, if at all, the applicable provisions of the Governor's proposed 2005 Idaho Workforce Investment Act State Plan and the applicable federal law and regulations. CEDA contends that its request to be a local workforce investment area was wrongfully denied by the State of Idaho for the following factual and legal reasons.

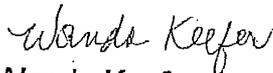
1. WIA §116(a)(1)(B) lists factors that the State Board and the Governor must consider when designating local areas. These factors were not considered. Only the factor of cost was presented. At the public meeting on May 11, 2005 the presenters of the draft plan identified the factor for the change from a system of local boards to no local workforce boards as being the reduction in WIA funds coming to the state. This error violates WIA and its implementing rules and, therefore, the designation decision must be set aside.

2. WIA section (116(a)(3)(B) requires that temporary designations made under the first five year WIA plan be extended "until the end of the period covered by the State plan..." Clearwater Economic Development Association requested that its designation be extended through the end of Idaho's WIA planning cycle, which begins July 1, 2005. The referenced designation request is attached to this appeal letter, along with initial designation by Governor Batt on December 15, 1998. Notwithstanding statutory requirements, CEDA's request for continuing designation was denied. None of the statutory reasons for denial...poor performance or lack of fiscal integrity...existed or was used to justify denial. The designation request of CEDA must be granted, as required by law.

The appellant agency's local workforce area designation request should be granted and its operation as a local area should be continued while this appeal is pending. Legal fees, costs and damages should be awarded to the appellant agency to the extent allowed by law.

You may contact me with questions or concerns or to schedule a hearing on our appeal.

Sincerely,



Wanda Keefer
Executive Director

Cc: Clearwater Economic Development Association Board of Directors
State Legislators of Region II
Roger Madsen
Governor Dirk Kempthorne

IDAHO

COMMERCE & LABOR

DIRK KEMPTHORNE, GOVERNOR
ROGER B. MADSEN, DIRECTOR

June 9, 2005

Mr. John Currin
President
Clearwater Economic Development Assn
1626 6th Avenue N
Lewiston, ID 83501

RECEIVED

JUN 13 2005

C.E.D.A.

Re: Expiration of Current Area Designation
Denial of Request for Area Designation

Dear Mr. Currin:

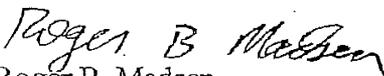
As Governor Kempthorne's designee for the purpose of notifying local elected officials and local area boards of the requirements of the new Workforce Investment Act (WIA) State Plan that the Governor signed and sent to the Secretary of the United States Department of Labor on May 31, 2005, you are hereby given notice of the following:

1. Your current designation as a WIA local area expires on June 30, 2005. The Department's Workforce Systems Bureau will contact you to provide information about close-out procedures and discuss transition activities.
2. Because you do not meet the criteria for designation as a local area under sections 116(a)(2) and 116(a)(3) of the WIA, your request for designation as a local area under the new WIA State Plan is denied. If you believe that you do meet this statutory criteria, you may appeal the Governor's decision by following the appeals procedure in Section VIII(A)(3) of the new WIA State Plan.

This action does not eliminate your local board. It only ends the designation that allows you to receive and administer federal WIA funds.

Governor Kempthorne and I appreciate your efforts and value your support as we join together to ensure that the recent reduction of federal funding will not adversely affect the ability of Idahoans to receive job training.

Sincerely


Roger B. Madsen
Director

cc: Tim Rubio ✓

RESOLUTION

WHEREAS, the Congress of the United States has enacted the Workforce Investment Act of 1998, hereinafter referred to as the ACT, to implement a comprehensive workforce investment system intended to be customer focused and to help companies find skilled workers; AND

WHEREAS, the Governor of the State of Idaho has designated the counties which have signed this Consortium Agreement as a Workforce Investment Area pursuant to the ACT; AND

WHEREAS, The Idaho Workforce Consortium represents the local elected officials of the said counties of the State of Idaho within the designated workforce investment area formerly known as Regions I-V; AND

WHEREAS, the counties of the State of Idaho which have signed this Consortium Agreement are desirous of a consortium for Workforce Investment Area status under the ACT; AND

WHEREAS, the aforementioned counties intend to comply with all regulations, changes, and amendments to the ACT and other pertinent legislation; AND

WHEREAS, The Idaho Workforce Consortium will create a mechanism by which input from stakeholders throughout the State will be incorporated in Idaho's workforce investment system; AND

WHEREAS, the Clearwater Economic Development Association organization is a consortium of local elected officials from Clearwater, Idaho, Latah, Lewis, and Nez Perce Counties in North Central Idaho; AND

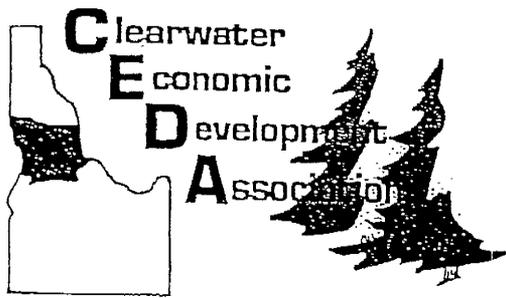
NOW, THEREFORE, the Clearwater Economic Development Association assists other consortiums representing local elected officials in jointly establishing The Idaho Workforce Consortium; AND

THEREFORE, the Clearwater Economic Development Association resolves to join The Idaho Workforce Consortium and assist in negotiating the Consortium Agreement.

ADOPTED THIS 23th DAY OF JUNE, 2005

Officer
Clearwater Economic Development Association

ATTEST



1626 6th Ave. North
Lewiston, Idaho 83501
(208) 746-0015
Fax (208) 746-0576

June 23, 2005

Emily Stover DeRocco
Assistant Secretary for Employment and Training
US Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Dear Ms. DeRocco:

Representing a consortium of local elected officials in North Central Idaho, the Clearwater Economic Development Association (CEDA) wishes to express opposition to Idaho Governor Dirk Kempthorne's request for the US Department of Labor to grant a waiver that would allow the state board—the Idaho Workforce Development Council appointed by the Governor of Idaho—to act as the local planning board for the entire state. Idaho is not a single state workforce area. Under the waiver process, the Governor seeks to apply 20 CFR 661.300(f) so that he and he alone determines the character and representation within the decision-making body.

The Workforce Investment Act law specifically and deliberately mandates the involvement of local elected officials in the development and administration of their local workforce investment systems. For decades, CEDA has been active in appointing representatives to a local Workforce Board and following their activities, authorized to do so by local elected officials.

This decision to strip local elected officials of such authority was not developed in collaboration with those we represent. It undercuts the letter and intent of the Workforce Investment Act. Local elected officials in North Central Idaho do not voluntarily give up our rights and responsibilities under the law as duly elected officials to select local boards and local grantees, select operators and providers, and provide program oversight and administration. (WIA Sec. 117)

Under the law, local elected officials have the right, and in Idaho, we have the desire to remain involved in our communities and our workforce investment system. This waiver, if granted, will take away that right and remove duly elected representatives of our citizens from their lawful role in our state's system.

We urge you to deny the waiver and to permit the local elected officials to continue their participation in Idaho's workforce system.

Sincerely,

Clearwater Economic Development Association

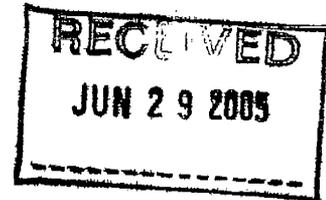
c: Idaho District 6, 7, 8 Representatives
Senator Larry Craig
Senator Mike Crapo
Representative Butch Otter
Representative Mike Simpson
Representative Howard (Buck) McKeon
Others at US Department of Labor

Southeast Idaho Council of Governments, Inc.

P.O. Box 6079
Pocatello, Idaho 83205-6079
(208) 233-4032
FAX (208) 233-4841

June 23, 2005

Karen A. McGee
Chair, Idaho Workforce Development Council
(Chair of the State Council)
Idaho Department of Commerce and Labor
Workforce Systems Bureau
317 West Main Street
Boise, Idaho 83735



RE: Appeal of the Denial of Southeast Idaho Council of Governments, Inc. (Idaho Region 5)
Request to be a Local Workforce Investment Area

Pursuant to the applicable provisions of the July 1, 2000-June 30, 2005 Strategic Five Year State Workforce Investment Plan and to the extent applicable, if at all, the applicable provisions of the Governor's proposed 2005 Idaho Workforce Investment Act State Plan and the applicable federal law and regulations, this letter serves to file an appeal of the proposed action(s) of the Governor's proposed 2005 Idaho Workforce Investment Act State Plan to the full extent that it attempts to amend, alter or fail to designate the status and the authority of the Southeast Idaho Council of Governments, Inc. to act for and on behalf of the Local Elected Officials of the Seven Southeastern Counties of Idaho as a Workforce Investment Area under the Workforce Investment Act of 1998.

1. WIA §116(a)(1)(B) lists factors that the State Board (the Idaho Workforce Development Council) and the Governor must consider when designating local areas. These factors were not considered; the only factor that was in fact considered was cost. At the Idaho Workforce Development Council meeting on May 11, 2005, the presenters of the draft plan identified the reduction in Workforce Investment Act funding coming to Idaho as the factor causing the change from a system of local workforce investment boards to a system with no local workforce investment boards. That none of the other factors mandated in WIA §116(a)(1)(B) were considered constitutes error that violates WIA and its implementing rules and, therefore, the designation decision must be set aside.
2. WIA section (116)(a)(3)(B) requires that temporary designations made under the first five year WIA plan be extended "until the end of the period covered by the State plan...". The Southeast Idaho Council of Governments, Inc. (Idaho Region 5)

BANNOCK COUNTY
Chubbuck
Downey
Inkom
Lava Hot Springs
McCammon
Pocatello
Arimo

BEAR LAKE COUNTY
Bloomington
Georgetown
Montpelier
Paris
St. Charles

BINGHAM COUNTY
Aberdeen
Atomic City
Basalt
Blackfoot
Firth
Shelley

CARIBOU COUNTY
Bancroft
Grace
Soda Springs

FRANKLIN COUNTY
Clifton
Dayton
Franklin
Oxford
Preston
Weston

ONEIDA COUNTY
Malad

POWER COUNTY
American Falls
Rockland

IDAHO MIGRANT
COUNCIL

JAPANESE AMERICAN
CITIZENS LEAGUE

NATIONAL ASSOCIATION
FOR THE ADVANCEMENT
OF COLORED PEOPLE

POCATELLO CENTRAL
LABOR COUNCIL

THE SHOSHONE
BANNOCK
TRIBES

IDAHO STATE
UNIVERSITY

COMMUNITY
DEVELOPMENT DIVISION

AREA AGENCY ON AGING

WORKFORCE
DEVELOPMENT
DIVISION

BANNOCK PLANNING
ORGANIZATION

requested that its designation be extended through the end of Idaho's WIA planning cycle, which begins July 1, 2005. The referenced designation request is attached to this appeal letter, along with initial designation by Governor Batt on December 15, 1998. Notwithstanding statutory requirements, The Southeast Idaho Council of Governments, Inc. (Idaho Region 5) request for continuing designation was denied. None of the statutory reasons for denial, i.e. poor performance or lack of fiscal integrity, existed or was used to justify denial. The designation request of The Southeast Idaho Council of Governments, Inc. (Idaho Region 5) must be granted, as required by law.

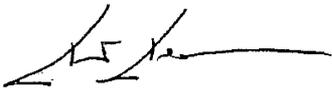
3. The State Board (Idaho Workforce Development Council) discussion and vote on Idaho WIA Plan approval was flawed in that a majority favorable vote did not occur as was represented to the public, USDOL and the Governor. Instead, the vote was tied (8 to 8) which does not represent approval pursuant to State Board bylaws.
4. This misrepresentation is a fatal flaw and requires that the designation process be set aside.

The appellant agency's local workforce area designation request should be granted and its operation as a local area should be continued while this appeal is pending and legal fees, costs and damages should be awarded to the appellant agency to the extent allowed by law.

Further, the appellant requests that the State Board (Idaho Workforce Development Council) Chair declare a conflict of interest and avoid participating in the appeal process in any way, since this appeal concerns the State Chair's conduct and decision-making. An impartial hearing officer should be jointly selected by the parties to this dispute using principles established by the American Arbitration Association.

You may contact our representative, Kathleen Lewis at 208-233-4032, extension 26, kathleen@sicog.org, P.O. Box 6079, Pocatello, ID 83205-6079, with questions or concerns.

Sincerely,



Kent Kearns
President

CC: Southeast Idaho Council of Governments, Inc. Board of Directors
Region V. State Legislators
Governor Dirk Kempthorne
Roger Madsen



RECEIVED
JUN 23 2005

June 22, 2005

Karen McGee, Chair
Idaho Workforce Development Council
317 W. Main Street
Boise, ID 83735

RE: Appeal of the Denial of Region III Request to be a Local Workforce Investment Area

Dear Karen,

This appeal is submitted pursuant to WIA §116(a)(5) and 20 CFR 661.280(a). Ida-Ore Planning and Development dba Sage Community Resources contends that its request to be a local workforce investment area was wrongfully denied by the State of Idaho for the following factual and legal reasons.

1. WIA §116(a)(1)(B) lists factors which the State Board and the Governor must consider when designating local areas. The only factor which was in fact considered was cost effective operation of the State employment service, an arm of the Idaho Department of Commerce and Labor. This error violates WIA and its implementing rules and, therefore, the designation decision must be set aside.
2. WIA section (116)(a)(3)(B) requires that temporary designations made under the first five year WIA plan be extended "until the end of the period covered by the State plan...". Sage Community Resources requested that its designation be extended though the end of Idaho's WIA planning cycle, which begins July 1, 2005. The referenced designation request is attached to this appeal letter, along with initial designation by Governor Batt on December 15, 1998. Notwithstanding statutory requirements, Sage Community Resources request for continuing designation was denied. None of the statutory reasons for denial... poor performance or lack of fiscal integrity... existed or was used to justify denial. The designation request of Region III must be granted, as required by law.
3. The State Board discussion and vote on Idaho WIA Plan approval was flawed in that a majority favorable vote did not occur as was represented to the public, USDOL and the Governor. Instead, the vote was tied (8 to 8) which does not represent approval pursuant to State Board bylaws. This misrepresentation is a fatal flaw and requires that the designation process be set aside.

Boise Office
10624 W. Executive Dr.
Boise, ID 83713
208.322.7033
800.859.0321
208.322.3569

WorkSOURCE
1001 S. Orchard, Ste.101
Boise, ID 83705
208.345.8050
208.345.8057

1-800-Call Adult Services
P.O. Box 2055
Boise, ID 83638
208.634.4287
208.634.1776

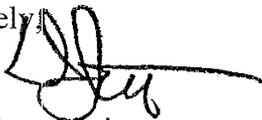
Boise Office
P.O. Box 311
Boise, ID 83672
208.549.2411
800.859.0324
208.549.0071

The appellant agency's local workforce area designation request should be granted and its operation as a local area should be continued while this appeal is pending and legal fees, costs and damages should be awarded to the appellant agency to the extent allowed by law.

Further, the appellant requests that the State Board Chair declare a conflict of interest and avoid participating in the appeal process in any way since this appeal concerns the State Chair's conduct and decision making. An impartial hearing officer should be jointly selected by the parties to this dispute using principles established by the American Arbitration Association.

You may contact our representative, Kathleen Simko at 208.322.7033 x 219 or ksimko@sageidaho.com with questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Jett', with a long horizontal flourish extending to the right.

Dave Jett, Chair
Sage Community Resources, Board of Directors

Region IV Development

South Central Idaho Works!

June 20, 2005

RECEIVED

JUN 22 2005

Karen McGee
Chair, Workforce Development Council
Idaho Department of Commerce and Labor
317 West Main Street
Boise, ID 83735

Re: Appeal of the Denial of Region IV Development Association, Inc. Request to be a Local Workforce Investment Area

Dear Ms. McGee:

This appeal is submitted pursuant to WIA §116(a)(5) and 20 CFR 661.280(a). Region IV Development Association, Inc. contends that its request to be a local workforce investment area was wrongfully denied by the State of Idaho for the following factual and legal reasons.

1. WIA §116(a)(1)(B) lists factors which the State Board and the Governor must consider when designating local areas. These factors were not considered. Only the factor of cost was presented. At the public meeting on May 11, 2005 the presenters of the draft plan identified the factor for the change from a system of local boards to no local workforce boards as being the reduction in WIA funds coming to the state. This error violates WIA and its implementing rules and, therefore, the designation decision must be set aside.
2. WIA section (116)(a)(3)(B) requires that temporary designations made under the first five year WIA plan be extended "until the end of the period covered by the State plan...". Region IV Development Association, Inc. requested that its designation be extended though the end of Idaho's WIA planning cycle, which begins July 1, 2005. The referenced designation request is attached to this appeal letter, along with initial designation by Governor Batt on December 15, 1998. Notwithstanding statutory requirements, Region IV Development Association, Inc. request for continuing designation was denied. None of the statutory reasons for denial... poor performance or lack of fiscal integrity... existed or was used to justify denial. The designation request of Region IV Development Association, Inc. must be granted, as required by law.
3. The State Board discussion and vote on Idaho WIA Plan approval was flawed in that a majority favorable vote did not occur as was represented to the public, USDOL and the Governor. Instead, the vote was tied (8 to 8) which does not represent approval pursuant to State Board bylaws. This misrepresentation is a fatal flaw and requires that the designation process be set aside.

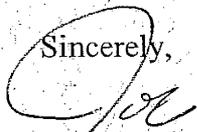
Karen McGee
June 20, 2005
Page 2

The appellant agency's local workforce area designation request should be granted and its operation as a local area should be continued while this appeal is pending and legal fees, costs and damages should be awarded to the appellant agency to the extent allowed by law.

Further, the appellant requests that the State Board Chair declare a conflict of interest and avoid participating in the appeal process in any way since this appeal concerns the State Chair's conduct and decision making. An impartial hearing officer should be jointly selected by the parties to this dispute using principles established by the American Arbitration Association.

You may contact me at 732-5727 ext. 3003, or by e-mail to joe@rivda.org with questions, concerns or scheduling a hearing on our appeal.

Sincerely,



Joe Herring
Executive Director

Cc: Region IV Development Association Board of Directors
State Legislators of Region IV
Governor Dirk Kempthorne
Roger Madsen

Notification

A NOTIFICATION OF THE BOARD OF DIRECTORS OF THE REGION IV DEVELOPMENT ASSOCIATION, INC. REQUESTING THAT THE EIGHT SOUTH CENTRAL COUNTIES OF IDAHO BE DESIGNATED AS THE SOUTH CENTRAL IDAHO WORKFORCE INVESTMENT AREA.

WHEREAS, Local Elected Officials from all the eight counties and 34 cities in South Central Idaho meet together in a consortium of Local Elected Officials body known as the Region IV Development Association, Inc. (RIVDA);

WHEREAS, the eight counties in South Central Idaho (Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka and Twin Falls) comprise a labor market area;

WHEREAS, RIVDA Board of Directors has been designated as the consortium of Chief Local Elected Officials for the Region IV Service Delivery Area to meet the legal requirements under the Workforce Investment Act;

WHEREAS, RIVDA Board of Directors is the appointing body for the membership of the South Central Idaho Workforce Investment Board since the inception of WIA;

WHEREAS, the Workforce Investment Act specifies that the Local Elected Officials of a Workforce Investment Area may choose to serve as the grant recipient for administration of local Workforce Investment Act funds and assume liability for any misuse of funds;

WHEREAS, RIVDA has and will maintain both Directors and Officers and Errors and Omissions policies;

WHEREAS, RIVDA may be interested in negotiating an alternative grant recipient for administration of the Workforce Investment Act funds with the Governor;

WHEREAS, services in the eight counties have been established to meet the needs of this geographic area, considering distances that individuals will need to travel to receive services;

WHEREAS, educational services are also aligned with this geographic service area through the College of Southern Idaho, the area vocational education school, and the local educational agencies in the eight counties joining together to set up a Cooperative Services Agency for the purpose of jointly providing professional/technical education; and

WHEREAS, RIVDA has a vested interest in school to work, welfare to work and work to work planning, development and program implementation;

NOW THEREFORE BE IT KNOWN THAT the Board of Directors of the Region IV Development Association, Inc. formally requests and directs staff to make application for the eight counties of South Central Idaho (Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls), known as Region IV by Idaho Commerce and Labor and as Region V by the Idaho Department of Health & Welfare, to continue to be designated as a Workforce Investment Area under the Workforce Investment Act of 1998.

This Notification adopted on April 29, 2005.

Signed on 4/29/2005

Brent Jussel, President

Attest:

Signed on 4/29/2005

Joseph L. Herring, Executive Director



OFFICE OF THE GOVERNOR

P.O. BOX 83720

BOISE 83720-0034

PHILIP E. BATT
GOVERNOR

(208) 334-2100

December 15, 1998

Reuben Miller, Chair
Region IV Development Association
P.O. Box 14
Fairfield, ID 83327

Dear Mr. Miller;

With this letter, I am approving the Region IV Development Association's application to be designated as a Workforce Investment Area under the Workforce Investment Act of 1998. This new legislation presents Idaho with an opportunity to continue with its exemplary customer-driven workforce development system and at the same time streamline program and administrative operations for the benefit of the system's customers.

In making this designation, I concur with the Workforce Development Council's recommendation that as systems are created to administer this new legislation, every effort be made to minimize duplication and maximize efficiency and cost effectiveness. Your application indicates a willingness to negotiate with the Governor to perform selected administrative functions. After you have had an opportunity to review applicable federal regulations, I would encourage you to participate in discussions regarding the development of a single administrative system for the State of Idaho.

Sincerely,

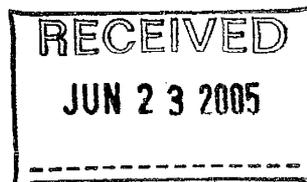
A handwritten signature in cursive script that reads "Philip E. Batt".

Philip E. Batt
Governor

cc: ✓ Joe Herring, Executive Director
Region IV Development Association

PEB:lh

June 14, 2005



Chair of the State Council
Idaho Department of Commerce and Labor
Workforce Systems Bureau
317 West Main Street, Boise, Idaho 83735

Council of Governments

Certified Development
Company

Government Procurement

International Trade
Associate Office

North Idaho Workforce
Investment Board

Business Incubator Center

North Idaho Community
Services Corporation

RE: Appeal of Denial of Request for Area Designation

Dear Madam:

I am in receipt of a letter dated June 9, 2005, from Roger Madsen who as the Governor's designee has notified the Panhandle Area Council that it has been denied designation as a local area under the new WIA State Plan.

Per the appeals procedure outlined in Section VIII(A)(3) of the 2005 Idaho Workforce Investment Act State Plan, this letter serves to file a formal appeal of this decision and request that the state grant local Workforce Investment Area status and authority to the Panhandle Area Council, on behalf of the Local Elected Officials of the five northern Idaho counties.

The rationalization for denial made by Idaho Commerce & Labor is that Panhandle Area Council/ Region I does not meet the criteria for designation under WIA Sections 113(a)(2) and 116(a)(3). This claim is false and is not upheld by Workforce Investment Act law. The facts are as follows, pursuant to WIA Section 116:

1. Panhandle Area Council/Region I was designated as a local Workforce Investment Area by the Governor in 1998 at the inception of the Workforce Investment Act.
2. Subsequent designation *shall be granted* to areas upon request if the area "...substantially met (as defined by the State board) the local performance measures for the local area and sustained the fiscal integrity of the funds used by the area to carry out activities under this subtitle." (WIA Section 116 (a)1(3)B)
Please note: This subsequent designation occurs *regardless of the conditions of the initial designation when the Workforce Investment Act became law seven years ago*. The state cannot move back in time to 1997 and the service delivery structure under JTPA, using it as a reference upon which to base its State Plan in 2005. The state is attempting to use the specious argument that Region I did not meet mandatory designation criteria then nor does it now. Once designated, an area remains so until it fails in performance or fiscal integrity. The issue of whether mandatory or optional designation was granted at the outset of WIA is rendered null and void under the law.

3. Region I is entitled to designation as required by Workforce Investment Act law. The Workforce Development Council did not follow procedure and utilize the criteria in the Act to determine designation as required by law. Panhandle Area Council acting as the local elected official represents a combination of units of general local governments that comprises all the required criteria outlined in WIA Section 116(a)1(B), to wit:

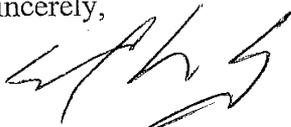
(B) Considerations.--In making the designation of local areas, the Governor shall take into consideration the following:

- (i) Geographic areas served by local educational agencies and intermediate educational agencies.
- (ii) Geographic areas served by postsecondary educational institutions and area vocational education schools.
- (iii) The extent to which such local areas are consistent with labor market areas.
- (iv) The distance that individuals will need to travel to receive services provided in such local areas.
- (v) The resources of such local areas that are available to effectively administer the activities carried out under this subtitle.

Panhandle Area Council is within its rights under the law to request designation and it must be granted by the state. Any action that prevents this from occurring is in contravention of the law as written and its intent as espoused by Congress and the US Department of Labor.

Panhandle Area Council looks forward to working with the Workforce Development Council to resolve this matter and continue to provide outstanding services to the citizens of our region and the state of Idaho.

Sincerely,



Rick Currie
Chair

cc: Governor Dirk Kempthorne
Roger Madsen
Idaho Workforce Development Council
Local Elected Officials
Mason Bishop
Rosemary Cowan
Emily Stover DeRocco
Tom Dowd
Gay Gilbert
Sean Kelly
Christine Kulick
Richard Trigg
Todd Yamamoto

WORKFORCE INVESTMENT ACT OF 1998
Public Law 105-220--Aug. 7, 1998

(29 U.S.C. 2801)

SEC. 101. DEFINITIONS.

In this title:

(48) Unit of general local government.--The term "unit of general local government" means any general purpose political subdivision of a State that has the power to levy taxes and spend funds, as well as general corporate and police powers.

CHAPTER 2--LOCAL PROVISIONS

SEC. 116. LOCAL WORKFORCE INVESTMENT AREAS.

(a) Designation of Areas.--

(1) In general.--

(A) Process.--Except as provided in subsection (b), and consistent with paragraphs (2), (3), and (4), in order for a State to receive an allotment under section 127 or 132, the Governor of the State shall designate local workforce investment areas within the State--
(i) through consultation with the State board; and
(ii) after consultation with chief elected officials and after consideration of comments received through the public comment process as described in section 112(b)(9).

(B) Considerations.--In making the designation of local areas, the Governor shall take into consideration the following:
(i) Geographic areas served by local educational agencies and intermediate educational agencies.
(ii) Geographic areas served by postsecondary educational institutions and area vocational education schools.
(iii) The extent to which such local areas are consistent with labor market areas.
(iv) The distance that individuals will need to travel to receive services provided in such local areas.
(v) The resources of such local areas that are available to effectively administer the activities carried out under this subtitle.

(2) Automatic designation.--The Governor shall approve any request for designation as a local area--

(A) from any unit of general local government with a population of 500,000 or more;

- (B) of the area served by a rural concentrated employment program grant recipient of demonstrated effectiveness that served as a service delivery area or substate area under the Job Training Partnership Act, if the grant recipient has submitted the request; and
- (C) of an area that served as a service delivery area under section 101(a)(4)(A)(ii) of the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act) in a State that has a population of not more than 1,100,000 and a population density greater than 900 persons per square mile.

(3) Temporary and subsequent designation.--

- (A) Criteria.--Notwithstanding paragraph (2)(A), the Governor shall approve any request, made not later than the date of submission of the initial State plan under this subtitle, for temporary designation as a local area from any unit of general local government (including a combination of such units) with a population of 200,000 or more that was a service delivery area under the Job Training Partnership Act on the day before the date of enactment of this Act if the Governor determines that the area--
 - (i) performed successfully, in each of the last 2 years prior to the request for which data are available, in the delivery of services to participants under part A of title II and title III of the Job Training Partnership Act (as in effect on such day); and
 - (ii) has sustained the fiscal integrity of the funds used by the area to carry out activities under such part and title.
- (B) Duration and subsequent designation.--A temporary designation under this paragraph shall be for a period of not more than 2 years, after which the designation shall be extended until the end of the period covered by the State plan if the Governor determines that, during the temporary designation period, the area substantially met (as defined by the State board) the local performance measures for the local area and sustained the fiscal integrity of the funds used by the area to carry out activities under this subtitle.
- (C) Technical assistance.--The Secretary shall provide the States with technical assistance in making the determinations required by this paragraph. The Secretary shall not issue regulations governing determinations to be made under this paragraph.
- (D) Performed successfully.--In this paragraph, the term "performed successfully" means that the area involved met or exceeded the performance standards for activities administered in the area that--
 - (i) are established by the Secretary for each year and modified by the adjustment methodology of the State (used to account for

differences in economic conditions, participant characteristics, and combination of services provided from the combination assumed for purposes of the established standards of the Secretary); and (ii)(I) if the area was designated as both a service delivery area and a substate area under the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act)--

(aa) relate to job retention and earnings, with respect to activities carried out under part A of title II of such Act (as in effect on such day); or

(bb) relate to entry into employment, with respect to activities carried out under title III of such Act (as in effect on such day);

(II) if the area was designated only as a service delivery area under such Act (as in effect on such day), relate to the standards described in subclause (I)(aa); or

(III) if the area was only designated as a substate area under such Act (as in effect on such day), relate to the standards described in subclause (I)(bb).

(E) Sustained the fiscal integrity.--In this paragraph, the term "sustained the fiscal integrity", used with respect to funds used by a service delivery area or local area, means that the Secretary has not made a final determination during any of the last 3 years for which data are available, prior to the date of the designation request involved, that either the grant recipient or the administrative entity of the area misexpended the funds due to willful disregard of the requirements of the Act involved, gross negligence, or failure to observe accepted standards of administration.

(4) Designation on recommendation of state board.--The Governor may approve a request from any unit of general local government (including a combination of such units) for designation (including temporary designation) as a local area if the State board determines, taking into account the factors described in clauses (i) through (v) of paragraph (1)(B), and recommends to the Governor, that such area should be so designated.

(5) Appeals.--A unit of general local government (including a combination of such units) or grant recipient that requests but is not granted designation of an area as a local area under paragraph (2) or (3) may submit an appeal to the State board under an appeal process established in the State plan. If the appeal does not result such a designation, the Secretary, after receiving a request for review from the unit or grant recipient and on determining that the unit or grant recipient was not accorded procedural rights under the appeal process established in the State plan or that the area meets the requirements of paragraph (2) or (3), as appropriate, may require that the area be designated as a local area under such paragraph.

WORKFORCE INVESTMENT ACT REGULATIONS

20 CFR § 667.640

What additional appeal processes or systems must a State have for the WIA program?

- (a) Non-designation of local areas:
 - (1) The State must establish, and include in its State Plan, due process procedures which provide expeditious appeal to the State Board for a unit or combination of units of general local government or a rural concentrated employment program grant recipient (as described at WIA section 116(a)(2)(B)) that requests, but is not granted, automatic or temporary and subsequent designation as a local workforce investment area under WIA section 116(a)(2) or 116(a)(3).
 - (2) These procedures must provide an opportunity for a hearing and prescribe appropriate time limits to ensure prompt resolution of the appeal.
 - (3) If the appeal to the State Board does not result in designation, the appellant may request review by the Secretary under Sec. 667.645.
 - (4) If the Secretary determines that the appellant was not accorded procedural rights under the appeal process established in paragraph (a)(1) of this section, or that the area meets the requirements for designation at WIA section 116(a)(2) or 116(a)(3), the Secretary may require that the area be designated as a workforce investment area.

20 CFR § 661.250

What are the requirements for designation of local workforce investment areas?

- (a) The Governor must designate local workforce investment areas in order for the State to receive funding under title I of WIA.
- (b) The Governor must take into consideration the factors described in WIA section 116(a)(1)(B) in making designations of local areas. Such designation must be made in consultation with the State Board, and after consultation with chief elected officials. The Governor must also consider comments received through the public comment process described in the State workforce investment plan under Sec. 661.220(d).
- (c) The Governor may approve a request for designation as a workforce investment area from any unit of general local government, including a combination of such units, if the State Board determines that the area meets the requirements of WIA section 116(a)(1)(B) and recommends designation.

- (d) The Governor of any State that was a single service delivery area State under the Job Training Partnership Act as of July 1, 1998, and only those States, may designate the State as a single local workforce investment area State. (WIA sec.116.)

20 CFR § 661.260

What are the requirements for automatic designation of workforce investment areas relating to units of local government with a population of 500,000 or more?

The requirements for automatic designation relating to units of local government with a population of 500,000 or more and to rural concentrated employment programs are contained in WIA section 116(a)(2). The Governor has authority to determine the source of population data to use in making these designations.

20 CFR § 661.270

What are the requirements for temporary and subsequent designation of workforce investment areas relating to areas that had been designated as service delivery areas under JTPA?

The requirements for temporary and subsequent designation relating to areas that had been designated as service delivery areas under JTPA are contained in WIA section 116(a)(3).

20 CFR § 661.280

What right does an entity have to appeal the Governor's decision rejecting a request for designation as a workforce investment area?

(a) A unit of local government (or combination of units) or a rural concentrated employment program grant recipient (as described at WIA section 116(a)(2)(B), which has requested but has been denied its request for designation as a workforce investment area under Secs. 661.260 through 661.270, may appeal the decision to the State Board, in accordance with appeal procedures established in the State Plan.

(b) If a decision on the appeal is not rendered in a timely manner or if the appeal to the State Board does not result in designation, the entity may request review by the Secretary of Labor, under the procedures set forth at 20 CFR 667.640(a).

(c) The Secretary may require that the area be designated as a workforce investment area, if the Secretary determines that:

- (1) The entity was not accorded procedural rights under the State appeals process; or

- (2) The area meets the automatic designation requirements at WIA section 116(a)(2) or the temporary and subsequent designation requirements at WIA section 116(a)(3), as appropriate.

LOCAL AREA DESIGNATION APPEAL PROCEDURES IN CURRENT WIA STATE PLAN

Section VIII (A)(3)

Describe the appeals process used by the State to hear appeals of local area designations referred to in §§112 (b)(5) and 116(a)(5).

Denial of Automatic or Temporary and Subsequent Designation A unit of general local government or grant recipient may appeal the denial of a request for automatic or temporary and subsequent designation as a local workforce investment area under sections 116(a)(2) or 116(a)(3) of the Workforce Investment Act.

All such appeals shall be in writing and be filed within twenty (20) calendar days of the date the denial letter was mailed by the Governor or the Governor's designee. The appeal must include all factual and legal arguments as to why the appeal should be granted. The appeal shall be filed with the Chair of the State Council, Idaho Department of Commerce and Labor, Workforce Systems Bureau, 317 West Main Street, Boise, Idaho 83735. The Chair of the State Council, or the Chair's designee, shall promptly acknowledge receipt of the appeal.

The workforce areas designated in this plan will continue while the appeal is in progress and will be modified should the initial denial of designation be overturned.

(a) Appeal to the State Council

The appeal shall be deemed timely filed if it is received by the Chair of the State Council within the 20-day period, unless the appeal is filed by mail, in which case the official postmark affixed by the U. S. Postal Service shall be deemed to be the date of filing. Any appeal that is filed late shall be summarily dismissed.

The Chair of the State Council will select a hearing officer. The appeal shall be heard by the hearing officer not more than thirty (30) days after the appeal was filed. With the consent of the appealing party, the hearing may be held after the 30-day period, but in no case shall the hearing be conducted more than sixty (60) days after the appeal was filed.

The hearing officer shall inform the appellant of the date, time, and place of the hearing by written notice mailed at least ten (10) calendar days in advance. The appellant shall have the right to present testimony and documentary evidence, to offer evidence in rebuttal, to present oral argument and to be represented by legal counsel. All testimony received by the hearing officer shall be under oath or affirmation. If the appellant retains legal counsel, federal WIA funds cannot be used for remuneration.

An appellant must establish that it is entitled to either automatic or temporary and subsequent designation as a local area under sections 116(a)(2) or 116(a)(3) of the Workforce Investment Act.

Within fifteen (15) days of the hearing, the hearing officer shall issue a recommended decision, which shall include findings of fact, recommendations, and the basis therefore. That decision shall be mailed to the appealing party. The hearing officer shall file a copy of the recommended decision with the Chair of the State Council.

The recommended decision of the hearing officer shall be placed on the agenda of the next Council meeting for disposition; however, if no council meeting is scheduled within forty-five (45) days of the date the decision was issued, a special meeting of the Council, or a Committee designated by the Chair, shall be conducted within that 45-day period to accept, reject, or modify the hearing officer's recommended decision.

In its deliberations, the Council shall consider only the evidence presented to the hearing officer. The Council shall not receive or consider any evidence not presented to the hearing officer. The decision of the Council shall be reduced to writing and be mailed to the Governor and the appealing party. The decision must set out in summary fashion the Council's findings and conclusions. The Council may adopt, in whole or in part, the findings of fact, recommendations, and rationale of the hearing officer.

(b) Appeal to USDOL

If a timely appeal of the decision does not result in the requested designation, the unit of general local government or grant recipient may further appeal the designation decision to the U.S. Secretary of Labor within thirty (30) days after receipt of the Council's written decision. The appeal to the Secretary must be consistent with the requirements of the Workforce Investment Act. The Secretary, after receiving a request for review and upon determining that the entity was not accorded procedural rights under the appeal process established in the State Plan, or that the area meets the requirements of Section 116(a) paragraph (2) or (3), as appropriate, may require that the area be designated as a local area.



STATE OF IDAHO

STRATEGIC FIVE-YEAR STATE WORKFORCE INVESTMENT PLAN

for

TITLE I OF THE WORKFORCE INVESTMENT ACT OF 1998

and

THE WAGNER -PEYSER ACT

for the period of

July 1, 2005 – June 30, 2007

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Attachments

1	WDC Vision, Mission and Goals
2	Idaho Workforce Development System Organization Chart
3	Executive Order
4	WIA Code of Conduct
5	WIA Core, Intensive and Training Services
6	Idaho's One Stop System
7	Map of Regions
8	Guidelines for Recertification of IdahoWorks Boards under the Workforce Investment Act of 1998
9	WIAB 08-04 PY05 Planning Guidance
10	Local Planning Guidance
11	WIA Performance Measures
12	Memorandum of Understanding with Idaho Department of Administration
13	Complaint Procedures
14	WIA Core Services
15	WIA Core Services Methodologies
16	State 15% Set-Aside Plan

Describe, in one page or less, the process for developing the State Plan.

1. *Include (a) a discussion of the involvement of the Governor and the State Board in the development of the plan, and (b) a description of the manner in which the State Board collaborated with economic development, education, the business community and other interested parties in the development of the State Plan. (§112(b)(1).)*

The plan relies extensively on policy and strategic planning decisions made during the past six years which benefited from extensive input and discussion over time. The major policy change and subject of most comments centers on the proposal to restructure the workforce system. Governor Kempthorne was alerted to the substantial loss of funding within days after learning that the funding would drop to the lowest levels in 30 years. Governor Kempthorne requested Idaho Commerce and Labor to develop a proposal for his consideration that would maintain services to the individuals and businesses the WIA was intended to serve. On April 15th, the proposal was introduced when calls were placed to the chairs of existing local elected official organizations, their WIB chairs, and their staff. At the Governor's request, the Chair of the Workforce Development Council provided more detailed information about the proposal in a follow up letter dated April 18th. The following details opportunities to provide input and participate in the development of the plan and timelines related to plan development.

Regional Meetings to Discuss the Proposal

April 21 – WorkSOURCE – attended by approximately 40 board members, elected officials and staff

April 28 – East Central Idaho Works Board – attended by approximately 45 individuals, full board and staff including local elected officials

May 9 – North Idaho and North Central Idaho Works – full board from North Idaho and about 8 from North Central for a total of 65 including local elected officials, board members and legislators

May 10 – Region IV – full board and staff – approximately 45

May 12 – SEICOG – full board and staff – approximately 40

May 19 – WorkSOURCE board meeting- – approximately 15 in attendance

May 24 – Boise Chamber of Commerce, Education and Workforce Committee approximately 35

State Plan Activities

The draft plan was published by posting on the ICL home page on May 5th with notice provided to the Workforce Council, local WIB staff, and interested parties. Legal notices were published in six regional daily papers soliciting comments. A news release was also issued to explain the proposal and invite input. The plan was the nearly exclusive subject of the May 11, 2005 meeting of the Workforce Development Council where all current Workforce Development Areas provided testimony advocating for their redesignation and against a restructuring. The restructuring proposals were thoroughly discussed. It should be noted that the council meeting and regional meetings were attended by the broad spectrum of individuals engaged in workforce, education, economic development, business and labor. Comments on the plan were accepted until May 23rd resulting in more than 80 individual comments.

We believe this demonstrates broad and extensive consultation and participation during an abbreviated planning cycle.

2. *Include a description of the process the State used to make the Plan available to the public and the outcome of the State's review of the resulting public comments. ((§§111(g) and 112(b)(9).))*

- a. Approximately 81 comments were received from State Legislators, local elected officials, WIB members and other interested parties regarding Idaho's Two-Year Workforce Investment Plan. The predominant comments voiced opposition to Governor Kempthorne's proposal to restructure the Workforce System into two workforce areas operating under a statewide planning region and lack of local public input into this proposal. Some offered support for the local alternative state plan developed by staff of five workforce areas with a continued focus on supporting the existing structure without addressing other specifics in the alternative plan.

Response: The state plan reflects the Governor's decision to create two workforce areas operating under a statewide planning region. While the state concurs that a compressed timeframe was in place, we do not concur that no consultation or meaningful comments were made. The process used to involve the Governor, Workforce Development Council, public and other interested parties in the development of the State plan is described above and demonstrates substantial opportunity for input in spite of short timelines. Further evidence of this broad input is substantiated by the submission of an alternative draft plan by local workforce area staff, developed and offered as an alternative to the state's plan. This is addressed separately below.

- b. **Veterans Priority:** One comment was received requesting technical changes to language regarding services to Veterans.

Response: These recommendations were adopted in the final plan.

- c. **Comments via Local Alternative State Plan.**

The staff to the Local Workforce Boards wrote an alternative to the State's plan. This was accepted as a comment to the State's plan. Three workforce areas also submitted separate comments, focusing on a perceived lack of opportunity for comment as discussed above and topics listed below in the alternative plan. The primary comments derived from this alternative plan, and status follow:

1. **Local Alternative Plan:** All references to the restructuring were removed in the alternative plan. Local areas commenting separately expressed support for maintaining the status quo for local board participation and the Workforce Development Council. They cited a bill pending in the Senate as requiring mandatory designation of all six areas.

Response: The plan is developed under current law and includes the Governor's decision to create two workforce areas operating under a statewide planning region. No local areas in Idaho qualify for mandatory designation. Local boards may continue without WIA financial support or administrative responsibility for WIA. Additional opportunities will be created through expansion of the Council and an exploration of alternatives to maximize local input.

2. **Local Alternative Plan:** Eliminates the request for a waiver to apply 20 CFR 661.300(f), which permits a state board to carry out the roles of a local board in a single local area to a statewide regional planning area. The local areas also questioned the state's authority to seek this waiver, the legality and the process.

Response: The State believes the waiver request is appropriate and the state plan includes the request for a waiver to apply 20 CFR 661.300(f) to a single statewide planning region. The comments do not appropriately characterize the nature of the waiver. The waiver has been approved before and is consistent with current law. The State believes that substantial consultation occurred.

3. **Local Alternative Plan:** The local alternative would not consider expansion of comprehensive One Stop services beyond the current six centers, but would call for expansion of hours in the one stop centers and renegotiation of MOUs in one region.
Response: The state plan reflects Governor Kempthorne's commitment to bringing services to the rural areas of the state. The plan continues to reflect proposals to explore the one stop policy framework, renegotiation of MOUs statewide and opportunities for expansion of services via the 24 Commerce and Labor offices.
4. **Local Alternative Plan:** Proposes to achieve cost savings by returning approximately \$170,000 in unspent incentive funds made available during PY'04 and by achieving unspecified savings through streamlining service delivery. Local comments question the validity of the \$1.3 million and the opportunity to serve additional customers if this is diverted from local WIB staff.
Response: The state plan continues to reflect the \$1.3 million savings that would be achieved via elimination of support for local staffing organizations. This is simply the amount of funds reported as spent during PY'2003 for board staff less any funds for incentives or NEGs. If WIBs continued to be funded at current levels, the result would be that \$1.3 million less would be available for serving participants.
5. **Local Alternative Plan:** Specific comments were made reflecting that ITAs will be in high growth industries.
Response: These were accepted without limiting the goal for maximizing customer choice.
6. **Local Alternative Plan:** Opposed non-competitive options for selecting service providers.
Response: These remain unchanged to allow state agency participation in the system. This is consistent with WIA policy since inception. It should be noted that local areas have consistently used non-competitive options in selecting adult and dislocated worker providers.
7. **Local Alternative Plan:** Proposes that training and training management systems made available to ICL staff be made available to all providers.
Response: This section has not changed as it was intended to reflect ICL capacity and includes references that ICL routinely offers training to staff of other organizations when it is designed or purchased for the broader audience.
8. **Local Alternative Plan:** Proposes elimination of employer identified education services made available through ICL employer committees.
Response: The state plan remains unchanged. ICL will continue to respond to request for education seminars made by its employer committees using appropriate providers.
9. **Local Alternative Plan:** The local alternative plan proposes changes to the Wagner-Peyser sections of the plan by proposing consideration of locally developed measures and providing services by other than ICL.
Response: This section was not changed. Measures are being considered on a statewide basis. ICL makes many of its WP services available via Internet to the public and other one stop providers but some services will only be performed by ICL merit staff as required by current law.

EXECUTIVE SUMMARY

Idaho's Workforce Investment Act Strategic Five Year Plan Title I and Wagner-Peyser Act Programs, PY'05 and PY'06

The initial two years of Idaho's WIA Strategic Plan for Title IB and the Wagner-Peyser Act incorporates the following key provisions:

- Reinforces the Workforce Development Council's goals and objectives and recent commitment to implement the 21st Century Policy Academy strategies to increase collaboration and leveraging of funds. It establishes priorities for the workforce investment system during the two-year period based upon these goals and priorities of the administration for system reform.
- Reflects Governor Kempthorne's proposal to move toward a single statewide area with the expiration of the designation of the six existing areas on June 30, 2005. With funding at its lowest level in more than three decades, maintenance of this system is no longer a viable option. Until regulatory barriers are removed, the Governor is proposing designation of two areas that will operate cooperatively as a single state planning region. The planned structure will be comprised of five former workforce areas and a special region designated as the east-central Idaho planning region.
- The plan articulates the financial efficiencies of a single statewide planning structure and ensures increased services to business and job seekers in the face of the severe federal budget cuts by establishing a goal of spending 50 percent of WIA Adult and Dislocated Worker local funds for direct training and support of businesses and participants.
- Requests a waiver to apply 20 CFR 661.300(f), which permits a state board to carry out the roles of a local board in a single local area to a statewide regional planning area.
- Requests extension of an existing waiver regarding the Workforce Investment Act time limit on the period of initial eligibility of training providers (20 CFR 663.530) through June 30, 2007, the end of the planning cycle for the plan being submitted.
- Delineates Governor Kempthorne's strategies to integrate workforce and education with economic development to achieve the state and federal priorities for a demand driven system that ensures a skilled workforce for the state's high-growth industries.
- Broadens access for businesses and job seekers to the workforce system and its integrated economic development services with a proposal to increase One Stop Centers from six to 24 communities across the state. The council will re-examine the policy framework and negotiate new agreements among one-stop partners during PY'05.
- Provides an opportunity for the Workforce Development Council, working in concert with the Governor's Coordinating Council on Families and Children, to redesign youth programs, taking fuller advantage of opportunities for leveraging funds among organizations serving youth.

- Authorizes the state to rely upon, to the extent possible, approved WIB plans to direct activities during PY'05. The plan ensures seamless service delivery during the transition to a statewide system by stipulating that, where possible, policies and program decisions reflected in local WIA plans will be utilized in PY'05, except where listed in this plan. The Idaho Workforce Development Council will review local policies for modification during PY'05 as it functions as the statewide WIB and assumes responsibilities previously held by WIBs.

- The allocation and reallocation policies for Adult, Youth and Dislocated Worker programs will be retained to ensure equitable distribution to sub-state areas. Additional major policies which will be carried forward into the two-year plan and reviewed by the state council in PY'05 to adapt to a statewide structure include:
 - Transfer authority between Adult and Dislocated Workers.
 - Policies regarding Individual Training Accounts.
 - Administrative policies.
 - Program policies.
 - Monitoring requirements.
 - Participant eligibility.
 - The one-stop policy framework.

- Outlines use of Governor's 15 percent state Funds:
 - Maintains existing strategies for use of funds except that:
 - During transition year PY'05, \$100,000 will be awarded to recognize efficiencies created through participation in the Idaho Workforce Consortium. Incentive funds for performance in PY'04 will not be awarded during PY'05. The council will consider incentive awards for PY'06 based on that year's fund availability. The existing incentive allocation policy is retained.
 - Additional assistance to local areas with high concentrations of eligible youth for PY'05 is reduced to \$100,000 pending availability of carry-over.
 - High-growth projects approved by the council in Region III, IV, V and VI will be continued through PY'05 using PY'04 funds set aside for this purpose.
 - Priorities for any additional funding will be for dislocated workers, additional funding for at-risk youth and additional funding for projects furthering high-growth industries.

I. *State Vision*

*Describe the Governor's vision for a statewide workforce investment system. Provide a **summary** articulating the Governor's vision for utilizing the resources of the public workforce system in support of the State's economic development that address the issues and questions below. States are encouraged to attach more detailed documents to expand upon any aspect of the summary response if available. (§112(a) and (b)(4)(A-C).)*

A. *What are the State's economic development goals for attracting, retaining and growing business and industry within the State? (§112(a) and (b)(4)(A-C).)*

Governor Dirk Kempthorne announced a clear economic development vision for Idaho that defines a stronger partnership between economic development, education and the public workforce system to attract, retain and grow Idaho's high growth industries.

"Idaho's ability to compete in a global economy depends upon the quality of our workforce. By giving our workers an opportunity to attain the skills needed in the new economy, Idaho will be positioned to lead the country in attracting the jobs that improve wages and quality of life for all Idahoans. I am committed to the creation of new high skill jobs by harnessing the combined energy and resources of employment, education, and economic development to achieve success for all of Idaho." *Governor Dirk Kempthorne*

In his effort to realign economic development for the realities of today's global economy, Idaho's Governor has also established strategic goals for economic development that will create a demand-driven workforce system to prepare workers for new and increasing job opportunities in Idaho's high growth, high demand sectors of the economy. Idaho's workforce investment leaders are using the Governor's blueprint to restructure processes and adjust programs to respond to the workforce needs of Idaho's high growth industries.

The Governor's strategic goals for attracting, growing and retaining businesses within Idaho are defined below and categorized under six main goals.

1. Identify the workforce skills sets needed in high growth, high demand industries and adapt Idaho's education and workforce development systems to prepare Idaho's citizens for the business opportunities and skill demands of today and tomorrow.
2. Maximize state-level resources, eliminate redundant functions and focus efforts on recruiting and retaining high growth businesses and creating high wage jobs in economically critical industries.
3. Focus direct business services toward existing high growth businesses to bolster expansion and success within Idaho.
4. Create an environment that sustains a vibrant technology-based economy which provides employment opportunities and high wage jobs for its citizens. Increased emphasis on the application and use of science and technology in Idaho will continue to spawn new companies and industries, while contributing to the global competitiveness of its traditional industries.
5. Tailor financial incentives and tax credits to target high growth industries that provide high paying jobs for Idahoans.

6. Earmark state-sponsored programs and federal grant monies to assist Idaho's rural communities and counties with infrastructure improvements that encourage business expansion and strengthen the local economy.

B. *Given that a skilled workforce is a key to the economic success of every business, what is the Governor's vision for maximizing and leveraging the broad array of Federal and State resources available for workforce investment flowing through the State's cabinet agencies and/or education agencies in order to ensure a skilled workforce for the State's business and industry? (§112(a) and (b)(4)(A-C).)*

Idaho's workforce development partners, defined broadly to include the wide array of education, workforce development and economic development partners, have a long history of collaboration directed toward meeting the needs of Idaho's workforce and business customers. Partner organizations are charged with being demand-driven and asked to continuously improve their responsiveness to customer needs through customer contact and use of improved labor market information. The merger of the Department of Commerce and Labor lays the foundation for a comprehensive service system that provides access across the state to the full range of economic development and workforce development services. With this plan, the vision will be more fully realized through the designation of the state's 24 Commerce and Labor offices as One Stop Centers bringing the services to locations throughout the state. While this will ensure access, the Idaho Workforce Development Council (Council) will review opportunities for cross program integration to address unmet needs for Idaho citizens and businesses. This is one of the high priority activities identified by the Governor's 21st Century Workforce Policy Academy team. A key strategy is to create a policy framework that aligns services across multiple agencies and programs. The Workforce Council will be reviewing the results of an inventory of programs to recommend further changes and to identify opportunities for leveraging funds to address unmet needs.

C. *Given the continuously changing skill needs that business and industry have as a result of innovation and new technology, what is the Governor's vision for ensuring a continuum of education and training opportunities that support a skilled workforce? (§112(a) and (b)(4)(A-C).)*

Governor Kempthorne recognizes that workforce preparation begins in early childhood, is honed by an education system that focuses on achievement of sound academic and workplace skills, and continues throughout a person's lifetime. The vision that emerged in the Governor's Policy Academy team anticipates life-long learning supported by a fully integrated workforce system:

The 21st Century will be a century of opportunity for individual growth and achievement for those who are prepared. Idaho will have a highly skilled and entrepreneurial workforce that retains and attracts globally competitive businesses. The 21st Century workforce system will be demand-driven with access to information, training and education services to ensure that all Idahoans have an opportunity for success.

A solid academic foundation and an environment that supports learning from birth are critical to future success. A key goal of this administration is to ensure that students who leave high school are ready for further study and learning. As the state focuses on high school reform, the Council is also focusing on improving responsiveness of the postsecondary system. The Governor adopted key recommendations of his Blue Ribbon Task Force and the Policy Academy. Final reports may be found on the state's websites.

D. *What is the Governor's vision for bringing together the key players in workforce development including business and industry, economic development, education, and the*

public workforce system to continuously identify the workforce challenges facing the State and to develop innovative strategies and solutions that effectively leverage resources to address those challenges? (§112(b)(10).)

Bring Business Representation to the State Council

The Governor's Workforce Development Council, brings Idaho's key business leaders to the table with the leaders of education, workforce and economic development, to increase awareness of challenges facing business and the workforce system and creates opportunities for innovation and development of successful strategies.

The Governor has tasked the Workforce Development Council with keeping the focus of government, community and business organizations on his economic development vision and developing collaborative efforts to ensure attainment of his economic goals.

In February 2005, the Workforce Development Council adopted Governor Kempthorne's 21st Century Workforce Policy Academy recommendations to reform its workforce development and education systems to meet business needs for a highly skilled workforce and to provide our citizens an opportunity to meet their economic goals.

Involve Idaho's Citizens

In 2003, Governor Kempthorne formed the Governor's 2020 Task Force, a broad cross-section of Idaho citizens, who conducted a thorough review of state government with a mission to assess the immediate and long-term needs of the State, and make recommendations to align the operations of State Government to meet the demands of the 21st Century. The Task Force presented a blueprint that will guide the Governor's development of an efficient, effective system of government to serve Idaho for at least the next 20 years.

On an annual basis, the councils that guide workforce development, economic development, tourism, community development, science and technology and rural development convene to share progress and align efforts for improving the competitiveness of the state and our people. They also participate in forums designed to share the voice of business, elected officials, interest groups and individual citizens an opportunity to provide input into the system. This ensures a wider range of voices in the system.

The Director of Idaho Commerce and Labor also sponsors annual community and business leaders' forums across the state, providing an opportunity for attendees to have a voice on how Commerce and Labor can support their efforts in the coming year. Department staff and industry representatives are available to listen to community and business leader's perspectives on a variety of issues surrounding economic, community and workforce development, science and technology, employment services, international trade and tourism promotion.

Regional Rural Development Partners Forums will be held annually in communities throughout the state. The forums give local government, business and civic leaders and citizens the opportunity to tell state and rural leaders about their priorities, accomplishments, challenges and solutions for rural Idaho. Each event will feature updates on economic development activities planned in each region as well as the opportunity to discuss rural and economic development issues. Participants will learn new tools to assist in marketing and developing Idaho's rural communities and have the opportunity to meet in small groups and put those tools to use in project scenarios.

During the past several years, key government, academic, industry and federal organizations have collaborated to encourage entrepreneurial enterprises and create a

climate where innovative businesses can succeed in Idaho. Each program was initially financed by contractors associated with the Idaho National Laboratory.

Ongoing Idaho Science and Technology forums invite Idaho's high tech companies to attend a series of meetings that will identify ways to benefit from the state's core competencies in science and technology. The March 2005 meeting was open to businesses involved in the bioscience, geo-science, materials science, mechanical engineering, computer science and electrical engineering industries, and will be followed up by the second annual Industry Forum on June 9. The forum will discuss advancements in the industry and highlight the University and Idaho National Laboratory research taking place in Idaho's core competency areas. The two events will bring together professionals from the many different industry groups. The goal is to discuss ways Idaho can network and collaborate to further develop and expand the different industries in Idaho.

- E. *What is the Governor's vision for ensuring that every youth has the opportunity for developing and achieving career goals through education and workforce training, including the youth most in need, such as out of school youth, homeless youth, youth in foster care, youth aging out of foster care, youth offenders, children of incarcerated parents, migrant and seasonal farmworker youth, and other youth at risk? (§112(b)(18)(A).)*

The WIA youth programs in operation over the past five years have been integrated with Governor Kempthorne's broad strategic youth initiative known as the Generation of the Child. Covering a wide range of issues such as health, safety, and education, the initiative is geared toward ensuring that Idaho is the best place to live, work and raise a child by recognizing the value of early investment in children and youth to ensure a quality workforce in the future. To that end, the workforce system has participated as a part of a highly coordinated continuum of services designed to assure youth are well prepared to enter adulthood as productive members of the workforce. One of these efforts, the Governor's Coordinating Council for Families and Children (GCCFC), is designed to bring together regional youth representatives from all disciplines in the public, private-for-profit, private non-profit and voluntary sectors to identify strategies to better coordinate services to youth and young children.

These initiatives, as well as others in the state, have helped to renew efforts to create new opportunities for youth career development and education throughout the state. With the advent of the shared federal vision for youth – *Creating a Collaborative Approach to Prepare Youth for Success in a Global, Demand-Driven Economy*- and USDOL's New Strategic Vision for the Delivery of Youth Services under the Workforce Investment Act, the state has mobilized its efforts to follow the lead established by its federal partners. Accordingly, the groups participating in this effort will represent a broad spectrum of youth populations in need throughout the state. Those that have been or will be called to participate in the effort include, but are not limited to, those representing youth in foster care, youth offenders, homeless youth, out-of-school youth, migrant/seasonal farmworker youth, and pregnant and parenting youth.

These efforts allow for a comprehensive youth service strategy to be developed, utilizing the resources available in the community to assure that all youth have the opportunity to learn the skills and workplace competencies to make them productive citizens and valued members of the workforce. The system links with the services of the state's education, juvenile justice, and health and welfare systems, with the assistance of faith-based and community-based organizations (FBCOs) to help identify those most in need throughout the state, which would help to maximize available resources and assure a comprehensive approach to meeting the State's youth service needs.

II. State Workforce Investment Priorities

Identify the Governor's key workforce investment priorities for the State's public workforce system and how each will lead to actualizing the Governor's vision for workforce and economic development. (§§111(d)(2) and 112 (a).)

To a large extent, the Governor's priorities for the workforce investment system align with those of the U.S. Department of Labor and reflect a long standing commitment to high quality customer service that responds to customers needs while maximizing the resources available. The vision and goals are articulated in two key documents that are guiding action of the Council and the programs it oversees. These are the Council's Vision, Mission and Goals (see Attachment 1) and the Vision, Mission and Goals developed by the Governor's 21st Century Workforce Policy Academy team and adopted by the Council as their own action plan. The key goals for the workforce system for the next two years are:

- 1. Eliminate Duplicative Administrative Systems and Maximize Opportunities for Training.** Governor Kempthorne plans to move toward creation of a single workforce area when regulations permit. In the interim, the Governor will name two workforce areas within the state designed to function as a single state area. Throughout this document, the reference to a single state area will be maintained. As the six regional areas are consolidated into a new single statewide area planning structure, the state will reduce overhead costs from 14 percent to less than 3 percent, a reduction of more than \$1.3 million now spent to support the six-region structure. This efficiency maximizes the available money directed to training and services to business and job seekers in the face of the severe federal budget cuts experienced by the state in the last four years. The State has set a goal of spending 50% of WIA Adult and Dislocated Worker local funds for direct training and support of businesses and participants.
- 2. Continue Transformation into a Demand-Driven System.** The new statewide regional planning structure will enhance efforts to transform the system into a demand-driven system by further integrating economic development activities into the one stop system. The 24 Commerce and Labor offices across the state will serve as the state's One Stop Centers and will incorporate the full range of economic and community development services in their offerings. The priority for 2005 will be to ensure that all 24 offices have the training and support necessary to become full service business centers. This will build upon efforts started in 2003 to identify opportunities to better serve businesses that culminated in the funding of four incumbent worker/customized training projects in the health care and construction industries. These projects will continue in the first year of the plan and new projects will be identified as funding permits. The State is also embarking on a project identified in the Policy Academy process to organize education, employment and economic development services into career clusters. Business Industry Committees have already been formed in the health care and construction industries and will provide input to these "clusters". These and other critical activities have been chronicled in a monograph that is soon to be published. The monograph documents the extensive training for staff of one stop partner agencies, models that support the view of business as the primary customer and the comprehensive integration of employment, education and economic development services.
- 3. Enhance Integration of the One Stop System.** The One Stop system will be enhanced by expanding the number of *IdahoWorks* One Stop Centers from six to twenty-four, broadening the reach to Idaho's citizens and business customers in our urban and rural areas. As indicated above, the focus in year one will be on building the capacity of these centers to offer economic and community development

services. During 2005, the Governor's Workforce Development Council will also negotiate new MOUs with One Stop Partner organizations with the goal of expanding their participation in the One Stop system in PY 06 to more fully integrate the wide range of services available at the centers.

4. **Refocus Youth Investments.** The statewide delivery structure also affords an opportunity for the Workforce Development Council, working in concert with the Governor's Coordinating Council for Families and Children, to redesign youth programs, taking fuller advantage of opportunities for leveraging funds among organizations serving youth. During PY'2005, the State will, to the extent possible, honor the commitments made by the six local boards. At the same time, the Workforce Development Council will partner with the Governor's Coordinating Council for Families and Children in a strategic planning process designed to identify gaps and prioritize services to those youth who demonstrate the greatest need.
5. **Implement Reporting for Common Measures and Strengthen Accountability.** The Workforce Development Council will continue efforts initiated under the Policy Academy to develop common measures across programs. While the agencies will meet federally required reporting of new common measures, the Council will also explore the model known as the Integrated Performance Information or IPI which was developed by states as an option for system measures. During PY'05, the State will also integrate systems to track the Trade Adjustment Assistance Program with the WIA data system. Finally, the new statewide structure will strengthen administrative oversight and accountability processes. Administrative deficiencies have resulted in substantial disallowed costs in Idaho's largest Workforce Investment Area. The new strengthened administrative structure will assist Idaho in avoiding future disallowed costs and thus will further enable the redirection of funds from service provider and administration to direct participant training and support.
6. **Improve Workforce Information.** Under the direction of the Council, two primary improvement activities are planned for workforce information. The first is the organization of workforce occupations and skills into career clusters for use in economic development, workforce development and education. The second is improved projections for supply-demand information by working with multiple state and business organizations in critical industries, those that exhibit higher than average wage and job growth potential. Each of these will improve program planning, guide curriculum development and assist individuals and businesses in their labor market decision-making.
7. **Assure a quality pre-K-16 plus system of education and training.** Idaho will focus on building better early learning opportunities, achieving standards in K-12, improving the transition between K-12 and postsecondary education and improving responsiveness and accountability in the postsecondary system. While Idaho enjoys a better than average high school graduation rate, too few students enter and complete postsecondary education. Two "high school reform" initiatives are underway to streamline transition between high school and postsecondary education, and a second project will introduce improvements through the implementation of career clusters. Recommendations by the Governor's 2020 Task Force and the Policy Academy to create an integrated system of community and technical colleges to increase access and improve responsiveness are being implemented through creation of a community college in the state's largest population center. The Council will also explore options for expanding business-education partnerships to support greater opportunities for work-based learning and attainment of skills recognized in the workplace.

8. **Promote Flexible Workplaces.** The Workforce Development Council will partner with the Governor's Coordinating Council for Families and Children to promote flexible workplaces in an effort to support families of young children and those with elder care responsibilities. Workplace sensitivity to the needs of families is key to the retention of experienced workers to meet the skill demands of our growing businesses.
9. **Ensure Lifelong Learning and Work Opportunities.** The U.S. Census Bureau's latest projections place Idaho's population growth at 52% through 2030 (the sixth fastest growing state) with the major contributor to that growth being older individuals. Idaho's aging population base is increasingly important in maintaining an adequate labor force. The Workforce Development Council will explore strategies (a) to help business retain and recruit productive, aging employees and (b) expand the technological skills of Idaho's aging workforce.
10. **Create an Entrepreneurial Workforce.** The state will build on opportunities to create an entrepreneurial workforce and an environment that supports business growth and expansion. Idaho will support entrepreneurial development, provide programs informing primary and secondary students about entrepreneurial careers, and extend programs to students in higher education. A combination of tax credits and training incentives will be used to incent business formation and expansion. The State's Workforce Development Training Fund will be enhanced to encourage higher wage jobs and WIA funds will be used, where appropriate for customized and incumbent worker training to support job creation and increased earnings for participants in high wage, high skill jobs.
11. **Expand Awareness.** The Workforce Development Council identified the need to create system awareness and adopted the *IdahoWorks* logo to develop a common brand for the system. The 21st Century Workforce Policy Academy also identified a need to promote the importance of building a quality workforce, engage business in building the workforce and to promote opportunities available through the education, employment and economic development system. This will be a focus of marketing efforts to ensure that business and individual customers, including customers of faith based organizations, are aware and can take advantage of the wide range of services to support the labor market.

III. State Governance Structure

A. Organization of State agencies in relation to the Governor:

1. Provide an organizational chart that delineates the relationship to the Governor of the agencies involved in the public workforce investment system, including education and economic development and the required and optional One-Stop partner programs managed by each agency.

An organization chart is included as Attachment 2.

2. In a narrative describe how the agencies involved in the public workforce investment system **interrelate** on workforce and economic development issues and the respective lines of authority.

The Workforce Development Council advises the Governor and the State Board of Education to ensure that a common vision guides organizations reporting to both. Idaho Commerce and Labor and the Department of Health and Welfare report directly to the Governor and oversee the largest programs directly under the Governor's control.

Idaho Commerce and Labor (ICL) oversees WIA, Unemployment Insurance, Wagner-Peyser, the Trade Act, Labor Market Information and the Cost Reimbursable Grants such as Veterans', WOTC, and Labor Certification among others. Idaho Commerce and Labor collaborates with the Division of Professional-Technical Education to operate the Idaho Workforce Development Training Fund designed to assist new and expanding businesses with workforce training. In addition, Idaho Commerce and Labor is responsible for Wage and Hour, Economic Development, Tourism, Community Development and the Office of Science and Technology. In the capacity as the state's primary workforce investment and economic development agency, ICL is also responsible for facilitating partnerships among the state's one stop partner organizations and local economic development organizations.

The Department of Health and Welfare is charged with TANF, the Food Stamp Employment and Training Program, the Community Services Block Grant and Foster Care. They also oversee the programs that assist working families with support for child care subsidies, CHIP and other emergency and medical support services.

The Idaho Commission on Aging reports to the Governor, manages the state Title V, Senior Community Services Employment Program and facilitates coordination among national grantees with the state's one stop system. The Idaho Commission for the Blind and Visually Impaired (Vocational Rehabilitation), the Department of Corrections and the Department of Juvenile Corrections also report to the Governor and oversee projects for populations they serve.

The State Board of Education is organized as a single board that oversees K-12 and all postsecondary education in Idaho. The Chair of the Workforce Council also serves on the State Board of Education. The Presidents of the State's six colleges and universities and the Executive director of the Office of the State Board report directly to the State Board of Education. The State has three universities, including two with a community and technical college mission, a four year college with a technical college mission, two community colleges and a professional-technical institution. This system is the primary provider of education and training services for Idaho's WIA and TAA systems.

The Superintendent of Public Instruction is an elected official who sits on the Board of Education and the Workforce Development Council. The Superintendent is responsible for K-12 education services delivered through the state's 114 school districts and Adult Basic Education Services with primary service points coordinated through the postsecondary campuses in each region of the state. A Business Liaison is housed in the Superintendent's office to coordinate with the workforce system partners and the Workforce Council.

The Division of Professional-Technical Education reports to the Office of the State Board and oversees technical education, including Carl Perkins, in the secondary and postsecondary institutions. The Workforce Training Network links all institutions and Idaho Commerce and Labor to ensure sharing of information and capacity and a quick response to training needs identified in response to economic or workforce development events.

The Division of Vocational Rehabilitation also reports to the Office of the State Board and is a primary workforce partner participating in strategic and operational planning.

The State agencies collaborate on both policy and operational issues on a regular basis. The organizations enjoy collegial relationships and regularly work together on a variety of structured and ad hoc projects. Most organizations are familiar with the offerings of their sister agencies and have long standing collaborative relationships although some organizations are only recently benefiting from participation in workforce system efforts.

The workforce agencies have representatives on the Workforce Development Council staff team led by Governor Kempthorne's Workforce and Economic Development Policy Advisor. This team identifies issues and makes recommendations to the Workforce Development Council.

During the past two years, Idaho was fortunate to participate in a 21st Century Workforce Development Policy Academy. Former One Stop Collaborative Teams were expanded and refocused on goals established by the Academy Teams. These interagency teams are focusing on improving labor market supply-demand information, increasing the responsiveness of the post secondary system, developing career clusters to organize workforce, education and economic development service delivery, enhancing the one stop system by identifying services and filling gaps, creating awareness, particularly among the business community, and developing an entrepreneurial workforce. The most recent team to be added is focusing on the USDOL youth initiative to identify and prioritize service needs for Idaho's neediest youth.

These formal opportunities build on the more informal system that has evolved to support the day-to-day operations of Idaho's workforce system. Staff at state and local levels routinely work together for the benefit of selected customers, sharing information and services to assist businesses and individuals meet their workforce goals. Information sharing agreements exist to exchange information on performance and mutual clients. In selected local areas, service delivery or one stop teams meet routinely to coordinate services and offer assistance.

B. State Workforce Investment Board (§112(b)(1).)

1. Describe the organization and structure of the State Board. (§111).)

Governor Kempthorne elected to "grandfather" Idaho's Workforce Development Council for purposes of the Workforce Investment Act. The Workforce Development

Council was established August 8, 1996 by Executive Order in accordance with Title VII of the Job Training Partnership Act. The Council replaced and consolidated four workforce councils and has continued to provide leadership for all workforce programs reporting to the Governor and the State Board of Education. Governor Kempthorne issued a new Executive Order on November 30, 2004 continuing membership and clarifying the role of the Council. A copy of the Executive Order is attached as Attachment 3.

2. *Identify the organizations or entities represented on the State Board. If you are using an alternative entity which does not contain all the members required under section 111(b)(1), describe how each of the entities required under this section will be involved in planning and implementing the State's workforce investment system as envisioned in WIA. How is the alternative entity achieving the State's WIA goals? (§§111(a-c), 111(e), and 112(b)(1).)*

Each of the required Board entities identified under WIA was invited and/or actively participated in the planning and implementation processes that were developed to achieve the goals envisioned for the Idaho workforce system. The Council represents a broad constituency of business, education, government and labor. Membership includes lead state agency officials responsible for One Stop partner programs.

The Executive Order requires that the Council's membership shall be as follows:

- Representatives of business and industry shall comprise at least 40% of the members;
- At least 15% of the members shall be representatives of local public education, postsecondary institutions, and secondary or postsecondary vocational educational institutions;
- At least 15% of the members shall be representatives of organized labor based on nominations from state labor federations;
- Representatives for the Department of Labor, the Department of Health and Welfare, the Department of Commerce, the Division of Vocational Rehabilitation, the Division of Vocational Education, the Commission on Aging, and the Superintendent of Public Instruction;
- A representative of a Community Based Organization; and
- Individuals from the general public who have special knowledge and qualifications with respect to special education and career development needs of hard-to-serve individuals.

Further, the Order requires that the Chair and Vice-Chair be from the private sector.

Members of the Council include:

- Representatives from large and small business and business organizations
- Representatives from Labor
- Director, Department of Health and Welfare – (TAFI, Food Stamps, CSBG)
- Director, Department of Commerce and Labor – (WIA, Wagner-Peyser, UI, TAA, Veterans, WOTC, Labor Market Information, Commerce, Tourism, Community Development, Disability Determinations)
- Executive Director, State Board of Education – (Professional-Technical Education, Vocational Rehabilitation)
- Director, Commission on Aging
- Superintendent of Public Instruction – (K-12, ABE)
- Representatives of Secondary and Postsecondary Education

- Representatives from Community Based Organizations

The Council's membership brings together a highly integrated mix of business and industry representatives, education, labor, governmental entities and community based organizations to set the vision and make plans for Idaho's workforce development system. Specifically the Council is responsible for advising the Governor and the State Board of Education on:

- Development of a statewide strategy for a workforce development program which includes all workforce programs;
- Development, in collaboration with local and state stakeholders, of a system for planning and oversight of the statewide workforce development system;
- Streamlining of services to customers to achieve an efficient and effective, customer-driven workforce system for the state;
- Development of goals, standards and measures to evaluate the effectiveness and efficiency of workforce development programs; and
- Implementation of a continuous improvement process designed to ensure high quality services for Idaho's citizen and business customers.

In developing the state's plan, opportunities for input and consultation were made available throughout the process for the Governor, local elected officials, legislators and other participating entities and interested parties.

Since its inception, the Council has invited participation of state and local interests, including members of the legislature, Idaho cities and counties and business organizations to participate in formulation of plans and strategies to guide Idaho's workforce system. During the last two years, the Council was a participant in the National Governors' Association 21st Century Policy Workforce Policy Academy. This offered the opportunity for a wide range of stakeholders to participate in formulating an action plan for bringing the workforce and the workforce system into the 21st Century. The full Council adopted the report of the Council to guide activities over the next two years. In carrying out this plan, the reach into communities across the state will be vastly expanded.

The Council has in place the members, linkages and procedures to provide the leadership and oversight necessary to achieve the goals established for the Idaho Workforce Development system. The Council will continue to review the accomplishments against the long-term visions, goals and objectives established in the plan. The Council will focus on its overall goals of assessing the needs of business and industry, promoting the development of partnerships to improve services to all customers, and supporting systems to measure progress, outcomes and system improvements based upon customer input. Further, the Council will continue to support a comprehensive educational system to expand career awareness through its working relationship with the State Board of Education and its efforts to connect business needs with educational opportunities.

With the transition to a single state planning area, the Council will be expanded to incorporate additional private sector members to ensure a business majority and increase the representation of key industries. While this is in keeping with the Governor's Executive Order, it will spread the geographic representation and also increase the representation of labor and education. During the first quarter of PY'05, the Council will develop recommendations for forming a Youth Council, either as an independent arm of the Workforce Development Council or as a committee that functions collaboratively under the joint direction of the Council and the Governor's Coordination Council for Families and Children.

3. *Describe the process your State used to identify your State Board members. How did you select board members, including business representatives, who have optimum policy-making authority and who represent diverse regions of the State as required under WIA? (20CFR 661.200.)*

Appointments to the Council are made by the Governor upon nominations and/or recommendations from business organizations and local elected officials. The Governor appoints the private sector chairperson. The Governor also appoints the Directors and/or top officials of the agencies responsible for the workforce development programs and educational system. The Council's membership considers regional representation to identify and address the various needs throughout the state. Appointments to the Council were made in accordance with the requirements under Title VII of the Job Training Partnership Act. The State will ensure that any new appointments to the Council will have the optimum policy making or hiring authority.

4. *Describe how the board's membership enables you to achieve your vision described above. (§§111(a-c) and 112(b)(1).)*

Private sector representatives are selected based on their attachment to critical industries; this ensures that the Council has a formal connection to key industries throughout the state. State government representatives are the executives of lead state agencies in education, workforce development and economic development. The education representatives include a college president who serves as a representative of the President's Council for the state's post secondary system as well as the executive of the State Board of Education, and two members of the State Board of Education, including the elected Superintendent of Public Instruction. Labor and Community Based Organizations are also high level officials who have influence with their members and their communities. The executive level council offers the appropriate level of influence to ensure that the vision can be achieved

5. *Describe how the Board carries out its functions as required in sec. 111 (d) and 20 CFR 661.205. Include functions the Board has assumed that are in addition to those required. Identify any functions required in sec. 111 (d) the Board does not perform and explain why.*

Implementation of WIA continued a long history of collaboration among Idaho's state and local employment and training community, education, labor, industry, special interest groups, legislative leaders, local elected officials, Native American Tribes and minority organizations. It is the intent of the Council to continue these efforts to provide direction and leadership, along with the Governor's Office, to ensure full implementation and success in obtaining the long-range goals envisioned in the State Plan.

Specifically, the process calls for wide distribution and input in the development of state policy, plans and strategies to carry out oversight and attainment of the state's goals. The Council provides advance notice of scheduled meetings to ensure sufficient time for interested stakeholders to attend and/or submit comments and concerns. Policy material prepared for the meetings is made available for interested parties who requested that their name and/or organization be included on the Council's mailing list. The notice of meetings and all materials are also posted on the state's website.

The Council schedules its meetings annually based upon projected workload, which usually requires that meetings be held at least quarterly. The Council typically performs all work in a meeting of the entire body; however, the Council has a

standing Executive Committee, a Performance Committee and will assemble ad hoc committees, as needed, to address specific issues or tasks as identified by the Council or the Governor. The Council will be reviewing its organization during the first quarter to identify committees necessary for effective oversight of the "local" WIA functions.

6. *How will the State Board ensure that the public (including people with disabilities) has access to board meetings and information regarding State Board activities, including membership and meeting minutes? (20 CFR 661.205)*

Workforce Development Council meetings will be held in facilities that comply with ADA requirements to ensure access for persons with physical disabilities. Upon request, alternate formats will be offered for written materials to meet the special needs of persons with sight impairments. The Idaho Commission for the Blind and Visually Impaired has volunteered to assist the Council in meeting requests for alternate formats. The Council will coordinate with the Idaho Commission for the Deaf and Hard of Hearing to arrange equipment or other services for individuals who request hearing assistance at meetings. Membership lists, including contact information, announcements of board meetings, all meeting materials and minutes are widely distributed and are available on the state's website. Legal notices are posted and are supplemented with general news releases about Council activities and meeting plans.

7. *Identify the circumstances which constitute a conflict of interest for any State or local workforce investment board member or the entity that s/he represents, and any matter that would provide a financial benefit to that member or his or her immediate family. (§§111(f), 112(b)(13), and 117(g).)*

The attached WIA Code of Conduct (Attachment 4) has been adopted by the Workforce Development Council and approved by the Governor. Although this Code does not identify any additional instances which would constitute conflict, language is included which would allow conflict to be determined at a later date.

8. *What resources does the State provide the board to carry out its functions, i.e. staff, funding, etc.?*

The Workforce Development Council is supported by an interagency staff team comprised of management officials of the partner agencies and is lead by Governor Kempthorne's Senior Policy Advisor for Workforce and Economic Development. Idaho Commerce and Labor provides logistical support for the Council while member agencies representing the state's mandatory and optional one stop partners provide policy and program advice as well as direct financial support for the Council.

- C. *Structure/Process for State agencies and State Board to collaborate and communicate with each other and with the local workforce investment system (§112(b)(8)(A).)*

1. Describe the steps the State will take to improve operational collaboration of the workforce investment activities and other related activities and programs outlined in section 112(b)(8)(A), at both the State and local level (e.g., joint activities, memoranda of understanding, planned mergers, coordinated policies, etc.). How will the State Board and agencies eliminate any existing State-level barriers to coordination? (§§111(d)(2) and 112(b)(8)(A).)

The merger of the Departments of Commerce and Labor in 2004 signaled a move from collaboration to full integration of workforce and economic development services under the direction of the Director of Idaho Commerce and Labor. Under this plan,

the twenty-four Commerce and Labor offices will become full service one stop centers with a comprehensive array of workforce, economic development and community development services. A training regime is under development to ensure that staff in each office can respond as readily to economic and community development issues as they do workforce issues. During PY'05, the Council will also focus on expanding the participation of mandatory and voluntary partners in the one stop centers across the state. The formal structures including the Workforce Development Council staff team, Policy Academy teams and youth teams will continue and be expanded to address goals not currently being addressed by teams. These cover a wide range of issues from common or system measures, improved labor market information, and improvements in post secondary education delivery and access among others referenced in the Policy Academy report.

Idaho has long enjoyed a collaborative relationship among its agencies. Collaboration for day-to-day service delivery is routine with partners demonstrating a knowledge and respect for the contributions made by system partners. This is exhibited in partnership approaches in dealing with closures and business expansion or projects formed to aid target groups. This provides an opportunity to identify and eliminate barriers as an integral part of service delivery to customers. The state and local organizations in Idaho have truly embraced the solutions-based approach.

As part of the Policy Academy process, the State initiated a broad survey of all workforce programs and funds available in the state. The purpose of the study was to establish the base for further collaborative efforts. The study is currently being updated and will inform the Council's planning process during PY'05. The study includes a wide range of topics from funding and planning cycles, to performance measures, services and service locations among others. This will help to identify further barriers and opportunities as the state attempts next steps in the planning process. The Policy Academy report identifies a number of action items intended to address issues in the state such as access to educational services, improved labor market information and processes for expanding awareness of system services,

2. *Describe the lines of communication established by the Governor to ensure open and effective sharing of information among the State agencies responsible for implementing the vision for the public workforce system; between the State agencies and the State Workforce Investment Board.*

Governor Kempthorne models an approach to government service that is collaborative, Inclusive and responsive to the needs of Idaho citizens and businesses. That style is reflected in the relationship between the State Workforce Development Council and the agencies that are responsible to the Council. The Governor's Policy Advisor for Workforce and Economic Development leads an interagency staff team charged with advising the Council and carrying out its recommendations. Formal agendas, materials and minutes developed by this staff team are distributed among the members of the Council and the staff team and published on the State's website.

3. *Describe the lines of communication and mechanisms established by the Governor to ensure timely and effective sharing of information between the State agencies/State Board and local workforce investment areas and local Boards. Include types of regularly issued guidance and how Federal guidance is disseminated to local Boards and One-Stop Career Centers. (§112(b)(1).)*

The communications between the State and Local level will change with the shift to a single state approach. Council transmittals and minutes are included on the State's website under the Workforce Development Council on both the *IdahoWorks* and

Idaho Commerce and Labor websites. Each partner agency is responsible for advising its line organization or substate organizations of Council policy. Council policies (WIAP) and Workforce Information Bulletins (WIABs) will continue to be posted on the WIA website. Federal guidance is distributed through the WIAB process. All WIA providers are notified via e-mail of all additions or changes to the websites. State agencies also provide a wide range of information to local areas through these bulletins and via technical assistance guides to aid in service delivery. Labor market information is also routinely communicated to the State Board and all workforce partners through the monthly ILMI newsletters. Monthly updates are also distributed from Idaho Commerce and Labor to inform customers of activities related to economic and workforce development services.

4. *Describe any cross-cutting organizations or bodies at the State level designed to guide and inform an integrated vision for serving youth in the State within the context of workforce investment, social services, juvenile justice, and education. Describe the membership of such bodies and the functions and responsibilities in establishing priorities and services for youth? How is the State promoting a collaborative cross-agency approach for both policy development and service delivery at the local level for youth? (§112(b)(18)(A).)*

As mentioned earlier in the plan, the state has several cross-cutting organizations designed to assist and collaboratively provide services to youth in Idaho. Governor Dirk Kempthorne established the Governor's Coordinating Council for Families and Children (GCCFC), made up of representatives of government agencies, civic groups, non-profit organizations, businesses and the faith community. Spearheaded by the First Lady of the State the Governor's Coordinating Council began its work in 2000 to inventory, coordinate and increase the resources available to families and children in Idaho. The GCCFC's vision is to develop an ongoing, collaborative organization that supports and provides leadership to enhance state, regional and community systems to positively impact their lives and promote collaboration between the public and private sectors, utilizing best practices in all programs.

Each year, the GCCFC supports the annual Governor's Regional Roundtables, which provides a forum for discussion of ideas, information, and collaboration among programs throughout the state. The collaboration facilitated by the Governor's creation of the GCCFC and the annual Roundtables on the 'Generation of the Child' have had multiple impacts around the state, bringing attention to and awareness of many issues that adversely impact our families and children. These collaborations have promoted the importance of local needs assessments and community-based interventions, creating powerful connections among an array of perspectives, beliefs, politics, and expertise on the importance of improving the lives/livelihood of Idaho's families and children.

The state has also convened another group working as an addition to its overall policy group to define Idaho's Strategic Vision for Services for Youth in the state. The group includes representatives from the state's Workforce Agency, Health and Welfare, and the Departments of Education and Juvenile Corrections. Representatives from local and regional agencies that provide youth services to targeted populations have been invited to participate in this effort as well. Individual agency service data has been requested by this group to determine the focus of the group's efforts in identifying and serving those youth most in need. An assessment of the service data presented will be provided to each agency and organization with recommendations from the work group that would help to direct the provision of services toward the state's neediest youth including, but not limited to, youth in foster care, youth offenders, homeless youth, out-of-school youth, migrant/seasonal

farmworker youth, and pregnant and parenting youth. Recommendations from this group will be made to the Workforce Development Council for consideration.

IV. Economic and Labor Market Analysis (§112(b)(4).):

Idaho is a large, sparsely populated state with a population of 1.4 million people spread across more than 82,000 square miles. The majority of the population (65%) reside in eight "urban" counties with the balance residing in 36 rural counties. Boise is the only city with a population that exceeds 100,000. The rural areas, separated by large distances, pose a challenge for service access and require special consideration when creating any statewide system. Access to a continuum of education and workforce development services for all citizens and business remains a high priority.

Table Introduction 1, **State of Idaho Economic Indicators**, presents common measures of an area's overall economic vitality and how these measurements have changed in recent years.

The data is indicative of Idaho's up and down economic growth in recent years. Job growth was at a healthy pace from 1998 to 2001. This trend continued through 2001 but with a significant slowdown during the last half of the year. The unemployment rates began to increase the last half of 2001 and remained at or above 5.5 percent until the last half of 2003. The unemployment rates began to decline in 2004 with December's rate at 4.4 percent the low point. The national recession combined with the long-term trend in the decline in natural resource based employment resulted in a sharp rise in the number of unemployed and job losses in several significant industries. Those areas dependent upon a natural resource economic base had very high unemployment rates. The electronics industries in Southern Idaho lost jobs in 2001 through 2003. Drought conditions are an on-going concern for agricultural producers and large electrical energy users. A very positive trend in all measures occurred in 2004.

Idaho's economic growth has been driven by population growth. Idaho's *Service-Providing Industries* provide roughly 82 percent of the jobs, and most of these industries are dependent upon population growth. During this time period, Idaho ranked fourth in the nation in the percent change in job growth and fourth in percent change in population growth. Much of the population increase is due to net in-migration to Idaho. Several factors have caused this migration: increased Idaho job opportunities, poor economic conditions in other areas, and quality-of-life amenities. Population growth should continue and annual increases of 20,000 to 30,000 persons can be expected.

Idaho's average unemployment rate was at or above the nation's average for the first three years of this data series. However, the unemployment rate has remained below the national rate since January 2003. Idaho's *Goods-Producing Industries* have large seasonal components in *Construction*, *Wood Product Manufacturing*, and *Food Manufacturing*. This has always influenced the annual average unemployment rate. Layoffs in the electronics manufacturing industry contributed to the high unemployment numbers and benefits paid in 2002 and continued to have a dampening effect on jobs until late 2004. Some *Service-Providing Industries* with high employment, such as *Retail Trade* and those involved in Idaho's tourism industries, also have strong seasonal movements. Both of these sectors experienced a slowdown in job growth in 2002 and 2003. *Professional; & Business Services* also experienced a decline in the job growth during this time period. It is important to remember that not all industries lost jobs, as most industries just experienced a slower growth rate.

Nonfarm Payroll Jobs is the number of jobs within the state. It excludes farm jobs but includes those in food processing and other agricultural related industries. Idaho's rate of job creation exceeded the nation's, even in 2001. However, Idaho's 2000-2001 growth rate was less than half that for 1999-2000. The number of *Goods-Producing Industries* jobs declined in 2002, for the first time since 1985-1986. The loss of jobs in *Natural Resource* and *Mining* were offset by job growth in *Construction*. Since 1999 over 4,500 jobs have been added with 3,000 between 2003 and 2004. A significant rebound occurred in 2004 (up nearly 15,000 from 2003 and 49,000 from 1999) and future projections are for a growth rate of 1.9 percent per year through 2005.

TABLE Introduction 1

STATE OF IDAHO ECONOMIC INDICATORS
1999-2004

	1999	2000	2001	2002	2003	2004	Percent Change From 2003-2004	1999-2004
POPULATION*								
Idaho Percent Change	1,275,674	1,299,610	1,321,585	1,343,124	1,367,034	1,393,262	1.9	9.2
US Percent Change	1.9	1.9	1.7	1.6	1.8	1.9	1.0	7.7
	1.2	1.1	1.1	1.1	1.0	1.0	1.0	7.7
LABOR FORCE BY PLACE OF RESIDENCE								
Civilian Labor Force	647,873	661,599	681,558	684,749	692,543	703,067	1.5	8.5
Unemployment	33,125	30,665	33,274	39,683	37,440	33,339	-11.0	0.6
Percent of Labor Force Unemployed	5.1	4.6	4.9	5.8	5.4	4.7	4.7	8.9
Total Employment	614,748	630,934	648,283	645,066	655,103	669,728	2.2	8.9
* Based on new methodology - 2001-2003 data not available until late May and currently not comparable								
U.S. Unemployment Rate	4.2	4.0	4.8	5.8	6.0	5.5		
NONFARM PAYROLL JOBS								
Idaho Employment	538,148	558,588	568,033	568,203	572,253	587,081	2.6	9.1
Idaho Percent Change	3.4	3.8	1.7	0.0	0.7	2.6	1.1	1.9
US Percent Change	2.4	2.2	0.0	-1.1	-0.3	1.1	2.0	19.4
IDAHO AGRICULTURE EMPLOYMENT								
Weeks Paid	554,334	536,562	701,984	982,850	993,357	688,639	-29.7	26.0
Dollars Paid	\$105,459,964	\$106,609,870	\$149,629,576	\$217,384,029	\$220,065,775	\$153,317,917	-30.3	45.4
Covered Employers (Public & Private Units)	44,299	45,408	46,422	46,601	48,323	43,675	-9.6	-1.4
INCOME*								
Total Personal Income (thousands of dollars)	\$29,068,140	\$31,289,782	\$33,053,997	\$34,381,128	\$35,409,068	\$37,754,877	6.6	29.9
Idaho Percent Change	6.5	7.6	5.6	4.0	3.0	5.7	5.7	24.1
US Percent Change	5.1	8.0	3.5	1.8	3.2	\$27,098	4.6	19.6
Personal Per Capita Income	\$22,656	\$24,075	\$25,018	\$25,597	\$25,902	4.6	4.7	17.9
Idaho Percent Change	4.6	6.3	3.9	2.3	1.2	2.2	2.6	13.0
US Percent Change	3.9	6.8	2.4	0.7	2.2	184.5	2.7	13.4
U.S. Consumer Price Index (All Items 1985-1984)								
Urban Wage Earners & Clerical Workers (CPI-W)	163.2	168.9	173.5	175.9	179.8	184.5	2.6	13.0
All Urban Consumer (CPI-U)	166.6	172.2	177.1	179.9	184.0	188.9	2.7	13.4

IDAHO COMMERCE AND LABOR, PUBLIC AFFAIRS
COMPILED FROM VARIOUS SOURCES
Updated: March 2005

Retail trade is expected to add the largest number of jobs, with health care, business services, construction and electronics following in growth. Many of these jobs will require advanced education and training, demanding a solid K-12 foundation and availability of quality postsecondary education and training.

Idaho ranks 39th in average wages among the 50 states. The most recent average wage calculation available (June 2004) set the rate at \$13.66 per hour. Wages in the science and technology and health care sectors are significantly higher than wages as a whole and will continue to attract workers, provided sufficient investments are made to train workers in these fields. Higher skills are demanded, particularly in science and math, to foster the growth in science and technology and health related fields. In these high demand jobs, wages will have to be competitive with surrounding states to attract and retain workers, particularly in the more rural areas.

Idaho's labor force is predominantly white, with minorities representing less than 10% of the workforce. Hispanics represent the fastest growing segment of the population with increases of 25% during the last two years. Over the next ten years the major demographic impact in Idaho will come from the aging of our workforce. Although Idaho has a higher rate of young workers age 24 and under than the nation as a whole, it will not be immune from the growing population of workers 55 and over seeking to leave the workforce. This shift will drive the effort to provide a work environment that will entice experienced workers to remain in the workforce and to retain highly skilled workers in the state.

Idaho ranks 13th in the number of students graduating from high school (77%), but falls behind the national average in the percentage of students who pursue higher education. Only 49% of Idaho's graduating seniors went on to degree granting institutions. Access to higher education continues to be a problem. Although Idaho has seven public postsecondary institutions, only two community colleges and one technical college are included in the delivery system. Idaho's universities and colleges serve a dual university and community college mission in areas lacking a community college adding to problems of capacity and access.

After mirroring economic conditions since 1998, the number of weeks and dollars paid by Idaho's Unemployment Insurance program rose dramatically in 2001 and set a record high level in 2002. These increases were due to economic conditions and not to UI fundamentals such as covered employment growth or benefit level increases. There were notable increases in claims filed in Southwestern and Southeastern Idaho and in the broad electronics sector. Benefit payments declined by nearly 5 percent in 2003 but remained above \$206.8 million.

Personal Income is the dollar value of the population's earnings from wages (the largest component), proprietors' income, rents, interest, transfer payments, etc. There has been a steady increase in this amount, reflecting increased population and employment levels. Idaho's Personal Income growth rate has fluctuated significantly during this period. This is due primarily to commodity prices received by farmers during these years. Overall, Idaho's Personal Income growth rate has been close to the national growth rate.

Per Capita Personal Income is Total Personal Income divided by Total Population. Although Idaho has ranked among the top states in Per Capita Personal Income growth rate, the state consistently has been in the mid-forties in the ranking of state Per Capita Personal Income levels.

A. *What is the current makeup of the State's economic base by industry?*

Table A.1, **Industry Structure of the Idaho Economy**, provides the latest available on employment by industry in Idaho. This count of jobs does not include farm employment which is estimated to be 41,200 annually.

**TABLE A.1
INDUSTRY STRUCTURE OF THE IDAHO ECONOMY
NONFARM PAYROLL JOBS - PLACE OF WORK - STATE OF IDAHO**

INDUSTRY	AVERAGE ANNUAL	PERCENT OF	NUMERIC	PERCENT
	EMPLOYMENT 2005	TOTAL EMPLOYMENT	CHANGE 00 - 04	CHANGE 00 - 04
Nonfarm Payroll Jobs - NAICS	587,081	100.0	28,493	5.1
Goods Producing	105,084	17.9	(6,772)	-6.1
Natural Resources	3,970	0.7	(683)	-14.7
Logging	2,041	0.3	(266)	-11.5
Mining	1,928	0.3	(417)	-17.8
Metal Ore Mining	591	0.1	(526)	-47.1
Construction	39,670	6.8	3,177	8.7
Manufacturing	61,444	10.5	(9,265)	-13.1
Durable Goods	38,488	6.6	(6,592)	-14.6
Wood Product Manufacturing	7,261	1.2	(1,978)	-21.4
Sawmills & Wood Preservation	2,793	0.5	(1,018)	-26.7
Veneer & Engineered Wood Products	1,309	0.2	(481)	-26.9
Other Wood Product Manufacturing	3,159	0.5	(478)	-13.2
Fabricated Metal Product Manufacturing	3,624	0.6	(407)	-10.1
Machinery Manufacturing	2,575	0.4	(729)	-22.1
Computer & Electronic Product Man	16,283	2.8	(3,174)	-16.3
Transportation Equipment Manufacturing	2,296	0.4	(183)	-7.4
Other Durable Goods	6,449	1.1	(123)	-1.9
Nondurable Goods	22,956	3.9	(2,673)	-10.4
Food Manufacturing	14,802	2.5	(1,862)	-11.2
Fruit & Vegetable Preserving & Specialty Food	7,223	1.2	(1,832)	-20.2
Paper Manufacturing	1,600	0.3	(146)	-8.3
Printing and Related Support Activities	1,933	0.3	(407)	-17.4
Chemical Manufacturing	1,874	0.3	(463)	-19.8
Other Nondurable Goods	2,747	0.5	204	8.0
Service-Providing	481,997	82.1	35,265	7.9
Trade, Transportation, and Utilities	117,761	20.1	(1,834)	-1.5
Trade	98,834	16.8	(1,355)	-1.4
Wholesale Trade	25,358	4.3	(356)	-1.4
Wholesalers, Durable Goods	11,665	2.0	(30)	-0.3
Wholesalers, Nondurable Goods	11,365	1.9	(931)	-7.6
Retail Trade	73,476	12.5	(999)	-1.3
Motor Vehicle and Parts Dealers	11,145	1.9	789	7.6
Building Material and Garden Equipm	8,273	1.4	829	11.1
Food and Beverage Stores	12,059	2.1	(4,060)	-25.2
General Merchandise Stores	15,299	2.6	2,269	17.4
Transportation, Warehousing, & Utilities	18,926	3.2	(480)	-2.5
Utilities	1,868	0.3	(668)	-26.3
Transportation & Warehousing	17,058	2.9	188	1.1
Rail Transportation	1,126	0.2	(327)	-22.5
Truck Transportation	8,527	1.5	(32)	-0.4
Information	9,865	1.7	2	0.0
Telecommunications	3,751	0.6	249	7.1
Financial Activities	27,867	4.7	2,711	10.8
Finance & Insurance	20,431	3.5	1,779	9.5
Real Estate & Rental & Leasing	7,436	1.3	932	14.3
Professional and Business Services	73,228	12.5	12,579	20.7
Professional, Scientific, & Technical	29,435	5.0	2,021	7.4
Scientific Research and Development	7,307	1.2	(959)	-11.6
Management of Companies & Enterpr	7,405	1.3	4,142	126.9
Administrative & Support & Waste Management	36,388	6.2	6,416	21.4
Administrative and Support Services	35,291	6.0	6,533	22.7
Educational and Health Services	65,115	11.1	12,090	22.8
Educational Services	7,427	1.3	1,948	35.6
Health Care & Social Assistance	57,688	9.8	10,142	21.3
Hospitals	13,168	2.2	1,489	12.8
Leisure and Hospitality	55,566	9.5	2,982	5.7
Arts, Entertainment, & Recreation	7,583	1.3	958	14.5
Accommodation & Food Services	47,984	8.2	2,024	4.4
Accommodation	7,928	1.4	(277)	-3.4
Food Services & Drinking Places	40,056	6.8	2,302	6.1
Other Services	18,297	3.1	655	3.7
Total Government	114,299	19.5	6,079	5.6
Federal Government	13,277	2.3	(226)	-1.7
State & Local Government	101,023	17.2	6,305	6.7
State Government	29,125	5.0	971	3.4
State Government Education	13,939	2.4	938	7.2
State Government Administration	15,186	2.6	34	0.2
Local Government	71,898	12.2	5,334	8.0
Local Government Education	36,873	6.3	1,914	5.5
Local Government Administration	32,025	5.5	2,945	10.1
Local Government Tribes	2,999	0.5	474	18.8

Source: ID Commerce and Labor, 3/18/2005
Totals and Subtotals might not add due to averaging and rounding

Idaho's workforce is overwhelmingly engaged in service-providing jobs—just over 82 percent of the total job count. Goods-producing jobs have increased over the years but the relative share of jobs these industries have of all jobs has declined. In other words, the growth of the *Service-Providing Industries* has outpaced that of the *Goods-Producing Industries*.

Some relevant facts about Idaho's economic structure are:

Idaho largely escaped the 2001 National Recession, except for electronics manufacturing which lost 4,000 jobs.

The 9-11 tragedy hurt Idaho's tourism industry with hotels and motels suffering a loss of around 1,000 jobs immediately after 9-11. The recession exacerbated the business travel situation and eating and drinking establishment employment slowed down.

Other negative developments prior to the recession and 9-11 and continuing today:

- Continued decline of wood products manufacturing and mining.
- Cut backs in food processing and changing consumer food preferences.
- Seven years of low water supplies with agricultural droughts being declared in most southern Idaho areas.

In spite of the recession, Idaho had employment STABILITY

Population growth continued, creating increased demand for goods and services

State's economic downturn was confined to 2002 (no change in number of jobs) and early 2003.

State's unemployment rate did not exceed 6 percent.

Current Economic Environment:

5.5 percent of jobs are in Agriculture.

8.4 percent of workers are self-employed (only).

86.1 percent have Nonfarm Payroll Jobs.

17.9 percent of those jobs are in Goods-Producing Industries (Natural Resources, Construction, and Mining).

The Service-Providing Industries have continually increased their share of nonfarm jobs over the last few years.

Sustained population growth with a preliminary increase of 1.9 percent from 2003 to 2004.

Record highs for Civilian Labor Force and Total Employment. The 2004 annual average unemployment rate was 4.7 percent, compared to the national rate of 5.5 percent.

Nonfarm employment is at a record high with an estimated 587,100 jobs. Annual average Nonfarm Payroll Jobs employment increased by 14,800 jobs in 2004 over 2003, for a 2.6 percent growth rate.

- B. *What industries and occupations are projected to grow and or decline in the short term and over the next decade?*

In general, Idaho is expected to continue to grow both demographically and economically. The forces that drove Idaho's expansion during the previous decade are still as valid now as they were in the 1990s. Population has grown primarily through immigration as people are attracted to Idaho's "quality of life" features even though wage and per capita personal income levels are at the lower end of the national scale. Increased population in turn creates more demand for goods and services, hence the

predominance of the *Service-Providing Industries*, continued strength of *Construction*, and more opportunities for self-employment ventures.

The *Natural Resource* and *Manufacturing* sectors face a less certain future. There is some certainty that manufacturing industries will continue to be more diverse and grow. But, at the same time, dislocations centered on traditional natural resource-based industries and the volatile electronics industry are also likely to occur. In other words, the *Goods-Producing Industries* will continue to churn.

Table B.1. presents Idaho's long-term projections of employment by industry. A summary of significant factors influencing these projections follows:

Table B.1: EMPLOYMENT BY INDUSTRY, 2002 - 2012

Industry	2002	2012	# Change	% Change
Total*	550,204	701,377	151,173	27.5
21 - Mining	1,717	1,711	(6)	-0.3
22 - Utilities	1,923	1,954	31	1.6
23 - Construction	36,468	52,268	15,800	43.3
31 - Manufacturing	17,399	16,424	(975)	-5.6
32 - Manufacturing	16,152	16,730	578	3.6
33 - Manufacturing	31,284	34,477	3,193	10.2
42 - Wholesale Trade	24,941	26,914	1,973	7.9
44 - Retail Trade	47,488	55,042	7,554	15.9
45 - Retail Trade	24,883	31,332	6,449	25.9
48 - Transportation and Warehousing	13,589	16,310	2,721	20.0
49 - Transportation and Warehousing	3,199	4,703	1,504	47.0
51 - Information	9,162	14,566	5,404	59.0
52 - Finance and Insurance	17,418	20,143	2,725	15.6
53 - Real Estate and Rental and Leasing	6,540	8,512	1,972	30.2
54 - Professional, Scientific, and Technical Services	28,466	38,668	10,202	35.8
55 - Management of Companies and Enterprises	7,476	6,870	(606)	-8.1
56 - Administrative and Support and Waste Management and Remediation Services	32,295	51,435	19,140	59.3
61 - Educational Services	47,370	59,262	11,892	25.1
62 - Health Care and Social Assistance	61,197	100,003	38,806	63.4
71 - Arts, Entertainment, and Recreation	7,239	8,786	1,547	21.4
72 - Accommodation and Food Services	46,020	57,277	11,257	24.5
81 - Other Services (except Public Administration)	14,493	16,851	2,358	16.3
921 - Federal Government	13,358	14,955	1,597	12.0
922 - State Government	14,476	16,184	1,708	11.8
923 - Local Government	25,651	30,000	4,349	17.0

*Does not include self employed or unpaid family

Agriculture

Agriculture, including related industries, is facing many challenges but still remains the backbone of Idaho's economy, especially in southern Idaho.

The water supply is likely to be at drought levels again in 2005 and any lasting replenishment of the Snake River aquifer will take many years. Producers, however, will still plant and labor will be required. Prices for commodities and livestock are expected to be good although the production might be down.

The recent closure of several potato, sugar beet, and meat packing plants has reduced the number of buyers of those commodities. How this will be played out in terms of crop mix, production, and profitable prices is yet to be determined.

The "mad cow disease" problem has somewhat abated but there is concern it could reappear at any time and cause havoc in the cattle industry.

The "K" Line shipping company announced its intention to no longer use Portland, Oregon as a port. This line, and the Portland Terminal, has been the major export outlet for Idaho's agricultural commodities. This development has wheat growers in particular upset and could have a devastating affect on the Port of Lewiston.

Genetically modified foods still are unacceptable in many export markets.

The Goods-Producing Industries

Mining, especially metals and phosphate, has become almost non-existent due to costs and prices (which are driven by imports). Yet there is some chance of an employment increase in the near term. Gold prices have almost doubled over the last two years and several new mines are being opened and existing ones reactivated. These are surface mines and are not very labor intensive. 600 – 700 Metal Mining jobs are expected.

Logging employs about 2,000 workers, but has declined. This job level should stay about the same unless the demand for cut timber suddenly increases or federal forest management policies include increased logging. In comparison to Oregon and Washington, Idaho has a very small amount of non-federal lands that could be logged. U.S. Forest Service plans to increase salvage and fire control logging have yet to translate into additional jobs as the 2004 job level was essentially the same as in 2003.

Construction has remained surprisingly strong. Increased population, low interest rates, and commercial developments have maintained strong pace along with necessary infrastructure improvements. The state anticipates a slight slowdown in housing and buildings due to slower population growth and good housing inventories but some state-funded projects are coming on line. The state has embarked on a major highway construction program that will add a significant number of heavy construction jobs in 2006-2007 that should be sustained through the end of the decade. 2004 average employment, at 37,900 is 1,200 more than the average number of jobs in 2003.

Manufacturing

Idaho's traditional (post WWII) manufacturing industries have been in wood products, food products, chemicals (phosphate-related), and paper.

In 2000, these traditional industries had about 30,000 jobs. In 4^{1/2} years, that total has declined to 26,000.

Further job declines are expected. Principal reasons are unfavorable market conditions, international and domestic competitors, public policies, and changing consumer preferences. At best, employment will remain stable for a few years.

Idaho sawmills are not always positioned to take advantage of current market conditions although they have capacity to produce more lumber. For example, hurricanes and the Iraq war have driven up the price of sheet goods (e.g., plywood) but few Idaho mills produce it.

The electronics industry is primed for resurgence. Idaho has the productive capacity, relative low energy costs, and a qualified labor supply. What is needed is a general expansion in business investments. In the Micron's case, there also has to be favorable prices for its DRAM products and that is so sensitive to international competition. Yet, it is a volatile industry and unexpected changes happen. There have been promising instances in which very small, entrepreneur-like electronics firms have developed new products that could turn into much larger businesses.

The Service-Providing Industries

Retail Trade has the most jobs and will continue to grow. We think this growth will be about average in the next few years. Some trends to watch:

- Continued proliferation of big-box retailers via expanding number of stores in the area—not just an initial presence within the state.
- The current emphasis of increasing the number of home/building materials stores, i.e., Home Depot and Lowe's and increases of their product lines into kitchen appliances, floor coverings, etc. This will put additional pressure on local hardware, appliance, etc. stores.
- Attempts to revitalize city centers through beautification and "themeing", thereby creating a better retail environment for small specialty shops, eating and drinking places, entertainment venues, and community activities.

About one-half of the jobs in *Local Government* are in the K-12 public school system and student populations are expected to continue to increase.

About 48 percent of *State Government* jobs are in the public post-secondary education system.

- Both systems are under extreme budget pressures that have caused layoffs (mainly in public schools) or constrained growth (expanding higher education offerings and degrees).
- Many school facilities are inadequate due to physical condition, size, location, or overcrowding.

Health Care has been one of the fast growing industries in the state and that trend will continue in spite of rising health costs.

The Bottom Line

Slow-but-sure, wide-spread employment growth in the next few years under current conditions. Only the traditional industries are expected to remain static or slowly decline.

If business investments expand, Idaho's electronics industry will also expand and provide a stimulus to all parts of the economy. The electronics industry must be able to withstand cut-throat international competition and, at the same time, have a significant share of exports.

Significant threats to expected growth: drought, unexpected high energy costs, large lay-offs in electronics, large federal cutbacks at Idaho National Laboratory and Mtn. Home AFB, and failure to make necessary local infrastructure investments. The latter will require public financing but it has become apparent that public school facilities are inadequate and too few (includes the need for additional staff), major highways need upgrading, and businesses will need broad band telecommunications capabilities, regardless of the business' location.

Idaho is not immune to national economic conditions. The recent recession hit Idaho selectively. Higher interest rates, failure to solve health care/insurance issues, deficits and imbalances in foreign trade, and a possible financial crisis in the Social

Security Trust Fund programs are current national conditions that could have deep, adverse effects on Idaho's entire economy.

C. *In what industries and occupations is there a demand for skilled workers and available jobs, both today and projected over the next decade. In what numbers?*

The discussion above highlighted Idaho's expected industry developments. The following tables present Idaho's occupational employment projections to 2012. Several different sorts and brief comments are included. These tables are intended to answer questions B and C.

Table C.1: Occupations ranked by demand depicts those job titles with 150 or more annual openings. These openings are due to replacement hires plus new hires due to growth. Some of these occupations require just minimal on-the-job training or orientation but generally demand the worker possess the necessary "soft skills" concerning acceptable work place practices, effective communication, and basic language and mathematical skills. Even the 'lowest' occupational level more often than not requires familiarity with computers and electronic devices.

Considering both industry and occupational employment growth trends, and with a selective eye on the high skilled jobs, the following general groups emerge.

Health Care: Due to increasing population, medical specialization, an aging population, and an emergence of bio-medical research, this grouping has been designated by the Governor as a priority for education, training, and business expansion.

Construction: Again, increased population is the driving force behind the general construction industry. However, building and repair techniques are becoming more technological even for the "lower skilled" framers, truck drivers, and material handlers just to name a few. For infrastructure projects, Idaho's terrain, temperature extremes, and conservation needs pose special challenges to industry workers. Buildings are being made of new materials that require new techniques and knowledge.

Business Management, Services, and Operations: Idaho is a small business state—very small businesses. Ninety-seven percent (97%) of Idaho businesses in 2004 had an average annual employment of *less than fifty*. It is very obvious that these businesses need business leadership and support staff who can maintain profitability and take advantage of growth potential. Increasingly, computer and telecommunication skills are being demanded by the very small employer. The employers are eager to learn new business techniques and engage third parties to help in this regard. Thus the very high growth in the business administrative and support services.

Science and Technology: Idaho's rapid growth since the 1980s has been spurred by the development of high-tech manufacturing. This brought about, in part, tremendous population growth and expansion of the *Service-Providing Industries*. The Governor has determined this priority on science and technology must continue, but expand into other fields such as basic materials and bio-medical research. This should expand the need for technicians of all kinds, instrument and equipment builders, research assistants, and communications specialists.

Table C.2 lists those job titles that are projected to decline between now and 2012.

TABLE C.1

High-Demand Occupations in Idaho: 2002 - 2012

(Ranked by Total Annual Demand)

Occupational Title	2002 Employment	2012 Employment	Total Change	Total Annual Demand	Percent Change
Total, All Occupations	610,643	755,161	144,518	29,113	23.7
Retail Salespersons	18,118	21,954	3,836	1,042	21.2
Cashiers	15,306	17,852	2,546	999	16.6
Waiters & Waitresses	9,933	12,562	2,629	774	26.5
Combined Food Prep & Serving Wkrs, Inc Fast Foc	9,447	12,450	3,003	710	31.8
Registered Nurses	9,894	14,629	4,735	681	47.9
General & Operations Mgrs	11,877	14,969	3,092	533	26.0
Janitors & Cleaners, Ex Maids & Housekeeping Cle	10,398	13,501	3,103	508	29.8
Office Clerks, General	12,046	13,983	1,937	461	16.1
Sec School Teachers, Ex Special & Voc Ed	9,197	10,939	1,742	433	18.9
Laborers & Freight, Stock, & Material Movers, H&	8,998	10,266	1,268	421	14.1
Customer Service Reps	7,246	10,353	3,107	418	42.9
Truck Drivers, Heavy & Tractor-Trailer	11,683	13,934	2,251	416	19.3
Nursing Aides, Orderlies, & Attendants	6,872	9,971	3,099	400	45.1
Elementary & Middle School Teachers, Ex Special I	9,518	11,019	1,501	360	15.8
Carpenters	6,919	9,343	2,424	355	35.0
Sales Reps, Whlsl & Mfg, Ex Tech & Sci Products	5,938	7,604	1,666	323	28.1
Receptionists & Information Clerks	4,332	6,073	1,741	281	40.2
L&scaping & Groundskeeping Wkrs	4,765	6,486	1,721	276	36.1
Bookkeeping, Accounting, & Auditing Clerks	9,636	10,579	943	275	9.8
Teacher Assistants	6,184	7,652	1,468	266	23.7
First-Line Supvrs/Mgrs of Retail Sales Wkrs	7,671	8,866	1,195	257	15.6
Other Food Prep & Serving Related Wkrs	4,493	5,451	958	244	21.3
FarmWkrs & Laborers, Crop, Nursery, & Greenhou	5,211	6,127	916	239	17.6
Electricians	3,006	4,688	1,682	228	56.0
Social & Human Service Assistants	2,385	4,215	1,830	225	76.7
First-Line Supvrs/Mgrs of Office & Admin Support V	5,720	6,628	908	214	15.9
Executive Secretaries & Admin Assistants	5,764	6,792	1,028	213	17.8
Maids & Housekeeping Cleaners	4,906	5,959	1,053	208	21.5
Food Prep Wkrs	3,555	4,365	810	207	22.8
Constr Laborers	3,909	5,367	1,458	198	37.3
Child Care Wkrs	3,514	4,519	1,005	196	28.6
Cooks, Restaurant	3,325	4,162	837	187	25.2
Maintenance & Repair Wkrs, General	4,716	5,661	945	185	20.0
Secretaries, Ex Legal, Medical, & Executive	6,899	7,395	496	182	7.2
Tellers	2,869	3,251	382	180	13.3
First-Line Supvrs/Mgrs of Constr trades & Extraction	3,282	4,499	1,217	178	37.1
Home Health Aides	2,268	3,700	1,432	173	63.1
Security Guards	3,094	4,152	1,058	173	34.2
Truck Drivers, Light or Delivery Services	4,739	6,029	1,290	173	27.2
Stock Clerks & Order Fillers	4,220	4,363	143	171	3.4
Automotive Service Techs & Mechanics	4,028	4,623	595	167	14.8
Licensed Practical & Licensed Voc Nurses	2,950	3,954	1,004	165	34.0
Miscl Business Operations Specialists	3,261	4,338	1,077	163	33.0
Plumbers, Pipefitters, & Steamfitters	2,244	3,325	1,081	160	48.2
Bartenders	2,674	3,143	469	153	17.5
Cooks, Fast Food	3,435	3,901	466	153	13.6
Chief Executives	3,566	4,388	822	153	23.1

TABLE C.2

**Declining Occupations in Idaho
2002-2012**

Occupational Title	2002 Employ- ment	2012 Employ- ment	Numeric Change	Percent Change
Total, All Occupations	610,643	755,161	144,518	23.67
Logging Equipment Operators	3,221	3,061	-160	-4.97
Sawing Mach Setters, Operators, & Tenders, Wood	1,125	988	-137	-12.18
Electrical and Electronic Equipment Assemblers	1,976	1,847	-129	-6.53
Word Processors and Typists	686	583	-103	-15.01
Loan Interviewers and Clerks	757	657	-100	-13.21
Announcers	566	501	-65	-11.48
Locomotive Engineers	296	240	-56	-18.92
Railroad Conductors and Yardmasters	325	271	-54	-16.62
Chemical Plant and System Operators	551	501	-50	-9.07
Fallers	1,231	1,189	-42	-3.41
Rail-Track Laying & Maintenance Equip Operators	145	117	-28	-19.31
Railroad Brake, Signal, and Switch Operators	85	58	-27	-31.76
Log Graders and Scalers	234	213	-21	-8.97
Food Batchmakers	505	484	-21	-4.16
Miscellaneous Woodworkers	354	335	-19	-5.37
Brokerage Clerks	139	121	-18	-12.95
Tool Grinders, Filers, and Sharpeners	132	114	-18	-13.64
Machine Feeders and Offbearers	849	831	-18	-2.12
Food & Tobacco Rsting, Bing, & Drying Mach Oprs & Tndrs	446	429	-17	-3.81
Prepress Technicians and Workers	185	169	-16	-8.65
Stationary Engineers and Boiler Operators	220	208	-12	-5.45
Butchers and Meat Cutters	576	564	-12	-2.08
Farmers and Ranchers	46	35	-11	-23.91
Woodworking Mach Setters, Oprs, & Tndrs, Ex Sawing	675	665	-10	-1.48
Motion Picture Projectionists	69	60	-9	-13.04
Computer Operators	619	612	-7	-1.13
Tailors, Dressmakers, and Custom Sewers	170	164	-6	-3.53
Meter Readers, Utilities	327	321	-6	-1.83
Upholsterers	75	70	-5	-6.67
Furnace, Kiln, Oven, Drier, & Kettle Oprs & Tndrs	167	162	-5	-2.99
Mixing & Blending Mach Setters, Oprs, and Tndrs	362	357	-5	-1.38
Food Cooking Machine Operators and Tenders	578	573	-5	-0.87
Continuous Mining Machine Operators	52	48	-4	-7.69
Fiberglass Laminators and Fabricators	305	302	-3	-0.98
Petroleum Pump System Oprs, Refinery Oprs, & Gaugers	35	33	-2	-5.71
Coil Winders, Tapers, and Finishers	34	32	-2	-5.88
Extrdng, Frmng, Presng, & Compctng Mach Setters, Oprs, & Tndrs	110	108	-2	-1.82
Electric Motor, Power Tool, and Related Repairers	190	188	-2	-1.05
Tank Car, Truck, and Ship Loaders	75	74	-1	-1.33
Correspondence Clerks	125	124	-1	-0.80

In almost all instances, Idaho's declining or stagnant industries and occupations are due to the gradual decline of mining and the forest products industries, the elimination of smelting, the introduction of labor saving techniques and automation in agriculture and food processing, business consolidations ala the national trend in banking, large retail, and transportation, and just plain obsolescence. Luckily the numbers are relatively small, but, unfortunately, some of the consequences magnify the decline's impact. The best example of this is the decline of logging, sawmills, and associated trucking and construction. This decline has been concentrated in numerous small towns around the state. Recovery has been slow, population and tax bases have gone down, and chronic high unemployment has set in. The Governor has declared rural recovery as a priority, and many economic development and retraining projects have been carried out.

The list also includes jobs in which new technologies have reduced the demand for labor even though 2012 employment levels exceed 500 jobs.

D. What jobs/occupations are most critical to the State's economy?

A free market economy establishes "value" by placing a price on a particular good or service. Occupational wages are set much the same way and, therefore, jobs that are critical to the economy usually pay the highest wages.

Table D.1 lists selected occupations with above average (\$13.66/hr>) wage rates and a meaningful employment level—at least 300 jobs in 2012. That list is further reduced by eliminating job titles in which there will be fewer than 25 job openings per year due to growth and replacement.

TABLE D.1

CRITICAL OCCUPATIONS IN IDAHO: 2002 - 2012
(Ranked by Wage)

Occupational Title	2002 Employ- ment	2012 Employ- ment	Total Annual Demand	Average Hourly Wage	Education or Training Level
Total, All Occupations	610,643	755,161	29,113	15.65	
Family & General Practitioners	492	677	25	68.48	First prof degree
Dentists	708	808	22	65.11	First prof degree
Physicians & Surgeons, All Other	255	332	11	63.30	First prof degree
Pediatricians, General	110	153	6	57.88	First prof degree
Nuclear Engrs	324	371	14	52.54	Bachelor's degree
Physicists	262	304	13	44.95	Doctoral degree
Engng Mgrs	1,117	1,298	40	44.38	Work exp + BA/BS or higher
Lawyers	2,638	3,180	88	43.41	First prof degree
Chief Executives	3,566	4,388	150	42.21	Work exp + BA/BS or higher
Pharmacists	1,120	1,690	79	36.93	First prof degree
Marketing Mgrs	801	1,030	38	36.26	Work exp + BA/BS or higher
Computer & Info Sys Mgrs	845	1,113	42	34.32	Work exp + BA/BS or higher
Computer Software Engrs, Applications	1,149	1,675	64	32.41	Bachelor's degree
Miscd Engrs	871	1,141	44	31.49	Bachelor's degree
Computer Sys Analysts	1,207	1,753	68	30.86	Bachelor's degree
Physical Therapists	615	940	39	30.80	Master's degree
Mechanical Engrs	706	806	29	30.51	Bachelor's degree
Misc Mgrs	4,419	5,021	146	29.91	Work exp in related occ
Financial Mgrs	2,372	2,981	95	29.75	Work exp + BA/BS or higher
Medical & Health Services Mgrs	1,107	1,598	71	29.73	Work exp + BA/BS or higher
Construction Mgrs	2,356	3,160	123	29.13	Bachelor's degree
Sales Mgrs	1,244	1,646	63	29.08	Work exp + BA/BS or higher
General & Operations Mgrs	11,877	14,969	533	29.00	Work exp + BA/BS or higher
Environmental Scientists & Spelts, Inc Health	482	649	25	28.74	Bachelor's degree
Human Resources Mgrs	746	974	35	28.23	Work exp + BA/BS or higher
Dental Hygienists	979	1,540	64	28.14	Associate degree
Mangt Analysts	907	1,228	45	28.11	Work exp + BA/BS or higher
Architects, Ex L&scape & Naval	651	834	26	27.98	Bachelor's degree
Civil Engrs	1,180	1,361	37	27.70	Bachelor's degree
Computer Programmers	1,260	1,476	51	26.57	Bachelor's degree
Network & Computer Sys Administrators	677	973	37	25.19	Bachelor's degree
First-Line Supvrs/Mgrs of Non-Retail Sales Wrks	1,497	1,732	52	24.73	Work exp in related occ
Accountants & Auditors	3,134	3,996	145	24.72	Bachelor's degree
Occupational Therapists	409	639	29	24.64	Bachelor's degree

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TABLE D.1

Claims Adjusters, Examiners, & Investigators	635	813	26	24.62	Long-term OJT
Loan Officers	1,309	1,614	52	24.25	Bachelor's degree
First-Line Supvrs/Mgrs of Police & Detectives	642	749	32	24.20	Work exp in related occ
Sales Reps, Whsl & Mfg, Tech & Scientific Products	1,407	1,790	75	24.09	Moderate-term OJT
Misc Business Operations Spelts	3,261	4,338	163	24.02	Bachelor's degree
Educational, Voc, & School Counselors	1,013	1,160	38	23.37	Master's degree
Registered Nurses	9,894	14,629	681	23.03	Associate degree
Network Sys & Data Communications Analysts	470	821	41	22.78	Bachelor's degree
Farm, Ranch, & Other Agricultural Mgrs	1,612	1,784	45	22.74	Work exp + BA/BS or higher
Insurance Sales Agents	1,023	1,264	49	22.71	Bachelor's degree
Admin Services Mgrs	1,287	1,663	63	22.69	Work exp + BA/BS or higher
Cost Estimators	974	1,368	61	22.24	Bachelor's degree
Voc Education Teachers, Postsecondary	433	608	27	22.12	Work exp in related occ
First-Line Supvrs/Mgrs of Const Trades & Extractions Wrks	3,282	4,499	178	22.04	Work exp in related occ
First-Line Supvrs/Mgrs of Mechcs, Instrls, & Rprs	2,106	2,511	93	21.84	Work exp in related occ
Purchg Agts, Ex Whsl, Retail, & Farm Products	978	1,175	44	21.69	Bachelor's degree
Telcomm Equip Instrls & Rprs, Ex Line Instrls	1,248	1,480	49	21.67	Postsec voc training
Electrical & Electronic Engng Techs	1,077	1,325	47	21.23	Associate degree
Misc Computer Specs	1,085	1,915	95	21.22	Postsec voc training
Speech-Language Pathologists	466	655	31	20.98	Master's degree
Brickmasons & Blockmasons	449	668	29	20.92	Long-term OJT
Massage Therapists	802	1,222	58	20.57	Postsec voc training
Postal Service Mail Carriers	2,427	2,709	104	20.27	Short-term OJT
Electricians	3,006	4,688	228	20.21	Long-term OJT
Training & Development Specs	924	1,204	42	20.11	Bachelor's degree
Logging Equip Oprs	3,221	3,061	59	20.08	Moderate-term OJT
Respiratory Therapists	434	683	39	20.07	Associate degree
Appraisers & Assessors of Real Estate	837	1,082	43	19.95	Postsec voc training
Tapers	439	698	35	19.76	Moderate-term OJT
Radiologic Technologists & Techs	794	1,159	51	19.46	Associate degree
First-Line Supvrs/Mgrs of Production & Operating Wrks	3,135	3,584	111	19.21	Work exp in related occ
First-Line Supvrs/Mgrs of Trans & Mtrl-Mvng Mach & Vhcl Opers	764	890	31	19.13	Work exp in related occ
Sales Reps, Whsl & Mfg, Except Tech & Scientific Products	5,938	7,604	323	18.64	Moderate-term OJT
Health Profs & Techs, All Other	577	767	29	18.50	
Paralegals & Legal Assistants	489	647	20	18.47	Associate degree
Plumbers, Pipefitters, & Steamfitters	2,244	3,325	160	18.39	Long-term OJT
Drafter, Engng, & Map Techs, All Oth	860	1,145	49	18.30	Associate degree
Pipelayers	749	925	35	18.20	Moderate-term OJT
Advertising Sales Agents	883	1,020	31	18.18	Moderate-term OJT
Prop, Real Est, & Cmnty Assn Mgrs	1,607	2,079	77	18.03	Bachelor's degree
Forest & Conservation Techs	1,657	2,175	91	18.01	Associate degree
Computer Support Spelts	1,770	2,440	89	17.92	Associate degree
First-Line Supvrs/Mgrs of Off & Admin Sup Wrks	5,720	6,628	214	17.69	Work exp in related occ
Police & Sheriff's Patrol Officers	2,400	2,807	103	17.65	Long-term OJT

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TABLE D.1

Dr-To-Dr Sales Wrks, News & St Vndrs, & Rel Wrks	1,606	1,633	41	17.50	Short-term OJT
Production, Planning, & Expediting Clerks	818	987	37	17.47	Short-term OJT
Mobile Heavy Equip Mechcs, Ex Engines	779	888	28	17.05	Postsec voc training
Post Svc Mail Strrs, Prcsrs, & Prcsng Mach Oprs	1,180	1,230	36	17.00	Short-term OJT
Num Tool & Process Cntrl Pgrmrts	33	44	2	16.92	Long-term OJT
Drywall & Ceiling Tile Instrls	986	1,556	78	16.88	Moderate-term OJT
Misc Financial Spells	658	837	30	16.76	Bachelor's degree
Cnslrs, Soc, & Relg Wrks, All Oth	1,327	1,743	66	16.69	Bachelor's degree
Operating Engrs & Other Const Equip Oprs	2,311	2,743	103	16.59	Moderate-term OJT
Life, Phys, & Soc Science Techs, All Oth	407	629	32	16.44	Associate degree
Dispatchers, Ex Police, Fire, & Ambulance	887	1,010	31	16.32	Moderate-term OJT
Misc Info & Record Clerks	1,366	1,530	38	16.20	Short-term OJT
Sheet Metal Wrks	707	1,111	57	16.16	Moderate-term OJT
Graphic Designers	670	870	29	16.11	Bachelor's degree
First-Line Supvrs/Mgrs of Farm, Fish, & Frstry Wrks	847	983	33	16.06	Moderate-term OJT
Sales & Related Wrks, All Other	1,659	2,262	92	16.01	Moderate-term OJT
Sbstce Abuse & Behvl Disorder Cnslrs	463	618	26	15.79	Master's degree
Rehabilitation Counselors	953	1,273	54	15.62	Master's degree
First-Line Supvrs/Mgrs of Retail Sales Wrks	7,671	8,866	257	15.62	Work exp in related occ
Carpenters	6,919	9,343	355	15.61	Long-term OJT
Excw & Lding Mach & Dragline Oprs	730	958	43	15.60	Moderate-term OJT
Water & Lqd Wste Treat Plant & Sys Oprs	511	622	29	15.47	Long-term OJT
Bus & Truck Mechcs & Diesel Eng Specs	1,235	1,411	49	15.39	Postsec voc training
Htng, Air Cond, & Refrg Mechcs & Instrls	1,125	1,834	86	15.38	Long-term OJT
Tile & Marble Setters	385	633	31	15.32	Long-term OJT
Licsd Practical & Licsd Voc Nurses	2,950	3,954	165	15.29	Postsec voc training
Fire Fighters	702	825	33	15.29	Long-term OJT
Emergency Medical Techs & Paramedics	1,139	1,412	40	15.26	Postsec voc training
Mtnc & Repair Wrks, General	4,716	5,661	185	15.23	Long-term OJT
Truck Drivers, Heavy & Tractor-Trailer	11,683	13,934	416	15.18	Moderate-term OJT
Food Service Mgrs	1,927	2,307	69	15.12	Work exp in related occ
Farm Equip Mechcs	733	846	27	15.04	Postsec voc training
Welders, Cutters, Solderers, & Brazers	1,611	2,106	95	14.70	Postsec voc training
Executive Secretaries & Admin Assts	5,764	6,792	213	14.67	Moderate-term OJT
Cement Masons & Concrete Finishers	1,034	1,665	84	14.50	Long-term OJT
Automotive Service Techs & Mechcs	4,028	4,623	167	14.29	Postsec voc training
Glaziers	504	669	27	14.18	Long-term OJT
Insprctrs, Tstrs, Sorters, Smplr, & Wghrs	1,158	1,293	40	14.05	Moderate-term OJT
Legal Secretaries	1,464	1,902	72	14.03	Postsec voc training
Roofers	1,512	2,604	144	13.86	Moderate-term OJT
Farm, Fish, & Frstry Wrks, All Other	1,937	2,112	64	13.77	Short-term OJT
Printing Mach Oprs	731	802	24	13.77	Moderate-term OJT

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This value assignment reinforces the priority of the same occupational groups and industries discussed throughout this plan. These are:

Health Care: The full range of occupations from physicians to technicians, from hospital-based to in-home delivery, from administrative support to equipment repairers.

Science and Technology: In addition to the needs of the state's electronics product manufacturing industries need for engineers and physical scientists, computer and telecommunications applications specialists, technicians, and operators will be needed by many businesses. Idaho has embarked on a mission to enhance its bio-medical, food sciences, nuclear research, and natural resource utilization employment base.

Construction: The population boom will continue to increase the demand for workers in the building construction trades. Increasingly, new materials and building methods are being introduced into the work place. The state has initiated a very large highway construction and improvement program that will demand a steady supply of equipment operators, materials technicians, and environmental specialists to cite a few examples.

Business Management and Support: These jobs cut across all industries. Because most business establishments in Idaho have less than fifty employees, business leaders need to be generalists and develop reliance on outside support resources for financial and planning specialists. Almost all businesses will have personnel who are competent with personal computer applications, customization, and troubleshooting.

Educators: More people in the state mean more children to teach and programs to meet the needs of an increasingly diverse population. Idaho's colleges and universities are experiencing record-high enrollments. Already some needed programs in nursing and medical technical jobs cannot be expanded due to lack of instructors. In-state high-tech employers have invested in in-state electrical engineering and related programs and are increasingly looking at the Idaho higher education system for basic research and testing support.

The Idaho workforce system is moving to integrate the career cluster concept into its services portfolio. This concept will provide more flexibility in defining priority occupations and industries because it recognizes the portability of skills among different but related occupations in a wider variety of industrial settings. Many of the specific occupations listed above can be placed into clusters, thereby providing a more realistic, expanded picture of the demand for related occupations.

Table D.2 presents a working model of career clusters based upon Idaho occupational demand projections. (Additional supporting tables are included at the end of Section IV.) The job growth data indicates Information Technology as the fastest growing cluster and Health Science as second fastest. This is the percent change in jobs. The data column that shows the actual change in the projected number of jobs ranks Business as number one – primarily due to the inclusion of customer service representatives and laborers. The cluster with the second largest addition of jobs is Architecture & Construction with Heating, Air Conditioning, and Refrigeration Mechanics and Installers the big player. The third group is Hospitality which is not surprising. Health Services is fourth with nearly 28,000 estimated openings.

TABLE D.2

		Model of Career Clusters					
Career Cluster	Pathway	Wage Empl	Total Wages (000\$)	Average Wage	Projected Empl	Job Openings	Job Growth
Ag., Food & Natural Resource	Food Products & Procs. Sys.	6,770	119,053.00	\$17.59	11,187	1,518	15.7
Ag., Food & Natural Resource	Plant Sys.	12,303	278,031.30	\$22.60	20,823	3,247	18.5
Ag., Food & Natural Resource	Animal Sys.	10,304	397,901.84	\$38.62	18,121	3,394	23.0
Ag., Food & Natural Resource	Pcwer Structural & Tech. Sys.	11,586	186,989.20	\$16.14	14,681	2,950	25.1
Ag., Food & Natural Resource	Natural Resources Sys.	21,010	542,680.50	\$25.83	32,615	5,358	19.7
Ag., Food & Natural Resource	Total	61,973	1,524,655.84	\$24.60	97,427	16,467	20.3
Architecture & Construction	Design/Pre-construction	7,760	227,977.10	\$29.38	9,221	1,474	19.0
Architecture & Construction	Ccnstruction	36,960	767,793.90	\$20.77	57,594	15,468	36.7
Architecture & Construction	Mntn./Operations	29,880	529,433.50	\$17.72	49,376	13,755	38.6
Architecture & Construction	Total	74,600	1,525,204.50	\$20.45	116,191	30,697	35.9
Arts, A/V Tech. & Comm.	Audio & Video Techlgs.	3,003	52,642.60	\$17.53	3,693	935	25.3
Arts, A/V Tech. & Comm.	Printing Technolgies	1,470	21,536.50	\$14.65	2,055	317	15.4
Arts, A/V Tech. & Comm.	Visual Arts	1,140	17,607.90	\$15.45	1,963	404	20.6
Arts, A/V Tech. & Comm.	Performing Arts**	2,222	26,674.90	\$12.00	4,392	1,121	25.5
Arts, A/V Tech. & Comm.	Journalism & Broadcasting	2,260	50,756.40	\$22.46	3,083	469	15.2
Arts, A/V Tech. & Comm.	TeleComm.s Techlgs.	1,720	36,911.90	\$21.46	2,537	683	26.9
Arts, A/V Tech. & Comm.	Total	11,815	206,130.20	\$17.45	17,723	3,929	22.2
Bus. Mgmt. & Admin.	Managament Pathway	14,900	472,698.40	\$31.73	21,744	4,163	23.7
Bus. Mgmt. & Admin.	Bus. Financial Mgmt. & Acct.	29,220	640,428.30	\$21.92	36,487	5,518	17.8
Bus. Mgmt. & Admin.	Human Resource	6,990	174,257.60	\$24.93	11,371	2,157	23.4
Bus. Mgmt. & Admin.	Bus. Analysis	14,700	425,114.30	\$28.92	19,021	4,164	28.0
Bus. Mgmt. & Admin.	Mktg. & Comm.	65,000	980,360.10	\$15.08	81,919	15,132	22.7
Bus. Mgmt. & Admin.	Administrataive & Info. Svs.	40,400	513,425.40	\$12.71	50,451	9,547	23.3
Bus. Mgmt. & Admin.	Total	171,210	3,206,284.10	\$18.73	220,993	40,681	22.6
Education & Training	Administration & Admins.	990	22,944.20	\$23.18	2,204	439	24.9
Education & Training	Support Svs.	2,080	45,967.20	\$22.10	3,503	783	28.8
Education & Training	Teaching Training	10,640	194,441.20	\$18.27	48,611	9,519	24.4
Education & Training	Total	13,710	263,352.60	\$19.21	54,318	10,741	24.6
Finance	Finrance & Investment Planning	3,420	100,283.50	\$29.32	4,336	833	23.8
Finance	Bus. Financial Mgmt.	5,980	159,571.80	\$26.68	7,740	1,609	26.2
Finance	Banking & Related Svs.	32,490	605,393.10	\$18.63	41,161	9,520	30.1
Finance	Insuance Svs.	3,180	99,851.00	\$31.40	4,119	812	24.6
Finance	Total	45,070	965,099.40	\$21.41	57,356	12,774	28.7
Govt. and Public Admin.	Governance	5,840	182,174.60	\$31.19	7,398	1,279	20.9
Govt. and Public Admin.	National Security	NA	NA	NA	NA	NA	NA
Govt. and Public Admin.	Foreign Service	5,530	177,003.70	\$32.01	9,409	1,424	17.8
Govt. and Public Admin.	Revenue & Taxation	9,820	335,610.40	\$34.18	13,409	2,609	24.2
Govt. and Public Admin.	Regulation Career	4,860	173,023.10	\$35.60	5,903	1,070	22.1
Govt. and Public Admin.	Pub. & Nonprofit Mgmt. & Admin.	6,860	225,363.40	\$32.85	10,963	1,645	17.7
Govt. and Public Admin.	Total	32,910	1,093,175.20	\$33.22	47,082	8,027	20.6
Health Science	Therapeutic	35,020	688,181.40	\$19.65	52,684	16,573	45.9
Health Science	Diagnositcs	3,585	82,238.30	\$22.94	4,937	1,493	43.4
Health Science	Health Informatics	18,390	292,585.10	\$15.91	28,256	7,509	36.2
Health Science	Support Svs.	4,220	99,989.80	\$23.69	5,369	1,192	28.5
Health Science	BioTech. R&D	3,470	68,566.00	\$19.76	4,189	1,017	32.1
Health Science	Total	64,685	1,231,560.60	\$19.04	95,435	27,784	41.1
Hospitality and Tourism	Rests. & Food & Bevrg. Svs.	39,750	574,505.50	\$14.45	48,369	9,407	24.1
Hospitality and Tourism	Lodging	42,640	563,559.60	\$13.22	54,148	9,191	20.4
Hospitality and Tourism	Travel & Tourism	16,530	404,832.30	\$24.49	22,515	3,794	20.3
Hospitality and Tourism	Rec., Amuse.& Attractions	23,624	517,206.46	\$21.89	30,257	6,122	25.4
Hospitality and Tourism	Total	122,544	2,060,103.86	\$16.81	155,289	28,514	22.5
Human Service	Early Childhood Develop. & Svs.	3,550	33,773.40	\$9.51	14,824	3,268	28.3
Human Service	Counseling & Mental Health Svs.	3,830	73,684.85	\$19.24	4,371	933	27.1
Human Service	Counseling & Mental Health Svs.	7,860	113,379.30	\$14.42	11,631	3,269	39.1
Human Service	Personal Care Svs.	4,940	49,811.40	\$10.08	8,294	2,048	32.8
Human Service	Con. Goods or Svs. Rtl.Reps.	27,230	516,765.10	\$18.98	40,374	9,346	30.1
Human Service	Total	47,410	787,414.05	\$16.61	79,494	18,864	31.1
Info. Tech.	Network Sys.	5,270	131,358.40	\$24.93	7,055	2,190	45.0
Info. Tech.	Info. Support Svs.	9,860	251,173.20	\$25.47	13,176	4,039	44.2
Info. Tech.	Interactive Media	3,140	80,265.70	\$25.56	4,309	1,188	38.1
Info. Tech.	Program.& Software Develop.	8,820	239,536.60	\$27.16	11,527	3,208	38.6
Info. Tech.	Total	27,090	702,333.90	\$25.93	36,067	10,625	41.8
Law, Public Safety & Security	Correction Svs.	2,250	32,343.80	\$14.38	2,828	467	19.8
Law, Public Safety & Security	Emergency & Fire Mgmt. Svs.	2,770	44,163.30	\$15.94	3,293	596	22.1
Law, Public Safety & Security	Security & Protective Svs.	4,450	76,256.10	\$17.14	5,908	1,565	36.0
Law, Public Safety & Security	Law Enforcement Svs.	5,351	93,652.69	\$17.50	6,744	1,235	22.4
Law, Public Safety & Security	Legal Svs.	2,750	103,770.90	\$37.73	4,155	746	21.9
Law, Public Safety & Security	Total	17,571	350,186.79	\$19.93	22,928	4,609	25.2
Manufacturing	Precision Metal Production	7,270	130,402.50	\$17.94	9,333	1,646	21.4
Manufacturing	Prod. Dsgn., Oper., & Mntn.	20,370	545,148.60	\$26.76	24,596	3,464	16.4
Manufacturing	Electromech. Instl. & Mntn.	7,300	158,396.20	\$21.70	12,113	2,088	20.8
Manufacturing	Precision Tech. Processes	4,181	81,772.38	\$19.65	5,206	731	16.3
Manufacturing	Total	39,101	915,719.68	\$23.42	51,248	7,929	18.3
Mktg. Sales and Service	Mgmt. & Entrepreneurship	7,420	252,392.60	\$34.02	10,142	2,082	25.8
Mktg. Sales and Service	Professional Sales & Mktg.	29,190	396,124.30	\$13.57	37,275	6,900	22.7
Mktg. Sales and Service	Buying & Merchandising	43,260	431,141.90	\$9.97	52,394	8,664	19.8
Mktg. Sales and Service	Mktg. Comm. & Promotion	3,870	52,218.40	\$13.49	4,426	650	17.2

TABLE D.2

Mktg. Sales and Service	Mktg. Info. & Research	1,040	36,306.40	\$34.91	1,528	363	31.2
Mktg. Sales and Service	Distribution & Logistics	17,880	185,930.90	\$10.40	20,924	2,245	12.0
Mktg. Sales and Service	E-Mktg.	840	30,458.40	\$36.26	1,030	229	28.6
Mktg. Sales and Service	Total	103,500	1,384,572.90	\$13.38	126,689	20,904	19.8
Science, Tech., Engrg. & Math.	Engrg. & Tech. Pathway	6,513	200,960.40	\$30.86	7,436	1,190	19.1
Science, Tech., Engrg. & Math.	Professional Engrg. Pathway	28,070	832,405.10	\$29.65	34,162	7,407	27.7
Science, Tech., Engrg. & Math.	Science & Math. Pathway	7,413	177,176.50	\$23.90	9,892	2,031	25.8
Science, Tech., Engrg. & Math	Total	41,996	1,210,542.00	\$28.83	51,490	10,628	26.0
Transp., Distribution, and Logistics	Transp. Operations	19,686	404,825.09	\$20.56	26,954	4,605	20.6
Transp., Distribution, and Logistics	Logistics Planning & Mgmt. Svs.	NA	NA	NA	NA	NA	NA
Transp., Distribution, and Logistics	Whsing & Distr. Ctr. Operations	16,430	182,200.80	\$11.09	19,198	2,224	13.1
Transp., Distribution, and Logistics	Facility & Mobile Equip. Mnnt.	20,206	347,851.44	\$17.22	29,353	6,193	26.7
Transp., Distribution, and Logistics	Transp.System/Infrastructure Plan., Mgmt., & Regulation	8,500	250,539.30	\$29.48	10,493	1,821	21.0
Transp., Distribution, and Logistics	Health, Safety, & Environmental	3,880	107,752.20	\$27.77	7,308	1,113	18.0
Transp., Distribution, and Logistics	Sales & Service	19,200	297,723.70	\$15.51	24,632	5,559	29.1
Transp., Dist., and Logistics	Total	87,902	1,590,892.53	\$18.10	117,938	21,515	22.3

Two examples of how a career cluster approach can facilitate developing strategies for meeting identified workforce development priorities are presented. The Governor has identified two workforce issues that the workforce system is now addressing: 1) Developing and retaining a highly skilled, technical workforce that, in turn, will enable the state to more fully realize its potential as a center of science and technology manufacturing and services. 2) Finding ways to train and retain skilled workers for Idaho's health care system given an ever increasing population and the challenges of providing quality services in rural—and very often remote—Idaho.

Tables D.3 and D.4. identify the major occupations the state needs to develop to meet these two initiatives, an education and training hierarchy for these jobs, and some baseline data on current and projected employment levels.

TABLE D.3

SELECTED OCCUPATIONS TO SUPPORT GOVERNOR'S Sci & TECHNOLOGY INITIATIVE

Occupational Title	2002 Employ- ment	2012 Employ- ment	Total Annual Demand	Average Hourly Wage	Education or Training Level
Comp & Info Scinsts, Research	92	100	2		Doctoral
Biochemists & Biophysicists	311	354	14	30.85	Doctoral
Microbiologists	180	247	12	26.88	Doctoral
Zoologists & Wildlife Biologists	335	398	17	21.04	Doctoral
Med Scinsts, Ex Epidemiologists	45	58	2	29.46	Doctoral
Physicists	262	304	13	44.95	Doctoral
Comp Sci Tchrs, Postsec	56	79	4	53,194	Doctoral
Mathematical Sci Tchrs, Postsec	120	166	7	50,081	Doctoral
Engrng Tchrs, Postsec	28	39	2	52,942	Doctoral
Agricultural Scis Tchrs, Postsec	30	41	2	57,677	Doctoral
Biological Sci Tchrs, Postsec	87	121	5		Doctoral
Chemistry Tchrs, Postsec	53	74	3	52,590	Doctoral
Physics Tchrs, Postsec	36	50	2	50,388	Doctoral
Comp Prgms	1,260	1,476	51	26.57	Bachelor's
Comp Sftw Engrs, Applications	1,149	1,675	64	32.41	Bachelor's
Comp Sftw Engrs, Sys Sftw	741	1,068	40		Bachelor's
Comp Sys Analysts	1,207	1,753	68	30.86	Bachelor's
Database Administrators	533	717	24		Bachelor's
Network & Comp Sys Admins	677	973	37	25.19	Bachelor's
Network Sys & Data Comm Analysts	470	821	41	22.78	Bachelor's
Chemical Engrs	185	199	7		Bachelor's
Comp Hardware Engrs	1,565	1,634	33		Bachelor's
Elecal Engrs	1,115	1,197	30		Bachelor's
Eltrncs Engrs, Ex Comp	213	255	8	36.02	Bachelor's
Environmental Engrs	247	350	15	34.21	Bachelor's
Materials Engrs	85	95	3		Bachelor's
Nuclear Engrs	324	371	14	52.54	Bachelor's
Miscl Engrs	871	1,141	44	31.49	Bachelor's
Agricultural & Food Scinsts	179	215	7	30.22	Bachelor's
Conservation Scinsts	242	310	14	31.46	Bachelor's
Miscl Life Scinsts	416	520	18	25.88	Bachelor's
Atmospheric & Space Scinsts	30	38	2	35.36	Bachelor's
Chemists	313	375	16	30.76	Bachelor's
Envrn Scinsts & Spcls, Inc Health	482	649	25	28.74	Bachelor's
GeoScinsts, Ex Hydrogts & Geogrphrs	83	105	4	30.50	Bachelor's
Hydrologists	105	138	5	29.22	Bachelor's
Miscl Physical Scinsts	126	142	5	28.61	Bachelor's
Comp Support Specialists	1,770	2,440	89	17.92	Associate
Civil Engrng Techs	418	482	15	17.50	Associate
Elecal & Electronic Engrng Techs	1,077	1,325	47	21.23	Associate
Electro-Mechanical Techs	326	400	14	22.13	Associate
Environmental Engrng Techs	229	292	11	23.53	Associate
Inds Engrng Techs	140	154	4	17.00	Associate
Mechanical Engrng Techs	216	249	8	22.03	Associate
Drafter, Engrng, & Map Techs, All Other	860	1,145	49	18.30	Associate
Agricultural & Food Sci Techs	236	284	9	15.44	Associate
Biological Techs	504	643	22	16.49	Associate

TABLE D.3

Chemical Techs	246	283	10	18.58	Associate
Geological & Petroleum Techs	78	80	2	20.15	Associate
Nuclear Techs	86	106	4		Associate
Environ Sci & Prot Techs, Inc Health	271	394	19		Associate
Forest & Conservation Techs	1,657	2,175	91	18.01	Associate
Life, Physical, & Soc Sci Techs, All Oth	407	629	32	16.44	Associate
Comp, Autmatd Teller, & Off Mach Rprs	1,473	2,212	92	12.53	Postsec voc trng
Telcom Equip Instlrs & Rprs, Ex Line Instlrs	1,248	1,480	49	21.67	Postsec voc trng
Avionics Techs	85	98	3	22.55	Postsec voc trng
Elec Motor, Power Tool, & Rel Rprs	190	188	5	18.29	Postsec voc trng
Elecal & Eltrncs Instlrs & Rprs, Trans Equip	319	389	14		Postsec voc trng
Elecal & Eltrncs Rprs, Comrcl & Inds Equip	88	96	3	17.91	Postsec voc trng
First-Line Supvrs/Mgrs of Mechs, Instlrs, & Rprs	2,106	2,511	93	21.84	Work exp in rel occ
First-Line Supvrs/Mgrs of Prdtn & Oprng Wkrs	3,135	3,584	111	19.21	Work exp in rel occ
Inds Machinery Mechanics	2,404	2,675	76		Long-term OJT
Mntn & Repair Wkrs, General	4,716	5,661	185	15.23	Long-term OJT
Mntn Wkrs, Machinery	669	714	20	13.47	Long-term OJT
Millwrights	502	537	16	19.38	Long-term OJT
Elecal Power-Line Instlrs & Rprs	668	684	23	26.61	Long-term OJT
Telcom Line Instlrs & Rprs	307	391	17	20.31	Long-term OJT
Precision Instrument & Equip Rprs, All Other	83	84	2		Long-term OJT
Installation, Mntn, & Repair Wkrs, All Other	489	591	21	15.31	Long-term OJT
Comp-Controlled Mach Tool Oprs, Mtl & Plstc	168	212	7	13.04	Long-term OJT
Numerical Tool & Process Control Prgms	33	44	2	16.92	Long-term OJT
Tool & Die Makers	138	181	7	18.47	Long-term OJT

TABLE D.4

**SELECTED OCCUPATIONS IN SUPPORT OF THE GOVERNOR'S
IMPROVING IDAHO'S HEALTH CARE SYSTEM INITIATIVE 2002 - 2012**

Occ Title	2002 Employ- ment	2012 Employ- ment	Total Annual Demand	Average Hourly Wage	Education or Training Level
Pharmacists	1,120	1,690	79	36.93	First prof degree
Anesthesiologists	167	232	9	83.44	First prof degree
Family & General Practitioners	492	677	25	68.48	First prof degree
Internists, General	46	59	2	98.80	First prof degree
Obstetricians & Gynecologists	25	35	1		First prof degree
Pediatricians, General	110	153	6	57.88	First prof degree
Psychiatrists	50	65	2	72.03	First prof degree
Surgeons	306	423	16	95.92	First prof degree
Physicians & Surgeons, All Other	255	332	11	63.30	First prof degree
Misc Health Diagn & Treating Prctnrs	375	501	21	29.63	First prof degree
Computer & Info Scientists, Research	92	100	2		Doctoral degree
Biochemists & Biophysicists	311	354	14	30.85	Doctoral degree
Microbiologists	180	247	12	26.88	Doctoral degree
Med Scientists, Ex Epidemiologists	45	58	2	29.46	Doctoral degree
Computer Science Tchrs, Postsec	56	79	4	53,194	Doctoral degree
Mathematical Science Tchrs, Postsec	120	166	7	50,081	Doctoral degree
Biological Science Tchrs, Postsec	87	121	5		Doctoral degree
Chemistry Tchrs, Postsec	53	74	3	52,590	Doctoral degree
Physics Tchrs, Postsec	36	50	2	50,388	Doctoral degree
Health Specialties Tchrs, Postsec	60	89	4	38,226	Doctoral degree
Nursing Instructors & Tchrs, Postsec	86	123	6	50,089	Master's degree
Audiologists	110	162	8	23.30	Master's degree
Physical Therapists	615	940	39	30.80	Master's degree
Speech-Language Pathologists	466	655	31	20.98	Master's degree
Medical & Health Svs Managers	1,107	1,598	71	29.73	Work exp + BA/BS or +
Misc Life Scientists	416	520	18	25.88	Bachelor's degree
Medical & Public Health Social Wkrs	325	484	22	19.63	Bachelor's degree
Dietitians & Nutritionists	200	267	12	15.77	Bachelor's degree
Physician Assistants	180	301	15	31.99	Bachelor's degree
Occ Therapists	409	639	29	24.64	Bachelor's degree
Recreational Therapists	101	123	5	17.54	Bachelor's degree
Medical & Clinical Lab Techngt	366	508	24	20.15	Bachelor's degree
Occ Health & Safety Splcsts & Techs	168	213	8	27.29	Bachelor's degree
Biological Techs	504	643	22	16.49	Associate degree
Chemical Techs	246	283	10	18.58	Associate degree
Registered Nurses	9,894	14,629	681	23.03	Associate degree
Radiation Therapists	61	89	4	28.53	Associate degree
Respiratory Therapists	434	683	39	20.07	Associate degree
Medical & Clinical Lab Techs	300	411	19	15.01	Associate degree
Dental Hygienists	979	1,540	64	28.14	Associate degree
Cardiovascular Techngt & Techs	82	131	6	17.24	Associate degree
Diagnostic Medical Sonographers	129	174	7	23.45	Associate degree
Nuclear Medicine Techngt	36	49	2	22.25	Associate degree
Radiologic Techngt & Techs	794	1,159	51	19.46	Associate degree
Medical Records & Health Info Techs	642	1,045	50	11.89	Associate degree

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TABLE D.4

Occ Therapist Assistants	38	53	2	17.12	Associate degree
Physical Therapist Assistants	167	273	13	14.80	Associate degree
Emer Med Techs & Paramedics	1,139	1,412	40	15.26	Postsec voc training
Psychiatric Techs	241	288	8	12.82	Postsec voc training
Respiratory Therapy Techs	268	423	19	20.91	Postsec voc training
Surgical Techngt	235	347	14	16.84	Postsec voc training
Licsd Practical & Licsd Voc Nurses	2,950	3,954	165	15.29	Postsec voc training
Massage Therapists	802	1,222	58	20.57	Postsec voc training
Medical Transcriptionists	648	888	36	13.53	Postsec voc training
Dietetic Techs	113	162	6	11.42	Moderate-term OJT
Pharmacy Techs	887	1,336	57	12.57	Moderate-term OJT
Dental Assistants	1,333	2,092	113	13.04	Moderate-term OJT
Medical Assistants	953	1,725	95	11.49	Moderate-term OJT
Medical Equipment Repairers	189	222	9	20.11	Moderate-term OJT
Home Health Aides	2,268	3,700	173	8.45	Short-term OJT
Nursing Aides, Orderlies, & Atnrts	6,872	9,971	400	9.01	Short-term OJT
Psychiatric Aides	483	637	22		Short-term OJT
Physical Therapist Aides	202	337	17	8.85	Short-term OJT
Medical Equipment Preparers	85	113	4	11.11	Short-term OJT
Pharmacy Aides	146	179	6	11.45	Short-term OJT

E. What are the skill needs for the available, critical and projected jobs?

The education and training requirements for these jobs are quite varied, ranging from postsecondary--usually necessary to be a General Manager or Top Executive--to on-the-job training for Janitors and Cleaners. Almost all of these occupations require working with co-workers, at least basic educational skills, and customer service. Increasingly, even jobs such as Material Movers require technical skills for equipment operation, measuring, recording data, and communicating information. Occupational-specific skills for these jobs often can be acquired on-the-job, but the best paying jobs require postsecondary technical or academic training.

Idaho's key customer segments of its state workforce investment system include both individuals, such as a job seeker or an employer, and system intermediaries, such as technical schools. Both broad sets of customers can benefit from the system's services, information, resources, and coordination. Individuals will be best served through the One Stop system. Idaho's One Stop system includes staffed facilities, telephonic accessed information and services, publications and other media resources, and information and service access via the Internet. The One Stop system is a workforce service environment in which customers can enter in a variety of ways.

Idaho employers directly benefit from having a well-trained workforce. This applies to the incumbent workforce and to job seekers, students, and new entrants. Through national and state surveys, conferences and meetings, and other types of research, there is near unanimity that the following skills are needed to obtain the objective of having a well-trained workforce. Briefly these are:

“SOFT SKILLS”

- Effective communication with co-workers, supervisors, and subordinates
- Being able to work as a team to achieve the organization's objectives
- Leadership, critical thinking, ability to adapt to changing circumstances
- Fundamental workplace “ethics” such as dependability, trustworthiness, and non-discriminatory behavior

ACADEMIC

- Basic English Literacy
- Computational skills
- Basic science
- Personal computer or other electronic machine operations and familiarity with commonly used software

JOB RELATED

- Job-specific skills that can be acquired through formal training or on-the-job training
- Effective customer service practices

F. What is the current and projected demographics of the available labor pool (including the incumbent workforce) both now and over the next decade?

The demographics of the labor force are best viewed in the light of the total population's demographics. The US Census Bureau prepares succinct state demographic profile, Table F.1:

TABLE F.1

People QuickFacts	Idaho	USA
Population, 2003 estimate	1,366,332	290,809,777
Population, percent change, April 1, 2000 to July 1, 2003	5.60%	3.30%
Population, 2000	1,293,953	281,421,906
Population, percent change, 1990 to 2000	28.50%	13.10%
Persons under 5 years old, percent, 2000	7.50%	6.80%
Persons under 18 years old, percent, 2000	28.50%	25.70%
Persons 65 years old and over, percent, 2000	11.30%	12.40%
Female persons, percent, 2000	49.90%	50.90%
White persons, percent, 2000 (a)	91.00%	75.10%
Black or African American persons, percent, 2000 (a)	0.40%	12.30%
American Indian and Alaska Native persons, percent, 2000 (a)	1.40%	0.90%
Asian persons, percent, 2000 (a)	0.90%	3.60%
Native Hawaiian and Other Pacific Islander, percent, 2000 (a)	0.10%	0.10%
Persons reporting some other race, percent, 2000 (a)	4.20%	5.50%
Persons reporting two or more races, percent, 2000	2.00%	2.40%
White persons, not of Hispanic/Latino origin, percent, 2000	88.00%	69.10%
Persons of Hispanic or Latino origin, percent, 2000 (b)	7.90%	12.50%
Living in same house in '1995 and 2000', pct age 5+, 2000	49.60%	54.10%
Foreign born persons, percent, 2000	5.00%	11.10%
Language other than English spoken at home, pct age 5+, 2000	9.30%	17.90%
High school graduates, percent of persons age 25+, 2000	84.70%	80.40%
Bachelor's degree or higher, pct of persons age 25+, 2000	21.70%	24.40%
Persons with a disability, age 5+, 2000	200,498	49,746,248
Mean travel time to work (minutes), workers age 16+, 2000	20	25.5
Housing units, 2002	552,117	119,302,132
Homeownership rate, 2000	72.40%	66.20%
Housing units in multi-unit structures, percent, 2000	14.40%	26.40%
Median value of owner-occupied housing units, 2000	\$106,300	\$119,600
Households, 2000	469,645	105,480,101
Persons per household, 2000	2.69	2.59
Median household income, 1999	\$37,572	\$41,994
Per capita money income, 1999	\$17,841	\$21,587
Persons below poverty, percent, 1999	11.80%	12.40%
Business QuickFacts	Idaho	USA
Private nonfarm establishments with paid employees, 2001	37,622	7,095,302
Private nonfarm employment, 2001	467,316	115,061,184
Private nonfarm employment, percent change 2000-2001	3.70%	0.90%
Nonemployer establishments, 2000	84,378	16,529,955
Manufacturers shipments, 1997 (\$1000)	16,952,872	3,842,061,405
Retail sales, 1997 (\$1000)	11,649,609	2,460,886,012
Retail sales per capita, 1997	\$9,623	\$9,190
Minority-owned firms, percent of total, 1997	4.70%	14.60%
Women-owned firms, percent of total, 1997	23.50%	26.00%
Housing units authorized by building permits, 2002	13,488	1,747,678
Federal funds and grants, 2002 (\$1000)	8,377,844	1,901,247,889
Geography QuickFacts	Idaho	USA
Land area, 2000 (square miles)	82,747	3,537,438
Persons per square mile, 2000	15.6	79.6

The table points out that, compared to the nation, Idaho's population is almost all white and non-Hispanic although Hispanics are by far the largest ethnic group. Idahoans are somewhat younger than all US residents. Idaho's percentage of high school graduates is greater than the nation's but those with a bachelor's degree are a smaller share. Idaho's per capita personal income is 82.6 percent of the national level but the median household income of the state's residents is 89.5 percent of the nation's. Perhaps the latter statistic is because the Idaho average household size is slightly greater than the nations.

Some selected demographic data of the Idaho labor force reflects the same population structure, Table F.2:

TABLE F.2

SELECTED LABOR FORCE DEMOGRAPHICS: 2005

US 2000 Census data projected to 2005

LABOR FORCE BY GENDER

Total	Male	Female
698,411	382,636	315,775

LABOR FORCE BY RACE

Total	White	One Race 'wo or Mon Hispanic		
		Exc. White	Exc. White	Any Race
698,411	642,166	44,693	11,552	47,017

LABOR FORCE BY AGE

Total	16 to	20 to			
	19 Yrs	21 Yrs			
698,411	53,198	32,073			
	22 to	25 to	30 to	35 to	45 to
	24 Yrs	29 Yrs	34 Yrs	44 Yrs	54 Yrs
	46,655	74,205	73,335	176,193	153,139
	55 to	60 to	62 to		
	59 Yrs	61 Yrs	64 Yrs		
	44,987	12,449	12,275		
	65 to	70 to	75 Yrs		
	69 Yrs	75 Yrs	& Over		
	10,373	5,237	4,292		

G. *Is the State experiencing any “in migration” or “out migration” of workers that impact the labor pool?*

Since the later 1990s, Idaho has been one of the fastest growing states in the nation. Most of this growth has been due to in-migration to the state. Between July 1, 2003 and July 1, 2004, Idaho’s population increased by 26,228 persons to an estimated new total of 1,393,262. Idaho is the fourth-fastest state in the union. In-migration accounted for 59 percent of the growth: 82 percent from other states and 18 percent from international locations.

H. *Based on an analysis of both the projected demand for skills and the available and projected labor pool, what skill gaps is the State experiencing today and what skill gaps are projected over the next decade?*

It is easy to appear simplistic and overly general to identify skill gaps. But the reality is that if the gaps summarized here and in the next section could be overcome, business and workers would both prosper, the state’s economy would continue to expand and diversify, incomes would rise, and the quality of life would be enhanced by an increased ability to invest in the arts and humanities, environmental protection, community infrastructure, facilities, and services, and expectations that things will continue to get better and better.

The major skill gaps are embodied in what is needed or addressed in order to achieve these outcomes. In other words, this is what the system must work on because we are not completely there yet.

- Youth are prepared to become productive adults and workers through access to quality elementary and secondary programs that have demonstrative results.
- Higher education is accessible and relevant to current and future global workforce needs and/or the need for a healthy, educated, and respectful citizenry.
- Workforce intelligence, i.e., “world of work”, needs to be understandable and effective.
- Employers take an active role in developing their employees through training, investing in modern, productive equipment, and sharing in the business’ growth.
- Public agencies, employers, educators, and elected leaders share a common commitment to foster economic and community development, and demonstrate a willingness to work together to achieve this vision.

One way to identify missing critical skills is to look at what sort of skills (occupational) training the WIA system has provided recently. Table H.1. is a list of enrollments in the adult and dislocated worker programs during PY03. The list is limited to accredited occupational training programs in which 10 or more WIA participants were enrolled.

WIA ADULTS & DISLOCATED WORKER ENROLLMENT IN OCCUPATIONAL TRAINING PROGRAM, PY03		
Occupation Title of Training Activity	SOC of Training	Number Trained
NURSING AIDES, ORDERLIES, & ATTENDANTS	31-1012.00	115
TRUCK DRIVERS, HEAVY & TRACTOR-TRAILER	53-3032.00	92
COMPUTER SUPPORT SPECIALISTS	15-1041.00	83
REGISTERED NURSES	29-1111.00	64
LICENSED PRACTICAL & LICENSED VOC. NURSES	29-2061.00	60
MEDICAL ASSISTANTS	31-9092.00	59
MEDICAL SECRETARIES	43-6013.00	56

EXECUTIVE SECRETARIES & ADMIN. ASSISTANTS	43-6011.00	35
BOOKKEEPING, ACCOUNTING, & AUDITING CLERKS	43-3031.00	31
HEATING, AIR COND. & REFRIG. MECHANICS & REPAIRERS	49-9021.00	26
OFFICE CLERKS, GENERAL	43-9061.00	25
ELEMENTARY SCHOOL TEACHERS, EX. SP. ED.	25-2021.00	22
MEDICAL RECORDS & HEALTH INFO. TECHNICIANS	29-2071.00	22
TRACTOR-TRAILOR TRUCK DRIVERS	53-3032.02	22
DENTAL ASSISTANTS	31-9091.00	19
ACCOUNTANTS & AUDITORS	13-2011.00	15
RADIOLOGIC TECHNOLOGISTS	29-2034.01	15
SURGICAL TECHNOLOGISTS	29-2055.00	15
BUS & TRUCK MECHANICS & DIESEL ENGINE SPEC.	49-3031.00	15
SECRETARIES, EXCEPT LEGAL, MEDICAL, & EXECUTIVE	43-6014.00	14
TRUCK DRIVERS, HEAVY	53-3032.01	14
ELECTRONICS ENGINEERING TECHNICIANS	17-3023.01	13
PHARMACY TECHNICIANS	29-2052.00	13
FIRST-LINE SUPERVISORS/MANAGERS OF OFFICE & ADMIN.	43-1011.00	13
POLICE & SHERIFFS PATROL OFFICERS	33-3051.00	12
RECEPTIONISTS & INFORMATION CLERKS	43-4171.00	12
MEDICAL & HEALTH SERVICES MANAGERS	11-9111.00	11
CHILD, FAMILY, & SCHOOL SOCIAL WORKERS	21-1021.00	11
SOCIAL & HUMAN SERVICE ASSISTANTS	21-1093.00	11
SECONDARY SCH. TEACHERS, EXC SPECIAL & VOC. ED	25-2031.00	11
GRAPHIC DESIGNERS	27-1024.00	11
AUTOMOTIVE SERVICE TECHS. & MECHANICS	49-3023.00	11
COMPUTER HARDWARE ENGINEERS	17-2061.00	10
MACHINISTS	51-4041.00	10

For years Idaho has been recognized as a leader in the development of LMI for career information systems, program planning, and labor demand/supply analyses. Most of this work has been in cooperation with other states, BLS, and ETA via state consortia and workgroups involved in the OES, O*NET, and related programs. A recent and very promising development is using the underlying data constructs and calculations of OES and O*NET to identify skill gaps/needs in area workforces.

The Skills Based Employment Projections System was developed as another tool of the Projections Managing Partnership (PMP). This tool generates information on current supply, projected demand, skills gap and replacements for job requirements (knowledge, skills, and generalized work activities) by integrating occupational projections information with the US Department of Labor's Occupational Information Network (O*NET) data.

The system links projected occupations with O*NET occupations and assigns the base and projected employment levels from the former to specific job requirements in the latter. The tool only assigns employment on job requirements that are at least either moderately important or required for the performance of the O*NET occupation.

The system is still in the developmental stages. Additional refinements and job requirements will be added in the future. Idaho anticipates using this tool to meet vital LMI needs in evaluating current skills levels and determining future skills/training requirements.

Table H.2. is a product of this current effort. It matches occupational employment by essential skills and abilities for that occupation. The same matching is done for projected occupational employment. The result is Table H.2. which ranks the critical job skills that will be needed in 2012. Example: A certain standard or level of reading comprehension is required by 249,480 persons in the baseline workforce. By 2012, an additional 11,790 persons will need that same level of reading comprehension. This data reinforces Idaho's strategy of combining "soft skills" training with technical training, and methods of assessing an individual's abilities vis-à-vis the skills demanded.

Table H.2. SKILLS REQUIREMENTS OF CURRENT AND FUTURE JOBS, IDAHO		
Skills	Current 2002 Supply	New 2012 Demand
READING COMPREHENSION	249,480	11,790
ACTIVE LISTENING	233,850	11,090
SPEAKING	203,860	9,830
WRITING	173,100	8,440
CRITICAL THINKING	167,800	8,160
INSTRUCTING	143,890	7,250
ACTIVE LEARNING	154,760	7,430
SOCIAL PERCEPTIVENESS	141,380	7,070
COORDINATION	141,940	6,980
MONITORING	136,100	6,610
LEARNING STRATEGIES	130,150	6,490
TIME MANAGEMENT	128,450	6,240
JUDGEMENT & DECISION MAKING	101,730	5,040
MATHEMATICS	94,760	4,790
PERSUASION	82,870	3,980
COMPLEX PROBLEM IDENTIFICATION	77,490	3,950
SERVICE ORIENTATION	74,570	4,000
MGMT OF PERSONNEL RESOURCES	67,180	2,910
EQUIPMENT SELECTION	45,310	2,280
TROUBLESHOOTING	42,900	2,100
NEGOTIATION	42,360	1,880
MGMT OF FINANCIAL RESOURCES	37,930	1,730
INSTALLATION	34,040	1,740
SYSTEMS EVALUATION	25,150	1,280
MGMT OF MATERIAL RESOURCES	29,660	1,340
EQUIPMENT MAINTENANCE	24,130	1,170
OPERATION ANALYSIS	23,860	1,100
SYSTEMS ANALYSIS	19,200	900
REPAIRING	21,930	980
SCIENCE	19,850	950
QUALITY CONTROL	17,910	810
OPERATION MONITORING	16,100	780
OPERATION AND CONTROL	11,890	630
TECHNOLOGY DESIGN	11,990	550
PROGRAMMING	2,410	110

- I. Based on an analysis of the economy and the labor market, what workforce development issues has the State identified?

Idaho's WIA system considers its primary customer segments as employers; community officials; workforce development intermediaries; experienced worker job seekers, including dislocated workers; new and returning entrants to the workforce; youth, both in and out of school; and those who might fit into one of the broad customer segments but who have additional skill development needs.

It is unwise to assume that each person or organization within these key customer segments has the same service and skill development needs. However, some examples of needs that can be addressed through WIA activities and the Workforce Development system include:

FOR EMPLOYERS, ETC.

Employers needing workers, labor market information, business requirements information

Elected officials, community leaders, workforce intermediaries, and the media needing information on economic and workforce trends and needs

FOR EXPERIENCED WORKERS

Job seekers, regardless of reason, seeking employment opportunities and labor market information

Dislocated workers, especially those needing retraining, intensive job search assistance, or finding suitable jobs out of the local area

FOR NEW ENTRANTS AND RETURNING WORKERS

New entrants to the labor market or those reentrants needing labor market information, career guidance, or assistance in tailoring their job search

Public assistance recipients needing job training, career guidance, case management services, or transition assistance from welfare to work

Older workers who often need retraining, skills enhancement, work experience and job search assistance

FOR YOUTH

Youth and others making career and school decisions that require understanding career possibilities and training requirements, basic work skills, and making the transition from school to work

Youth needing part-time or summer employment

Youth also need informed educational services that not only provide academic and social skills but also prepare students for the workforce. To this end, the Idaho educational system, with substantial support from foundations, has made large investments in multimedia technology for schools, embraced the School-to-Work program, developed multi-district vocational education centers and programs, created cooperative secondary-to-postsecondary technical education programs, sponsored special studies of how well the schools' curricula meet workforce needs, and refocused attention on those students who do not attend postsecondary schools. Special initiatives are operating under the 70% Committee of the State Board to improve graduation rates of Hispanic and Native American youth.

FOR PERSONS NEEDING OTHER SERVICES

Unemployment Insurance, Workers Compensation, and other program customers who are not necessarily changing jobs but need prompt and coordinated service during their participation

Migrant and Seasonal Farmworkers needing job information, worker protection, or training

Economically disadvantaged persons needing comprehensive workforce training services including basic academic education, basic workplace skills, labor market information, and intensive job search assistance

Persons with disabilities needing special workplace or training accommodations, exposure to and learning how to use technologies that mitigate their disabilities, and advocacy in obtaining employment

Veterans needing job search assistance or supportive services for disabilities

Workforce intermediaries, such as labor exchange agents, schools, community based organizations, career guidance counselors, and teachers are customers of Idaho's workforce investment system. Intermediaries need information and often system partners have that information. Intermediaries need to know how to refer customers to a specific service. Limited financial resources often can be extended through intermediary coordination and joint ventures. All intermediaries need labor market information.

J. What workforce development issues has the State prioritized as being most critical to its economic health and growth?

The Idaho Workforce Development Council developed, and has reaffirmed, its Vision, Mission, and Goals (see Attachment 1) for itself and the system as a whole. These are the most critical, overarching issues that guide Idaho's strategic and programmatic workforce development decisions.

Strategic Priorities

The last five to ten years have seen remarkable changes in Idaho's economy and workforce. Most of these changes have been positive. However, some changes have had negative effects on some Idaho communities and workers. The Workforce Investment Act affords opportunities to address both the positive and negative results of Idaho's recent economic developments.

The positive aspects provide opportunities for investments that will continue the employment growth, economic diversification, the climb in personal income, and a more efficient labor exchange and training system. A key ingredient will be the system's intelligent deployment of educational and training resources in efforts such as generic school-to-work, technical education, worker continuing education, and responsive retraining programs. This will be even more challenging as WIA resources dwindle and the need for maximizing their beneficial use increases.

.Addressing the negative aspects will require the system to pay particular attention to rural areas caught in the transformation from reliance on natural resource industries to other forms of economic enterprise. It requires the system to prepare dislocated workers for the new information and technology economy. It requires the system to address the persistent problems of poverty, rural transportation, and the inability of some to take advantage of the remarkable economic progress Idaho has made.

Idaho intends to focus on several key, broad economic development initiatives that hold the most promise not only for the state but for the system's stakeholders. These are not exclusive focal points but are those that should serve as a catalyst for coordinating services, developing specific training programs, and challenging the wider workforce development system agencies and agents to examine their strategies and programs in light of these priorities. In brief, these are:

1. The state's industry strengths were identified in a March 2005 report by Idaho Commerce & Labor's **Office of Science and Technology** and includes: Imaging, power and energy, agriculture biosciences and nano-science. The effort was the result of months of input from Idaho's major universities, the Idaho National Laboratory and science and technology professionals from throughout the state.

2. Idaho organized a **21st Century Workforce Policy Academy** sponsored by the National Governors' Association and USDOL. Many of the initiatives listed as priorities in Section II, were initiated in this process. A copy of the report can be found at: <http://cl.idaho.gov/wia1/idaho21st.pdf>.
3. The Governor presented the 2005 Legislature his proposal for **Connecting Idaho**, an accelerated highway construction program that is designed to overcome one of Idaho's most severe obstacles to economic development. The state's geography and topography have long precluded constructing modern highway systems, especially north-south routes. The Governor's proposal was accepted and the following benefits are expected during the next ten years:

INVESTMENT BENEFITS

- 75,200 jobs in the following sectors:
 - Construction
 - Services (suppliers, fabricators, equipment, etc.)
- \$4.6 billion benefit to the Idaho economy
- \$2.9+ billion in additional sales in the following sectors
 - Manufacturing
 - Business Services
 - Service Industry
 - Tourism/Recreation
 - Agriculture
- Effects will continue past the construction period. The improved system will be a major selling point to companies looking for a cost-effective business environment.

This major construction effort will require a large number of heavy construction workers. Because of the nature of the work, the projects will also require persons trained in new design techniques and other technical specialties (i.e., technicians, lab workers, field testers), environmental specialists, and logisticians, just to name a few high-paying occupations that will be in demand.

As can be seen, each of the three priorities was first developed by a group other than the Workforce Development Council. Through coordinated efforts, the issue was then brought to the Council for its consideration. The Council adopted each of them. The Council has not adopted every idea/proposal placed on its agenda. Some are referred to a more appropriate forum, i.e., the State Board of Education, some are deferred, and some have been tabled for a variety of reasons. The important point is that the State Workforce Development Council actively considers a variety of strategies to enhance the state's workforce and takes appropriate action.

Other factors that must be considered are public policies concerning economic development, education, welfare, the environment, and Idaho's place in the global economy. Factors of a more local nature include assimilating an increasingly multi-cultural population, managing population growth, and having the necessary transportation and utility infrastructure to facilitate economic development.

The nation, Idaho, and local communities have long-standing commitments to workforce development. Although funding for schools, training, and labor exchange is significant, it is still limited and becoming more so. Therefore, the managers of these funds must be committed to spending them wisely in ways that will bring the most benefit to Idaho citizens.

V. Overarching State Strategies

- A. *Identify how the State will use WIA Title I funds to leverage other Federal, State, local, and private resources in order to maximize the effectiveness of such resources and to expand the participation of business, employees, and individuals in the Statewide workforce investment system? (§112(b)(10).)*

Idaho has established a culture that supports leveraging of funds among multiple organizations to achieve common goals. WIA is a key partner in these efforts.

Implement Policy Academy Strategies

Idaho's WIA funds are decreasing while businesses and job seekers demand improved services. The Workforce Development Council will move quickly to implement the 21st Century Policy Academy recommendations and action plans to increase collaboration and leveraging of funds. Policy Academy strategies demanding collaboration with partners and business to maximize the impact of resources include:

- Improving labor market supply-demand information through partnerships with state and education agencies and worker and business intermediaries
- Enhancing the One Stop system and promoting collaborative efforts to expand access to the full array of services
- Developing and implementing the career cluster project to align education, workforce development and economic development planning and services
- Creating a governance and policy framework that aligns services across multiple agencies and programs
- Developing innovative approaches to creating awareness of Idaho's investments in workforce development including expansion of the workforce system's connection to business and education

Broaden One Stop Access in Idaho's Communities

Governor Kempthorne plans to improve the One Stop infrastructure, expanding from six to twenty-four One Stop Centers that are well located, modern, and professional ("business quality") in appearance. Over the past ten years, each of these One Stop sites was either remodeled or built new. Modern lobbies provide access to all the resources available through the IdahoWorks electronic network. Each One Stop also has a Resource Center with interview facilities and computer/copier/fax services available for employers' use. The Governor has brought a multitude of funding sources together to achieve infrastructure upgrading, including access to the state's Permanent Building Fund, which historically had never been made available to the workforce system because of its almost exclusive federal funding.

Strengthen the e³ Connection

The creation of the Department of Commerce and Labor strengthens the workforce and economic development connection through the combination of federal, state and local investments in workforce and economic development. This tie allows for a comprehensive package of services offered to businesses as they relocate or expand. Staff coordinate with state and local education, workforce and economic development providers to ensure that needs are met.

Efforts to improve labor market information are also a joint effort which enjoys the contributions of multiple organizations. The effort to organize workforce, economic development and education efforts around career clusters is yet another example of how the state leverages funding to meet the multiple needs of our citizens. In the health care area, workforce information staff will work with the newly established Nursing Workforce Center to produce better supply-demand information for nursing and other health care

occupations. The state maintains a joint website with the Idaho Hospital Association, Idaho Nurses Association and other health care providers to allow employers to list their jobs and recruit both within the state and on a national basis.

During PY'05 WIA funds will continue to support the customized/incumbent worker training projects that were developed in PY 2004. As funding permits, additional projects will be considered. Each of these projects required employer match of 50% with education entities contributing significant match as well. Existing public-private Business Industry Consortia will be continued and linked to the career cluster project led by the professional-technical system.

Advance the Technology of the Workforce System

The One Stop system has, and will continue to invest heavily in, using technology to expand the services provided to its customers as well as the tools available to workforce staff to improve their effectiveness and efficiency. As with improvement of facilities, much of the progress in technology was made possible by creatively using a variety of grant funds and supplemental funding sources to achieve the desired results.

Modern electronic lobbies now provide access to all the resources available through the IdahoWorks electronic network in One Stop Centers across the state, with the help of the Federal One-Stop grant and the state's Special Administration Fund. Upgrading/replacing all the lobby computers was completed using a portion of the Reed Act funds that were distributed back to all states by the U.S. Department of Labor.

The most significant technology development for the state's workforce system has been the IdahoWorks information system. This is a comprehensive system used to deliver a variety of unemployment insurance (UI), labor exchange, WIA financial and case management systems on a statewide level. IdahoWorks is constructed using internet technologies thus allowing establishment of secure access internally in the workforce system and externally by customers over the internet.

Labor market information is another customer service that has helped business benefit significantly from a commitment to technology. Idaho's newly designed Labor Market Information (iLMI) website helps businesses make decisions with a wide variety of data including availability of skilled workers, pay and benefits by occupations, economic profile of the state and counties, area demographics, industry growth and composition, and number of workers by occupation. During PY 2003, the iLMI website experienced over 117,525 visits comprising well over 1,184,826 hits. Customer and partner interest in iLMI is continuing to grow as the Council and workforce staff are notified of continuous website updates in response to new customer feedback processes.

- B. *What strategies are in place to address the national strategic direction discussed in Part I of this guidance, the Governor's priorities, and the workforce development issues identified through the analysis of the State's economy and labor market? (§§112(b)(4)(D) and 112(a).)*

The Governor's priorities as outlined in Section II incorporate strategies to achieve the state and federal priorities and are supported by labor market data. Among the priorities are:

1. Expanding training opportunities by achieving savings in overhead costs through the shift to a single statewide system;
2. Expanding access to training and services by expanding from six to twenty-four one stop centers;
3. Supporting high school standards to ensure that students leave school prepared for further learning; high school reform initiatives designed to increase the number of

- students moving on to postsecondary education; expanding access to postsecondary education through creation of a system of community colleges and adopting accountability standards in the postsecondary system;
4. Strengthening efforts to create a demand-driven system through the availability and use of quality workforce information, integration of economic development and workforce development services throughout the expanded one stop system, and stronger ties between the business community and the education system;
 5. Strengthening the e³ connection through common use of the career cluster system for economic development, workforce and education, and the adoption of a system of common or system measures;
 6. Maximizing the investment of workforce dollars through the identification of all available workforce services and implementation of a strategic planning process based on that data and workforce information;
 7. Strengthening partnerships among youth service providers to ensure services to the state's neediest youth;
 8. Ensuring access to system services by business and individual consumers, including those in faith-based and other organizations by more broadly communicating the availability of system services;
 9. Promoting workplace flexibility and a system of life-long learning to maintain a quality workforce while recognizing the importance of balancing family and work; and
 10. Supporting development of an entrepreneurial workforce.
- C. *Based on the State's economic and labor market analysis, what strategies has the State implemented or plans to implement to identify and target industries and occupations within the State that are high growth, high demand, and vital to the State's economy? (§§112(a) and 112(b)(4)(A).) The State may want to consider:*
1. *Industries projected to add a substantial number of new jobs to the economy; or*
 2. *Industries that have a significant impact on the overall economy; or*
 3. *Industries that impact the growth of other industries; or*
 4. *Industries that are being transformed by technology and innovation that require new skill sets for workers; or*
 5. *Industries that are new and emerging and are expected to grow.*

Demand-driven Strategies

As the workforce system responds to the Governor's economic development goals for the science and technology and health care industries, the demand for a seamless pipeline between all levels of education and workforce is a driving priority.

With their participation in and full adoption of the Policy Academy goals, the Workforce Development Council and Board of Education have committed to implementation of innovative strategies to meet high growth business demand for a trained workforce:

1. convert business data to useful information for curriculum development
2. create an integrated system of professional-technical and community colleges to respond to regional demands
3. ensure seamless transition among all levels of education for transferability of credits
4. further connect workforce, economic and education systems and develop measures to test system effectiveness and responsiveness to the business community.

For the last two years, the Workforce Development Council has targeted a portion of WIA State 15% funds to support projects focused specifically on development of business, education and workforce partnerships to meet business identified needs. If WIA State 15% funds are available in PY06 to support optional activities, the Council will seek proposals replicating these projects where business identified specific training needs and supported solutions with education partners.

The State is also embarking on a project identified in the policy academy process to organize education, employment and economic development services into career clusters. These and other critical activities have been chronicled in a monograph that is soon to be published. The monograph documents the extensive training for staff of one stop partner agencies, models that support the view of business as the primary customer and the comprehensive integration of employment, education and economic development services.

Science and Technology

One out of every ten Idaho workers was employed in science and technology industries in 2002. The growth in Idaho's number of science and technology establishments has well outpaced the national trend. Science and technology establishments grew in Idaho at an impressive rate of 15.3 percent. Nationally, establishments only grew by 4.5 percent. This well above average growth indicates a science and technology sector in Idaho that possesses the potential to become a major employment growth engine for the state's overall economy.

According to a report issued by the Governor's Science and Technology Council, there is perhaps no more critical issue for technology companies than their need for well-educated, technical workers. The Council also reported that Idaho is not producing a sufficient supply of engineers and other technology workers to meet local industry needs. The workforce system will continue to focus on science and technology as a critical industry with higher than average wages. Eastern Idaho is home to one of seven national laboratories, offering a unique opportunity to partner in growing a technology workforce.

Health Care

Across the nation and in Idaho, workforce systems are facing a severe shortage of health care technicians and nursing staff in particular. In its "White Paper", the Idaho Commission on Nursing and Nursing Education (ICNNE) says:

Idaho's nursing workforce mirrors many of the national issues with some important differences but an equally uncertain future. The number of RNs licensed in Idaho has remained steady over the past 3 to 4 years. Aging RNs and nursing faculty reflect closely the national patterns. Idaho has been fortunate to have an increased interest in nursing education; however, limited expansion in nursing education slots has kept Idaho from capitalizing on this interest in entering the field. Idaho will continue to focus on improved labor market information through work with the new Work Center, expansion of training opportunities and public-private partnerships to identify and respond to training and hiring needs.

- D. What strategies are in place to promote and develop ongoing and sustained strategic partnerships that include business and industry, economic development, the public workforce system, and education partners (K-12, community colleges, and others) for the purpose of continuously identifying workforce challenges and developing solutions to targeted industries' workforce challenges? (§112(b)(8).)*

Benefiting from a relatively small population, the state has a well-coordinated e³ system with extensive organizational relationships. Key leaders across the system are generally aware of others' programs and services and have established relationships among state and local partners. State and local workforce organizations have collegial relationships, and willingly work on joint projects. Most are familiar with services of sister organizations and have long standing collaborative relationships. State and local agencies have initiated many processes to engage business with education and workforce and to market their services to the business community, with modest success. Several new projects

have been initiated under the auspices of the Academy to increase access and awareness.

As discussed elsewhere in this plan, there are a number of initiatives designed to promote collaborative efforts to address workforce challenges for targeted industries. In the Policy Academy process, the state identified health care and science and technology as two sectors requiring additional attention. The Workforce Development Council is also focusing on the construction industry. The Council will regularly oversee this process and will seek continued improvements in labor market information, establishment of career clusters, support for business industry consortia and projects targeted at these industries. Creating a quality workforce is also a primary objective of Governor Kempthorne's Science and Technology Council who have identified solutions for attracting and retaining workers in this sector.

- E. *What State strategies are in place to ensure that sufficient system resources are being spent to support training of individuals in high growth/high demand industries? (§§112(b)(17)(A)(i) and 112(b)(4)(A).)*

Governor Kempthorne, the Workforce Development Council and workforce system partners are realigning systems to ensure their resources are directed at the needs of high growth and high demand industries as seen in the Policy Academy action plans referenced throughout this document. Additional State strategies are outlined below.

Workforce Investment Act

With the planned consolidation of the six regional areas into a new single statewide regional planning area structure, the state will reduce administrative overhead from 14 percent to less than 3 percent, a reduction of more than \$1.3 million now spent to support the six-region structure. This efficiency maximizes the available money directed to training and services to business and job seekers in the face of the severe federal budget cuts experienced by the state in the last four years. Idaho has set a goal of spending 50% of WIA Title IB local adult and dislocated worker funds for direct training and support of businesses and participants.

If optional State 15% funds are not directed to support required dislocated worker services due to a reduction in federal dislocated worker and rapid response funds, the Workforce Development Council will consider release of PY05 and PY06 funds to support high growth projects offering partnerships of business, education and workforce systems as it has the past two years. High growth projects underway are expected to continue into PY'05. The Business Industry Consortia are also expected to be retained. Partnerships will be sought, particularly in connection with the career cluster project, to support these consortia in other targeted industries.

While the state will honor individual choice in the ITA process, we will also routinely monitor the use of ITAs in selected occupations to determine whether additional efforts should be directed to critical areas experiencing worker shortages.

Workforce Development Training Fund

Policies for the WDTF will be reviewed during PY'05 to ensure funds are directed to those industries with the highest impact for individuals and the communities. This focuses limited resources on those critical jobs that will contribute to the self-sufficiency of our workers as they fuel the growth in the local economy.

Improved Information Related to High Demand Occupations

One of the state's Policy Academy strategies for enhancing the workforce development system is defining a set of career clusters and other tools for use in career exploration, workforce development, education, and economic development in the state. Already, 16

clusters have been identified with pathways defined under each cluster. With approval of this effort at the September 2004 Council meeting, Professional-Technical Education is providing leadership to continue defining clusters and outlining the skills for each pathway created under each cluster.

Idaho Commerce and Labor recently unveiled an addition to their website to assist employers and job seekers with access to and use of labor market information. The new iLMI, Idaho's Labor Market Information system, uses traditional labor market information to support online tools that build and retain personalized business development and career exploration information on a local, regional or statewide basis.

- F. *What workforce strategies does the State have to support the creation, sustainability, and growth of small businesses and support for the workforce needs of small businesses as part of the State's economic strategy? (§§112(b)(4)(A) and 112(b)(17)(A)(i).)*

Idaho is one of the best places in the nation for entrepreneurial activity, and ranks first in the nation for patents issued per capita, according to the 2004 CFED Report Card for the States. The Center for Enterprise Development gave Idaho an "A" for its Entrepreneurial Energy. Idaho ranked first in the nation for manufacturing investment, third in change in new companies, and 14th in technology industry employment. The state also ranked 3rd in energy costs, 5th in long-term employment growth and net migration, 8th in homeownership rate, and 10th in households with computers. A variety of strategies continue to support the creation, sustainability and growth of small businesses and support their workforce needs in Idaho.

Core Business Services

The Workforce Development Council has overseen development of Idaho's One-Stop centers to ensure provision of core services critical to new and small businesses by offering the latest technology, full office support services, and space for recruitment needs. Core business service includes electronic job listing, recruitment and referral services, customized labor market information, economic development support available in Idaho, and a business resource center that has interviewing facilities that include computer, fax, copier, and video equipment. Workshops and forums on a variety of special interest topics for business are also provided.

Workforce Development Training Fund

For small companies looking to expand or relocate in Idaho, the Workforce Development Training Fund supports training of new employees to improve the company's ability to take advantage of larger market and economic opportunities. The rural component streamlines the application process for small entrepreneurial businesses in rural counties with high unemployment or low per capita income. These businesses are eligible for up to \$3,000 for each new position created.

Idaho Business Network (IBN)

Idaho's Business Network provides business support our smaller companies need to compete with larger corporations, matching the purchasing needs of federal and state agencies with the products and services of Idaho companies. In addition, IBN provides technical assistance with completing bid documents, offers seminars on evolving procurement practices, and hosts the Governor's Business Opportunity Conference, putting business face-to-face with purchasing professionals of government agencies and large corporations. Annually, Idaho businesses average over \$100 million in federal and state contracts by taking advantage of IBN services.

TechConnect

TechConnect acts as project managers to access the resources necessary for businesses to commercialize private, university, and governmental technologies. Three

TechConnect offices throughout Idaho work to strengthen early-stage science and technology companies. The program combines education, networking, venture capital and collaboration between government and business to accomplish its goals. One of the plan's more innovative features is the use of university students to support entrepreneurial development through a program called TEAMS.

Workforce Training Network (WTN)

Idaho's higher education entities have partnered to create the Workforce Training Network, to respond rapidly to employer needs for customized training. Outreach directly to employers and through partnering with other workforce system entities is underway. Small business has voiced appreciation for the WTN's quick response, flexibility, custom tailoring of training for new or incumbent workers and delivery of training in an approach designed by the business.

Rural Economic Development Professional Program

Governor Kempthorne is providing a third year of funding for 12 areas of the state to continue the **Rural Idaho Economic Development Professionals** program, bringing support to areas where a majority of Idaho's small businesses are born. The \$500,000 program allows counties or groups of counties to hire local economic development professionals. Each area will use \$41,500 to pay a competitive salary and benefit package. Local match is provided in office space, supplies and travel expenses.

Governor Kempthorne's **Rural Idaho Initiative** provides nearly \$3 million to cities and counties for job creation and business expansion projects in rural areas. Rural Idaho communities have used funds to create more than 650 jobs since the program's inception in 2001.

Small Business Development Centers

Idaho's SBDCs offer the latest in business counseling and technical assistance in all aspects of small business management, with a primary goal of helping small business owners and potential business owners make sound decisions for the successful operation of their business.

Idaho's Small Business Innovation Research (SBIR)

The Idaho SBIR Initiative's goal is to work with the Idaho TechConnect offices, the **Small Business Development Centers** (SBDCs), the **Idaho National Laboratory**, and the state's universities to help Idaho companies apply for and receive between \$10 million - \$15 million in SBIR and STTR awards by 2009. The Initiative's objectives will be achieved by educating small businesses about the program, teaching businesses how to write a successful proposal, providing a supportive statewide infrastructure of resources to assist small businesses and partnering small businesses with other successful awardees and research institutions. The potential for Idaho businesses is great, and while the goal is aggressive, it is achievable.

Business Response Team

Idaho Commerce and Labor offices in two areas of the state are currently piloting the Business Response Team (BRT) project, adapting innovative business outreach activities developed in the state of Maine. The goals of the project are to help new businesses survive, thrive and expand, and to develop and enhance the relationship between Idaho Commerce and Labor and the business community. The strategy for achieving the goals involves assessing the needs of an individual company, providing consultation and brokering services, and following up with ongoing support. Successful strategies will be replicated across Idaho in PY05 and PY06.

Export Assistance

The International Trade Division offers export counseling, seminars, and marketing resources to Idaho companies. Additionally, marketing opportunities via catalogs, trade shows, and trade missions are provided at a nominal fee. Idaho trade representatives in Mexico, China, Taiwan, and Korea assist companies by finding business opportunities, distributors, and projects. Partnership with the U.S. Commercial Service provides worldwide resources and assistance.

Tech-Help

TechHelp is an organization uniquely positioned to assist Idaho manufacturers become more competitive. Lean manufacturing, human performance, quality systems, product development, and information technology are all areas in which TechHelp assists Idaho companies.

Marketing/Education

As part of Idaho's commitment to foster a thriving economy and a strong business climate, Idaho Commerce & Labor published a booklet entitled "Starting a Business in Idaho". This booklet, available in English and Spanish, provides Idaho entrepreneurs and new businesses with information essential to begin successful operations. It highlights the registration process and the regulatory issues new businesses encounter and includes a directory of organizations specializing in business start-up assistance.

- G. *How are the funds reserved for Statewide activities used to incent the entities that make up the State's workforce system at the State and local levels to achieve the Governor's vision and address the national strategic direction identified in Part I of this guidance? (§112(a).)*

State Workforce funds are primarily used to provide an infrastructure that supports local service delivery to allow for the maximum direction of funds allocated to the local level to services. Funds have been set aside to support youth in need activities in areas with high concentrations of at risk youth and special industry-education-workforce projects to promote additional training in high growth, high wage industries and to maximize efficiencies in the system. Funds are also used to support development of labor market information, particularly improved supply-demand information and to expand the reach of the Local Labor Economists to assist workers and local businesses. Statewide funds are also directed to increase efficiencies in the management information and financial management system and to incent collaboration in the Idaho Workforce Consortium.

- H. *Describe the State's strategies to promote collaboration between the public workforce system, education, human services, juvenile justice, and others to better serve youth that are most in need and with significant barriers to employment, and to successfully connect them to education and training opportunities that lead to successful employment. (§112(b)(18)(A).)*

As indicated earlier in the plan, youth programs operated under the WIA have been integrated with Governor Kempthorne's Generation of the Child initiative. Through this, the workforce system will participate as part of a highly coordinated, continuum of services designed to assure that healthy, well-nurtured, and well-educated youth enter adulthood as productive members of the workforce.

Among the youth services available on a statewide basis are the employment and training services offered under the Workforce Investment Act, labor exchange services offered through Wagner-Peyser, services for youth who have entered the juvenile justice system through the Department of Juvenile Corrections and county probation offices, services to youth in families receiving, at-risk of needing, or transitioning from public assistance and/or foster care services through the Idaho Department of Health and Welfare, vocational training opportunities at the secondary and postsecondary level

provided through the public school system and postsecondary technical colleges, services to youth with disabilities through the Idaho Division of Vocational Rehabilitation, and elementary and secondary educational services offered through the Department of Education and local secondary school districts. In addition, the Idaho Migrant Council offers employment and training services to migrant and seasonal farmworker youth at various sites across the state. Local efforts also continue across the state to provide opportunities to youth as they transition from the world of learning to the world of earning. These statewide services are augmented by a network of local providers and community based organizations throughout the state, including five Native American grantees within the state that provide employment and training services to Native American youth.

A number of highly effective partnerships have been developed among the agencies listed above in the delivery of youth services on a statewide level and through local youth organizations. Representatives from most of these agencies and organizations serve on the Idaho Workforce Development Council.

Because WIA funds are limited, development of a comprehensive, community-wide approach to meeting the needs of youth will require collaboration among a variety of workforce, educational, and related agencies to develop program strategies that address the multiple needs of youth and establish the sequence of services needed to help youth move toward functioning as effective citizens, family members and employees.

- I. *Describe the State's strategies to identify State laws, regulations, policies that impede successful achievement of workforce development goals and strategies to change or modify them. (§112(b)(2).)*

Under the leadership of Governor Kempthorne, the state has made extensive efforts to reform its workforce development systems to meet business needs for a highly skilled workforce and provide its citizens an opportunity to meet their economic goals. The Governor believes that economic growth is directly linked to the availability of a pool of highly skilled workers who are prepared for the demands of the new economy.

The state has taken a number of steps to align its workforce development policies to create a demand-driven system within the state. First, the Governor assigned the Workforce Development Council the responsibility to coordinate the functions. The state conducted a survey of all workforce programs and identified governance and planning processes as part of the survey. The One Stop Policy Team will develop recommendations for improvement of strategic planning processes during the coming year. Effective July 1, 2004, Governor Kempthorne merged the Departments of Commerce and Labor. This has provided an opportunity for better alignment of policy planning between economic development and workforce development. The State Legislature also approved the Governor's initiative to create the Office of Science and Technology within the new Department. At the same time, Governor Kempthorne introduced and the legislature passed a number of tax incentives to help Idaho create high skill, high wage jobs and the communication infrastructure to support them.

A summit held in December, 2003 engaged key workforce, education and economic development stakeholders in a dialogue to identify needed services and improve communication. The State held a joint meeting of economic development and workforce development leaders earlier this year as an outgrowth of the merger and to refine goals for better integration of economic and workforce development services. The state also has a Workforce Training Network representing the Division of Professional-Technical Education, all of the technical colleges in the state and the Department of Commerce and Labor. This network can coordinate the delivery of targeted workforce training throughout the state.

As part of the process to identify and remove barriers at all levels in the workforce system, the state has implemented a continuous improvement process designed to ensure high quality services for Idaho's citizens and business customers. This involves working closely with local providers to identify potential problems early and to make the appropriate adjustments in performance expectations, reporting on their accomplishments, identifying areas targeted for improvement based on the analysis of performance, and reviewing plans for any process improvement initiatives undertaken as a result of this analysis. When concerns are noted or deficiencies occur, the local provider also is expected to identify the impact area(s) and specific measures that will be implemented to address the concern or deficiency.

Monitoring the WIA performance system and performance expectations ensures that local providers contribute to quality service delivery. Meeting and exceeding appropriate performance levels will require comprehensive quality services that will contribute to a high level of customer satisfaction, as will an emphasis on performance accountability.

J. Describe how the State will take advantage of the flexibility provisions in WIA for waivers and the option to obtain approval as a workflex State pursuant to Section 189 (8) and Section 192.

1. Extend the waiver of the Time Limit on Period of Initial Eligibility for Training Providers.
 - a. The State of Idaho respectfully requests an extension of an existing waiver regarding the Workforce Investment Act's (WIA) time limit on the period of initial eligibility of training providers (20 CFR 663.530), through June 30, 2007, the end of the planning cycle for this plan being submitted.
 - 1) Idaho's original request was to waive the subsequent eligibility provisions as outlined in Section 122 (c) and (d) of the WIA legislation. Although the U.S. Department of Labor did not provide a waiver for the state's specific request, it did waive the time limit on the period of initial eligibility that was extended through June 30, 2004. An additional request for waiver of this provision was granted and extended the period of initial eligibility through June 30, 2005.
 - 2) The state's training providers have expressed strong concerns with the implementation of subsequent eligibility requirements. The concerns include the following:
 - (a) confidentiality (FERPA compliance),
 - (b) excessive administrative burden and costs associated with tracking all students,
 - (c) time delays with UI wage records,
 - (d) the difficulty in establishing statistically valid processes for adjusting UI wage record data based on economic, geographic, and demographic factors of the local area and characteristics of the population being served, and
 - (e) establishing a consumer report based on a wage record system that underreports employment rates for training programs.
 - b. With WIA reauthorization set to occur soon, this raises opportunities to streamline training providers' subsequent eligibility under a "new" WIA.
 - c. Idaho is committed to delivering quality employment and training programs under WIA. However, it is very likely that if the waiver is not extended, the implementation of the subsequent eligibility criteria will prevent providers from participating in WIA and deny the state the ability to continue to provide the broadest range of training options for its WIA participants.
2. Statewide Regional Planning Area—Single Statewide Council

- a. With this plan, the State of Idaho is formally seeking a waiver to apply 20 CFR 661.300(f) which permits a state board to carry-out the roles of a local board in a single local area to a statewide regional planning area. Idaho has experienced a 37 percent drop in funding – more than \$5.6 million – in the last four years. The allocation for the program year beginning in July was cut \$1.8 million. This bleak financial outlook makes change imperative. The shift from six regional areas to a single statewide planning area allows the Governor to address the Administration's strategic priorities and to further reforms envisioned in the Workforce Investment Act. No areas in Idaho qualify for mandatory designation; with the continuing loss of funds, maintenance of this system is no longer a viable option. The Governor has announced his desire to move toward a single state area and will do so through designation of two areas which will enter into a cooperative arrangement to function as a single state area. As described in section VIII.E.1, Governor Kempthorne will require development of a single regional plan for the state. To maximize resources available for service delivery, the state also wishes to use the Workforce Development Council as the local workforce board for this area. This will foster sharing of data and information across regions and ease movement of customers from region to region.
- b. No state or local policies would limit the Governor's authority to require a regional plan or utilize the Workforce Development Council as the local workforce board for the Idaho Workforce Consortium.
- c. The State will achieve the following goals if the waiver is granted:
 - 1) The new single statewide planning structure will reduce overhead from 14 percent to less than 3 percent, a reduction of more than \$1.3 million now spent to support the six-region structure. This efficiency maximizes the available money directed to training and services to business and job seekers in the face of the severe federal budget cuts experienced by the state in the last four years. The State has set a goal of spending 50% of WIA local Adult and Dislocated Worker funds for direct training and support of businesses and participants, positively impacting achievement of performance goals.
 - 2) The new statewide structure will enhance efforts to transform the system into a demand driven system by further integrating economic development activities into the one stop system. The 24 Commerce and Labor offices across the state will serve as the state's one stop centers and will incorporate the full range of economic and community development services in their offerings. The priority for 2005 will be to ensure that all 24 offices have the training and support to become full service business centers. This recognizes the importance of sharing data and information about new and expanding businesses to build the economy across regions.
 - 3) The One Stop system will be enhanced by expanding the number of IdahoWorks One Stop Centers from six to twenty-four, broadening the reach to Idaho's citizens and business customers in our urban and rural areas. As indicated above, the focus in year one will be on building the capacity of these centers to offer economic and community development services. During 2005, the Governor's Workforce Development Council will also negotiate new MOUs with One Stop Partner organizations with the goal of expanding their participation in the One Stop system in PY 06 to more fully integrate the wider range of services available at the centers.
 - 4) The statewide delivery structure also affords an opportunity for the Workforce Development Council, working in concert with the Governor's Coordinating Council for Families and Children, to redesign youth programs, taking fuller advantage of opportunities for leveraging funds

among organizations serving youth. During PY'2005, the State will, to the extent possible, honor the commitments made by the six local boards. At the same time, the Workforce Development Council will partner with the Governor's Coordinating Council for Families and Children in a strategic planning process designed to identify gaps and prioritize services to those youth who demonstrate the greatest need.

- 5) The new statewide structure will strengthen administrative oversight and accountability processes. Administrative deficiencies have resulted in substantial disallowed costs in Idaho's largest Workforce Investment Area. The new strengthened administrative structure will assist Idaho in avoiding future disallowed costs and thus will further enable the redirection of funds from service provider and administration to direct participant training and support.
- d. With the change to a statewide regional planning structure and this waiver, we expect to increase training opportunities for an additional 500 or more adults, dislocated workers and at-risk youth as we add services for the business community.
- e. The waiver was announced to the general public as part of the plan review process which included a process for soliciting review and comment during a three-week period and review by the Governor's Workforce Development Council. The Chairs of the Local Elected Official organizations and the Local Workforce Investment Boards and their executive staff received letters announcing this proposal. Each individual also received a personal call in advance of the letter to advise them of this change and offer an opportunity to comment on the proposal. The State maintains a sophisticated management information and oversight system that tracks progress of financial and participant goals. Progress will be reviewed on a quarterly basis to ensure that goals are achieved. The Workforce Development Council will advise the Governor on specific policy changes needed to achieve the priority areas identified above. Additional communication strategies will be devised to ensure that citizens throughout the state are informed of progress and provided an opportunity for input into the states workforce development system.

VI. Major State Policies

Describe major State policies and requirements that have been established to direct and support the development of a Statewide workforce investment system not described elsewhere in this Plan as outlined below. (§112(b)(2).)

- A. *What State policies and systems are in place to support common data collection and reporting processes, information management, integrated service delivery, and performance management? (§§111(d)(2) and 112(b)(8)(B).)*

The State of Idaho has invested heavily in automation and integration of information systems since the implementation of WIA. Continuous development of workforce system databases within a common Internet based platform brings increased accessibility and enhanced communication within the One Stop arena. The workforce system databases, collectively known as *IdahoWorks*, offer online learning and staff training, data sharing from self-registration, online job order listings, unemployment insurance initial claims and continued claims, Personal Reemployment Accounts (PRAs), as well as WIA participant and financial data. Inclusion of TAA is in development stages and will be completed during PY05. Further enhancements related to information exchange and addition of other programs within *IdahoWorks* will occur as the One Stop system matures and funds to support integration are available.

Idaho's Internet database platform provides statewide secure user access. A number of ad hoc management and case manager reporting options are in place, with further enhancements available ~ demographic/programmatic/accounting data related to active participants or completers; data collected during follow-up; required federal reports, including performance data based on quarterly wage records and supplemental information. Ad hoc reporting allows the user to access data at all levels ~ State, area, service provider, or participant. Customer satisfaction survey response data is also housed within the database system, and can be viewed in the aggregate using the reporting system.

As the Workforce Development Council finalizes common performance measures for Idaho's workforce system, and as refinements are made to provide USDOL's common reporting measures, *IdahoWorks* will be expanded and modified to incorporate any necessary data collection and integrated reporting.

Data quality is controlled at the point of input through a series of edits that demand accuracy in data entry. The system also produces data quality reports or "DQRs" that prompt staff of the need to review selected elements for accuracy or further updates. These are monitored by state staff to ensure that they are cleared. At entry, the state also requires data validation, as described elsewhere in this section. Staff select a sample of enrollment records at registration and are required to review a minimum sample of 10% of records and validation documentation to ensure accuracy. A second sample is obtained during the routine monitoring and validation is accomplished at this point as records are reviewed for quality. Finally, the federally required validation is performed on yet a third sample of records.

- B. *What State policies are in place that promote efficient use of administrative resources such as requiring more co-location and fewer affiliate sites in local One-Stop systems to eliminate duplicative facility and operational costs or to require a single administrative structure at the local level to support local boards and to be the fiscal agent for WIA funds to avoid duplicative administrative costs that could otherwise be used for service delivery and training? (§§111(d)(2) and 112(b)(8)(A).)*

The decision of Governor Kempthorne to move toward statewide regional planning, his designation of Idaho Commerce & Labor as the single administrative entity, grant recipient and fiscal agent, and the State's continued support of a single statewide MIS and financial system for WIA eliminate duplicative administrative costs in Idaho and promote efficient use of administrative resources within the workforce system. The One Stop system will be enhanced by expanding the number of IdahoWorks One Stop Centers are proposed to expand from six to twenty-four, greatly increasing workforce system reach to Idaho's citizens and business customers and increasing sites where co-location and integration are feasible. These centers will house workforce, economic development and community development services providing an opportunity to expand access and lower the relative cost of doing business for each program. Additional policies will be considered as the Workforce Council analyzes its inventory of workforce services.

C. *What State policies are in place to promote universal access and consistency of service Statewide?*

Development of the One Stop system has focused on designing the system to meet the needs of customers from various population groups, provide access to the system and allow for the delivery of comprehensive services.

System Features

In designing Idaho's One Stop system, the needs of a broad spectrum of employment and training customers were taken into account. These include the job-seeking population at-large and those with special needs--students, migrant/seasonal farmworkers, veterans, dislocated workers, older individuals, people with disabilities, welfare recipients, dropouts, people with limited English proficiency, economically disadvantaged individuals, as well as the employer community, both current and prospective. Through the active participation of partner agencies/programs and interest groups in system design, the concerns identified by these groups carried forward into program features.

Access

Idaho Works is an automated service delivery system, an interactive, customer-focused electronic environment through which customers can access services and information. *Idaho Works* is the cornerstone of the One Stop system because it provides the mechanism to unify workforce development efforts. To ensure that *Idaho Works* meets Idaho's needs, system access is available in a variety of locations and access modes. Each One Stop Career Center in the state has multiple workstations in its electronic lobbies. Each Center has at least one computer that is specifically designed to accommodate a variety of disabilities. Customers can come to the Center during office hours and access all Center programs and information sources. Staff are available to help individuals use *Idaho Works* and provide personalized intervention services at the customer's request.

Other entrance points into *Idaho Works* are available from the Affiliate Partner sites, and through the Internet and access is available 24 hours a day, seven days a week, to meet the needs of our customers.

Partner agencies are able to assist their clients in registering for work, screening available job openings, reviewing eligibility criteria for training or other services and obtaining labor market, customer satisfaction and performance data from their delivery locations.

Because Idaho is a rural state, providing services in remote locations has always posed many problems. Not limited to our remote customers, the Internet has allowed anyone worldwide to access *Idaho Works*.

Comprehensiveness of Services

Idaho's One Stop system will include all mandatory partners along with some voluntary agencies and organizations identified locally by the One Stop Operators. The minimum menu of core services required by the Act will be made available in the state's One Stop system and may be expanded locally for additional service elements as agreed upon by local partners.

WIA Title IB services will be available in all one stop centers. Wagner-Peyser funded labor exchange services will be coordinated with other One Stop system partners in the delivery of core services to avoid duplication of services. Wagner-Peyser service will be provided in all designated One Stop Centers as will Unemployment Insurance, Veterans employment and training programs and NAFTA/TAA.

The full array of core services is currently available through at least one full service One Stop Center in each of the six workforce areas, although the Governor's goal is to expand to all 24 Commerce and Labor offices during PY'05. One Stop services will also be provided through additional Affiliate sites and via the Internet.

One Stop Centers

State policy requires the participation of all mandatory One Stop partners listed at WIA §121(b)1 and encourages the voluntary participation of other employment and training entities within the local areas.

Each substate area is required to have at least one physical comprehensive One Stop Center with a goal of delivering comprehensive services in all twenty-four centers. All required partners must make their applicable core service available in at least one regional One Stop Center and provide access to their other activities and programs. Partners must use a portion of their funds to create, maintain and participate in the One Stop delivery system, and provide their core services.

One Stop Affiliates

One Stop Affiliates are partners in the One Stop system. Affiliate Partners will provide access to information and services, but will not be required to offer universal access. Instead, they may limit services to particular customer groups; e.g., the disabled, students, migrant/seasonal farmworkers, economically disadvantaged, etc. State policy requires Affiliate Partners to enter into an MOU describing their specific participation in the One Stop system; maintain access to the Idaho Works automated system; offer assisted services to those who prefer such services over automated services; and make accurate and up to date information on their services available for access through Idaho Works. They will also be full partners in the regional planning and continuous improvement management processes. With the shift to a statewide planning system, new MOUs will be developed with a goal of expanding the array and reach of all services. With the change to a statewide system, this responsibility will move to the Workforce Development Council and the Governor.

Direct Access Systems (Self Service Systems)

Self-service access will be available in a variety of locations and from classrooms, homes and offices across the state. Self service access points will provide access via the Internet *Idaho Works* which will provide information, registration for work, and services planned for the Internet, such as application for Idaho postsecondary schools and Financial Aid services.

Customer Choice

Customer choice will be achieved through the partnering of Idaho's workforce service providers at the state and local level, bringing information and services together in the One Stop system. All One Stop Centers will offer the full range of comprehensive services to our citizens, with multiple remote and Affiliate Partner locations providing access through linkages to the automated system.

Customers will have choices in the way they access information in the One Stop system through self-service, staff assisted self-service, or one-on-one individualized assistance. Information will be made available through electronic lobbies in One Stop Centers and Affiliate sites, printed and automated information in One Stop Center Resource Centers as well as Internet access to *Idaho Works*.

The communications network available to the system's customers affords the highest degree of choice in location of services. For remote areas, access is provided via the Internet. The *Idaho Works* system will also afford access in One Stop Partner locations and most secondary schools throughout Idaho. Although not all services will be available, core services, such as, registration for work, filing a job order, access to information on employment and training services, labor market information, job listings, and filing of UI initial and continued claims will be widely available on *Idaho Works*.

One of the primary goals of the One Stop system under WIA is to enable customers to make informed choices about employment and training opportunities. This effort includes making available a wide variety of information on labor market conditions, educational opportunities and performance and outcome data on training providers. Currently, *Idaho Works* provides numerous links with employment and training institutions as well as information made available through the Idaho Career Information System. Idaho will utilize Individual Training Accounts as an opportunity to improve customer choice in selecting training providers. As the state develops the Individual Training Accounts and the Eligible Training Provider system, the information developed on training providers will assist customers in making informed decisions regarding their training options.

Core, Intensive and Training Services

Adult and dislocated worker customers, including those with special needs, will have access to employment and training services delivered in progressively higher stages of intervention from core, intensive and training, as appropriate, to meet their individual needs. A description of core, intensive and training services to be provided with allotments received under WIA §132 is attached as Attachment 5.

- D. *What policies support a demand-driven approach, as described in Part I. "Demand-driven Workforce Investment System", to workforce development – such as training on the economy and labor market data for local Board and One-Stop Career Center staff? (§§ 112(b)(4) and 112(b)(17)(A)(iv).)*

Governor Kempthorne and the Workforce Development Council are moving Idaho toward a "demand-driven" workforce system with their visions and goals, and even more so with concrete actions. In both the Policy Academy and the Council's Goals and Objectives, several policies address the transition to a demand-driven system. Among these are projects described elsewhere:

- The Council has directed state agencies to work together and with the business community to improve labor market information, especially supply-demand information to inform planning and curriculum development, coordinate the development of career clusters for use across employment, education and economic development systems; expand outreach to better link business and education and support development of an entrepreneurial workforce.

- As part of their Workforce Information Plan, the state routinely provides training and information in Labor Market Information to planning and delivery staff. This is augmented by the wide distribution of information to business and the community at large.
- Governor Kempthorne's decision to create the new Commerce and Labor Department places a special focus on the demand side. During PY'05 training will be provided to staff in each one stop location to ensure the full integration of economic and community development services with the workforce services.

E. *What policies are in place to ensure that the resources available through the Federal and/or State apprenticeship programs and the Job Corps are fully integrated with the State's One-Stop delivery system? (§112)(b)(17)(A)(iv.)*

Job Corps has had a voice in the design and delivery of local youth activities through the linkages required above. Through these mechanisms, they had opportunities to assure appropriate access to youth activities for Job Corps participants. Although Job Corps is not represented on the Workforce Development Council, organizational representatives attend Council meetings and participate as needed in discussions affecting the population they serve. The Federal apprenticeship programs are utilized throughout the One-Stop delivery system as the need arises.

F. *Additional Policies not included above.*

- *Transitional Policies*

Except where listed in this plan as a state policy, policies listed in approved local WIA plans will be utilized in PY'05 for the transition year. This will allow continuity of services as the state prepares for further efficiencies. The Idaho Workforce Development Council will review policy changes during PY'05 with an eye towards providing consistency in treatment of system customers and efficiency in operations. The Idaho Workforce Development Council will function as the statewide WIB and will assume responsibilities held by WIBs prior to PY'05

- *Reallocation policies;*

It is the State's policy to recapture from substate areas, all unexpended Youth and Adult program funds after the second year and the unobligated amount that exceeds 25% of funds allocated during the immediately preceding year (along with the corresponding 10% administrative funds), with adjustments for any allowable transfer between funding streams. Reallocations will be made to areas that have expended 100% of the prior (year two) year's allocation and exceeded the 75% obligational requirement for the year one funding. Reallocations will be made to each eligible local area, with the amount based on the relative amount allocated to such area for that funding stream for the prior program year, as compared to the total amount allocated to all eligible local areas in the state.

It is the State's policy to recapture 100% of all unexpended State 15% funds, 25% Dislocated Worker discretionary program funds that were allocated to the substate area, along with the corresponding 10% administrative funds, for the preceding year at closeout.

- *State policies for approving transfer authority (not to exceed 20%) between the Adult and Dislocated Worker funding streams*

The Workforce Council will recommend and the Governor will approve plans to transfer up to 20% of a program year's allocation between the adult and dislocated worker programs.

- *Hard-to-serve special participant populations*

The Governor has determined that no additional groups, other than those defined by Regulations, will be identified as "hard-to-serve" for purposes of granting exceptions to Individual Training Accounts.

- *State's quality control standards for mentoring services*

In order to develop the workforce development system's capacity to offer quality mentoring services, the State arranged for a nationally-recognized trainer to provide training to local Youth Councils, local board staff, service providers, and other state and community partners on the steps to effective mentoring. Guidance provided by this trainer suggests that the effectiveness of mentoring services depends on a variety of factors, most critical of which are the appropriate selection and screening of mentors (including background checks on prospective mentors), adequate training of mentors to equip them to do quality mentoring, and the provision of ongoing support and supervision of mentoring.

While mentoring activities offer youth valuable opportunities for positive role-modeling, mentoring, because it involves the establishment of relatively unstructured one-on-one relationships between volunteers and youth participants, carries with it certain liability concerns that must be minimized to ensure protection for all parties involved.

It is the policy of the State that mentoring conducted under the auspices of WIA will be limited to site-based mentoring. In addition, in order to ensure that mentoring services offer maximum protection and quality experiences for both mentors and mentees, each local area will be required to establish procedures which ensure adequate screening of mentors (including background checks on all prospective mentors), mentor training, and the provision of ongoing support and supervision of mentoring activities.

Additional quality standards may be developed by the State in consultation with State and local partners.

- *Drug Testing*

The state does not currently require substance abuse testing of participants served under Subtitle B (Dislocated Workers, Adults and Youth). Instead, it is the State's policy to encourage local One Stop Centers to use alternative screening systems, where appropriate, to identify and refer applicants as well as participants to existing treatment services provided by the state and available to the general public for alcohol and/or substance abuse.

- *Administrative Policies*

All local substate areas will use the Idaho Department of Commerce and Labor's WIA participant MIS unless specific permission is granted to utilize other systems.

Any grant recipient utilizing a participant MIS system other than the Idaho Department of Commerce and Labor's WIA participant MIS, must incorporate the following administrative requirements:

- Electronic transmittal, no later than the fifth day of each month, using a delimited ASCII file, of standardized records of individual demographic information, cumulative activities and services information, and outcome information for each active and terminated participant for the program year;
- Incorporation of the coding conventions for demographics, fund numbers, outcome information, cost categories, etc., controlled and defined by the Idaho Department of Commerce and Labor;

- Incorporation of additional coding conventions controlled and defined by the Idaho Department of Commerce and Labor to ensure accurate reporting of costs and performance for adult/dislocated worker services at the core/intensive/training levels;
- Incorporation of additional coding conventions controlled and defined by the Idaho Department of Commerce and Labor to ensure accurate reporting of in-school/out-of-school costs and performance.

Each grant recipient's financial system must incorporate the following administrative financial requirements to ensure capable and consistent financial management and financial reporting at the State level:

- Electronically submit, no later than the fifth day of each month, summary costs accrued and cash expended in three categories--individual participant, individual subgrant, and all other costs. These files are to be ASCII delimited files and are to be formatted in accordance with definitions from the Idaho Department of Commerce and Labor. Participant costs include all expenditures which directly benefit a participant such as wages, tuition, supportive services, fringe benefits, etc.
- The key to the summary expenditure records will be defined by the Idaho Department of Commerce and Labor. For example, the participant record key includes the Program Year, Report Month, Region Number, Site Number, Social Security Number of participant, Fund Number, Summary Cost Category and Detail Cost Category. In all three reports, the region will report one summary record for each unique key in their fiscal system;
- Electronic files must be reconcilable to the monthly Reports 33 and 34 filed by the IWB with the Idaho Department of Commerce and Labor. These electronic files will be submitted no later than the fifth day of each month;
- Incorporate coding conventions for fund numbers, cost categories, etc., used in the participant MIS system, which are controlled and defined by the Idaho Department of Commerce and Labor;
- For emergency situations resulting from lost warrants, late paperwork or hardship which threatens the continued participation of a client, financial systems must be capable of issuing emergency payments within 24 hours after receipt of request.

If a grant recipient's failure to transmit accurate participant/financial data is directly responsible for the State's failure to submit a valid federal report, or is accountable for the State's failure to submit a federal report within prescribed timeframes, and the State suffers a sanction which reduces funds to the State for the succeeding year, the responsible grant recipient will bear the full cost of the sanction.

- *Policies impacting participant eligibility*
- *State's definition of "deficient in basic literacy skills" for the purpose of youth eligibility.*

Local boards have been responsible for defining "deficient in basic skills". The definition of "deficient in basic skills" must include a determination that an individual (a) computes or solves problems, reads, writes, or speaks English at or below grade level 8.9 or (b) is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family or in society. For PY'05, definitions included in approved local plans will be utilized.

- *Out-of-School Youth*

An out-of-school youth is defined as an eligible youth who:

- is a school dropout—an individual no longer attending any school and who has not received a secondary school diploma or its equivalent
- has received a high school diploma or GED but is basic skills deficient, unemployed or underemployed

For purposes of defining “underemployed out-of-school youth”, the State has determined that an employed youth who meets WIA income criteria may be determined underemployed. Further verification of this characteristic is not required.

- *Policy on Self-sufficiency*

An employed adult shall be considered self-sufficient if the family income exceeds 200% of OMB’s poverty income level guidelines.

A reemployed dislocated worker shall be considered self-sufficient if the family income exceeds 200% of OMB’s poverty income level, OR, he/she is employed in a permanent position that pays at least 90% of the qualifying layoff wage, whichever is higher.

- *Dislocated Worker Eligibility Timelines*

Two years will be established as the timeframe from which the layoff, termination or ending of self-employment occurred for dislocated worker eligibility purposes.

- *Unlikely to Return*

Four weeks of unemployed time shall be used to substantiate “unlikely to return” to the previous industry or occupation. The four weeks of unemployed time can be waived if the case manager can verify/document that the registrant is unlikely to return to a previous industry or occupation.

- *Duration sufficient to demonstrate attachment to the workforce*

Applicants must provide evidence that they have been employed fulltime (30 hours or more per week) in the same or similar occupation for at least one year out of the last three years immediately prior to registration, or they must otherwise demonstrate that they have had substantial attachment to the same or similar occupation for at least one year.

The term “substantial” is based on calculating the fulltime equivalency of work history. “Fulltime” is defined as 30 hours per week at a minimum, which calculates to 1,560 hours worked per year.

- *Substantial Layoff*

The state will incorporate the following definition from the Worker Adjustment and Retraining Notification (WARN) Act of 1988:

Any reduction in force which is not the result of a plant closing and which results in an employment loss at a single site of employment during any 30 day period of: a) at least 500 employees (excluding employees regularly working less than 20 hours per week) or b) at least 50 employees (excluding employees regularly working less than 20 hours per week), and at least 33% of the regular full-time workforce (excluding employees regularly working less than 20 hours per week).

- *Terminated/Laid off*

“Terminated/laid-off” refers only to involuntary discharge not for cause, and precludes enrollment of those individuals who were discharged for cause. Individuals may qualify as having been “laid off or terminated” when the cognizant Unemployment Insurance (UI) entity has adjudicated the case and determined that the quit was for good cause. In those instances where the applicant receives formal notification of monetary ineligibility for UI, the case manager may apply the rationale of “discharge not for cause” using information received from the employer regarding the individual’s separation.

- *General Announcement*

A verifiable form of communication from the employer, authorized representative or designee, informing the public or the employees of the business closure or substantial layoff which includes a planned closure date for the facility.

- *Self-Employed*

An individual who was self-employed (including but not limited to employment as a farmer, a rancher, or a fisherman) or was a contributing family member in a self-employment endeavor, but is unemployed due to business downturn or failure which occurred as a result of general economic conditions in the community in which the individual resides or because of natural disasters.

- *Governor’s Group*

Individuals laid off or terminated due to natural disaster or severe economic downturn, as defined and approved by the Governor or his designated representative.

- Guidelines for documentation and verification of program eligibility for adult, dislocated worker, and youth services

To limit the risk of disallowed costs incurred for service to ineligible individuals, each grant recipient will be required to develop standards, procedures and forms for verifying the eligibility of all participants enrolled in the WIA program. For eligible adults and dislocated workers, the Grant Recipient must develop procedures to document the receipt of minimum (core/intensive) services and the information used by the One Stop operator to arrive at a determination that additional (intensive/training) services are required to obtain or retain employment.

ADULT SERVICES

- *Age 18 or older
- *Selective Service Registration (§189(h))
- *Authorized to work in the United States
- *Documentation of minimum services (core/intensive) and determination that additional (intensive/training) services are needed to obtain employment, or employment that will lead to self-sufficiency for those participants who are employed
- *Employed adult seeking intensive/training services, who does not meet the criteria for self-sufficiency (family income exceeds 200% of poverty)

DISLOCATED WORKER SERVICES

- *Age 18 or older
- *Selective Service Registration (189(h))
- *Authorized to work in the United States
- *Specific eligibility sub-parts found in the definitions of dislocated worker

*Documentation of minimum services (core/intensive) and determination that additional (intensive/training) services are needed to obtain employment, or employment that will lead to self-sufficiency for those participants who are employed

*Reemployed dislocated worker seeking intensive/training services, who does not meet the criteria for self-sufficiency (family income exceeds 200% of poverty), OR, is reemployed in a permanent position that does not pay at least 90% of the qualifying layoff wage (whichever is higher).

YOUTH SERVICES

*Not less than 14 and not more than age 21

*Selective Service Registration if 18 years or older

*Authorized to work in the United States

*Low income individual as defined in the Act

*Is a member of one of the "eligible youth" categories identified in the Act

-OR-

*Is not low income but is a member of one of the "exception groups" identified in the Act (limited to 5% of enrollees or fewer as determined by IWB)

VII. Integration of One-Stop Service Delivery

Describe the actions the State has taken to ensure an integrated One-Stop service delivery system Statewide. (§§112(b)(14) and 121.)

- A. *What State policies and procedures are in place to ensure the quality of service delivery through One-Stop Centers such as development of minimum guidelines for operating comprehensive One-Stop Centers, competencies for One-Stop Career Center staff or development of a certification process for One-Stop Centers? (§112(b)(14).)*

Attachment 6 reflects major policies adopted to govern Idaho's One Stop system. These policies will continue to be in place during PY'05 until the Council has an opportunity to review them. In PY'-05, the Workforce Development Council will review these policies to adapt them to the modified statewide structure. The Governor is proposing that all Commerce and Labor offices serve as one stop centers in the state to increase services to business and workers and to extend access to a comprehensive set of services areas across the state.

- B. *What policies or guidance has the State issued to support maximum integration of service delivery through the One-Stop delivery system for both business customers and individual customers? (§112(b)(14))*

For PY'05, the state will utilize the attached policy adopted for One Stop referenced above. Attachment 6 reflects the minimum level of services required in the One Stop Center by each partner organization. The State Workforce Development Council will examine this policy in PY'05, utilizing the inventory of services in process, to determine whether changes to that policy would further services to customers. Governor Kempthorne's creation of Idaho Commerce and Labor, supports the Council's goals for aligning economic and workforce development services and implements that goal by ensuring access to a comprehensive range of workforce and economic development services in each of the 24 offices.

- C. *What actions has the State take to promote identifying One-Stop infrastructure costs and developing models or strategies for local use that support integration? (§112(b)(14).)*

The State has taken a number of steps to assist in the development of models for cost sharing. A model MOU/Cost Sharing guide was developed by One Stop Partners at the state level to encourage flexibility in cost sharing. This was modeled on the USDOL One Stop Financial Management Guide and was made available to local areas and partners developing MOUs. The state also hosted USDOL training for local workforce boards and partners. Finally, the state One Stop partners operated a pilot to determine alternatives for cost allocation for partners who participate in the Centers on an ad hoc or itinerant basis. A pilot model based on a share of participants to allocate costs of space and other "common" services resulted in a determination that costs were immaterial and did not require allocation. All partners who use the centers of the primary locations utilize standard cost allocation plans consistent with USDOL guidance.

- D. *How does the State use the funds reserved for Statewide activities pursuant to (§§129(b)(2)(B) and 134(a)(2)(B)(v).) to assist in the establishment and operation of One-Stop delivery systems? (§112(b)(14).)*

The State supports the MIS and Financial Management Systems utilized by the One Stop Centers. In addition, the statewide funds are used to augment the support of the Regional Labor Economists to ensure the presence of an economist in each region to

support business and individual customers. Finally, funds are reserved for training and technical assistance to one stop delivery staff. This includes a special contract with the Idaho Commission on Aging to advise on the special needs of older workers.

E. How does the State ensure the full spectrum of assets in the One-Stop delivery system support human capital solutions for businesses and individual customers broadly? (§112(b)(14).)

State policy ensures that information about the full complement of workforce information and services is available throughout the One Stop System. Because of our rural nature, many of our citizens live in remote areas. We have long relied on access through distributed access points in one stop and partner locations, extensive information and service access deployed through technology and an intensive training regime to ensure that front-line staff have the skills needed to connect customers to the appropriate services. This is backed by an on-going system that collects input on customer needs through forums, customer feedback mechanisms at service locations, and communication among service providers to identify opportunities and gaps. The state monitors at least one center in each region every year to test the availability of services and manages a customer satisfaction process to provide on-going feedback to the services that are provided. Projects to improve services are on-going both within partner organizations and through cross-agency teams such as those identified for the policy academy. These teams are currently focused on improved workforce information, creation of career clusters, development of common measures, identification of resources and service gaps and other projects that are aimed towards improving customer services for businesses and individual customers..

Some additional examples of how the state has ensured that the system supports human capital solutions are:

- Each of the one stop centers have been either remodeled or built new to create a business friendly environment. Modern electronic lobbies now provide access to all the resources available through the IdahoWorks electronic network. Each One Stop also offers a Business Resource Center with interview facilities and computer/copier/fax services available for employers' use.
- Major initiatives in staff training provided One Stop office staff with the opportunity to obtain national certification as Career Development Facilitators. As part of a major Business Relations Initiative, all One Stop staff are trained on various aspects of marketing One Stop services to business. This training has now been incorporated as a module in the CDF training.
- Technology is providing an increasing portfolio of customer services, including a new labor market information website, internet wage reporting and UI tax filing, and multiple options for listing job orders and receiving job applications. Internet web sites provide valuable information related to business workforce and economic development needs. Electronic job search available through the IdahoWorks system is making business needs visible to many more qualified applicants. Technology is providing more self-service options and this provided staff more time to offer customized service to business and job seekers.
- Each One Stop Office is actively reaching out to the local business community through participation in business oriented organizations and maintenance of a business advisory group to identify business service needs. The focus of Regional Labor Economists is being redirected to emphasize serving the specific labor market information needs of their local business communities as well as job seekers.

- The model for core business services at Idaho's One Stop Offices is based on the philosophy that business is the first customer, and services will be customized to whatever extent the customer requests.
- Upgrading technology, the systems and hardware, is an ongoing priority for the One Stop centers. Upgrading customer computers, enhancing front-end applications for customers as well as enhancements to staff's automation capabilities, on-line learning programs, and staff training that support professional certification are continuing.

VIII. Administration and Oversight of Local Workforce Investment System

A. Local Area Designations

1. *Identify the State's designated local workforce investment areas and the date of the most recent area designation, including whether the State is currently re-designating local areas pursuant to the end of the subsequent designation period. (§112(b)(5).)*

The State originally designated six workforce areas in December of 1998. One of these was entitled to mandatory temporary designation and five additional areas were designated under the Governor's authority for optional designation. No areas qualify for mandatory designation at this time allowing the Governor the opportunity to create efficiencies needed to accommodate the significant and continuing decline in funding. Governor Kempthorne announced his intent to allow the designations of all areas to expire with the expiration of the Five-Year plan and his desire to form a single statewide area. To accommodate regulatory barriers to his plan, the Governor has designated two areas which will form a consortium and function as a single statewide area under a plan for a regional statewide planning area until regulatory barriers can be removed.

The planned structure will be comprised of five former workforce areas and a special region designated as the east-central Idaho planning region. The eastern Idaho district will have the additional responsibility of fostering science and technology employment in conjunction with the Idaho National Laboratory and the state's educational institutions. That region's economy remains the beneficiary of a special \$30 million fund created in 1995 as part of Idaho's nuclear waste cleanup agreement with the federal government. See Attachment 7 for a map of the regions.

2. *Include a description of the process used to designate such areas. Describe how the State considered the extent to which such local areas are consistent with labor market areas: geographic areas served by local and intermediate education agencies, post-secondary education institutions and area vocational schools; and all other criteria identified in section 116(a)(1) in establishing area boundaries, to assure coordinated planning. Describe the State Board's role, including all recommendations made on local designation requests pursuant to section 116(a)(4). (§§112(b)(5) and 116(a)(1).)*

The state has a small population spread over a large geographic area. The state is generally organized into six substate planning areas for state programs and post-secondary educational service areas. Each area contains at least one SMSA and multiple K-12 districts. These planning areas will continue to be used for resource allocation and tracking to ensure equitable distribution of funds to all parts of the state, but adequate funds are not available in the six regions to independently and "effectively administer the activities carried out" under WIA Title IB.

The State announced Governor Kempthorne's intent to form a single state area on April 15th via conference calls to the Chair of the Local Elected Officials' organization in the current workforce areas and their WIB Chairs, Executive Director and WIB Director. On April 18th, a letter providing more information was sent to the same group of individuals. The Workforce Development Council (Council) was advised of the Governor's proposal at that time. The Council considered testimony and applications from the six workforce areas together with comments from the general public at their meeting on May 11th. The Council also considered the Governor's proposal for restructuring. At their meeting, the Council heard testimony that the local boards were valued in their communities and that funds could be raised to support them. After considerable discussion, the Council remained split but voted to move the recommendation for the Governor's proposal forward for the Governor's

consideration along with all other proposals and an evaluation of those proposals. The Council also voted to recommend to Governor Kempthorne that, if local funds were made available to fully support the cost of the WIB's and their staff, local elected officials be allowed to retain their local boards under the new structure.

After careful consideration of the issues presented, Governor Kempthorne designated two regions, the special eastern Idaho district known as region VI and the Balance of the State, for the life of the five-year plan. At the same time, the State will recognize the existing local WIBs in the substate regions and solicit their advice if local elected officials choose to maintain them using other state or local funds.

3. *Describe the appeals process used by the State to hear appeals of local area designations referred to in §§112 (b)(5) and 116(a)(5).*

Denial of Automatic or Temporary and Subsequent Designation

A unit of general local government or grant recipient may appeal the denial of a request for automatic or temporary and subsequent designation as a local workforce investment area under sections 116(a)(2) or 116(a)(3) of the Workforce Investment Act.

All such appeals shall be in writing and be filed within twenty (20) calendar days of the date the denial letter was mailed by the Governor or the Governor's designee. The appeal must include all factual and legal arguments as to why the appeal should be granted. The appeal shall be filed with the Chair of the State Council, Idaho Department of Commerce and Labor, Workforce Systems Bureau, 317 West Main Street, Boise, Idaho 83735. The Chair of the State Council, or the Chair's designee, shall promptly acknowledge receipt of the appeal.

The workforce areas designated in this plan will continue while the appeal is in progress and will be modified should the initial denial of designation be overturned.

(a) Appeal to the State Council

The appeal shall be deemed timely filed if it is received by the Chair of the State Council within the 20-day period, unless the appeal is filed by mail, in which case the official postmark affixed by the U. S. Postal Service shall be deemed to be the date of filing. Any appeal that is filed late shall be summarily dismissed.

The Chair of the State Council will select a hearing officer. The appeal shall be heard by the hearing officer not more than thirty (30) days after the appeal was filed. With the consent of the appealing party, the hearing may be held after the 30-day period, but in no case shall the hearing be conducted more than sixty (60) days after the appeal was filed.

The hearing officer shall inform the appellant of the date, time, and place of the hearing by written notice mailed at least ten (10) calendar days in advance. The appellant shall have the right to present testimony and documentary evidence, to offer evidence in rebuttal, to present oral argument and to be represented by legal counsel. All testimony received by the hearing officer shall be under oath or affirmation. If the appellant retains legal counsel, federal WIA funds cannot be used for remuneration.

An appellant must establish that it is entitled to either automatic or temporary and subsequent designation as a local area under sections 116(a)(2) or 116(a)(3) of the Workforce Investment Act.

Within fifteen (15) days of the hearing, the hearing officer shall issue a recommended decision, which shall include findings of fact, recommendations, and the basis therefore. That decision shall be mailed to the appealing party. The hearing officer shall file a copy of the recommended decision with the Chair of the State Council.

The recommended decision of the hearing officer shall be placed on the agenda of the next Council meeting for disposition; however, if no council meeting is scheduled within forty-five (45) days of the date the decision was issued, a special meeting of the Council, or a Committee designated by the Chair, shall be conducted within that 45-day period to accept, reject, or modify the hearing officer's recommended decision.

In its deliberations, the Council shall consider only the evidence presented to the hearing officer. The Council shall not receive or consider any evidence not presented to the hearing officer. The decision of the Council shall be reduced to writing and be mailed to the Governor and the appealing party. The decision must set out in summary fashion the Council's findings and conclusions. The Council may adopt, in whole or in part, the findings of fact, recommendations, and rationale of the hearing officer.

(b) Appeal to USDOL

If a timely appeal of the decision does not result in the requested designation, the unit of general local government or grant recipient may further appeal the designation decision to the U.S. Secretary of Labor within thirty (30) days after receipt of the Council's written decision. The appeal to the Secretary must be consistent with the requirements of the Workforce Investment Act. The Secretary, after receiving a request for review and upon determining that the entity was not accorded procedural rights under the appeal process established in the State Plan, or that the area meets the requirements of Section 116(a) paragraph (2) or (3), as appropriate, may require that the area be designated as a local area.

- B. *Local Workforce Investment Boards -- Identify the criteria the State has established to be used by the chief elected official(s) in the local areas for the appointment of local board members based on the requirements of section 117. (§§112(b)(6) and 117(b).)*

The certification package (Attachment 8) is included at this time and will be used, to the extent possible, to direct activities during PY'2005. Because local boards will no longer "administer" WIA funds, the Council will consider alternative structures proposed by local elected officials in those areas. A map of the two areas and the substate regions may be found in Attachment 7.

- C. *How will your State build the capacity of Local Boards to develop and manage high performing local workforce investment system? (§§111(d)(2) and 112(b)(14).)*

With the shift to a statewide structure, this will not be applicable effective July 1, 2005.

- D. *Local Planning Process -- Describe the State mandated requirements for local workforce areas' strategic planning. What assistance does the State provide to local areas to facilitate this process, (112(b)(2) and 20 CFR 661.350(a)(13).) including*
1. *What oversight of the local planning process is provided, including receipt and review of plans and negotiation of performance agreements? And*

The attached guidance was provided to local areas for the PY'05 planning year (see Attachment 9 for WIAB-08-04 and Attachment 10 for the Local Planning Guidance). The state asks for major modifications by April 1 in draft with final plans due May 15th. Minor

modifications are due June 1. One area has submitted a major modification for review at this time.

2. *How does the local plan approval process ensure that local plans are consistent with State performance goals and State strategic direction?*

The state workforce agency will review these plans for consistency with policy, regulation and this plan and notify the local area of their approval or need for change. In the case of major modifications, a recommendation will be considered by the council on the draft plan and state staff will review the final plan consistent with those recommendations before forwarding to the Governor. Minor modifications will be managed at the administrative level. Because Idaho is moving towards a single state area approach, all regions will be subject to the performance measures required of the state. Typically local plans are written after the state has established the policy framework. Because of the time frames for this planning process, most local policies had been established and procurement processes conducted before the state plan was published. Policies approved in this plan will take precedence over those in the local plans.

E. *Regional Planning (§§112(b)(2) and 116(c).)*

1. *Describe any intra-State or inter-State regions and their corresponding performance measures.*

Beginning with the planning cycle for PY'06, a single plan will be developed for the entire state covered by the Idaho Workforce Consortium in the statewide regional planning area. The purpose of this regional plan is to create efficiency and to allow for sharing of information and data across all substate regions, increasing the amount of funding available for services to customers and creating better alignment of workforce and economic development services. Because this is statewide, performance measures will be those negotiated with USDOL and reflected in Attachment 11.

2. *Include a discussion of the purpose of these designations and the activities (such as regional planning, information sharing and/or coordination activities) that will occur to help improve performance. For example, regional planning efforts could result in the sharing of labor market information or in the coordination of transportation and support services across the boundaries of local areas.*

The designation is for the purpose of creating efficiency and is done pending regulatory relief for the designation of a single state area. With limited funding, it is essential that the state identify every opportunity for eliminating duplication to maximize opportunities for our citizens and businesses. This also ensures better alignment of workforce services with economic development, community development and education services and will facilitate improved coordination of state funds to serve high priority groups of at-risk youth.

3. *For inter-State regions (if applicable), describe the roles of the respective Governors and State and local Boards.*

No inter-state regions are planned at this time.

F. *Allocation Formulas (112(b)(12).)*

1. *If applicable, describe the methods and factors (including weights assigned to each factor) your State will use to distribute funds to local areas for the 30% discretionary formula adult employment and training funds and youth funds pursuant to §§128(b)(3)(B) and 133(b)(3)(B).*

Substate Adult and Youth Allocations

The state will maintain existing policies to allocate funding to the substate planning regions. The State will not use alternative factors to allocate up to 30% percent of the funds to the local areas. All Adult and Youth program funds will be allocated using the three required factors of areas of substantial unemployment, excess unemployment and economically disadvantaged. The required factors that will be used are:

Adult Program:

1/3 of the funds allocated on the number of unemployed residing in areas of substantial unemployment (6.5% or higher unemployment)

1/3 of the funds allocated on excess unemployment (number of unemployed over 4.5%)

1/3 of the funds allocated on the number of economically disadvantaged adults

Youth Program:

1/3 of the funds allocated on the number of unemployed residing in areas of substantial unemployment (6.5% or higher unemployment)

1/3 of the funds allocated on excess unemployment (number of unemployed over 4.5%)

1/3 of the funds allocated on the number of economically disadvantaged youths

2. *Describe how the allocation methods and factors help ensure that funds are distributed equitably throughout the State and that there will be no significant shifts in funding levels to a local area on a year-to-year basis.*

To ensure that local areas experience no significant shifts, the hold-harmless provisions and stop-gain provisions defined under WIA are applied. Hold-harmless levels are based on 90% of an area's relative share of the previous two years of funding. Stop gain is based on 130% of the area's relative share of funding in the prior year.

3. *Describe the State's allocation formula for dislocated worker funds under §133(b)(2)(B).*

The State will allocate dislocated worker funding to the local areas based upon information that will include insured unemployment data, unemployment concentrations, plant closing and mass layoff data, declining industries data, farmer-rancher economic hardship data, and long-term unemployment data. No other informational factors will be used. The data to be used and the weights applied to each factor follow:

Weight	Factor
0.320	Average number unemployed
0.320	Average number unemployed over the state's rate
0.320	Number of UI claimants with 15 weeks claimed and 0 earnings
0.010	Number of workers from plant closures
0.010	Number of workers from Mass Layoffs expected to last 90 days or longer
0.010	Industry employment declines by annual average monthly employment
0.010	Number of FHA borrowers who are bankrupt or delinquent
1.000	Total

4. *Describe how the individuals and entities on the State Board were involved in the development of the methods and factors, and how the State consulted with chief elected officials in local areas throughout the State in determining such distribution.*

The state is not proposing changes to its allocation formula. The original formula was widely reviewed throughout the state, with substantial input of the local elected official organizations, their workforce investment boards and the public.

G. *Provider Selection Policies (§§112(b)(17)(A)(iii), 122, 134(d)(2)(F).)*

1. *Identify the policies and procedures, to be applied by local areas, for determining eligibility of local level training providers, how performance information will be used to determine continuing eligibility and the agency responsible for carrying out these activities.*

The Workforce Investment Act requires that the State and local boards approve training providers before WIA funds can be used to pay for occupational training. Current providers on the list were approved by local workforce boards and will remain on the state list subject to continued performance. With a change in structure, the Workforce Development Council will function as a local board for purposes of approving providers to be included on the list.

The state submitted a waiver from subsequent eligibility requirements to ensure a wide variety of training options would be available to enrollees. Idaho's education community, led by the State Board of Education, has established extensive reporting requirements and approval processes for all public programs. The implementation of WIA program requirements has helped to support and enhance these efforts whenever possible.

The goals for Idaho's Eligible Training Provider system are to maximize customer training options, improve customer information and comply with WIA requirements. Idaho created the Eligible Training Provider system in accordance with the following guiding principles, as it:

- Ensured that quality-training options were available for WIA participants on July 1, 2000, while setting the foundation for a training provider Consumer Report over the next several years.
- Developed the Eligible Training Provider system in close coordination with public and private training providers and the State Workforce Development Council.
- Focused the statewide system on training programs that led directly to occupations and/or careers.
- Maximized local services delivery options by excluding intensive services from the Eligible Training Provider requirements. Intensive services include such activities as basic skill training, training in quality practices, basic computer software training and general preparatory services.
- Built upon existing systems established by the State Board of Education and Idaho's Education agencies.

Implementation Strategy

The Workforce Investment Act defines two types of eligible training providers: those "initially" eligible to provide services during the first implementation year, and those "subsequently" eligible based on an annual review of performance and cost information.

A. State Policies for Initial Eligibility

The Department of Commerce and Labor will work closely with the State Workforce Development Council in encouraging training providers throughout the state to apply for initial eligibility. The Department and the Council have established the criteria for approving applications for initial eligibility. To have a program included on the list, the training providers will be required to list each training program and the training costs/fees. Training providers will also certify compliance with debarment and nondiscrimination policies. In addition, Idaho Code requires that all proprietary schools operating in the State of Idaho must register and hold a valid certificate of compliance issued by the State Board of Education. All applications for the Eligible Training Provider system must be submitted to the Idaho Department of Commerce and Labor, the Council's designee, for tentative approval. Those tentatively approved will be submitted to the State Workforce Development Council for formal approval of training providers for inclusion to the State Eligible Training Provider List (ETPL).

Training providers who qualify for automatic designation who submit the above information will be eligible for inclusion on the list. These providers include:

- a postsecondary educational institution that is eligible to receive Federal funds under title IV of the Higher Education Act of 1965 and provides a program that leads to an associate degree, baccalaureate degree, or certificate, or
- an entity that carries out programs under the Act commonly known as the National Apprenticeship Act

For those providers not covered by automatic designation and who may currently be providing training programs, the State determines the appropriate performance and program information requirements as well as appropriate performance expectations. An example of this would be out-of-state training providers, who are not on Idaho's Eligible Training Provider List, but are on their respective State's list of WIA eligible training providers.

The establishment of appropriate performance expectations requires a valid database on training provider outcomes. Currently in Idaho there is a lack of standardized verifiable outcome data on training programs and thus no valid database is available to establish appropriate statewide performance expectations. Due to the absence of a valid statewide database, the State has not established statewide performance levels. Rather the state Workforce Development Council will determine initial eligibility based on such factors as training content and costs. The Council, through its designee, will approve training programs that will contribute to their efforts to offer a wide range of quality services. In order to maximize opportunities for training provider participation, the Council will accept applications on an ongoing basis. The State believes that this approach maximizes the flexibility in approving initial providers and increases opportunities for participation of training providers. This approach helps to assure that as many training options as possible will be available for all WIA participants, while a valid training provider outcome database is being developed.

1. WIA Subsequent Eligibility Requirements

WIA states that a provider's initial eligibility period may last up to eighteen months. To maintain subsequent eligibility, all training providers will be required to submit program information and meet performance levels as listed in WIA 122 (d).

B. State Policies for Subsequent Eligibility

The WIA requirements for subsequent eligibility have proved more prescriptive and challenging to implement. Under WIA, States are allowed to use the initial eligibility process for Eligible Training Providers for eighteen months. After this period, States are

required to implement the subsequent eligibility requirements outlined in Section 122 (c) and (d) of the WIA legislation. These provisions require that training providers provide outcome data, not only on the WIA participants, but on all students that are served through their programs. However, the WIA subsequent eligibility requirements cannot be effectively or economically implemented in Idaho and pursuing this course would result in a dramatic reduction in the number of training providers that would be willing to participate in the WIA system.

USDOL waived the 18-month time limit on initial eligibility, extending this period through June 30, 2005. The state will request an extension until June 30, 2007. The extension of the initial eligibility period essentially provides temporary relief on the subsequent eligibility issues and ensures that our training activities and expenditures are in compliance with federal requirements.

The subsequent eligibility concerns are a national issue and are being reviewed as part of the WIA reauthorization process. We will continue to encourage flexibility for states in devising appropriate systems. In the interim, we will continue to utilize our current policies on initial eligibility to maintain our Eligible Training Provider List.

2. *Describe how the State solicited recommendations from local boards and training providers and interested members of the public, including representatives of business and labor organizations, in the development of these policies and procedures.*

The development of the Eligible Training Provider system required close coordination and extensive input from the employment and training community. At the state-level, the Department of Labor created an Eligible Training Provider Committee to assist in the development of the policies. The Committee included representatives from the Division of Professional-Technical Education, State Board of Education and the Idaho Career Information System. Staff from the Division of Professional-Technical Education assisted by providing information to the State's six postsecondary Technical colleges. During its initial development, the Department also worked closely with the local Idaho Works Boards in the development of the policies and application for statewide use. The state also sought policy input from the Idaho State AFL-CIO. These policies were available over the Internet for public review and comment. During the initial eligibility process, Idaho's goal is to maximize training provider participation. Inclusion on the initial list of eligible providers will help facilitate opportunities with those training providers for additional input in the development of the subsequent eligibility policies.

3. *How will the State maintain the State's eligible training provider list?*

Training providers will apply for participation in the WIA program through the state Workforce Development Council's designee, the Idaho Department of Commerce and Labor. To maximize opportunities for training provider participation, the Department will accept and review applications on an ongoing basis. The approved programs that have been reviewed by the Department will be consolidated in a statewide list and included in the Department of Commerce and Labor's website. The list will be updated as new providers are approved. Providers found to be lacking current information will be contacted and allowed an opportunity to update their training information. If there is no response to the request for program updates, the provider will be notified that they will be removed from the list if the Department does not receive any communication from them within 30 days.

4. *Describe the procedures the Governor has established for providers of training services to appeal a denial of eligibility by the local board or the designated State agency, a termination of eligibility or other action by the board or agency, or a denial of eligibility by*

a One-Stop operator. Such procedures must include the opportunity for a hearing and time limits to ensure prompt resolution.

As the State's Workforce Development Council's WIA designee, if the Department of Commerce and Labor determines that an eligible provider intentionally supplies inaccurate information during their eligibility determination process, the provider will be removed and terminated from the list for no less than two years. When Idaho is successful in developing appropriate performance expectations for training providers, those training providers who do not meet required performance levels will be removed and terminated from the Eligible Training Provider List.

All applications for the Eligible Training Provider system must be submitted to the Department of Commerce and Labor for tentative approval, with formal review and approval at the next Council meeting. The Department, as the Council's designee, will provide a written notice of determination of eligibility/ineligibility to the training provider within 60 calendar days of the receipt of the application. Notification will be sent by certified mail. The written notification will include the specific reason(s) for ineligibility, if applicable, and will inform the ineligible training provider of the appeal process.

Formal Hearing-Appeal

Within 14 calendar days after receipt of the Department's determination of ineligibility or termination, the training provider may file a written request to receive an appeal by formal hearing. A provider will have the option of presenting their case to a Hearing Officer or to the Performance Committee of the Workforce Development Council. An appeal overseen by a Hearing Officer will be scheduled within 90 calendar days from the receipt of the request for a hearing. An appeal overseen by the Performance Committee will be scheduled at the time of the next Workforce Development Council meeting, provided there is at least 14 days before the next meeting. The hearing shall include an opportunity for the applicant to submit written and verbal information to the presiding entity. The presiding entity will issue a decision within 60 calendar days from the date the hearing takes place. The decision of the presiding entity shall be final.

5. *Describe the competitive and non-competitive processes that will be used at the State level to award grants and contracts for activities under title I of WIA, including how potential bidders are being made aware of the availability of grants and contracts. (§112(b)(16).)*

With the functioning of the state as a single statewide planning area, WIA funds may be awarded to state agencies for delivery of local services without regard to competition based upon the recommendation by the Idaho Workforce Development Council. This is not intended to diminish competition; rather it is intended to allow the state to continue offering services as a primarily provider of WIA Adult, Youth and Dislocated Worker services.

In addition, competitive and noncompetitive processes used at the state level to award WIA grants and contracts will follow procedures established by the Idaho Department of Administration which are based on OMB Circular A102, except as stipulated in the attached agreement (Attachment 12), which was negotiated with that Department.

This agreement formed the basis for a *WIA Procurement Guide* that is now in effect and will remain valid until passage of the new legislation or if modification is deemed necessary.

This agreement allows the State to use alternative procedures, consistent with OMB Circular A102 as reflected in the WIA Procurement Guide for the purchase of program services at the state level.

As indicated above, state agencies will be allowed to purchase goods and services from other state agencies without competition.

Bidders are notified of fund availability through use of a bidders' list and through legal notices published in regional newspapers across the state.

6. *Identify the criteria to be used by local boards in awarding grants for youth activities, including criteria that the Governor and local boards will use to identify effective and ineffective youth activities and providers of such activities. (§112(b)(18)(B).)*

Upon the recommendation of the Idaho Workforce Development Council, Idaho Commerce and Labor and other state agencies may deliver youth services in the one stop system without regard to competition. This is not intended to limit opportunities for competition, only to accommodate the move towards a statewide regional planning structure. The criteria used to evaluate proposals for needed youth services vary according to the type of services and outcomes being procured. The State Workforce Development Council has established the following broad parameters to be used as the template by which proposals and programs are approved for funding and measured for success:

Youth proposals and programs will be judged according to the degree to which they offer youth:

- Services tailored to their individual needs;
- A variety of contextual educational options to attain skill competencies;
- Continuity of contact with caring, competent adults;
- A focus on work opportunities as a means to teach skills;
- Bona fide connections to employers;
- Leadership development opportunities;
- Positive peer support;
- Opportunities for postsecondary education;
- Positive social skill development;
- Availability of supportive services during and following participation over a sustained period of time;
- Opportunities for participants to be an integral part of program design;
- Services provided by qualified staff; and,
- A commitment to high levels of customer satisfaction and outcome goals appropriate to the population.

It is not intended that all of the criteria be used in every program. The Council encourages a sharp program outcome focus, coordination with other youth services, and innovative designs which might require tailoring the criteria to a specific program design.

In addition to using the common and WIA performance measures for youth, program effectiveness will be measured by criteria contained within the procurement document(s) and, if appropriate, past history/experience of the service provider.

- H. *One-Stop Policies (§112(D)(14).)*
 1. *How will the services provided by each of the required and optional One-Stop partners be coordinated and made available through the One-Stop system. Include*

how the State will consolidate Wagner-Peyser Act funds to avoid duplication of core services. (§112(b)(8)(A).)

To a large extent, the Act and Regulations were deemed adequate to set the original framework for the One Stop system. During PY'05, the Workforce Development Council will again review policies to determine if the following are adequate or if changes should be made to those policies. For activities conducted in PY'05, agreements for services were developed under the existing policy framework. A brief explanation of the policies follows:

- The LEO-IWB partnerships are encouraged to seek additional voluntary partners beyond those listed at 121(b)(1);
- Only those partners designated at 121(b)(1) will be deemed required partners;
- No additional services beyond those specified in the Act will be required, although additional service elements appearing in the existing system are encouraged to continue;
- Required One Stop partners must make their applicable core services available and provide access to other services in at least one physical One Stop Center within each workforce region;
- Required partners may utilize any authorized methodology contained in the WIA to deliver core services in the One Stop Center provided that it is
 - Consistent with the WIA and the authorizing legislation;
 - Does not require the partner to travel to another location; and
 - Meets minimum standards of accessibility as defined in WIA §188(a)(1);
- Partners are encouraged to offer access to services by ensuring awareness of system services at all points of entry;
- Partners are encouraged to become Affiliates by entering into MOUs and maintaining access to the Idaho Works systems, offering assisted service to those who require it and maintaining current and accurate information for access through the Idaho Works information system.

To avoid duplication of Wagner-Peyser services, Idaho Commerce and Labor has relied on a strategy of automating services to make them widely available at all points of service access. Throughout the system, businesses, consumers and partner organizations can access the labor exchange and workforce information services via the Internet. By bringing the services to customers at any location, partners are able to take advantage of these services at their service sites as well. A special emphasis has been made to use Wagner-Peyser as the primary provider of core services in one stop centers housed in Commerce and Labor facilities.

2. *Describe how the State helps local areas identify areas needing improvement and how technical assistance will be provided.*

Extensive technical assistance and strategies to identify improvement areas have been implemented to assist in supporting the One Stop system in Idaho. Many of these activities were identified by state and local partners as priorities for improving service delivery among One Stop partner programs. Partners at both the state and local level have agreed in the cooperative agreements and memoranda of understanding to engage in a regular system of program review and continuous improvement to identify specific areas needing further attention. One of the top priorities for PY'05 is to expand the capacity of the One Stop Centers to offer a broader range of business services, including the full range of economic development and community development services.

The technical assistance activities listed below are intended to further integrate services among partners in the One Stop system.

- With the move towards a statewide planning region, the State is committed to continue funding the ongoing operating costs and enhancements of a financial and management information system. This system provides a platform for further integration of systems beyond the Idaho Commerce and Labor's family of programs and assures consistency among the service areas.
- The State operates a quarterly continuous improvement process that utilizes a set of interim indicators and other data available on the MIS to identify areas needing attention to ensure achievement of goals. The WIA Management Information System (MIS) is a proactive tool that, in addition to identifying conflicting and missing data as a means to increase performance in meeting goals, also has the ability to produce numerous reports. The reports generate data that provide participant activity, demographic, exit, and customer satisfaction data. Additionally, reports are generated to provide outcome information to assist with interim measures – or data collected at participant exit. Financial reports are available as well. The data generated by these reports are a means to identify specific areas for improvement at all system levels, i.e. provider, local, and state.
- The State also will set aside funding each year to offer direct assistance to the One Stop system. This funding will be used to support operating costs of the WIA Internet website and provide software enhancements to improve customer access to services and information through the Idaho Works system and other system building needs identified at the local level.
- Funding will be set aside on an annual basis to finance capacity building using contracts with consultants, training conferences or other methods identified at the State and local level. A portion of these funds will be directed to the One Stop system and may be used for frontline and administrative staff.
- The State has entered into an agreement with Idaho Commission on Aging (ICOA) to assist with identifying strategies to increase older worker service levels at the local level. ICOA's provision of technical assistance with the One Stop system ensures that employment and training services are provided to low-income level older worker populations.
- Areas needing improvement are also identified during the monitoring process, as outlined in paragraph I. below. State staff utilize this opportunity to provide technical assistance as appropriate.
- The State maintains training programs for local service delivery staff. Instruction is provided for Career Development Facilitators (CDF), software, and program-specific technical training is provided as needed. Training is routinely open to partner agency staff as well. Idaho Commerce and Labor has several major training initiatives that help to ensure continuous improvement in the quality of services provided. These initiatives include:
 - Career Development Facilitators (CDF) program. This program provides for professional development for Idaho Commerce and Labor staff with nationally recognized training as Career Development Facilitators. This training was designed for staff to acquire knowledge developed by the National Career Development Association, the professional association for career development in the United States. All Idaho Commerce and Labor local office staff participate in this training program.
 - Management development has also been a focus for delivering quality customer service over the long term. Similar to many other organizations, Commerce and Labor is faced with the prospect of large numbers of senior manager retirements over the next few years. As a proactive measure, departmental representatives participated in a state team that developed a

program for Certified Public Managers. The program is operated by the Division of Human Resources but is used extensively by the Department to support its development of a cadre of trained managers.

- o Capitalizing on the Department's technological expertise, the use of on-line learning is prevalent and growing across the agency. Given the large distances between the many local offices across the state, the traditional "gather together in a central place for training" approach is a financially unsupportable model for providing the constant flow of training opportunities needed to serve the needs of new staff, programs, and technology. During the past two years, Idaho Commerce and Labor has dedicated significant resources toward developing a library of on-line learning modules that are available to staff via the internet at any time. Several of the modules are targeted to new staff and sometimes serve as pre-requisite courses before attendance at planned instructor-lead training. As a means to keep the training as interactive as possible, the agency is experimenting with combining on-line training with instructor and/or group interaction through its Web Meeting Technologies. More traditional face-to-face group training is also supported through maintenance of five high tech learning labs in the largest local offices in five regions of the state.
- o A Learning Management System is currently under development and will be used to help plan, coordinate and track the training experiences of staff across the Department.
- o As a result of the recent merger of the Department of Commerce and the Department of Labor, "Idaho Commerce and Labor" is revising all its current marketing messages, brochures and documents to reflect the expanded mission and services. A new agency website and homepage has been created to present the agency mission - "We create jobs, strengthen communities, and market Idaho" - and to provide customer support through expanded links to the many program-oriented web pages that were maintained previously by the two agencies. Considerable time and effort has been spent revising menus and creating links to provide connections to both economic and workforce development resources when appropriate. Several websites were maintained by the two agencies and work continues to integrate them.

3. *Identify any additional State mandated One-Stop partners (such as TANF or Food Stamp Employment and Training) and how their programs and services are integrated into the One-Stop Career Centers.*

No additional partners have been mandated.

i. *Oversight/Monitoring Process -- Describe the monitoring and oversight criteria and procedures the State utilizes to move the system toward the State's vision and achieve the goals identified above, such as the use of mystery shoppers, performance agreements. (§112(b)(14)).*

The Workforce Development Council maintains a standing Performance Committee to oversee the workforce development system and assess progress towards its goals. As part of this process, the Council has directed staff to develop a system of integrated measures to test performance on a regular basis. Staff of the workforce agencies collaborate to implement Council goals and routinely report on progress.

At the operational level, the state utilizes monitoring to identify issues needing attention and to provide technical assistance. A quarterly continuous improvement process measures achievement of goals, identifies issues that require attention from the service

provider or the state and provides the foundation for our routine monitoring and technical assistance activities.

The state ensures that procedures are in place to monitor compliance with the Act, regulations, and state policies. At a minimum, such procedures shall comply with the following monitoring requirements for internal and subrecipient activities:

- Subagreements reviewed. Annual monitoring reviews shall be performed on all subagreements of \$75,000 or more. Subagreements under \$75,000 shall be monitored at a level equal to 20% of the funds awarded in the category. A minimum of fifteen percent of WIA-funded work/training sites active at the time of the review scheduling shall be monitored.
- Items reviewed. Compliance monitoring of subagreements shall include reviews of compliance with the Act and Regulations, and where applicable, performance under the One Stop MOU, financial management systems, procurement procedures, program management procedures, record keeping procedures, participant activities and treatment, performance of agreement terms, corrective action and continuous improvement processes and eligibility verification processes.

J. *Grievance Procedures. (§§122(g) and 181(cc).) Attach a copy of the State's grievance procedures for participants and other affected parties (including service providers.)*

The Grievance Procedures are included as Attachment 13.

K. *Describe the following State policies or procedures that have been developed to facilitate effective local workforce investment systems (§§112(b)(17)(A) and 112 (b)(2).*

To ensure a continuum of service delivery during the PY05 transition year, the Workforce Development Council will recognize the participant eligibility definitions and the One Stop Operators designated by local boards under the policies reflected in this section. As the Workforce Development Council moves toward a single state system and a broader One Stop vision, these policies will be reviewed and possibly modified for PY06. The State Agency will make every reasonable effort to honor program decisions made by local workforce boards for PY'05. Contracts for services of the Regional One Stop Operator will be negotiated by state staff.

1. *State guidelines for the selection of One-Stop providers by local boards;*

The following criteria were used by local boards to selected One Stop Operators. With one exception, the same operator has been in place since the implementation of WIA offering continuity of services.

One Stop Operators may be designated through (a.) a competitive process, (b.) through designation of a consortium or (c.) through the grandfathering of an eligible existing system.

- a. Competitive processes used to select One Stop Operators must follow local procurement policies and those established by the State.
- b. The following process for designation of an Operator under the consortium option shall be used:
 - (1) The local Workforce Investment Board may consider a request submitted by a consortium of three or more required One Stop Partners for designation as a One Stop Operator without regard to competition;
 - (2) The local Workforce Investment Board will provide notice to the public for a period of thirty days (30) prior to designation if it intends to designate the consortium as the Operator;

- (3) The local Workforce Investment Board will designate the consortium, not its individual members, as the One Stop Operator after:
 - (a) Considering and acting upon comments received from the public and other eligible applicants for services;
 - (b) Negotiating a Memorandum of Understanding (MOU) with all required One Stop Partners and the entity(ies) being designated to provide services consistent with the scope and intent of WIA §134 of the WIA; or
 - (c) If the local Workforce Investment Board has reached an impasse in the negotiations with any required partner, submitting a request to the Governor for intervention; after considering comments from the public and any other interested eligible applicants in the local area;
- (4) The designation of a consortium as a One Stop Operator will not preclude the local Workforce Investment Board from designating or certifying other entities as One Stop Operators for other center(s), provided that is consistent with the MOU negotiated with the partner organizations; and
- (5) The local Workforce Investment Board will enter into an agreement with the consortium specifying the role of the Operator and its responsibilities under the WIA, including its adherence to the MOU with the partner organizations.

C. The Governor will approve a request to “grandfather” an existing system under the following conditions:

- (1) A request for certification has been submitted by an entity or consortium of entities who were certified to operate an Idaho Works Career Center prior to August 7, 1998, or
- (2) In those cases where an entity within the consortium is precluded from participation or is no longer available to provide One Stop services, the remaining members of the existing consortium have submitted such a request;
- (3) The local Workforce Investment Board and the local elected officials have publicly announced their intent to designate the existing entity as the One Stop Operator, and for a period of no less than thirty (30) days, have provided the public and other eligible entities in the local area an opportunity to comment on the designation;
- (4) The local Workforce Investment Board and the local elected officials have agreed to designate the entity as the Operator after:
 - (a) Considering and acting upon comments received from the public and other eligible applicants for services;
 - (b) Negotiating an MOU with all required One Stop Partners and the entity(ies) being designated to provide services consistent with the scope and intent of WIA §134 of the WIA; or
 - (c) If the local Workforce Investment Board has reached an impasse in the negotiations with any required partner, submitting a request to the Governor for intervention; and
 - (d) The local Workforce Investment Board and the local elected officials have submitted such request, together with any comments received and a summary of action taken on those comments, to the Workforce Development Council. The Workforce Development Council will make a recommendation on the request to the Governor.

2. *Procedures to resolve impasse situations at the local level in developing memoranda of understanding (MOUs) to ensure full participation of all required partners in the One-Stop delivery system;*

The following procedures for resolving an impasse between a local Workforce Investment Board and the local One Stop Partner shall be employed:

The local Workforce Investment Board and the local One Stop Partner will attempt to resolve their differences by informal means before employing the formal resolution process.

- a. The Local Workforce Investment Board and local partner will document their efforts at negotiation and request the assistance of the appropriate state agency(ies) in an effort to resolve the impasse situation.
- b. The state agency(ies) may contact their federal partners for assistance upon the agreement of all parties involved.

If negotiations cannot be resumed successfully through this negotiation process, the parties to the negotiation will present the issue to the Workforce Development Council, which will attempt to mediate the dispute and assist the parties in arriving at a resolution.

If the Council is able to negotiate a successful resolution, the Council will report the results to the Governor and the responsible state agency(ies).

If the Workforce Development Council is unable to facilitate a successful resolution to the impasse, the parties to the agreement will notify the Governor, the Department of Labor and the state agency responsible for administering the partner's program.

The responsible state agencies will report the situation to the Secretary of Labor and the head of any other Federal agency with responsibility for oversight of a partner's program.

Sanctions will be imposed on the board and/or the partner program as specified in section 662.310 of the regulations.

3. *Criteria by which the State will determine if local Boards can run programs in-house;*

In accordance with Council policy, the six former IdahoWorks Boards and their staff were prohibited from serving as one stop operators and from delivering core, intensive and training services.

Local Idaho Works Boards may not provide training services without a waiver from the Governor.

The Governor will apply the statutory limitations on the provision of training services by local boards identified in WIA§117(f) without additional state criteria and will approve waiver requests if:

1. the waiver request substantiates the absence of other alternatives for providing the proposed training;
2. the local board meets the State's criteria for being considered an eligible provider of training services;
3. the proposed training program is for an occupation in demand locally; and
4. no compelling evidence is received during the public review required in WIA §117 that the waiver request should not be approved.

4. *Performance information that on-the-job training and customized training providers must provide;*

The State will not establish additional performance requirements for customized training and on-the-job training activities, nor will the State establish any exemptions

for customized training and on-the job training. Service providers involved in these activities will collect the demographics, participation, exit and follow-up data in the same manner as required for all other WIA activities and will be accountable to the WIA performance measures.

5. *Reallocation policies*

It is the State's policy to recapture from local areas, all unexpended Youth and Adult program funds after the second year and the unobligated amount that exceeds 25% of funds allocated during the immediately preceding year (along with the corresponding 10% administrative funds), with adjustments for any allowable transfer between funding streams. Reallocations will be made to areas that have expended 100% of the prior (year two) year's allocation and exceeded the 75% obligational requirement for the year one funding. Reallocations will be made to each eligible local area, with the amount based on the relative amount allocated to such area for that funding stream for the prior program year, as compared to the total amount allocated to all eligible local areas in the state.

It is the State's policy to recapture 100% of all unexpended State 15% funds, and 25% Dislocated Worker discretionary program funds that were allocated to the local area, along with the corresponding 10% administrative funds, for the preceding year at closeout.

6. *State policies for approving local requests for authority to transfer funds (not to exceed 20%) between the Adult and Dislocated Worker funding streams at the local level;*

The Governor will approve plans from a local board to transfer up to 20% of a program year's allocation between the adult and dislocated worker programs.

7. *Policies related to displaced homemakers, nontraditional training for low-income individuals, older workers, low-income individuals, disabled individuals and others with multiple barriers to employment and training;*

Idaho's service delivery model is one which identifies individuals in core services who possess barriers to employment, including those with multiple barriers, and requires referral to appropriate programs for further assessment and service as appropriate. As indicated below, special consideration is given to a number of groups identified as possessing special barriers.

While no additional barrier groups have been identified at the state level for WIA services, all applicants for WIA services are required to receive an appropriate service or a value added referral to an appropriate service provider in the community. WIA continues the practice of providing service to those most in need who can benefit, which will give priority to those qualified individuals with multiple barriers.

Since the implementation of WIA, Idaho's Workforce Development Council has included "displaced homemakers" as an eligibility group qualified to receive dislocated worker core, intensive and training services on a statewide basis.

The Council has earmarked State 15% funds for the State's Area Agency on Aging to assist adult providers with intake and case management processes as well as coordination of services with other older worker programs, to ensure meaningful and successful delivery of services to older workers.

Persons with disabilities are given special consideration for labor exchange services and are treated as a family of one in determining income for WIA, giving them an additional opportunity for participation in intensive and training services. State policy requires that all partner programs provide services in the one stop centers in a manner that meets requirements of section 188 affording programmatic and physical access to services. Incentive grant funds were used to provide special disability workstations in all Commerce and Labor one stop and affiliate locations, ensuring that those with multiple disabilities could access the wide range of on-line services. The WIA portal on the Commerce and Labor Home Page provides technical assistance resources to assist our workforce professionals in providing services to persons with disabilities.

Local boards were given the opportunity to analyze the customer need in relation to resource availability, in order to determine whether there are sufficient funds available in the local area to serve all adults appropriate for intensive and training services. The state has determined that sufficient TAFI (TANF) funds exist statewide to serve public assistance recipients. Local areas are relieved of the requirement of providing priority to this population. Unless adequate demonstration is provided by local boards that sufficient funds are available in the local area to serve all appropriate adults, local boards will be required to describe in their plans the procedures that will be used to ensure that priority for intensive and training services is given to low income groups other than public assistance recipients.

All local plans identify demographic groups' incidence of the population in their labor markets and delineate specific activities to ensure access to all services. Unique service levels and activities are reflected in service provider agreements. Idaho's workforce system, its advances in automation and plans to increase the partners and locations of One Stops, brings greater accessibility to all potential customers particularly those with multiple barriers.

8. *If you did not delegate this responsibility to local boards, provide your State's definition regarding the sixth youth eligibility criterion at section 101(13)(C)(iv) ("an individual who requires additional assistance to complete an educational program, or to secure and hold employment"). (§§ 112(b)(18)(A) and 20 CFR 664.210.)*

The State has delegated this responsibility to local boards, who have defined "an individual who requires additional assistance to complete an educational program or to secure and hold employment". The local definitions will be used for PY'05 and will be re-examined by the Workforce Development Council for PY'06.

IX. *Service Delivery*

Describe the approaches the State will use to provide direction and support to local Boards and the One-Stop Career Center delivery system on the strategic priorities to guide investments, structure business engagement, and inform service delivery approaches for all customers. (§112(b)(17)(A).) Activities could include:

A. *One-Stop Service Delivery Strategies: (§§112(b)(2) and 111(d)(2).)*

1. *How will the services provided by each of the required and optional One-Stop partners be coordinated and made available through the One-Stop system? (§112(b)(8)(A).)*

State partners have entered into a cooperative agreement to assist the local service delivery system in the delivery of coordinated services. Each of these entities also identified their "applicable core services" and identified their "preferred" method of service delivery. These are included as Attachments 14 and 15. The purpose of these documents was to identify for the IdahoWork Boards and local counterparts the minimum level of services that could be expected in the One Stop system from partner organizations.

The remaining partners listed at WIA §121 have participated via the local IWBs and the more informal planning committees established by those boards. Native American grantees, Job Corps, HUD and VR client advocacy programs are required to sit on local boards in areas where they have a physical presence and enter into MOUs articulating how they will offer their applicable core services in the One Stop system in a manner that is consistent with state policy. During PY'05, the state will explore options for renegotiating MOUs with these partner groups.

While state programs funded by the USDOL have agreed to a physical presence in the One Stop Centers, the preferred methodology selected by most partners is an electronic rather than a physical presence. State policy requires those identified as mandatory partners in WIA §121 to offer their services via a physical presence in the Center if all of their applicable core services cannot be delivered electronically or if it is required to meet the non-discrimination provisions of WIA §188. Each of these partners has been encouraged and is expected to continue offering services via the affiliate network so that this expansive information and referral network can carry forward. The *Idaho Works* home page discussed throughout this plan is the mechanism that will be used to provide eligibility, program and referral information for all partner programs in the One Stop system. The MOUs developed in each workforce area describe the specific processes for referring customers among partner programs.

A summary by organization follows.

- Department of Commerce and Labor – The Idaho Department of Commerce and Labor has fully committed to the development of the One Stop system in Idaho and will offer all of its programs through the system. These include Wagner-Peyser, Unemployment Insurance, Trade Adjustment Assistance, Jobs for Veterans (formerly LVER/DVOP) and employment and training assistance, and a host of cost reimbursable grants including WOTC and W2W Tax Credits, LMI, H2A, and other special grants as well as a state funded training program.

The WIA Title I funding stream is also under the administrative arm of the Idaho Commerce and Labor and the local offices are recipients of WIA funds in the local area. The Idaho Commerce and Labor has been named as the One Stop Operator as a sole provider or as part of a consortium of operators in all six workforce regions.

Five Commerce and Labor offices in Idaho's major cities have served as the State's One Stop Centers, while the remaining nineteen offices have served as Affiliate sites offering the full range of USDOL funded services. The Governor is proposing that all remaining Idaho Commerce and Labor offices be transformed into full service Centers during PY'2005.

An extremely successful partnership was developed with senior programs operated by the Idaho Commission on Aging and WIA programs. The Department of Labor, Idaho Commission on Aging and local Private Industry Councils took the lead in expanding partnerships and in moving towards greater co-location of staff. These relationships continued under the WIA, largely as a result of advocacy and nurturing by the Commission on Aging.

The Department of Commerce and Labor has utilized Wagner-Peyser funds to operate the state's primary labor exchange for a number of years. While partners often do their own job development, the Wagner-Peyser Employment Service System has been a referral point for all work ready participants about to exit program services. One Stop funds were used to make job registration and job listing services more accessible to partners and their clients. Now, customers can utilize this service at any partner location or over the Internet. This assures broad use of the system by all partners and eliminates the need to create alternative systems. The labor exchange self-registration and job search systems are being made available to all partners and will not be duplicated.

- Department of Health and Welfare – This agency oversees a wide range of programs geared towards assisting families achieve self-sufficiency. While only the CDBG program is mandatory, the DHW plans to provide access to information about its other services offered under TANF, Food Stamps E&T and the Child Care Assistance program. Information and applications for services will be available via the Idaho Works Home Page. Brochures will also be made available.
- State Superintendent of Public Instruction – The Department of Education oversees the State's ABE program. Services are generally contracted to the States six postsecondary schools and community colleges. The ABE program will entertain a wide range of options for delivering ABE through the One Stop system. ABE will also make the Idaho Works System available to their customers and have incorporated a curriculum that includes training students on the use of the system to find work and job training assistance.
- Division of Professional-Technical Education – The Division has been a long time partner with Department of Commerce and Labor workforce programs. In Idaho, the Carl Perkins funds are typically not used to fund programs and are therefore not subject to participation requirements for required partners in the One Stop system. However, the Division and local education institutions are continuing to participate in joint efforts at both the state and local levels. Local educational institutions will serve as host sites for the Idaho Works system to bring information and services to the campus. Naturally, we expect the public education system to remain a primary provider of education services in the state.
- Division of Vocational Rehabilitation – The Division has indicated its preference for delivering services in an electronic format in the One Stop Centers and has pledged

to make personal services available on a scheduled basis if that is preferred by the customers. They intend to develop an electronic application form for those seeking services. The Division also has Idaho Works computers available for customers who will access services at its primary location. State and local staffs have participated in One Stop system design efforts and will continue to do so under the WIA. The Division has offered to provide partner agencies information on ADA and assist in addressing accommodation issues.

- Idaho Commission for the Blind and Visually Impaired – The ICBVI also has indicated a preference for an electronic presence in the One Stop Centers and has committed to make staff available in the Center on an appointment basis to meet a customer request. The ICBVI frequently takes its services to its customers. They have pledged to make the Idaho Works system available to customers and to assist them with its use during visitations. The ICBVI has been a long time One Stop partner and has been very helpful in assuring that the Internet Idaho Works version is capable of being read by “voice”.
- Idaho Migrant Council – The IMC, the recipient of the Title I MSFW grant, is the only private non-profit serving on the state partners’ group. As indicated on the charts, the IMC has entertained a wide range of options for coordinating services in the One Stop Centers. The IMC has also pledged to serve as an Affiliate site, bringing the services on the Idaho Works system to its MSFW customers.
- Local level programs – Native American Programs are sovereign entities that negotiate independently of each other when determining their role in the WIA. Client Assistance Programs, HUD employment and Training and Job Corps services are offered at the local level and do not have a state level presence. These programs are represented on IWBs and One Stop committees or planning groups in the locales where they have a physical presence. Their level of participation will be determined by the MOU but must meet state standards for required partners. Other voluntary organizations participate locally at the option of the IWB/LEO partnership. Because the participation of these entities is negotiated locally, their core services have not been included in Attachments 14 and 15.

2. *How are youth formula programs funded under (§128(b)(2)(A).) integrated in the One-Stop system?*

WIA youth services are delivered through the one stop system, with all ten elements often provided by the One Stop Operator consortia. Access to services for youth providers outside the one stop center is made available by including a list of youth providers on the WIA portal that is linked to the description of youth services available in the state. Youth providers and one stop operators are well aware of the service offerings of their partner organizations. Routine referrals are made between providers of these services and co-enrollments between one stop and other youth service providers are not uncommon.

3. *What minimum service delivery requirements does the State mandate in a comprehensive One-Stop Centers or an affiliate site?*

The minimum service requirements are contained in the State’s One Stop Policy included as Attachment 6 and articulated in Section VI.C. and Section VIII H. of this plan.

4. *What tools and products has the State developed to support service delivery in all One-Stop Centers Statewide?*
 - a. Due to the large geographic size of the State and its rural nature, Idaho has continued to develop the *IdahoWorks* internet system as a major tool in its efforts to support service delivery through the One Stop Centers. Technology is providing an increasing portfolio of customer services, including a new labor market information website, internet wage reporting and UI tax filing, and multiple options for listing job orders and receiving job applications. Internet web sites are providing redesigned labor market and economic development information for business and job seeker needs. Electronic job search available through the *IdahoWorks* system is making business needs visible to many more qualified applicants. Technology is providing more self-service options, freeing staff time to offer customized service to business and job seekers.
 - b. Major initiatives in staff training provide One Stop office staff with the opportunity to obtain national certification as Career Development Facilitators. Aspiring managers are offered access to management development training leading to becoming Certified Public Managers. As part of a major Business Relations Initiative, a training package for all One Stop staff has been developed on various aspects of marketing One Stop services to business. Staff training is also planned in the full range of economic and community development services to ensure capacity of local one stop staff to connect business customers to these services.
 - c. Idaho's newly designed Labor Market Information (iLMI) website helps businesses make decisions applying a variety of data such as availability of skilled workers, pay and benefits by occupations, economic profile of the state and counties, area demographics, industry growth and composition, and number of workers by occupation. iLMI also offers job seekers online tools to format and save their own customized labor market data using local, regional, state or national information. Customers and partners are using new customer feedback processes to drive future website updates.
 - d. The *IdahoWorks* brand is used for statewide marketing of the system. Logos, brochures and websites have been developed to inform citizens of the wide array of services available through Idaho's workforce, economic development and education service providers.
 - e. A combination of state and federal funds have been used to upgrade facilities statewide to ensure that all planned Idaho Commerce and Labor one stop facilities are accessible to a universal population of individuals and businesses. These facilities are professional in appearance, include a wide range of workforce, economic development and education materials made available by state agencies and have specialized facilities for workshops and business recruitment.
5. *What models/templates/approaches does the State recommend and/or mandate for service delivery in the One-Stop Centers? For example, do all One-Stop Centers have a uniform method of organizing their service delivery to business customers? Is there a common individual assessment process utilized in every One-Stop Center? Are all One-Stop Centers required to have a resource center that is open to anyone?*

The one stop policy framework describes how services will be offered, what services must be offered and how services must be made available. The following can be found at any one stop center across the state.

- All one stop centers have electronic lobbies with access to the full array of services on IdahoWorks and partner websites.
- All centers are fully accessible and include computers that can be adapted to a variety of disabilities, resources in English and Spanish with access to interpreters where needed, TTY lines and services for both individuals and businesses.
- All one stop centers are staffed by highly qualified individuals who have been certified as Career Development Facilitators.
- All one stop centers have resource rooms targeted to individual and business customers.
- The centers have relied on the array of assessment instruments recommended by Idaho Commerce and Labor to assess customer needs.
- All centers are either new or remodeled and offer a highly professional appearance pleasing to both individual and business customers.

Even with this standardization, a key feature of the system is that services are tailored to the communities where they are placed and the individuals and businesses they serve. This is accomplished through the participation of center managers and staff in their local chambers, economic development groups, and education and community organizations serving special populations. Each center also maintains a business advisory group to provide employer identified education services and advice on service offerings within the center.

B. *Workforce Information – A fundamental component of a demand-driven workforce investment system is the integration and application of the best available State and local workforce information including, but not limited to, economic data, labor market information, census data, private sources of workforce information produced by trade associations and others, educational data, job vacancy surveys, transactional data from job boards, and information obtained directly from businesses. (§§111(d)(8), 112(b)(1), and 134(d)(2)(E).)*

1. *Describe how the State will integrate workforce information into its planning and decision making at the State and local level, including State and local Boards, One-Stop operations, and case manager guidance.*

Idaho Commerce and Labor's Communications and Research Division provides a central location for labor market information (LMI) that is used by One-Stop Business Centers as well as other economic development organizations, educational institutions, government agencies, etc.

The State of Idaho provides a comprehensive labor market information (LMI) system for the state. The Department of Commerce and Labor, Idaho SOICC, Division of Financial Management, Division of Professional-Technical Education, Department of Education, and the State Board of Higher Education are the primary producers of LMI products and services.

Idaho participates in all of the BLS Federal/State Cooperative Agreement statistical programs. ETA One-Stop funds have been used to create LMI delivery systems through traditional printed materials, customer computerized self-service stations in One-Stop Centers and Affiliates, the Internet, and participation in national efforts such as America's Job Bank and Career Network. The state's Census Data Center has Affiliate centers in the state's universities. The Division of Financial Management

prepares annual economic projections, as does the Department of Commerce and Labor.

The LMI includes data developed by the Idaho Department of Commerce and Labor, Communications and Research Division, in cooperation with the BLS, U.S. Bureau of the Census, Bureau of Economic Analysis, and data from any other source that would provide information on Idaho's labor market. The data is compiled and made available to its many users.

The Department has six Regional Labor Market Economists stationed in the major cities. These analysts meet regularly with local employers, schools, economic development agencies, and government officials.

The Department of Commerce and Labor has developed, in a consortium with twenty-one other states, a computerized system for the delivery of employment statistics: *iLMI*. This application runs on the ALMIS Database and is delivered via client-server connectivity to all Idaho Works (One-Stop) customer service stations. It also serves as a data warehouse for service staff, analysts, and program planners.

The usage numbers attest to the popularity of *iLMI*:

<i>iLMI USE - PY03</i>		
Month	Visits	Hits
July 03	6,707	63,566
Aug 03	5,516	85,339
Sept 03	7,193	182,727
Oct 03	8,055	18,020
Nov 03	9,874	83,000
Dec 03	9,802	77,292
Jan 04	12,441	113,655
Feb 04	11,205	106,379
Mar 04	13,167	141,584
Apr 04	11,886	109,623
May 04	11,238	104,282
June 04	10,441	99,359
Total	PY	
2003	117,525	1,184,826

Data produced in Idaho's economic statistics system usually includes county specific information. However, sparse populations and disclosure limitations often affect the level of detail that can be delivered at this geographic level. Idaho continues to survey employers to seek permission to disclose identifying information and employers with about 60 percent of the state's employment have provided this permission.

2. *Describe the approach the State will use to disseminate accurate and timely workforce information to businesses, job seekers, and employment counselors, in easy to use formats that are readily accessible within One-Stop Career Centers and at remote locations such as libraries, schools, worksites, and at home.*

The variety of LMI customers knows no limit. We know that our customers include people both from the public and the private sectors, students, job seekers, and the media. They are the Legislature, schools, CIS, planners, employers, job seekers, and all other end users. Local government agencies, politicians, and the media are some of the most frequent repeat customers of LMI.

Idaho Commerce and Labor's Communications and Research Division/LMI website has been very well received by the Department and other customers. Feedback provided by customers has indicated support for data provided both on the website and via e-mail as well as the variety of data available. The Communications and Research Division will continue to utilize the **iLMI** technology to expand the scope of available labor market information. Idaho continues to aggressively pursue the use of electronic and digital media to more efficiently and effectively publish and disseminate LMI.

Prior to this planning cycle, the LMI team periodically met with each, then-existing, Workforce Investment Board and other data users to discuss their workforce information needs. Each Board ranked the data elements by importance to their organization. Other data users, especially economic development groups, also frequently request these same data items. The data items are ranked in order of importance. Besides assuring available data is accessible via the Internet or other means, some new ways of packaging the information have been developed. A new *Labor Assessment Survey* product has been designed and will be implemented during the next two years. An outline of the *Labor Assessment Survey* follows. The Department will involve the colleges and universities in the state with designing and conducting surveys to obtain area specific data that is comparable from region to region.

Labor Assessment Survey product

PURPOSE

The purpose of a labor assessment survey is to fill the data gaps in the labor market information that is requested by the One-Stop Business Centers and economic development groups. A survey will be designed to obtain information. The Department will collaborate with colleges/universities and other partners across the state in the process.

LABOR ASSESSMENT SURVEY TEMPLATE	
LABOR FORCE DEMOGRAPHICS	Growth or decline Unemployment rate Ability to recruit Not in the labor force Underemployment Multiple job holders Retired Demand
LABOR FORCE QUALITY	Age Educational attainment Skills Basic Computer/technological Work ethic/productivity Absenteeism Turnover
LABOR FORCE TRAINING	Quality of schools High schools Prof/tech programs Technical/short term skills training availability Colleges and universities
LABOR FORCE COST	Average earnings Average wages by occupation Average wage by industry Benefits
LABOR FORCE ASSESSMENT	Conclusions Strengths Weaknesses

The LMI team works closely with the six Regional Labor Economists (RLEs). The RLEs attend and contribute to their region's local business interest (such as Chambers of Commerce) and economic development groups. During these meetings they gain insight into ways to best serve the LMI needs of their regions and the customers they serve. An RLE is often a key resource member of an economic development team preparing a location study for a prospective employer. Via these relationships with the community they serve, the RLEs obtain a myriad of requests from employers and workforce intermediaries, such as labor exchange agents, schools, community-based organizations, career guidance counselors, and teachers.

3. *Describe how the State's Workforce Information Core Products and Services Plan is aligned with the WIA State Plan to ensure that the investments in core products and services support the State's overall strategic direction for workforce investment.*

In the Department's efforts to provide continual, periodic, and ad hoc data to information users, we have gained immense feedback from the users via the customer satisfaction and evaluation component of the Workforce Information Plan and continually refine the data scope and style of presentation accordingly. The Communications and Research Division will continue to immediately respond to these requests in order to disseminate timely and accurate research to customers and stakeholders.

The Communications and Research Division will continue to complete all core deliverables while also fulfilling the typical ad-hoc demands that occur in our growing and dynamic economy.

- ❖ Idaho's America's Labor Market Information System (ALMIS) database (v2.2) is accessed via Idaho's LMI internet delivery system (iLMI). Idaho's ALMIS database is populated with tables required by the ALMIS workgroup, and is updated throughout the year with weekly, monthly, and quarterly data as it becomes available. All core tables are uploaded and continue to be current. The Department will develop short-term substate projections, economic indicator series, and a myriad of ancillary data sources currently not populated. The recent Commerce and Labor merger will allow workforce information professionals to incorporate commerce and business related data within the ALMIS infrastructure creating powerful data leveraging opportunities.
- ❖ Using methodology, software, and guidelines from Projections Workgroup & Projections Managing Partnership, Idaho will develop Industry and Occupational Projections defined below:
 - ~ Idaho state long-term 2004-2014 (biannual) industry and occupational employment projections
 - ~ Substate long-term 2004-2014 (biannual) industry and occupational employment projections
 - ~ Idaho state short-term 2005-2007 (annual) industry and occupational employment projections
 - ~ Substate short-term 2005-2007 (annual) occupational employment projections

~ Data for public dissemination pursuant to Projections Workgroup & Projections Managing Partnership procedures and associated applications will be submitted to federal partners and published and disseminated to Idaho's customers and stakeholders

- ❖ Idaho will also produce various occupational and career information products for public use.

~ Occupation and Employment Statistics wage publication at the state and substate level, and Standard Occupational Classification glossary publications

~ Fringe Benefit survey, data, and publication

~ *Education and Training Pay!* poster and suite that incorporates projections, wage and skills data

~ Occupational and Industry Projections publication to disseminate a wide array of state and substate projections and wage data in various formats such as fastest growing and highest demand occupations

~ Provide employer databases, Idaho's own employer database and the licensed *InfoUSA* employer database.

- ❖ Idaho will also coalesce wage, projections, and cluster data with the new skills based employment system in order to quantify skills gaps. Also, partnerships via the Policy Academy are being built with legislators, educators, business, government officials and other stakeholders to better quantify the supply side when determining and evaluating potential skills gaps. Most notably a recent collaboration with professional-technical officials has allowed the Department to fully integrate projections data by occupation to professional-technical institutions throughout the state to identify existing programs that fulfill the educational requirements for growing critical occupations. The first effort to develop partnerships has been successful in providing cluster data via wage, projections, and skills data. We are now using this valuable collaboration to use the improved supply side information to better identify and quantify skills gaps.

The Communications and Research Division will continue to expand uses of the Local Employment Dynamics (LED) program to respond to the need for labor, economic, and demographic data at the community level. Idaho Commerce and Labor has been selected as a pilot state for the LED mapping application tool. Organizationally, Idaho offers an integrated structure among economic development, labor market information, census entities, and data users. The mapping application will bring a new planning and analytical tool to the state. It will help a variety of entities that are faced with the challenges of improving the economic viability of their communities. The mapping tool, along with the comprehensive socio-economic, geographic-based database that will be enhanced by the *Labor Assessment Survey*, will be an enhanced data tool for local economic development officials.

As each data element becomes available, analysis and/or format will be added so that data actually becomes Labor Market Information. Both the data and information will be available in a variety of media – on the website, in a tangible paper format, or some other type of media such as a CD. Another avenue of data distribution includes

e-mail rather than U.S. mail, thus reducing printing and postage costs. In addition, e-mail groups could be set up to let users know that a particular piece of labor market information has been released or updated. E-mail currently is used to distribute press releases on the monthly unemployment rate, economic developments (i.e., latest population estimates), significant events (i.e., major layoffs and Rapid Response efforts), UI tax and benefit changes, and items of general interest. Yet, the most effective media still remains the in-person discussion between the data provider and the data user.

The monthly newsletter **Idaho Employment** summarizes employment/unemployment developments for the state and the six areas. Employment data tables are a regular feature. A *FYI* section presents articles and data on a wide variety of employment-related topics. Recent issues have included information about:

- Skills – what employers are looking for (soft and technical)
- Projections - occupation & industry employment – a mandated deliverable
- Labor force demographics – age, gender, race/ethnic
- Wages by occupation– a mandated deliverable
- Underemployment – wage, hours, and education

Approximately 2,000 newsletters are distributed monthly and it is on the Internet.

One-Stop LMI Grant funds also will be used to send staff to the LMI Forum, LMI Analyst Training, WIA LMI Conference, and other ALMIS related training. The RLEs provide the LMI module in the Career Development Facilitator (CDF) program to interested Idaho Commerce and Labor staff. The half-day training was delivered across the state. Anticipated additional CDF/LMI training will be provided in 2005 for new staff and/or as a follow-up to the initial presentations.

The Department will also conduct a statewide LMI Economic Symposium in 2005 to further highlight and disseminate core LMI products. This effort will improve outreach to those customers and stakeholders on the periphery. Also, this effort will partner with the Director's Forum to attract business and legislative stakeholders that have extensive leverage in Idaho's economy. It is vital that LMI is diffused throughout our economic landscape.

4. *Describe how State workforce information products and tools are coordinated with the national electronic workforce information tools including America's Career Information Network and Career Voyages.*

Idaho will continue to participate in the national electronic workforce information system by providing data, job listings, and other information required by it. The One-Stop Business Centers and partners will provide access to these tools via computer workstations in the facilities, "how to use" materials for customers, and staff training on the tools' contents and operations.

C. *Adults and Dislocated Workers*

1. *Core Services. (§112(b)(17)(a)(i).)*

- a. *Describe State strategies and policies to ensure adults and dislocated workers have universal access to the minimum required core services as described in §134(d)(2).*

The Workforce Development Council and all workforce partners across the state will continue to refine Idaho's One Stop system to meet the needs of customers in all of Idaho's communities and from all population groups by offering customer choice to online or in person access to an increasing level

of information and comprehensive service delivery. Section VI.C. of this plan describes how customers access services, the comprehensiveness of those services and guidelines for delivery of services.

Adult and dislocated worker customers, including those with special needs, will have access to employment and training services delivered in progressively higher stages of intervention from core, intensive and training, as appropriate, to meet their individual needs. A description of core, intensive and training services to be provided with allotments received under WIA §132 is attached as Attachment 5.

- b. *Describe how the State will ensure the three-tiered service delivery strategy for labor exchange services for job seekers and employers authorized by the Wagner-Peyser Act include (1) self-service, (2) facilitated self-help service, and (3) staff-assisted service, and are accessible and available to all customers at the local level.*

Wagner-Peyser labor exchange services will be delivered as part of the One Stop system in the Centers, Affiliate sites and via Direct Access through the electronic Idaho Works. Idaho Works will provide job seekers, employers and students self-service access to all local, state, and national job listings, labor market information, career information, registration for work and other services that are available through the One Stop system for their respective needs. As described previously, Idaho Works will be available via the Internet, throughout the participating Centers and Affiliate sites. Other labor exchange materials for self-service will be made available in Employment Resource Centers in each of the Commerce and Labor offices to assist customers in obtaining employment or training services that may include but are not limited to career exploration, LMI, resume writing, fax machines, copy machines, and job search techniques.

Facilitated self help will be made available to any customers who request help or for those with special needs due to disabilities, limited language or reading skills. Utilizing the electronic capabilities of the Department's labor exchange system, Commerce and Labor and Partner staff can identify priority or other targeted populations who are registering for work and offer facilitated self help or additional staff assisted services. ES priority populations would include veterans and migrant and seasonal farmworkers while other locally targeted populations may include those with disabilities, unemployment insurance claimants, members of low income families, public assistance recipients, dislocated workers, displaced homemakers, minorities, youth, or other groups targeted by the local area..

Staff assisted services will be available in all Commerce and Labor offices for those customers who request or require such services to obtain basic labor exchange services concerning labor market or career information, registering for work and job referrals. Staff assistance will also be provided to customers for other staff assisted services as vocational guidance, resume writing, and referral to other One Stop Partners for services to meet their individual needs.

- c. *Describe how the State will integrate resources provided under the Wagner-Peyser Act and WIA Title I for adults and dislocated workers as well as resources provided by required One-Stop partner programs, to deliver core services.*

As the state moves toward a single area system the state is proposing that all Commerce and Labor offices become full service one stop centers offering a full range of WIA Title IB and Wagner-Peyser services. During PY'05, the State will renegotiate MOUs with the Workforce Development Council. This will provide an opportunity to re-examine the existing system to determine whether further integration is appropriate. In PY'05, the state will rely on existing MOUs negotiated on a regional level. In all one stop offices housed in Commerce and Labor offices, Wagner-Peyser will continue to be the predominant provider of core services with its extensive automated network and reach of services. All Wagner-Peyser services will be provided by public merit staff employees of the Idaho Department of Commerce and Labor.

2. *Intensive Services. (§112(b)(17)(a)(i).) Describe State strategies and policies to ensure adults and dislocated workers who meet the criteria in §134(d)(3)(A) receive intensive services as defined.*

The three-tiered approach service design, which ensures delivery of intensive services when needed, is reinforced with Idaho's collaborative workforce and education partnerships at the state and local level. Idaho's WIA career counseling staff training is built upon the individual's natural progression through core, intensive and training. The statewide WIA MIS and assessment forms which require documentation of work history, skill sets, barriers to work, training and work goals, also require the case manager to specifically identify the intensive services delivered or coordinated via partners to meet barriers/needs of the client identified at intake or at any time while in the program. As frontline staff complete the process of one-on-one career guidance, applying labor market information with the individual's skill sets, and identifying possible options for self-sustaining employment, the forms and the MIS, as well as the case manager's knowledge of intensive service offerings, ensures delivery of appropriate intensive services and the documentation is a natural progression.

Intensive Services are intended to identify obstacles and provide a higher degree of intervention to assist eligible unemployed adults and dislocated workers who are determined unable to obtain or retain employment through core services. Intensive services may also be provided to employed workers to obtain or retain employment that will lead to self-sufficiency as defined by State policy. Attachment 5 reflects the state's definition of intensive services.

3. *Training Services. (§112(b)(17)(A)(i).)*

Training Services includes classroom and other occupational training services designed to equip eligible adults and dislocated workers to enter the workforce and/or retain employment. Training services may be made available to employed and unemployed adults and dislocated workers who:

- a) Have met the eligibility requirements for intensive services, have received at least one intensive service, and have been determined to be unable to obtain or retain employment through such services;
- b) After an interview, evaluation, or assessment, and case management, have been determined by a One Stop operator or One Stop partner, to be in need of training services and to have the skills and qualifications to successfully complete the selected training program;
- c) Select a program of training services that is directly linked to the employment opportunities either in the local area or in another area to which the individual is willing to relocate;

- d) Are unable to obtain grant assistance from other sources to pay the costs of such training, including Federal Pell Grants established under title IV of the Higher Education Act of 1965, or require WIA assistance in addition to other sources of grant assistance, including Federal Pell Grants; and
- e) For individuals whose services are provided through the adult funding stream, and determined eligible in accordance with the State and local priority system;

Permissible Local Employment and Training Activities Adult and dislocated worker funds provided to local areas may also be used to deliver the discretionary activities identified below and authorized in the Act:

- a) Customized screening and referral of qualified participants in training services to employment;
 - b) Customized employment-related services to employers on a fee-for-service basis that are in addition to labor exchange services available to employers under the Wagner-Peyser Act.
- a. *Describe the Governor's vision for increasing training access and opportunities for individuals including the investment of WIA Title I funds and the leveraging of other funds and resources.*

As the six regional areas are consolidated into a new single statewide area structure, the state will reduce overhead from 14 percent to less than 3 percent, a reduction of more than \$1.3 million now spent to support the six-region structure. This efficiency maximizes the available money directed to training and services to business and job seekers in the face of the severe federal budget cuts experienced by the state in the last four years. The State has set a goal of spending 50% of WIA Title I B adult and dislocated worker local funds for direct training and support of businesses and participants.

b. *Individual Training Accounts:*

i. *What policy direction has the State provided for ITAs?*

The Individual Training Account (ITA) is established on behalf of a participant. All ITAs must be selected by the participant and approved by their WIA case manager. ITA's will focus on training in high growth industries while maximizing customer choice. ITAs will be issued for a specific training program and to a specific provider. ITAs may not be transferred from one participant to another. All training must be linked to employment opportunities in the area or to another area where the individual is willing to relocate. Training services may only be made available in accordance with federal and State policies on moving from core/intensive services to training.

ITAs must be coordinated with other grant sources for training, including Pell Grants, in accordance with the following State policies. Section 134(d)(4)(B) limits the use of WIA funds for training services to instances when there is no or inadequate grant assistance from other sources available to pay for those costs. The statute specifically requires that funds not be used to pay for the costs of training when Pell Grant funds or grant assistance from other sources are available to pay the costs. However, Title IV of the Higher Education Act (HEA) as amended (20 USC 1087uu), prohibits taking into account either a Pell Grant or other Federal student financial assistance when determining an individual's eligibility for, or the amount of, any other Federal funding assistance program.

Thus, program operators must coordinate available training funds and make funding arrangements with entities administering alternate sources of funds, including Pell Grants, to avoid duplicate payment of costs and to ensure that WIA funding for training is limited to participants who 1) are unable to obtain grant assistance from other sources to pay the costs of their training or 2) require assistance beyond that available under grant assistance from other sources to pay the costs of such training.

The "costs of training" is defined as the total of the education and education-related costs (training and supportive services costs) which will be incurred if the participant is to complete the chosen program. The WIA program operator will work with the participant to assess the full education and education-related costs (training and supportive services costs) and to calculate the total funding resources available. The exact mix of funds will be determined based on the availability of funding, with the goal of ensuring that the costs of the training program the participant selects are fully paid and that necessary supportive services are available so that the training can be completed successfully.

If WIA funds are initially used to cover costs of enrollment in a training program while the Pell application is pending, only the portion of the Pell Grant intended to provide tuition may be subject to reimbursement if the funds received from all funding sources exceeds the total cost of training documented by the program operator.

In an effort to maximize local service delivery options, WIA intensive services will be excluded from the Eligible Training Provider requirements. Intensive services include such activities as basic skill training, training in quality practices, basic computer software training and general preparatory services.

WIA allows training services to be provided through a contract for services in lieu of individual training accounts for the following three exemptions:

1. on-the-job training and customized training;
2. programs procured where there is an insufficient number of providers in the area to accomplish the purpose of Individual Training Accounts (ITAs); or
3. when a local board determines that there are qualified programs serving special populations with multiple barriers.

Idaho will utilize on-the-job training and customized training as allowed by federal guidance. Idaho will develop the policies for exemptions based on an insufficient number of providers during the development of the Eligible Training Provider outcome reporting system. Exemptions for qualified programs serving special populations with multiple barriers will be permitted in accordance with WIA law and regulations.

Idaho will utilize a fourth exemption for dislocated workers targeted for early intervention services organized through a Labor/Management Committee. To enhance early intervention services for dislocations, Labor/Management Committees will be allowed to organize group training projects for workers impacted by large layoffs. The projects will need to identify a sufficient number of potential participants interested in similar job skill training. The training will be related and build upon the existing skills of the workers. The training will be for occupations in demand and for a variety of potential employers. The training will be provided by Idaho's postsecondary schools and will be in addition to regularly

scheduled program offerings to maximize customer choice in selecting training options. The Dislocated Worker Unit will approve all projects.

- ii. Describe innovative training strategies used by the State to fill skills gaps. Include in the discussion the State's effort to broaden the scope and reach of ITAs through partnerships with business, education, economic development, and industry associations and how business and industry involvement is used to drive this strategy.*

The state has directly funded 4 incumbent worker/customized training projects in the health care and construction industries. These were intended to address the lack of capacity in the education system to meet the industries' need for skilled workers. In all cases, a combination of resources from WIA, the industry and the educational entities have been brought together to sustain the training effort. ITAs are driven by individual choice following a review of labor market information. The state has broadened ITAs to include them for use in the Trade Adjustment Assistance Program.

- iii. Discuss the State's plan for committing all or part of WIA Title I funds to training opportunities in high-growth, high-demand and economically vital occupations.*

The state will continue funding of the existing high growth projects during PY'05. Due to the severe budget cuts, it is expected that only limited new enrollments will occur during PY'05. During PY'05, the state will examine opportunities to enter into additional projects funding high growth high demand opportunities. The state has not set a limit for funding, but will continue to monitor enrollment under ITAs in selected occupational areas such as health care and high technology.

- iv. Describe the State's policy for limiting ITAs (e.g., dollar amount or duration)*

The State will not limit Individual Training Accounts funding amounts, duration, or define allowable training costs.

- v. Describe the State's current or planned use of WIA Title I funds for the provision of training through apprenticeship.*

The State allows WIA Title I funds to be made available for use by participants who are pursuing apprenticeship training programs. Guidance is provided to front-line staff for coordinating with the Bureau of Apprenticeship and Training when establishing training in apprenticeable occupations. The construction high growth project is part of a program recently approved by BAT.

- vi. Identify State policies developed in response to changes to WIA regulations that permit the use of WIA Title I financial assistance to employ or train participants in religious activities when the assistance is provided indirectly (such as through an ITA) (20 CFR § 667.266(b)(1).)*

Idaho developed policy to comply with changing requirements. State program participants may now use WIA Title I financial assistance to receive training in religious activities **only** when the financial assistance is provided **indirectly** through the use of Individual Training Accounts or ITAs. This type of indirect support does not violate WIA's regulations as long as program participants are given a genuine, independent choice about where to direct their aid. Rules

regarding the use of WIA Title I financial assistance for the **direct** support faith-based organizations have not changed. Direct support occurs when Title I financial assistance is given directly to a faith-based organization by a WIA grantee.

Faith-based training providers seeking to offer their training services to participants under WIA must adhere to all other program requirements. This includes applying for admission to the State's Eligible Training Provider (ETP) list. The state Workforce Development Council, or its designee, will continue to make the determination on whether a proposed course of study is appropriate for placement on the State's ETP list.

- c. *Eligible Training Provider List. Describe the State's process for providing broad customer access to the statewide list of eligible training providers and their performance information including at every One-Stop Career Center. (§112(b)(17)(A)(iii).)*

The Eligible Training Provider List will be available through the IdahoWorks home page. This website serves as a gateway to the major education, employment and training service systems in the State. It links to the home pages of a variety of state agency partners to provide information to job/training seekers and employers about the variety of services available in the Idaho workforce development system. This process ensures that customers and other states will have access to the list through the Internet. As outcome data is developed, it will be added to this website.

When consistent and verifiable outcome information is produced through the Eligible Training Provider system, this information will be made available in the One Stop Centers through this automated system. All One Stop Centers and affiliate sites have staff available to assist customers who either choose or are unable to access this information through automated means. This data will complement the wide variety of training and labor market information already available in the One Stop Centers. This information includes the extensive labor market information available in the One Stop Centers and the automated Career Information System. In the Career Information System, training occupations are matched with labor market information such as wage rates, projected annual earnings, long term employment prospects and descriptions of work conditions. Idaho's Career Information System also provides programs of study, program cost information and a host of other information on training programs and services.

- d. *On-the-Job (OJT) and Customized Training (§§112(b)(17)(A)(i) and 134(b).) Based on the outline below, describe the State's major directions, policies and requirements related to OJT and customized training.*
- i. *In a narrative format, describe the Governor's vision for increasing training opportunities to individuals through the specific delivery vehicles of OJT and customized training.*

During the last two program years, the Workforce Development Council has earmarked a portion of WIA State 15% funds to develop and support customized training proposals. Proposal guidelines were structured to allow replicability using local WIA funds for future expansion of these activities at the local level. Due to decreased WIA funds for PY05, the Workforce Development Council will continue funding of the pilots established during PY'04 and will consider additional proposals weighed against needs for additional dislocated worker and youth proposals.

In an effort to ensure the workforce system attains economic development goals outlined by Governor Kempthorne, state staff will provide technical assistance and arrange for

training to increase the awareness of the opportunities and the technique used in developing OJTs.

ii. Describe how the State:

- *Identifies OJT and customized training opportunities;*

OJT opportunities are identified by case managers performing job development employer contacts and through employer voiced interest in response to marketing efforts. Customized training opportunities are identified by workforce, economic development, or education partners through routine contacts with business and cross-marketing of services available throughout the system.

- *Markets the concept as an incentive to untapped employer pools including new business to the State, employer groups;*

Idaho's Business Services Brochure which promotes the use of customized and OJT training, is available through all One Stop Centers and on the State's website. The brochure is also used during in-person One Stop Center outreach to new and expanding businesses in Idaho.

- *Partners with high-growth, high-demand industries and economically vital industries to develop potential OJT and customized training strategies;*

All One Stop offices will have the training and support to become full service business centers incorporating the Council's focus on high growth, high demand industry needs across the state. This will build upon previous efforts started in 2003 to identify opportunities to better serve businesses that culminated in PY'04 funding of four incumbent worker/customized training projects in the health care and construction industries. These projects will continue in the first year of the plan and new projects will be identified as funding permits.

- *Taps business partners to help drive the demand-driven strategy through joint planning, competency and curriculum development; and determining appropriate lengths of training*

The Workforce Development Council is also embarking on a project identified in the Policy Academy process to organize education, employment and economic development services into career clusters. Business Industry Consortia have been developed in two critical industries and will be considered for others as the project moves forward. These and other critical activities have been chronicled in a monograph that is soon to be published. The monograph documents the extensive training for staff of one stop partner agencies, models that support the view of business as the primary customer and the comprehensive integration of employment, education and economic development services.

- *Leverages other resources through education, economic development and industry associations to support OJT and customized training ventures.*

The Governor's Workforce Development Council will continue its recent efforts to focus the workforce system on the needs of business. It recently adopted a challenging set of Policy Academy goals and strategies for better meeting business needs, and authorized the regional allocation of WIA 15% Discretionary Funds for High Growth Business Pilots.

This initiative will fund four customized/incumbent worker training projects that will prepare new employees or lower-skilled, lower-wage incumbent workers for employment in higher-wage skilled occupations. These projects were funded due to their financial partnership with business and due to their "replicability" using local funds..

4. *Service to Specific Populations. (§112(b)(17)(A)(iv).)*

- a. *Describe the State's strategies to ensure that the full range of employment and training programs and services delivered through the State's One-Stop delivery system are accessible to and will meet the needs of dislocated workers, displaced homemakers, low-income individuals such as migrants and seasonal farmworkers, women, minorities, individuals training for non-traditional employment, veterans, public assistance recipients and individuals with multiple barriers to employment (including older individuals, people with limited English-speaking proficiency, and people with disabilities.)*

The One Stop system has been developed to address the needs of customers with special needs. The electronic *Idaho Works* continues to expand the array of employment and training opportunities available to customers. Self-accessed services are available to customers in homes via the Internet, through the One Stop Centers, Affiliate sites and at remote locations throughout the state. Staff assisted services will be made available to those customers with disabilities, older workers, non-English proficient and other special populations who are not able to utilize the self-help systems or prefer individualized assistance. The One Stop system will improve the delivery of information regarding services available to special populations and streamline referrals to Partner agencies for services.

The State Partners will continue to identify and expand the delivery of information disseminated in Spanish for that segment of customers from our migrant and seasonal workforce as well as other customers with limited English language skills. Statewide procedures have been developed to offer interpretive services for other non-English speaking customers, including a Language Line Service for use by staff to connect minority customers with staff who are able to speak a customer's primary language. During the last decade, Idaho Commerce and Labor has doubled its minority workforce to help improve services to minorities. As a result, more than 130 employees are fluent in a language other than English (18, including American Sign Language) and are able to provide assistance to customers in need in their primary language.

As noted in sections IX.C.4.h & i, the state conducts extensive outreach activities, in coordination with other public and private community organizations, targeting migrant and seasonal farmworker and Hispanic customers. Work continues with the state's Native American populations throughout the state, including regular staff visits to tribal locations to provide workforce development system information to its members. Although the state does not have a large minority population outside these two major groups, efforts are still made to reach out to groups with significantly smaller populations, most of which are situated in the population bases with universities or other higher educational institutions. As a result, local offices in those areas make an extended effort to keep in contact with university student employment offices as well as any job fairs that may take place in the area in order to help meet minority students' needs.

Close working partnerships with the Department of Health and Welfare at both the state and local level will ensure that the full range of services available in the One Stop system is offered to public assistance recipients. DHW is represented on the Workforce Development Council and is an active partner in coordinating the delivery of Temporary Assistance for Families in Idaho (TAFI) with WIA Title I services. Although the state has determined that sufficient TAFI funds exist and that public assistance recipients will not constitute a priority group under WIA, services to TAFI participants may be provided

under Title I, if needed and as appropriate to enable the move to self-sufficiency and employment.

Information regarding non-traditional training opportunities will be made available through the *Idaho Works* system. In addition, One Stop Operators will utilize various approaches offered via core and intensive services to inform and refer customers to non-traditional career opportunities. One Stop Operators will coordinate with the regional Partners representing the local Workforce Training Network (WTN) institution to increase awareness and participation in non-traditional training programs. Idaho's Centers for New Direction provide employment and training services for displaced homemakers and single parents through the WTN institutions. The centers, which promote non-traditional training and employment for this population, participated on the One Stop Regional Collaborative Teams and serve as part of the service provider network in each workforce area in the state.

Services to low income individuals, dislocated workers and displaced homemakers will be available throughout the One Stop system to offer core, intensive and training services as needed to obtain or retain employment. Efforts to assist dislocated workers will be coordinated with Rapid Response activities conducted by the State Dislocated Worker Unit to address the needs of workers impacted by mass layoffs and closures. Reemployment services through the One Stop system will be made available to small business operators, farmers and ranchers who have been determined eligible for Dislocated Worker services.

The State has established policies and procedures to ensure compliance with the non-discrimination and equal opportunity provisions of all applicable laws. Provisions will be included in each subrecipient agreement under the Workforce Investment Act that require compliance with non-discrimination and equal opportunity statutes. Appropriate notice will be provided to system customers of their rights under these laws and that a complaint process, including alternative resolution procedures, is available. The State will include a review of compliance with said statutes in its oversight and monitoring activities. The State will ensure facilities are accessible, that reasonable accommodations are available to customers with disabilities, that communication with customers with disabilities is as effective as communications with others, auxiliary aids and services are available, and that translation assistance will be provided to significant populations of Limited English Speaking People.

- b. Describe the reemployment services you will provide to unemployment insurance claimants and the Worker Profiling services provided to claimants identified as most likely to exhaust their unemployment insurance benefits in accordance with section 3(c)(3) of the Wagner-Peyser Act.*

With the passage of the Unemployment Compensation Amendments of 1993 which amended the Social Security Act, a new system was initiated which established procedures to profile UI claimants and identify those who are likely to exhaust their unemployment insurance. The amendments require that those workers who need job search assistance to find new employment be referred to reemployment services. Reemployment services are provided with ES and WIA resources.

Because Idaho's *IdahoWorks* system houses both the UI and ES data in a single database, UI claimants who are required to look for work are obligated to register with ES (Wagner-Peyser services) when they file their Unemployment Insurance claims. Additionally, most Commerce and Labor local offices have "blended" staff where the same person provides both ES and UI services to claimants; true "one-stop" service. Even when the staff is not "blended", personnel sit side-by-side and easily refer customers between programs.

All claimants who are registered for work in *IdahoWorks*, are entitled to all services that are available in all of our 24 local offices and on the internet. As a result, the service that each claimant receives is "tailored" to their needs. i.e. those folks that need one-on-one services can request them from their local office while those that can best be served by self-service can accomplish that at home via the internet.

To maximize the coordination and efficiency of the Worker Profiling and Reemployment Services program, Reemployment Services staff will provide documentation, including case management reports, if appropriate, to Unemployment Insurance funded staff for those Reemployment Services customers who do not report for services or cooperate with their individual service plan. This documentation, and additional information as appropriate, will serve as the basis for denying Unemployment Insurance benefits to claimants who fail to comply with the provisions of the law. Additionally, Reemployment Services staff will coordinate with Unemployment Insurance staff to correlate the continued receipt of Unemployment Insurance benefits with successful progress towards completion of the individual service plan.

Reemployment services for those referred include at a minimum:

Orientation - the process of informing claimants why they have been selected for reemployment services, the variety of comprehensive and beneficial services available and the mandatory nature of profiling program participation.

Assessment - the process of collecting and analyzing information from the claimant to determine the best mix of services necessary to obtain employment. Information areas may include an applicant's needs, strengths, support systems, education, job skills, interests and career objectives and current work search activities. Information may be gathered informally, via interviews or observations, or formally via assessment tools such as aptitude tests, computer assisted programs and interest inventories.

Profiled claimants who are determined during the orientation and assessment process to meet other conditions for exemption status will not be required to participate in further reemployment services. Those not exempted will be required to participate in at least one reemployment service.

- c. *Describe how the State administers the unemployment insurance work test and how feedback requirements (under §7(a)(3)(F) of the Wagner-Peyser Act) for all UI claimants are met.*

Unemployment Insurance claimants who are not job or union attached, are required to complete the Wagner-Peyser registration process and are then referred to suitable work as job openings are identified. Filing of a new UI claim online also includes completion of the work registration process. Because Idaho's *IdahoWorks* system houses both the UI and ES data in a single database, UI claimants who are required to look for work register with ES (Wagner-Peyser services) when they file their Unemployment Insurance claims, whether in person or online via the Internet. Claimants who obtain a referral to a job opening from the ES system have that referral logged on the *IdahoWorks* list of services. Both ES and UI staff members have access to the data and are able to see if a claimant refused or did not follow through on a job referral. All staff members are trained to recognize and follow-up on referrals when a claimant does not follow through on a referral or job test. The state is currently participating in a pilot to verify that a claimant is seeking suitable work. It is anticipated that this pilot will enhance opportunities for a quality feedback loop.

- d. *Describe the State's strategy for integrating and aligning services to dislocated workers provided through the WIA rapid response, WIA dislocated*

worker, and Trade Adjustment Assistance (TAA) programs. Does the State have a policy supporting co-enrollment for WIA and TAA?

WIA Dislocated Worker and Trade Adjustment programs are both administered through the One Stop Centers. Since the inception of WIA, any means of cost sharing has been emphasized to increase the impact of limited funds. In Idaho, the State-level rapid response team includes staff from the dislocated worker, UI and TAA units. When notified of any closure or mass layoff, the team quickly broadens to include local delivery staff with expertise in provision of rapid response, dislocated worker, UI, TAA, and Wagner-Peyser services. This state-local team communicates with the employer and employee representatives, assesses initial community impact, identifies and includes other partners for rapid response assistance, and develops integrated service delivery schedules to meet the needs of each individual employer and the impacted workers. Team members work closely with service provider management staff to develop a service delivery plan that coordinates resources and ensures one-stop access to information and enrollment in UI, TAA, WIA, and Wagner-Peyser, many times at the job site prior to dislocation. Idaho's rapid response delivery system provides the impacted worker with coordinated application and enrollment for WIA, TAA, and Wagner-Peyser services. Forms used for WIA career assessment and retraining plans are accepted for the TAA program, eliminating client redundancies and streamlining co-enrollment processes. Although co-enrollment is not mandated, rapid response service delivery planning has ensured the majority of TAA recipients in Idaho are also being served with WIA funds. The state requires co-enrollment of TAA recipients whenever they receive WIA staff or other supportive services.

- e. How is the State's workforce investment system working collaboratively with business and industry and the education community to develop strategies to overcome barriers to skill achievement and employment experienced by the populations listed in paragraph (a.) above and to ensure they are being identified as a critical pipeline of workers?*

Beyond the workforce system structure which provides a voice and a response to those partners dedicated to resolving the needs of specific populations described under paragraph (a.), the Workforce Development Council's adoption of Policy Academy goals and strategies will further strengthen collaboration between business, the workforce system and education to meet the needs of all citizens to overcome barriers and ensure they are being identified as a critical pipeline of workers. The Workforce Council goals also outline goals to meet the needs of all populations, including special populations. These may be found as attachments to this document.

- f. Describe how the State will ensure that the full array of One-Stop services are available to individuals with disabilities and that the services are fully accessible?*

The state has developed a Methods of Administration which offers a comprehensive description of actions taken to ensure that the One Stop system in Idaho addresses the needs of customers with special needs, to include the full array of available services. All One Stop offices currently comply with ADA legislation to ensure access for persons with physical disabilities, providing for the most integrated setting possible for serving customers with disabilities. One-Stop Center computers are able to enlarge print for customers with visual disabilities. The Department of Commerce and Labor maintains a verbal agreement with the Idaho Commission for the Blind and Visually Impaired for Braille, tape, or large print of written information and maintains a verbal agreement with the Council for the Deaf and Hard of Hearing for a directory of Sign Language and Oral Interpreters. Local level staff are instructed to contact the EO Officer or Personnel Office by phone or e-mail to request a service or the required information.

Additionally, the EO Officer maintains liaison with disability groups such as Vocational Rehabilitation, Council on Developmental Disabilities, and Idaho Task Force on the ADA to ensure policies are communicated and to utilize these groups as resources available to customers with disabilities. The Idaho Department of Commerce and Labor web site "IdahoWorks" and the computer-generated self-registration include taglines to ensure clear communications regardless of the process utilized by the customer. The EO Officer coordinates with the Publications Committee of the Department to ensure taglines and other appropriate information are included and effective on publications. A comprehensive list of resources for serving the disabled have been made available on the WIA portal.

- g. Describe the role LVER/DVOP staff have in the One-Stop Delivery System? How will the State ensure adherence to the legislative requirements for veterans' staff? How will services under this Plan take into consideration the agreement reached between the Secretary and the State regarding veterans' employment programs? (§§112(b)(7), 112 (b)(17)(B); 322, 38 U.S.C. Chapter 41; and 20 CFR §1001.120.)*

One Stop system veteran customers will be provided the full array of services available within the system, empowered with customer choice and customized access to those services that satisfy their individual needs for career development. Access to the system will be provided universally to assure customers that there is no wrong door. In the provision of these services veterans' priority will be followed in accordance with 38 USC Chapter 41 and 20 CFR 1001.100 et seq. and the provision of the DVOP and LVER grants. The DVOP and LVER will facilitate veteran access to all employment and training programs, including WIA.

Since the One Stop centers throughout the state of Idaho are operated by the State's Wagner-Peyser, and Jobs for (LVER/DVOP) grantee, many of the historical operating procedures, ensuring adherence to the legislative requirements for veterans' staff will remain in effect, such as facilitating employment, training and placement services furnished to veterans in a state under the applicable state employment service delivery systems.

This includes the roles and responsibilities of DVOPs and LVERs, as outlined in VPL no. 11-02, which are integrated into the delivery of services to veterans within all the One Stops in the state in order to meet their employment needs. These processes will not negatively impact customer choice, but ensure that veteran funded staff will provide service only to veterans or eligible persons; that they will not supplant Wagner-Peyser funded staff; and that veterans will receive priority service in employment and training opportunities in accordance with 20 CFR 1001.100 et seq. and PL 107-288.

The functional integration of veteran staff and their roles will be carried out to the fullest extent possible within the One Stop system. An example of this is the DVOPs role. They must concentrate their efforts on serving those veterans who have special employment and training needs by focusing on the facilitation of intensive services through case management, especially for those who are not able to obtain employment through the provision of core services. As such, if a veteran does not require intensive services or case management, non-veteran staff should be able to meet the needs of the veteran by providing them core services directly. In this process, non-veteran staff would help to meet the needs of veteran customers twofold- a) they could offer a core service directly to the veteran customer, which b) would allow the DVOP to focus on initiating the intensive services for those veterans who truly require the assistance.

LVERs are required to establish contact plans with employers in order to develop employment and training opportunities for the benefit of veterans. The One Stop system has developed a Business Relations Initiative that focuses on the premise that the best way to help job seekers and hard-to-place customers find jobs is to satisfy business customers. With this premise as its core, each office within the system has established a committee (Business Relation Initiative Committee-BRIC) to target employers in its area. To be successful in this endeavor, staff must know what it is they are marketing, to whom they are marketing, why they are doing it, and how they can do it effectively. By integrating LVERs into this committee already in place, they will be able to focus on marketing veterans to employers for employment and training opportunities.

- h. Department of Labor regulations at 29 CFR 37, require all recipients of Federal financial assistance from DOL to provide meaningful access to limited English proficient (LEP) persons. Federal financial assistance includes grants, training, equipment usage, donations of surplus property, and other assistance. Sub-recipients are also covered when Federal DOL funds are passed through from one recipient to a sub-recipient. Describe how the State will ensure access to services through the State's One-Stop delivery system by persons with limited English proficiency and how the State will meet the requirements of ETA Training and Employment Guidance Letter (TEGL) 26-02, (May 29, 2003) which provides guidance on methods of complying with the Federal rule.*

Using its Methods of Administration as a foundation, The Department of Commerce and Labor established a communication policy to address its responsibility in offering services to Limited English Proficient individuals by providing meaningful access to Department programs and services as required by Executive Order 13166, Title VI of the Civil Rights Act of 1964 and Section 188 of the Workforce Investment Act of 1998. This policy follows the guidance issued by the U.S. Department of Labor for recipients of federal financial assistance regarding Title VI's prohibition against national origin discrimination.

The Workforce System and its One-Stop Career Centers sponsor a variety of services that reach those with limited English proficiency (LEP). To help accomplish this, they use media advertising (PSAs) and send notices to, and consult with, local community organizations. The Department of Commerce and Labor operates an effective employment services outreach program statewide with outreach staff that is bilingual in English and Spanish to inform customers, especially farm workers, of the services available. These outreach activities are coordinated with other public and private community organizations, One-Stop partners, and MSFW service providers in order to inform as many customers as possible. This information is presented in both English and Spanish, which is the predominate language spoken by Idaho LEP residents at 2.8% of the population. And special presentations are also made to English as a Second Language groups, Hispanic high school students and farm workers to teach participants the basics of personal computing so they can access the *IdahoWorks* system.

To assist in determining the level of necessary and reasonable oral interpretation and written translation services to be offered to customers with LEP, the Department will make an annual assessment of the language needs of LEP customers and potential customers.

To make this assessment, the Department uses the following data: (1) information from cost centers within the system on LEP customer utilization, potential LEP customers and bilingual staffing; (2) current census data on households where English is spoken "less than very well" in each county in Idaho and grouped by WIA regions and local office locations; (3) current census data on Idaho's population by language spoken at home; (4)

seasonal demographic data from the census; (5) labor market information on seasonal populations; (6) demographic information from other state agencies on LEP languages encountered throughout the state; and (7) information from community based minority organizations on LEP customers served.

The following four factors will be used by the State to determine what constitutes reasonable steps to ensure meaningful access to LEP customers:

1. The number or proportion of LEP customers in the eligible service population;
2. The frequency with which LEP customers come into contact with the program;
3. The importance of the service provided by the program; and
4. The resources available to the Recipient to provide access.

The correct mix of language services must be based on what is both necessary and reasonable in light of this four-factor analysis. Recipients have two main ways of providing language assistance: oral interpretation, either in person or via a telephone interpretation service; or written translation. Oral interpretation can range from on-site interpreters for critical services provided to a high volume of LEP customers, to access through commercially available telephonic interpretation services. Written translation can range from translation of an entire document to translation of a short description of the document. In some cases, language services should be made available on an expedited basis while in others the LEP customer may be referred to another office for language assistance.

At a minimum, LEP customers will be offered oral interpretation services to help them access and understand Recipient programs. Regarding the need for written translations, it is the responsibility of each Recipient to determine which forms, publications or other materials need written translation. Vital documents that may need to be translated include applications for services; public notices; information on program requirements; information on customers' rights and responsibilities; notices regarding the reduction, denial or termination of services; and Recipient consent, complaint, and intake forms.

- i. Describe the State's strategies to enhance and integrate service delivery through the One-Stop delivery system for migrant and seasonal farm workers and agricultural employers. How will the State ensure that migrant and seasonal farm workers have equal access to employment opportunities through the State's One-Stop delivery system? Include the following:*
 - *The number of Migrant and Seasonal Farmworkers(MSFWs) the State anticipates reaching annually through outreach to increase their ability to access core, intensive, and training services in the One-Stop Career Center System.*

The State has automated and integrated the delivery of services within the One Stop System, and included strategies designed to better serve and provide these services to the MSFW customer. Currently, the State's electronic self-registration system for labor exchange, *IdahoWorks*, and the Customer Satisfaction Survey are available in English and Spanish in all 24 One Stop offices as well as through the State's websites. Additionally, some local Commerce and Labor offices have developed other handouts in Spanish based on local labor market conditions or information on services and procedures. The State will continue to assess the need and availability for bilingual staff in areas with a high concentration of Spanish-speaking population.

The State Monitor Advocate Unit continues to conduct ongoing monitoring of the service provided to Migrant and Seasonal Farmworkers. Office reviews are conducted to identify the needs and concerns that affect the provision of services for farmworkers, and to provide technical assistance as appropriate,

and are brought to the attention of the Administrative and Executive personnel when necessary. The MAU, funded by Wagner-Peyser funds, ensures that ES services are coordinated with other MSFW service providers, helps to identify overall changes in agricultural employment, MSFW trends, employment rights, and recommends new program approaches.

To protect the employment rights of MSFWs, federal regulations place the responsibility of administering the federal Job Service-related complaint system within the State. MSFW complaints are handled through the local Commerce and Labor offices while unresolved complaints are then referred to the Monitor Advocate's office for determination. The MAU also performs follow-up on complaints filed with local Commerce and Labor offices and referred to other agencies.

EMPLOYMENT SERVICES PROVIDED TO AGRICULTURAL EMPLOYERS

Basic labor exchange services will be provided to the agricultural employer community through the automated process of matching job seekers to job orders received as well as recruitment and direct referral from staff. The State will continue to provide information about ES services and assist agricultural employers through direct employer visits and employer outreach

The State will continue to expand services to agricultural workers and employers, including the recruitment of U.S. farmworkers, by coordinating basic labor exchange services, outreach, information dissemination, and training workshops with other One Stop partner agencies, organizations and the employer community. Working relationships exist with the Idaho Migrant Council, Idaho Legal Aid Services, Inc., and various agricultural producer organizations to provide services and information.

OUTREACH PLAN

Allocated staff for outreach will be locally driven with emphasis on services that are customer-driven and customized to specific labor markets, rather than focusing solely or primarily on the number of services provided. All local Commerce and Labor offices with outreach staff have permanent and/or temporary staff that are bilingual in Spanish to conduct outreach. During the area's peak agricultural season, if resources permit, additional temporary bilingual staff will be used to support MSFW activities.

The State plans to fund a total of 2.49 FTEs for MSFW outreach in the six "significant bilingual" offices and five other offices for PY 05 and PY 06. This level of support will maintain the same number of positions that have been allocated for the current year.

Anticipated MSFW Outreach Service Goals

Commerce & Labor Local Office	FTEs PY 05/06	Outreach Days	MSFW Contacts
Bonnors Ferry	.12	3	81
Payette	.34	6	162
Emmett	.01	1	30
Canyon County	.39	9	243
Magic Valley	.32	9	243
Mini-Cassia	.40	9	243
Mountain Home	.24	4	108
Rexburg	.17	5	135
Pocatello	.05	3	81
Blackfoot	.27	5	135
Idaho Falls	.19	3	81
Total	2.49	57	1542

Staff assigned to outreach will contact MSFWs at their work sites, labor camps, living areas, and other places frequented by the migrant and seasonal farmworkers. Outreach workers will encourage MSFWs to visit the local One Stop office, but may provide on-site assistance for services including: work registration, referrals to available job openings for which they qualify, prepare and accept complaints or apparent violations, provide information on local labor markets and training opportunities or refer workers to other service providers. Outreach activities will be coordinated with other public and private community organizations and One Stop partners, in order to inform as many MSFWs as possible as to the services that are available through Commerce and Labor, its website, and other providers.

The State of Idaho through its network of 24 Commerce and Labor offices in the State's One Stop system will fully comply with provisions of 20 CFR, Part 653, Subpart B and Part 658, Subpart E. The operational objective of the State is to provide qualitatively equivalent and quantitatively proportionate service to MSFWs compared to non-MSFWs in all ES compliance indicators.

5. *Priority of Service*

- a. *What procedures and criteria are in place under 20 CFR 663.600 for the Governor and appropriate local boards to direct One-Stop operators to give priority of service to public assistance recipients and other low-income individuals for intensive and training services if funds allocated to a local area for adult employment and training activities are determined to be limited? (§§112(b)(17)(A)(iv) and 134(d)(4)(E).)*

With the implementation of the Temporary Assistance for Families in Idaho (TAFI) in July, 1997, Idaho's public assistance caseload has seen a dramatic decline. Due to the success in moving public assistance recipients into employment, the TAFI program has expanded services to assist families who are at risk of becoming TAFI eligible as a preventive measure. Families with incomes less than 200% of the Federal poverty guidelines and who are at risk of

becoming eligible for TAFI without intervention can receive help with work-related needs. This program enables families who qualify to get help with training costs for up to twelve months from the date they first need help. Additionally, effective January 1, 2000, the Department of Health and Welfare (DHW) began providing families receiving Medicaid and Food Stamps as well as some non-custodial parents with the same employment and training services offered TAFI participants. Therefore, the State determined that sufficient TAFI funds exist statewide to serve public assistance recipients and that local areas be relieved of the requirement of providing priority to this population.

Local boards were given the opportunity to analyze the customer need in relation to resource availability, in order to determine whether there are sufficient funds available in the local area to serve all adults appropriate for intensive and training services. If the analysis demonstrated that sufficient funds are available, no priority of service would be required.

If the local boards cannot adequately demonstrate that sufficient funds are available in the local area to serve all appropriate adults, local boards are required to describe in their plans the procedures that will be used to ensure that priority for intensive and training services is given to low income groups other than public assistance recipients.

Plans from each of the six Workforce Investment Areas indicate that sufficient funds did not exist and that priority for intensive and training services will be provided to low income groups other than public assistance recipients during PY'05.

b. What policies and strategies does the State have in place to ensure that, pursuant to the Jobs for Veterans Act (P.L.107-288)[38 USC 4215], that priority of service is provided to veterans (certain spouses) who otherwise meet the eligibility requirements for all employment and training programs funded by the U.S. Department of Labor, in accordance with the provisions of TEGL 5-03 (9/16/03)?

The Idaho Department of Commerce and Labor will ensure that all ES staff provide veterans with priority in direct employment and training-related services and supportive services at any One Stop Career Center receiving Wagner-Peyser funds or housing Wagner-Peyser staff as required by 20 CFR, Chapter IX, Subsection 1001.120, title 38 of US Code Chapter 41 and as set forth in the General and Special Grant Provisions of the current grant. The State has also incorporated the requirements of Jobs for Veterans Act, which gives eligible and qualified veterans (and certain spouses) priority over non-veterans. In making referrals of qualified applicants to job openings and training opportunities, the Department shall observe the following order of priority: 1) Special Disabled Veterans 2) other disabled veterans 3) other eligible veterans and eligible persons in accordance with priorities set by the Secretary, which may include veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge or expeditionary medal has been authorized, recently separated veterans (those within 36 months of separation from the military at the time of application), other eligible veterans, eligible spouses, non-veterans.

Most USDOL programs have only general program eligibility requirements and do not target specific participant groups, thus implementation of the veterans' priority has posed few practical difficulties for these programs. However, in a few programs such as the WIA-funded Adult and Youth programs, the veterans'

priority will compete with existing statutory priorities that favor certain population groups and must be taken into account when applying the priority..

A covered person is entitled to and will be given priority over non-covered persons for the receipt of employment, training and placement services if the person otherwise meets the eligibility requirements for participation in the program (see specifics below)

A covered person is a veteran:

- A. Who served on active duty for a period of more than 180 days and was discharged or released with other than a dishonorable discharge;
- B. Who was discharged or released from active duty because of a service-connected disability; or
- C. Who, as a member of a reserve component under an order to active duty pursuant to section 12301 (a), (d), or (g), 12302, or 12304 of Title 10, served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than a dishonorable discharge.

A covered person also includes the spouse of any of the following:

- A. Any veteran who died of a service-connected disability.
- B. Any member of the Armed Forces on active duty who, at the time of application for assistance under this section, is listed in one of the following categories for at least 90 days: missing in action, captured in line of duty by hostile force, or forcibly detained or interned in line of duty by a foreign government or power.
- C. Any veteran who has a total disability resulting from a service-connected disability.
- D. Any veteran who died while a disability so evaluated was in existence.

For programs that have existing statutory priorities that target certain population groups, such as WIA Adult and Youth programs, the veterans' priority is applied to covered persons that meet program criteria. This means an individual meeting both the veterans' priority and the program requirements would receive the highest priority for WIA Youth or Adult services over a non-covered person, assessing the person's status in light of both the veterans' priority and the program's eligibility criteria.

Non-covered persons meeting program requirements will have preference over any covered person who does not meet these requirements. If both the non-covered person and the covered person are outside the program requirements, the covered person will have priority if the requirements of the program are ultimately met. No one, including a covered person, should receive any type of service if they do not meet the program eligibility criteria.

For programs that do not target specific groups, such as the WIA Dislocated Worker program, the veterans' priority is given to those that first meet the program's existing eligibility requirements. This means a covered person would receive priority for services over a non-covered individual, only after satisfying the Dislocated Worker program's eligibility requirements. In cases where targeting of a particular group is discretionary and not required by law, such as local policy, the veterans' priority for an individual takes precedence above the discretionary priority group.

- D. *Rapid Response. (112(b)(17)(A)(ii).) Describe how your State provides Rapid Response services with the funds reserved under section 133(a)(2).*

1. *Identify the entity responsible for providing Rapid Response services. Describe how Rapid Response activities involve local boards and Chief Elected Officials. If Rapid Response activities are shared between the State and local areas, describe the functions of each and how funds are allocated to the local areas.*

The Idaho Department of Commerce and Labor's State staff will continue in a lead role for deploying rapid response assistance to worker dislocations. Notices of plant closures and mass layoffs, as required by the Worker Adjustment and Retraining Notification Act (WARN), will be submitted to Department of Commerce and Labor. The Workforce Systems Bureau will provide copies of the notice to the Department's Division Administrators and state agencies participating in the One Stop system. Copies of the notice will also be sent to the Chair of the local Council of Governments of the area impacted by the announced closure or mass layoff.

The Idaho Department of Commerce and Labor's Workforce Systems Bureau will serve as the State Dislocated Worker Unit (DWU) and will have chief responsibility for the coordination of dislocated worker services within the Department and with other entities. The Department offers a comprehensive array of services including Wagner-Peyser, Unemployment Insurance, Trade Adjustment Assistance and Veterans services. Dislocated Worker interventions involve these programs and benefits from their services and resources. The Department's Field Services Division operates these programs. All rapid response services will be coordinated closely with the local one stops. The Department will also coordinate closely with the State AFL-CIO in arranging services for dislocations involving organized labor

2. *Describe the process involved in carrying out Rapid Response activities.*
 - a. *What methods are involved in receiving notice of impending layoffs (include WARN Act notice as well as other sources)?*

All dislocation notices received due to WARN Act will be reviewed by the DWU and the appropriate response will be developed in close coordination with the Department's Field Services Division and the local One Stop management staff. The State AFL-CIO will be consulted on dislocations involving organized labor. If it is determined that there will be significant dislocation which warrants state rapid response, the Workforce Systems Bureau will initiate on-site contact with the employer and the appropriate employee representatives to assist in arranging the most effective reemployment activities. These contacts will take place as soon as possible. In addition, the DWU will respond to publicly announced large layoffs in the same manner as described above. The local One Stop manager will take the lead in responding to smaller dislocations

- b. *What efforts does the Rapid Response team make to ensure that rapid response services are provided, whenever possible, prior to layoff date, onsite at the company, and on company time?*

The Rapid Response Team will promote early intervention to worker dislocations. Based on information from the company, the Rapid Response Team will develop the appropriate service delivery strategy. The response will take into account the skills of the impacted workers, the potential for direct job placement, and the availability of resources to address the short and long-term needs of the workers. Services will include on-site information meetings on available employment and training programs, employee surveys, aggressive promotion of services and coordination with training providers. The State DWU and local One Stop staff will coordinate to ensure that the employees receive information on the services available through the workforce system programs including the One Stop Center, the postsecondary school(s) in the area and the WIA programs. Based on the availability of resources and the company's receptiveness, the Rapid

Response Team will determine what services to offer on-site. This will include financial management, job search assistance and other workshops as requested. If appropriate, fully automated on-site reemployment centers will be established and staffed.

In addition to promoting core services, the Rapid Response Team will encourage the use of intensive and training services for appropriate individuals. The WIA Title I Dislocated Worker service provider will conduct an individual assessment of the impacted worker to determine the appropriate services. The in-depth assessment will determine the appropriate service delivery plan for all customers including those with multiple barriers to reemployment.

Labor/Management Committees will be the preferred method of assistance in responding to large closures and layoffs. Each year, the State will set aside \$200,000 of the Title I Dislocated Worker 25% funds to support rapid response. The first priority for these will be to encourage companies to participate in Labor/Management Committees. These funds will be utilized to supplement the local WIA Title I services and will support core, intensive and training services for the employees of the company. The Department will consider utilizing the committee approach and providing rapid response assistance for closures involving 50 or more employees. The DWU's decision will be guided by such factors as:

- 1) whether dislocations are permanent and the employees have no bona fide offer of reemployment;
- 2) the impact of the dislocation on the community;
- 3) potential benefits of state intervention on the reemployment effort; and
- 4) willingness of the company and the employees to participate in the effort.

Second priority for funding will be to support services for dislocations where the DWU and the local One Stop staff have agreed that it is appropriate for the local area to take the lead in organizing the response. This is a typical response to smaller dislocations. Funds will be made available when the local area lacks resources to meet the demand for services.

The Rapid Response Team will also review and evaluate the potential for layoff prevention services. The goal of these efforts will be to retain the business and to minimize any downsizing effort. If appropriate, the DWU and local One Stop staff will also present local economic development programs in identifying layoff prevention options. These efforts will include determining appropriateness of requesting assistance from the State's Workforce Development Training Fund.

The balance of Rapid Response funds not required to support the above activities will be allocated to the local providers to supplement their Dislocated Worker area allocations. Priority for funding will include support for carry-in participants and areas experiencing increases in dislocations. Funds will be allocated based on these needs and/or through the Dislocated Worker substate funding formula.

- c. What services are included in Rapid Response activities? Does the Rapid Response team provide workshops or other activities in addition to general informational services to affected workers? How do you determine what services will be provided for a particular layoff (including layoffs that may be trade-affected)?*

The Department's Workforce Systems Bureau will be responsible for coordinating the rapid response activities including the initial employer/employee contacts, promoting and establishing Labor/Management Committees, collecting information on dislocations and available resources, providing and arranging technical assistance for the response effort, disseminating information on available program services and assisting local efforts. Workforce Systems will also be responsible for coordinating Dislocated Worker and Trade Adjustment Assistance Programs for impacted workers. At the State level, these efforts will be coordinated with the Division of Professional-Technical Education, Idaho Commission on Aging, Health and Welfare, and agency economic development specialists.

Within the Department, the rapid response activities will involve and be closely coordinated with the Field Services Division, Benefits Bureau, Research and Analysis Bureau, Marketing, and One Stop offices. The Field Services Division will assist in the initial contacts with the employer and in organizing and participating in the appropriate method of response to the dislocations. The Benefits Bureau will assist in coordinating the Unemployment Insurance and Trade Adjustment Assistance Act with the reemployment effort. The Research and Analysis Bureau will provide labor market data and information on unemployment insurance claimants. The Workforce Systems Bureau will also collect information on available resources and provide technical assistance to the response effort. The Department's Information Officer will disseminate information on the available services as well as information on specific rapid response efforts. One Stop staff will provide assistance with the Unemployment Insurance, Employment Service, Veterans Services, Trade Adjustment Assistance and WIA Title I in the areas they provide those services.

The Workforce Systems Bureau will be responsible for contacting the employer and employees to obtain agreement to participate in the joint Labor/Management Committee and for scheduling the initial meeting. In addition, the Bureau will be responsible for assisting the committee in selecting a neutral chair; providing the committee with training on their roles, goals, and procedures; arranging financial support for the committee; arranging state and local coordination and providing technical assistance. The Bureau will also assure that rapid response services are well coordinated with the appropriate local elected officials.

Via a grant of Rapid Response funds, the Idaho State AFL-CIO will participate in rapid response activities for dislocations involving organized labor. The AFL-CIO will assist in obtaining labor's participation in the reemployment effort and will participate in disseminating information on program services. The AFL-CIO will assist in identifying Labor/Management Committee chairs acceptable to the employees and will assist in identifying the employees' representatives for the committees. When appropriate, the AFL-CIO will assist the committee in organizing informational workshops for the displaced workers and in promoting service utilization. Also, the AFL-CIO will assist in identifying appropriate layoff prevention strategies. Organized labor coordination will be supported with rapid response funds.

The One Stop Management staff will be responsible for coordinating local workforce investment activities with the State's rapid response efforts. This effort includes making WIA Title I resources available to support services for dislocated workers targeted by rapid response efforts. The staff will assist the State in promoting rapid response, early interventions services and Labor/Management Committees. The staff will participate in rapid response informational meetings, Labor /Management Committee meetings and will assist in helping develop response plans to worker dislocations. The One Stop staff also will assist in coordinating services with local economic development efforts and the appropriate local elected officials.

3. *How does the State ensure a seamless transition between Rapid Response services and One-Stop activities for affected workers?*

Since the One Stop management and frontline staff are deeply involved in each Rapid Response intervention at the earliest stages, transitioning to One Stop activities is truly seamless for affected workers.

4. *Describe how Rapid Response functions as a business service? Include whether Rapid Response partners with economic development agencies to connect employees from companies undergoing layoffs to similar companies that are growing and need skilled workers? How does Rapid Response promote the full range of services available to help companies in all stages of the economic cycle, not just those available during layoffs? How does the State promote Rapid Response as a positive, proactive, business-friendly service, not only a negative, reactive service?*

Idaho Commerce and Labor has years of experience providing rapid response services to our business community. Our proven track record is evident by our successful performance. Companies view our services as positive, proactive, and business-friendly.

Idaho's Rapid Response Team provides the following activities for our business community:

- a. Immediate and on-site contact with the employer, representatives of the affected workers, and the local community.
- b. Information and immediate access to unemployment compensation benefits, comprehensive One-Stop system services, and employment and training activities, including TAA.
- c. Establishing labor/management committees
- d. Developing a coordinated response which may include the development of an application for a National Emergency Grant.
- e. True connection with economic development activities through the merger of Commerce and Labor

Idaho Commerce and Labor uses every opportunity to promote the full range of business services at each contact independent of the reason for that contact. This brings a comprehensive range of economic development, workforce development and education services to the attention of the businesses we serve.

5. *What other partnerships does Rapid Response engage in to expand the range and quality of services available to companies and affected workers and to develop an effective early layoff warning network?*

As indicated above, the Rapid Response team brings the wide range of resources available through the states employment, education and economic development service providers. Depending on the needs of individuals, the team also brings in community resources to offer help in areas ranging from health insurance to child care to financial planning and more. Because of solid connections established through economic development, workforce development and employment during periods of growth and expansion, the Department has wide access to contacts who also advise in times of downsizing.

6. *What systems does the Rapid Response team use to track its activities? Does the State have a comprehensive, integrated Management Information System*

that includes Rapid Response, Trade Act programs, National Emergency Grants, and One-Stop activities?

Idaho's Management Information System currently provides integrated participant, financial, and management reporting for WIA Dislocated Worker and NEG. Inclusion of TAA is in development and should be completed prior to PY06. Tracking Rapid Response team activities continues on the intra-agency communications system.

7. *Are Rapid Response funds used for other activities not described above (e.g., the provision of additional assistance to local areas that experience increased workers or unemployed individuals due to dislocation events in case of unusually large layoff events)?*

With \$200,000 retained for Rapid Response activities at the State level, the balance of funds are allocated to local areas as they experience increased numbers of individuals in need of dislocated worker services due to layoffs or closures. The state will analyze needs in the region giving first priority to continued training of those already enrolled before providing funds for new enrollments. Given the significant cut, it is not anticipated that the state will be able to maintain a set aside to arm against larger closures; rather, we will rely on applications for NEGs.

- E. *Youth. ETA's strategic vision identifies youth most in need, such as out of school youth, (and those at risk) youth in foster care, youth aging out of foster care, youth offenders, children of incarcerated parents, homeless youth, and migrant and seasonal farmworker youth as those most in need of service. State programs and services should take a comprehensive approach to serving these youth, including basic skills remediation, helping youth stay in or return to school, employment, internships, help with attaining a high school diploma or GED, postsecondary vocational training, apprenticeships and enrollment in community and four-year colleges. (§112(b)(18).)*

1. *Describe your State's strategy for providing comprehensive, integrated services to eligible youth, including those most in need as described above. Include any State requirements and activities to assist youth who have special needs or barriers to employment, including those who are pregnant, parenting, or have disabilities. Include how the State will coordinate across State agencies responsible for workforce investment, foster care, education, human services, juvenile justice, and other relevant resources as part of the strategy. (§112(b)(18).)*

State youth programs operating under WIA have been integrated with Governor Kempthorne's Generation of the Child initiative. Through this, the workforce system will participate as part of a highly coordinated, continuum of services designed to assure that healthy, well-nurtured, and well-educated children enter adulthood as productive members of the workforce.

Among the youth services available on a statewide basis are the employment and training services offered under the Workforce Investment Act, labor exchange services offered through Wagner-Peyser, services for youth who have entered the juvenile justice system through the Department of Juvenile Corrections and county probation offices, services to youth in families receiving, at risk of needing, or transitioning from public assistance through the Idaho Department of Health and Welfare, vocational training opportunities at the secondary and postsecondary level provided through the public school system and postsecondary technical colleges, services to youth with disabilities through the Idaho Division of Vocational Rehabilitation, and elementary and secondary

educational services offered through the Department of Education and local secondary school districts. In addition, the Idaho Migrant Council offers employment and training services to migrant and seasonal farmworker youth at various sites across the state. Although federal School To Work funding has ended, local efforts continue across the state to provide opportunities to youth as they transition from the world of learning to the world of earning. These statewide services have been augmented by a network of local providers and community based organizations throughout the state, including Native American grantees within the state who provide employment and training services to Native American youth.

A number of highly effective partnerships have been developed among the agencies listed above in the delivery of youth services on a statewide level and through local youth efforts.

Because WIA funds are limited, development of a comprehensive, community-wide approach to meeting the needs of youth requires collaboration among a variety of workforce, educational, and related agencies to develop program strategies that address the multiple needs of youth and establish the sequence of services needed to help youth move toward functioning as effective citizens, family members and employees.

Most coordination with foster care, education, welfare, and programs that serve youth with special barriers to employment, including youth with disabilities takes place locally through various linkages already in place. Several representatives of these same local level programs serve on the Workforce Development Council and participate at the state level to develop strategies to serve youth with special needs. Service providers at the local level have also employed a variety of approaches to collaborate on service delivery.

2. *Describe how coordination with Job Corps and other youth programs will occur. (§112(b)(18)(C).)*

Job Corps has had a voice in the design and delivery of local WIA youth activities either through participation on local Youth Councils or through the linkages mentioned above. Through these mechanisms, they have had and continue to have several options to assure appropriate access to youth activities for Job Corps participants. Contractors for Job Corps regularly schedule visits to One Stop Centers and affiliate locations to recruit new participants. Youth service providers also routinely make referrals to the Job Corps. Federal contracts also avail themselves of the placement opportunities available in the One Stop system as participants are transitioned to their home communities.

As mentioned earlier in the plan, with the advent of the shared federal vision for youth – *Creating a Collaborative Approach to Prepare Youth for Success in a Global, Demand-Driven Economy*- and USDOL's New Strategic Vision for the Delivery of Youth Services under the Workforce Investment Act, the state has mobilized its efforts to follow the lead established by its federal partners. Accordingly, the groups participating in this effort will represent a broad spectrum of youth populations in need throughout the state, including Job Corps. With its staff participating in one of the regional forums rolling out the shared federal vision for youth, Job Corps is expected to play a significant role in this process within the state.

3. *How does the State Plan to utilize the funds reserved for Statewide activities to support the State's vision for serving youth? Examples of activities that would be appropriate investments of these funds include:*
 - a. *utilizing the funds to promote cross agency collaboration;*
 - b. *demonstration of cross-cutting models of service delivery;*
 - c. *development of new models of alternative education leading to employment; or*
 - d. *development of demand-driven models with business and industry working collaboratively with the workforce investment system and education partners to develop strategies for bringing these youth successful into the workforce pipeline with the right skills.*

As noted earlier under Section I, the State's vision for serving youth falls directly under the Governor's broad strategic youth initiative known as the Generation of the Child. The workforce development system is a partner in the initiative, as it participates as a component of a highly coordinated continuum of services designed to assure youth are well prepared to enter adulthood as productive members of the workforce.

As part of this current planning cycle, the WDC will allocate additional funds for youth in need to local areas to provide additional funds for current providers to serve at risk youth. Because of the large drop in funding, only limited resources will be available for specific program services. During PY'06, the council will examine the use of the youth in need funds to determine if further direction is required to drive resources to those identified as most in need. In the interim, the state will continue to monitor services to populations identified as most in need to ensure that they continue to receive these services.

- e. *Describe how your State will, in general, meet the Act's provisions regarding youth program design. (§§112(b)(18) and 129(c).)*

The State has undertaken significant efforts to insure that its youth program complies with provisions regarding youth program design. State personnel embarked upon extensive and in-depth analysis to determine the appropriate approach to implementing a successful youth program which, based on its recent performance outcomes and results, appears to have been achieved, noting that many of its participants have moved on to successful endeavors, allowing them to compete in the market place of this demand-driven economy.

Considerable research has been conducted regarding the effectiveness of various strategies for serving at-risk youth (both in-school youth and dropouts) in an effort to identify factors contributing to the success of the effective models and the demise of ineffective ones. As a result of these studies, researchers and practitioners have concluded that six design features form the foundation for effective youth programs.

As such, the State adopted these key design features as the basic policy framework for WIA youth programs in Idaho and used to develop youth strategies in the state:

- **Adult support, structure, and expectations** - advisors, mentors, role models, teachers, setting clear and high expectations;
- **Creative forms of learning**, including SCANS competencies, work-based learning, project-based learning, and other environments that make learning engaging and relevant;
- **A combination of guidance and rich connections to the workplace**, including matching youth with suitable employers, job coaching, and structured learning opportunities;
- **Support and follow-up**, including referral to or arrangement for needed ancillary services and opportunities to learn trust, as well as work ethics;
- **Using youth as resources**, allowing them to contribute to their own growth; and
- **Quality Implementation**, through well-managed programs, incorporating evaluation and continuous improvement, quality staff training and materials, and effective use of resources

Based on these key design features, the State adopted the following Guiding Principles, which are used by the State Workforce Development Council to shape youth policy and develop a comprehensive youth strategy:

- (a) The WDC will establish and oversee a system of youth development, education and training that promotes and enhances academic achievement, high school graduation, work-readiness skills, postsecondary readiness, occupational skill achievement and employment readiness.
- (b) Locally-identified needs of both dropouts and in-school youth, particularly those at risk of dropping out, will guide the design of youth programs.
- (c) Individual, in-depth, comprehensive assessments will allow services to be tailored to each youth's specific needs.
- (d) Services will be tied to the age and maturity level of each youth.
- (e) Service strategies will be sequenced over time to maximize learning gains and assimilation of appropriate work behaviors.
- (f) Service strategies for dropouts will include efforts to assist youth in achieving high school credentials.
- (g) Service strategies will emphasize the use of SCANS skills through contextual learning opportunities that combine school-based learning opportunities and work-based opportunities.

The State's approach to ensuring that the required design features are reflected in local program design is through the issuance of the State's comprehensive youth policy as described above, including the Guiding Principles used by local boards in developing local strategies for PY'05. Planning Guidelines ask what each local area's strategy is to make the ten required elements available, and have been continually reviewed by the State to ensure that the requirements of §129 of the Act are clearly met.

Local areas generally work closely with secondary and alternative schools across the state in dropout prevention efforts with a goal toward high school completion and preparation for postsecondary opportunities. Tutoring, basic skill remediation, employability competency training, counseling, work opportunities and supportive services are among the most common services provided in conjunction with local schools. Previously, the State has trained local staff and regions on the incorporation of SCANS skills into work-based learning activity. This has been successfully carried over to continue WIA over

the last five years, allowing for the expansion of local capacity for reinforcing the connection between academic and occupational learning.

Employability training (pre-employment/work maturity skills training) has always been and continues as a staple among the menu of services by workforce development system partners. Linkages with the One Stop system and School-To-Work activities that have been sustained locally strengthen service provider efforts directed toward making connections for participants with the employer base across the state.

Work experience had been a mainstay of summer employment opportunities for at-risk youth throughout JTPA, and like employability training, still continues under WIA. An increased emphasis has been placed upon project-based learning integrating SCANS skills and competencies and leadership development opportunities on a year-round basis.

Vocational training continues to be available at both the secondary and postsecondary level through public and private schools, as well as through a variety of community based organizations across the state, all of whom are active partners in the workforce investment system.

Mentoring programs have been institutionalized into the WIA menu of youth services. Soon after WIA was implemented, specific training in this area was provided to local providers in order to expand the workforce development system' ability to offer this service. As indicated in Section VI.F, the State has required that local areas take steps to ensure that mentoring efforts offer mentors and mentees maximum protection and quality experiences through appropriate screening and training of mentors and through the provision of ongoing support for mentoring activities.

Local areas have relied heavily on WIA service providers and their coordination with other community resources in order that they may continue to provide the necessary guidance and counseling, supportive services, and follow-up contacts to help participants sustain gains made during program participation. Guidance and counseling is available through WIA providers, the Department of Health & Welfare Substance Abuse program, Wagner-Peyser programs, the Idaho Division of Vocational Rehabilitation, the Idaho Commission on Aging, secondary and postsecondary technical colleges, private providers and a host of community based organizations. Individuals may choose to receive this service in-house or be referred to a more appropriate source.

Follow-up services have generally focused on continued contact with participants through both formal and informal channels designed to help participants sustain gains made during program participation. This may take the form of coaching and trouble-shooting on the job, coordinating with school staff to further participant goals in educational settings, and general support based on individual needs.

F. *Business Services. (§§112 (a) and 112(b)(2).) Provide a description of the state's strategies to improve the services to employers, including a description of how the State intends to:*

1. *Determine the employer needs in the local areas and on a Statewide basis.*

The employer community is a valued and important customer of the One Stop system. The Workforce Development Council lists as its first goal the routine collection of data from employers to ensure a demand driven workforce system. As

new members have been added to the Council, a deliberate effort was made to seek nominees from important industry sectors to ensure on-going communication; this is a practice that will be continued as business members are added to the Council. The Council and their one stop system seek employer input in a variety of means:

- Regional Labor Economists routinely identify and publish regional business activity to assist front line staff in targeting employer needs.
- Special surveys have been conducted to identify skills needs of employers. This was originally funded as a pilot by the Workforce Development Council using 15% funds and was expanded statewide in 2005.
- The Workforce Development Council is overseeing a project begun by the Policy Academy to improve workforce supply-demand information.
- Business Industry Consortia were started under a grant from incentive dollars and were continued with local and state 15% funds. Existing BICs will be continued and new committees formed as funding permits.
- One stop centers and training programs in the postsecondary system host employer committees to advise on service delivery.
- The development of career clusters will aid in communication among business and the workforce, education and economic development system.

To assure staff is viewed as an asset by the employer community, statewide staff training was provided to increase staff capacity to meet employer needs. This training has been incorporated into the CDF training made available to staff and provides line staff a mechanism to focus efforts to improve services to both employer and job seeking customers, thereby enhancing the quality of job listings and improving customer satisfaction.

The evolution of technology tools to assist staff to better serve employer needs will continue to be a priority item in the One Stop Career Center delivery system. A server based employer portfolio has been implemented statewide to provide staff with specialized information to improve employer services. These enhancements include a data base of services provided to employers and a much improved integration of data at the state level. Other enhancements to this system will provide the opportunity to better describe job requirements to improve recruitment effectiveness, the use of the Standard Occupational Classification system to replace the antiquated Dictionary of Occupational Titles coding structure, and improved capabilities to match employer needs with qualified applicant

2. *Integrate business services, including Wagner-Peyser Act services, to employers through the One-Stop system.*

The Idaho Department of Commerce and Labor has fully committed to the development of the One Stop system in Idaho and will offer all of its programs through the system. These include Wagner-Peyser, Unemployment Insurance, Trade Adjustment Assistance, Jobs for Veterans (LVER/DVOP) and employment and training assistance, and a host of cost reimbursable grants including WOTC and W2W Tax Credits, LMI, H2A, and other special grants as well as a state funded training program. The merger of the Department of Commerce with Labor created an opportunity to disseminate the agency's economic and community development services through the one stop system. Training is planned for PY'05 to enhance the

capacity of all one stop centers to deliver the full range of economic and community development services.

Wagner-Peyser funds have been used to operate the state's primary labor exchange for a number of years. While partners often do their own job development, the Wagner-Peyser Employment Service System has been a referral point for all work ready participants about to exit program services. One Stop funds were used to make job registration and job listing services more accessible to partners and their clients. Now, customers can utilize this service at any partner location or over the Internet. This assures broad use of the system by all partners and eliminates the need to create alternative systems. The labor exchange self-registration and job search systems are being made available to all partners and will not be duplicated.

3. *Streamline administration of Federal tax credit programs within the One-Stop system to maximize employer participation? (20 CFR part 652.3(b), §112(b)(17)(A)(i).)*

The Work Opportunity Tax Credit (WOTC) and Welfare to Work Tax Credit programs are administered by Idaho Commerce and Labor. Program information is made available to employers and the public through direct marketing, brochures, and electronically through the Idaho Commerce and Labor website. Promotional brochures and informational packets are made available through the One Stop Career Centers and system partners for direct marketing purposes during job development and placement activities by service delivery staff. Idaho Commerce and Labor includes the tax credit programs in its One Stop cooperative agreements and that is very beneficial in assisting in marketing efforts for the tax credit programs. Idaho Commerce and Labor Tax Credit staff provides training when needed for staff of partner agencies and organizations to expand the utilization of the tax credit programs. All Tax Credit documents submitted by Idaho employers, including related certifications and other written communication, are processed in the Idaho Commerce and Labor Central Office.

G. *Innovative Service Delivery Strategies (§112(b)(17)(A).)*

1. *Describe innovative service delivery strategies the State has or is planning to undertake to maximize resources, increase service levels, improve service quality, achieve better integration or meet other key State goals. Include in the description the initiative's general design, anticipated outcomes, partners involved and funds leveraged (e.g., Title I formula, Statewide reserve, employer contributions, education funds, non-WIA State funds).*

Throughout this document, the state has described strategies we believe will yield the positive results suggested in this section. Among the projects are those described as the states priorities in Section II of this plan. These include plans to:

- Eliminate duplicative administrative systems and maximize opportunities for training.
- Continue Transformation into a Demand Driven System.
- Enhance Integration of the One Stop System.
- Refocus Youth Investments.
- Implement Reporting for Common Measures and Strengthen accountability.
- Improve Workforce Information.
- Assure a quality pre-K-16 plus system of education and training
- Promote Flexible Workplaces
- Create an Entrepreneurial Workforce.

- Expand awareness of the Workforce System

Additional strategies that have been described in this plan and chronicled in a report on the state's business services include:

- Pilots that share resources of the workforce and education system with business to expand training in high growth industries;
- Extensive staff training to meet needs of customers and businesses;
- Specialized labor market studies to identify skills gaps and partnerships
- Development of career clusters to guide workforce, economic development and education;
- A Business Relations Strategy that incorporates staff training and focus on business as the system's first customer;
- Pilots to identify and offer intensive services to business;
- The use of the state's Workforce Development Training Fund to build the skills of workers in new and expanding industries;
- Extensive use of technology to reach employers and workers alike and joint partnerships with business to manage recruitment;
- Extensive building/remodeling of facilities to provide special facilities for business; and
- Intensive labor exchange practices tied to business recruitment and expansion.

2. *If your States participating in the ETA Personal Re-employment Account (PRA) demonstration, describe your vision for integrating PRAs as a service delivery alternative as part of the State's overall strategy for workforce investment.*

Idaho is fortunate to be a participant in the PRA demonstration. The program is being operated in two One Stop centers selected because of the higher than average unemployment in one center and lower than average unemployment in the second. The demonstration will allow the state to determine whether the PRA program should be provided as an opportunity statewide under the WIA program when it is reauthorized. Information will be gathered on a wide variety of demographic, occupational and economic data so that the state can carefully structure any future PRA opportunities.

- H. *Strategies for Faith-based and Community Organizations (§112(b)(17)(i).) – Enhancing outreach opportunities to those most in need is a fundamental element of the demand-driven systems goal to increase the pipeline of needed workers while meeting the training and employment needs of those most at risk. Faith-based and community organizations provide unique opportunities for the workforce investment system to access this pool of workers and meet the needs of business and industry. Describe those activities to be undertaken to: (1) increase the opportunities for participation of faith-based and community organizations as committed and active partners in the One-Stop delivery system; and (2) expand the access of faith-based and community-based organizations' clients and customers to the services offered by the One-Stops in the State. Outline those action steps designed to strengthen State collaboration efforts with local workforce investment areas in conducting outreach campaigns to educate faith-based and community organizations about the attributes and objectives of the demand-driven workforce investment system. Indicate how these resources can be strategically and effectively leveraged in the State's workforce investment areas to help meet the objectives of the Workforce Investment Act.*

In 2003, the Governor's office convened a group of several representatives of faith- and community-based organizations (FBCO) and representatives of state agencies to determine the effort currently being made in incorporating FBCOs as working service partners in the state. The results of a strength, weaknesses, opportunities, and threat

(SWOT) analysis showed that the state had made inroads in doing so. Each key state agency had established a position to coordinate FBCO's interests and efforts to assist in providing services throughout the state to the underserved, and noted that the state's workforce development system has had several FBCOs apply and receive grants to operate as WIA service providers within the state for several years.

As a means of enhancing outreach opportunities to those most in need, the State is examining the potential for increasing the participation of FBCOs as committed and active partners in the One-Stop delivery system. An initiative will be implemented to market the system to instill awareness of the resources available through the workforce development system. Included as part of this effort would be the expansion of access to FBCOs' clients and customers to the services offered by the State's One-Stop system.

The State will make an extensive effort to expand universal access to program information and funding throughout the state, to include service opportunities for FBCOs, especially for those that have demonstrated a successful ability in forming partnerships and providing services to those most in need.

X. *State Administration*

- A. *What technology infrastructure and/or management information systems does the State have in place to support the State and local workforce investment activities such as a One-Stop operating system designed to facilitate case management and service delivery across programs, a State job matching system, web-based self service tools for customers, fiscal management systems, etc.? (§§111(d)(2), 112(b)(1) and 112(b)(8)(B).)*

The State has invested heavily in using technology to expand the services provided to its customers as well as the tools available to staff to improve their effectiveness and efficiency. As with improvement of facilities, much of the progress in technology was made possible by creatively using a variety of grant funds and supplemental funding sources to achieve the desired results.

Hi-tech lobbies were initially installed in local offices across the state in 1995/96 with the help of the Federal One-Stop grant and the State's Special Administration Fund. In 2003, the State was able to upgrade/replace all the lobby computers using a portion of the Reed Act funds that were distributed back to all states by the U.S. Department of Labor.

Without a doubt, the most significant technology development for the State's workforce system has been the IdahoWorks information system. This is a comprehensive system used to deliver a variety of unemployment insurance (UI) and employment and training services throughout the state. The system's internet-based design was initiated in 1995 using One-Stop grant funds and it has continued to evolve and grow in scope since that time. IdahoWorks is constructed using internet technologies thus allowing it to be used both internally in one stop offices and partner sites and externally by customers over the internet. The user interfaces are standardized across programs thus maximizing ease of use and overall satisfaction for both staff and customers. The largely self-service aspect of the system has greatly increased the number of customers who obtain service and frees up staff to help those with special needs. The State believes that the system provides substantial savings when compared to traditional approaches.

The IdahoWorks system combines a full array of unemployment insurance, labor exchange, and training programs within one system that meets the needs of both job seeker and business customers. Job seekers and UI claimants use the system to file initial and continuing claims for unemployment insurance, register for work, scan available jobs, obtain information about available training programs, and search an extensive array of labor market and career information. Businesses can use the on-line system for reporting wages and filing UI taxes, as well as accessing labor market information and an extensive body of related information on topics such as business expansion, tax credits, and employment services.

IdahoWorks serves as the One-Stop information system for the Workforce Investment Act in Idaho and has been used by all workforce investment areas for case management, program management, financial management, federal reporting, etc. The system has extensive edits, data quality prompts to remind case managers that data needs to be reviewed or updated and a wealth of information used for management. While the simplicity of data entry is a hallmark of the system, the wide range of program, performance and financial information available at the touch of a button has created a comprehensive management system that allows users at all levels to easily identify and address both client and program management issues.

Uniquely, IdahoWorks also houses the State's Human Resource System as a system component. In 2002, ICL partnered with the Division of Human Resources (DHR) to design a system that includes on-line job announcements, on-line applications, on-line

testing, and on-line hiring registers. In the first year of operation, the system took 72,000 applications for state jobs from 31,000 people.

The Unemployment Insurance Internet Claims System, the Job Seeker Registration System, and the State's Human Resource System have each received Information Technology Achievement awards from Idaho's Information Technology Resource Management Council. The UI Internet Claims System was also recognized by the National Association of State Workforce Agencies.

In mid-2004, ICL further enhanced its business services when it rolled out a new Employer Job Entry (EJoE) system that allows employers to write, enter and manage their own job listings. Employers control how the job seekers contact them from the job posting. Through the system, they can also review lists of candidates who have inquired about a job listing and screen applicant profiles and resumes. Self-posting is optional and Employment Consultants in the local office are available to help businesses, as needed, to write good job descriptions and/or navigate the system. This system has been received very positively in the short period since its launch.

More recently, in response to the medical community's special need to recruit employees, Commerce and Labor used its technological expertise to develop customized electronic job listing/resume posting systems for the Idaho Hospital Association. The customized job bank provides a simple process for member businesses to post their jobs and for job seekers to post their resumes.

Many businesses probably view Unemployment Insurance more as a tax requirement than a service provided for their benefit. However, the program requires extensive interaction between the agency and individual businesses, and each contact provides a service opportunity that can affect the general relationship between ICL and the business. Over the years, the Department of Labor used both technology and the human touch to improve its customer relationship. As noted previously, employers were recently provided the option to report wages and file taxes through IdahoWorks. On the more human side, and as a means to improve decisions for UI eligibility, local office staff now telephone employers directly to obtain information related to employee separation thus achieving better response and better decisions. At the same time, extensive document imaging (becoming paperless) provides the agency with more opportunities to conduct quality control reviews of records. The agency strives to be "number one" in the quality of its UI decisions, as that helps build the confidence and support of business in the overall agency.

Labor market information is another customer service that has helped workers and business benefit significantly from the agency's commitment to technology. Idaho's Labor Market Information (iLMI) website helps businesses make decisions that may be related to a wide variety of issues including availability of skilled workers, pay and benefits by occupations, economic profile of the state and counties, area demographics, industry growth and composition, and number of workers by occupation. During PY 2003, the iLMI website experienced 117,525 visits comprising well over 1,100,000 hits. Customer interest in iLMI is continuing to grow. The agency conducts continuous analysis of website usage as well as customer feedback to keep the site up-to-date with data, reports, and publications that are in demand.

B. Describe the State's plan for use of the funds reserved for Statewide activities under WIA §128 (a)(1).

The funds have been primarily used to support systems necessary for operation of the workforce investment system with limited funding available for discretionary activities. Priority for PY'05 will be to fund mandatory activities and commitments

made for high growth projects initiated in 04 and designed to continue into PY'05. Attachment 16 reflects plans for use of Statewide funds. These are dependent upon creation of a single statewide area and reflect the benefits gained from integration of administrative and planning functions into single entities.

- C. *Describe how any waivers or workflex authority (both existing and planned) will assist the State in developing its workforce investment system. (§§189(i)(1), 189 (i)(4)(A), and 192.)*

Eligible Provider List:

As noted earlier in this Plan under Section V. Item J., the State of Idaho is seeking an extension of its current waiver on the Time Limit of the Period of Initial Eligibility for Training Providers. An extension of this provision will assist the State in the continuation and development of its workforce investment system in a variety of ways.

The state's training providers have expressed strong concerns with the implementation of subsequent eligibility requirements. By continuing the waiver extension, Idaho can be assured of maintaining a comprehensive eligible training provider list, allowing program participants the opportunity to select their choice of providers. The State is committed to delivering quality employment and training programs under WIA, which can only be provided by allowing participants to choose from a plethora of eligible training providers and their programs, which is currently available on the State's ETP list. However, it is very likely that if the waiver is not extended, the implementation of the subsequent eligibility criteria will prevent providers from participating in WIA and deny the state the ability to continue to provide the broadest range of training options for its WIA participants.

Single State Board:

The State is proposing designation of two workforce areas, development of a single regional plan for the single statewide regional planning area, and establishing a consortium of the two areas to conduct business using a single administrative agency. As part of this plan, Idaho is requesting a waiver to apply 20 CFR 661.300(f) which permits the state board to carryout the roles of a local board in a single area state, to a single statewide planning area. The waiver will allow functioning of the state as a single workforce planning area governed by a single board. This will allow the state to meet many of the goals outlined in section II of this plan including:

- The redirection of funding from planning and duplicative administrative systems to training;
- Expanded opportunities to align and integrate workforce development, economic development and education policy and services;
- Expansion of service access through development of a more comprehensive one stop system; and
- Increased efficiency in administration and operation of the system.

- D. *Performance Management and Accountability. Improved performance and accountability for customer-focused results are central features of WIA. To improve, states need not only systems in place to collect data and track performance, but also systems to analyze the information and modify strategies to improve performance. (See Training and Employment Guidance Letter (TEGL) 15-03, Common Measures Policy, December 10, 2003.) In this section, describe how the State measures the success of its strategies in achieving its goals, and how the State uses this data to continuously improve the system.*

1. *Describe the State's performance accountability system, including any state-system measures and the state's performance goals established with local areas.*

Identify the performance indicators and goals the State has established to track its progress toward meeting its strategic goals and implementing its vision for the workforce investment system. For each of the core indicators, explain how the State worked with local boards to determine the level of the performance goals. Include a discussion of how the levels compare with the State's previous outcomes as well as with the State-adjusted levels of performance established for other States (if available), taking into account differences in economic conditions, the characteristics of participants when they entered the program and the services to be provided. Include a description of how the levels will help the State achieve continuous improvement over the two years of the Plan. (§§112(b)(3) and 136(b)(3).)

Idaho currently utilizes the 17 WIA core measures and will adjust those to incorporate the Common Measures to track performance within the system. The State also utilizes a system of interim indicators to provide a base for oversight and continuous improvement at the regional and service provider level. While these are not formal "measures", they are critical to the state's achievement of the formal measures since they can be used on a real time basis to test progress or identify potential issues. The State has followed USDOL guidance in establishing performance goals for each of the 17 core measures, some of which have been amended to include Common Measures. The State has developed a database for the 17 WIA core measures in accordance with federal guidance and is in development of the same for the Common Measures. The current database reflects past State and area-level performance and be used as the primary basis for negotiations with the USDOL for determining proposed levels of performance for these measures. The 17 measures and performance levels are attached (see Attachment 11).

In developing the performance expectations, the State has considered factors such as economic conditions, the characteristics of participants and the services to be provided. The State has also committed to working closely with the local providers in identifying significant changes in the factors used to develop performance levels and negotiating the appropriate revisions at both the federal and local levels.

Idaho has always believed that it is critical to closely monitor the appropriateness of the core measurement system to avoid unintended negative impacts on service delivery strategies. The state's service providers need assurance that the WIA measures system will not inadvertently create barriers to quality services. Accordingly, the State has worked closely with the local areas to identify potential problems early and to make the appropriate adjustments in performance expectations.

As described above and as evidenced by its previous performance achievement levels, Idaho has always closely monitored the WIA performance system and performance expectations to ensure that they contribute to quality service delivery. Meeting and exceeding appropriate performance levels have required comprehensive quality services that contribute to a high level of customer satisfaction. This emphasis on performance accountability helps promote continuous improvement.

Also, as part of an overall effort to determine the performance and progress of the state's workforce development system, the State Workforce Development Council invited a leading national expert in performance management and measurement to share insights with it on state of the art measurement systems across the country. The Council requested that state staff research options for

measuring the State's workforce system efforts, utilizing the guiding principles it had established several years ago. State staff convened a group of Idaho's system partners to discuss its findings and determine an appropriate course of action. A three-tiered approach to system measures was seen as appropriate, utilizing individual program measures in the first tier, Common Measures in the second tier, with the last tier intended to portray system progress beyond the earlier categorical program results through a limited number of indicators that will measure progress on the Council's highest priority goals. The State plans to consider the Integrated Performance Information project sponsored by the National Governors' Association as a potential option for establishing system measures.

2. *Describe any targeted applicant groups under WIA Title I, the Wagner-Peyser Act or Title 38 Chapters 41 and 42 (Veterans Employment and Training Programs) that the State tracks. (§§111(d)(2), 112(b)(3) and 136(b)(2)(C).)*

The state routinely monitors services under Title I, Wagner-Peyser and VETS to track all mandated priority groups. Tracking is available through the state's IdahoWorks management information systems. In WIA Title I, the MIS allows for tracking of enrollments and outcome for a variety of demographic, education, economic and social characteristics to ensure equity of service to the groups with special attention to those groups targeted in the legislation—public assistance recipients, veterans, individuals with disabilities and older individuals as well as displaced homemakers in the dislocated worker program. In the youth programs, special tracking is done for public assistance recipients, veterans, individuals with disabilities and out-of-school youth. These are available on a real time basis reflecting enrollments, exits and outcomes reported for interim indicators.

The Wagner-Peyser Management Information Report tracks services to veterans, MSFWs and individuals with disabilities. This is also available as an on-line report.

3. *Identify any performance outcomes or measures in addition to those prescribed by WIA and what process is the State using to track and report them?*

As indicated above, the state uses a process of interim indicators to manage performance under Title IB programs. These include such indicators as placement at exit, wage rate at exit and youth indicators as well as fund utilization and economic and demographic characteristics of enrollees. These allow the state and its service providers to maintain real time access to progress and financial information, allowing corrective action to occur during the program year. These are available on line to anyone with security access to the WIA system. Significant information is also available on client progress and fund utilization to aid in managing the case load.

4. *Describe the State's common data system and reporting processes in place to track progress. Describe what data will be collected from the various One-Stop partners (beyond that required by DOL), use of quarterly wage records (including how your State accesses wage records), and how the Statewide system will have access to the information needed to continuously improve. (§112(b)(8)(B).)*

Idaho will operate a statewide management information system and financial payment system. All WIA Adult, Dislocated Worker and Youth service providers will use these automated systems. These systems offer capability to closely monitor and manage Individual Training Accounts usage. The automated MIS

and financial system will allow for ongoing reporting on amount of expenditures by each training provider. This system will help ensure that payment and tracking methods are easily accessible at the local level and will encourage the utilization of ITAs. The statewide systems will also help ensure quality performance reporting.

Continuous improvement endeavors require access to performance data as well as customer satisfaction information. Idaho's WIA MIS Internet system provides the online user with a number of ad hoc reporting options ~ demographic/programmatic/accounting data related to active participants or completers; data collected during follow-up; required federal reports, including performance data based on quarterly wage records. Ad hoc reporting allows the user to access data at all levels ~ State, local area, service provider, or participant. Customer satisfaction survey response data is also housed within the WIA MIS, and can be viewed using the reporting system.

Idaho is committed to obtaining customer input on service delivery and increasing customer satisfaction. All programs are encouraged to utilize a wide variety of methods to obtain customer feedback ranging from simply listening to customers to formal surveys.

The Department of Commerce and Labor obtains employer feedback through ICL Employer Committees, Small Business Information Fairs, employer input surveys and focus groups. For example, when the Department established Employer Resource Centers in each of the offices, 200 employers were surveyed to identify the resources they would find the most useful. Based on this feedback, informational materials have been developed and are available in printed version or on the Department's web site.

The Department also conducts employer surveys to determine satisfaction with placement services. The surveys are contracted to a third party and are statistically valid for each local office. The current statewide survey effort includes the three WIA employer satisfaction questions and rating scale. Based on previous survey results, the Department provided guidance to staff on how to improve applicant screening techniques. Also, a new job match system is being developed that will provide frontline staff with a better tool for identifying the most appropriate job seeker to fill the employer's job opening.

The Department also utilizes a variety of methods to obtain job seeker input. These methods include surveys, comment cards, direct feedback, Labor/Management Committees and Internet e-mail. The *Idaho Works* system also includes an automated user friendly survey that measures satisfaction with local office staff, services, self-registration process, the job search system and resource center services. Through the Internet e-mail customers have access to the Director, management staff and program experts. Recent comments received through this dynamic system have lead to improvements in the menu selections for accessing job order information and in the process for receiving applications for State employment.

The statewide WIA management information system will provide the capability of analyzing the WIA customer satisfaction surveys by participant groups. The WIA customer satisfaction survey will be enhanced to include employment related feedback. This will greatly increase the usefulness of the data for continuous improvement efforts. The statewide management information system allows broad local access to this information.

The state cross-matches files from the WIA MIS and IdahoWorks Wagner Peyser system to the Unemployment Insurance wage record system. The state has been a long time participant in the WRIS system, both providing and accessing data nationally. Agreements are also in place with the state's education system, Vocational Rehabilitation and the Commission for the Blind and Visually impaired to cross match files against the wage record system to establish employment and earnings for those programs.

5. *Describe any actions the Governor and State Board will take to ensure collaboration with key partners and continuous improvement of the statewide workforce investment system. (§§111(d)(2) and 112(b)(1).)*

The State Board have assigned key state agencies the responsibility for developing system measures to test the overall effectiveness of the workforce system. These are described in section X.D.1.

6. *How do the State and local boards evaluate performance? What corrective actions (including sanctions and technical assistance) will the State take if performance falls short of expectations? How will the Boards use the review process to reinforce the strategic direction of the system? (§§111(d)(2), 112(b)(1), and 112(b)(3).)*

The State and Workforce Development Council have been involved in an ongoing evaluation of program performance. The State's WIA management information system (WIA MIS) and the WIA customer satisfaction surveys will be the primary tools used to measure performance. The State's Incentive and Sanction policies will be based on the seventeen WIA core performance measures.

The State and the WDC reviews performance on at least a quarterly basis. State staff is involved in the technical assistance efforts to improve service delivery. State staff meet regularly with service providers to assess opportunities for service improvements including program collaboration efforts and cross training of frontline staff. Possible sanctions range from modifying service provider contracts to reductions of funding or terminations of contracts.

The State and local performance system is based on a commitment to ongoing capacity building and the creation of a continuously improving quality delivery system. The State will utilize the WIA 15% resources to finance consultants, training conferences, or other activities to build the capacity of the workforce investment system. Local service providers will be polled to determine specific needs for training and assistance and will be included in determining the specific use of the funds. The State will also direct capacity building and technical assistance to those areas that are failing to meet performance standards. Capacity building efforts will be closely coordinated with the USDOL's technical assistance activities.

As funding allows, the State will allocate a portion of the WIA State-level budget to local areas as incentive funds to reward exemplary local experience. During PY'05, no performance incentives will be awarded for performance during PY'04. Rather, an incentive award will be made to recognize efficiencies created by streamlining of the system into a single workforce planning region.

During PY'06, funding for incentives will be made available with an amount to be determined by the Workforce Council after considering other needs for the

declining pool of state 15% funds. The State Workforce Development Council approved a new process for determining local eligibility for incentive funds. The formula requires an overall demonstration of good performance by stipulating that only those local areas achieving a minimum of 80% of the negotiated benchmark on at least 15 of the 17 measures would be eligible for incentive funds. The incentive pool would be divided into 17 equal portions, each tied to a specific performance measure. Eligible regions that meet or exceed each measure would divide the pool attached to that measure equally. This process helps to ensure that regions are recognized for achievements made in those areas in which they excelled and penalized only for those measures in which they failed to achieve the standard. It also affords each region increased access to at least some portion of the incentive funds available to that region. By incentivizing acceptable performance both in the aggregate and on each individual measure, the state's prospects for meeting federal requirements for program grouping performance would be enhanced; there is, however, still some concern that the state could miss program grouping standards if multiple regions performed poorly on the same measures. Despite this concern, Idaho's historical performance shows that possibility to be highly unlikely.

Idaho's sanction policies will apply to those areas that fail to achieve the performance levels noted above. Levels will be established for each separate program, as well as the customer satisfaction. The lowest acceptable level (*lower limit*) will be calculated as 80% of the local areas negotiated level. Local areas must attain 80% of the targeted performance level on each measure for performance to be determined acceptable. For the first year, a local area will be required to submit a performance improvement plan addressing the areas of under-performance. The Idaho Department of Commerce and Labor will provide technical assistance to the area in developing the plan. If a local area has unacceptable performance for two consecutive years, the Governor will take corrective action. The corrective action may include prohibiting the use of particular service providers or One Stop partners that have been identified as achieving poor levels of performance, or require other appropriate measures designed to improve performance of the local area. Appeal processes will be available in accordance with federal law and regulations.

7. *What steps, if any, has the State taken to prepare for implementation of new reporting requirements against the common performance measures as described in Training and Employment Guidance Letter (TEGL), 15-03, December 10, 2003, Common Measures Policy. NOTE: ETA will issue additional guidance on reporting requirements for common measures.*

Idaho manages a statewide management information and financial payment system that is utilized by all WIA Adult, Youth, and Dislocated Worker service providers. Commerce and Labor Information Systems staff have already begun to collect younger youth wages, both 1st quarter after exit wages for the Placement in Employment or Education common measure, as well as 2nd quarter post exit wages for the Employment Retention Rate common measure. Every effort will be made to collect data necessary to calculate performance under the youth Literacy and Numeracy Gains common measure by July 1, 2005. Additionally, State staff has regular meetings to discuss progress for collection of data necessary to meet Common Measures guidelines. The data we are not yet collecting, however, are very minimal. Idaho fully expects to be collecting all elements necessary to meet the requirements of Common Measures by July 1, 2005.

8. *Include a proposed level for each performance measure for each of the two program years covered by the Plan. While the plan is under review, the State will negotiate with the respective ETA Regional Administrator to set the appropriate levels for the next two years. At a minimum, states must identify the performance indicators required under section 136, and, for each indicator, the State must develop an objective and quantifiable performance goal for two program years. States are encouraged to address how the performance goals for local workforce investment areas and training provides will help them attain their Statewide performance goals. (§§112(b)(3) and 136.)*

Idaho's planned performance measures are in Attachment 11. These measures cover PY 2005 and PY 2006.

The planned performance levels were derived by considering the state's historical performance, the measure's definition and numerical components. The planned performance levels will be negotiated with the US Dept. of Labor, Employment and Training Administration (ETA). ETA prepared an analysis of states' performance outcomes and compiled various comparative tables and rankings. Using those tables, Idaho's planned performance measures and rationale are as follows.

Adult

Entered Employment Rate; proposed goal – 87%

The State of Idaho's proposed goal is equivalent to program year 2003 performance for the top 10% of the States. Program Year 2004 ytd entered employment rate is currently at 86.4%.

Employment Retention Rate @ Six Months; proposed goal – 84%

The proposed goal is 84%, which is equivalent to the median value of the States performance over the past three program years and is in the 85th national percentile. Considering the potential for large layoffs in high-tech industries and general economic disruptions caused by the expected drought (now 6 to 7 years in duration), we believe that the proposed goal is a reasonable goal for this measure.

Average Earnings Change in Six Months; proposed goal - \$3900

The proposed goal exceeds the 75th percentile for all States in this category as indicated in the program year 2003 national distribution of performance outcomes (\$3,820). Idaho is a relatively low-wage state. Currently, Idaho ranks 39th in average wages among the 50 states. Idaho's average weekly wage for 2003 (latest annual data available) was \$551 as compared to the national average of \$726. Therefore, earning capacity greater than the proposed goal for our WIA Adult exiters are limited.

Idaho's average wage rates do not increase as fast as the nation's. Between 2002 and 2003, the national average wage rate increased by 2.69 percent while Idaho's increased by only 1.66 percent. This difference is further magnified by the fact the national average wage base is significantly higher than Idaho's. There are other economic factors affecting the Average Earnings Change. The state's minimum wage is the federal minimum wage. A high population growth rate does not always translate into higher wage rates even though the number of jobs will increase as Idaho's labor supply/demand ratio has not been distorted by the growth. Manufacturing is a small percentage of the total number of jobs and Manufacturing jobs are generally higher paying than services jobs. Finally, there

still is considerable seasonality associated with Idaho's agricultural and natural resources industries.

Employment and Credential Rate; proposed goal – 70% (PY '05) and 73% (PY '06)

Idaho proposes this goal to be at a rate that is in the 80th percentile for program year 2005 and to raise it to 73% the following program year, which is in the 85th percentile. The proposed goal for PY '05 is equivalent to the median value of Idaho's performance over the past three program years. Because it is too late to influence this measure due to the reporting period (10/04 – 9/05) for this measure for program year 2005, we propose to raise it to 73% the following program year by focusing attention to record keeping. We currently are in the process of implementing a data quality report as a reminder for case managers to collect and report credentials. Additionally, as indicated in this Plan, Idaho's goal is to increase the number of participants in training which should have a positive effect on the outcomes for this measure.

Dislocated Worker

Entered Employment Rate; proposed goal – 90%

The State of Idaho's proposed goal is in the top 10% of the States.

Employment Retention Rate @ Six Months; proposed goal – 91%

The State of Idaho's proposed goal is in the top 10% of the States.

Average Earnings Change in Six Months; proposed goal – -\$1500 / 88%

The discussion about the Average Earnings Change for adult programs also applies to this measure. There are some additional economic factors that apply to this measure for dislocated workers.

Idaho proposal puts us in the 50th percentile of states for this measure. One-half of the states experienced a dislocated workers earnings replacement rate of less than 100 percent. This has been Idaho's experience throughout WIA and is due to the fact that so many of Idaho dislocated workers have lost jobs in declining industries and most of these jobs were high-paying ones in mining, wood products industries, chemical and other durable goods manufacturing, food processing, railroads, and, more recently, electronics and federal government. Comparable replacement jobs are in short supply in these industries and the Service-Providing Industries do not pay as much.

Employment and Credential Rate; proposed goal – 72% (PY '05) and 74% (PY '06)

Idaho proposes this goal to be at a rate that is between the 65th and 70th percentile for program year 2005 and to raise it to 74% the following program year, which is in the 80th percentile. The proposed goal for PY '05 is equivalent to the median value of the Idaho's performance over the past three program years. Outcomes for this particular measure have experienced pretty drastic swings. Though the current median between program years '01 – '03 is 72, the gaps in these figures between program years are quite wide. For example, program year 01's outcome was 62; PY '02 was 69.7, and PY '03 was 73.2. Because it is too late to influence this measure due to the reporting period (10/04 – 9/05) for this measure for program year 2005, we propose to raise it to 74% the following program year by focusing on improving training opportunities and better record keeping. As indicated in this Plan, Idaho's goal is to increase the number of participants in training which should have a positive effect on the outcomes for

this measure. We also are in the process of implementing a data quality report as a reminder for case managers to collect and report credentials.

Older Youth

Entered Employment Rate; proposed goal – 83%

The State of Idaho's proposed goal is within the top 10% of the States for PY '03.

Employment Retention Rate @ Six Months; proposed goal – 89%

The proposed goal is only one percentage point under the program year 2003 90th percentile for all states. and falls between the 85th and 90th percentile.

Average Earnings Change in Six Months; proposed goal - \$3094

The proposed goal for this measure is equivalent to the median value of the States performance over the past three program years. Outcomes for this particular measure have experienced drastic swings between program years '02 and '03 and between '03 and ytd '04. Program year 02's outcome was \$4,020; PY '03 was \$2881, and ytd PY '04 is \$4500. Idaho proposal puts us in the 50th percentile of states for this measure.

The same factors that affect earnings change for adults and dislocated workers also contribute to this factor. However, the minimum wage aspect affects youth more than adults. Outside the urbanized areas of the state, the minimum wage is the norm as the starting wage for youth with little work experience. And, there is little economic or labor market pressure in these rural areas to change this condition as job opportunities are limited.

Credential Rate; proposed goal – 58% (PY '05) and 59% (PY '06)

The proposed goal for PY '05 is equivalent to the median value of the State's performance over the past three program years. This goal puts us between the 75th and 80th percentile for program year 2005 and we propose to raise it to 59% the following program year, which again is between the 75th and 80th percentile. Outcomes for this measure for program years '02 and '03 have been 56% and ytd PY '04 indicates we are at 52%. Because it is too late to influence this measure due to the reporting period (10/04 – 9/05) for this measure for program year 2005, we propose to raise it to 59% the following program year by focusing on increasing training and improvements to record keeping. We currently are in the process of implementing a data quality report as a reminder for case managers to collect and report credentials. As indicated in this Plan, Idaho's goal is to increase the number of participants in training which should have a positive effect on the outcomes for this measure.

Younger Youth

Skill Attainment Rate; proposed goal – 92%

The proposed goal is only one percentage point under the program year 2003 national performance for this measure for the top 10% of states. This goal falls between the 85th and 90th percentile. Idaho's median value for performance over the past three program years is 91%.

Diploma or Equivalent Attainment; proposed goal – 77%

The proposed goal is only one percentage point under the program year 2003 national performance for this measure for the top 10% of states. It is .6 of a percentage point below the 85th percentile. Additionally, it is equivalent to the median value of the States performance over the past three program years. The most recent federal Quarterly Report indicates the outcome for this measure to be 77%. Past performance indicates outcomes for this measure to vary by 3 and 4 percentage points between program years.

Retention Rate; proposed goal – 78%

The State of Idaho's proposed goal for this measure is equivalent to that of the program year 2003 national performance for the top 10% of the states.

Customer Satisfaction

Participant customer satisfaction; proposed goal – 85%

The State of Idaho's proposed goal for this measure is equivalent to that of the program year 2003 national performance for the top 10% of the states.

Employer customer satisfaction; proposed goal – 85%

The State of Idaho's proposed goal for this measure is above that of the program year 2003 national performance for the top 10% of the states.

TABLE X.1

Average Weekly Wage--Covered Employment, All Industries, All Establishments						Idaho as a % of US An Avg	Percent Change
Idaho							
Year	Qtr1	Qtr2	Qtr3	Qtr4	Annual		
2001	526	524	527	558	534	76.6	
2002	534	527	536	569	542	76.7	1.50
2003	540	538	547	580	551	75.9	1.66
2004	552(P)	555(P)	569(P)				
United States							
Year	Qtr1	Qtr2	Qtr3	Qtr4	Annual		
2001	716	675	668	727	697		
2002	718	687	683	740	707		1.43
2003	730	702	705	768	726		2.69
2004	758(P)	724(P)	733(P)				

Source: US Bureau of Labor Statistics

Table X.1 compares Idaho's average weekly wage to the nation's. Idaho's average weekly wage is barely three-fourths that of the nation. Between 2002 and 2003, the percentage increase in Idaho's annual average weekly wage a full percent less than the nations and the state's dollar increase was \$9 compared to \$19 for the nation.

There are not any existing reasons that would suddenly increase Idaho's average pay status relative to the nation. Therefore, Idaho considers is proposed performance measures to be reasonable and should be accepted by ETA.

The Idaho Workforce Development Council established a performance incentive award system that encourages the area and local program delivery system. Areas meeting the incentive award criteria have received additional program funds from the state set-aside funds. This incentive award system will be reviewed by the State Workforce Development Council during the transition year. It will be recommended that a system be instituted that reflects the new WIA structure.

E. Administrative Provisions

1. *Provide a description of the appeals process referred to in §116(a)(5)(m).*

The State's appeal process may be found in Section VIII.A.3 of this plan..

2. *Describe the steps taken by the State to ensure compliance with the non-discrimination requirements outlined in §188.*

State policy requires all one stop partners to make services available in a manner that complies with Section 188. The State provides information and support to local programs to ensure they are familiar with non-discrimination requirements. Details of these requirements can be found in the state's Methods of Administration at <http://cl.idaho.gov/wia1/moa2003.pdf>

XI. Assurances

1. The State assures that it will establish, in accordance with section 184 of the Workforce Investment Act, fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State through the allotments made under sections 127 and 132. (§112(b)(11).)
2. The State assures that it will comply with section 184(a)(6), which requires the Governor to, every two years, certify to the Secretary, that -
 - a. the State has implemented the uniform administrative requirements referred to in section 184(a)(3);
 - b. the State has annually monitored local areas to ensure compliance with the uniform administrative requirements as required under section 184(a)(4); and
 - c. the State has taken appropriate action to secure compliance pursuant to section 184(a)(5). (§184(a)(6).)
3. The State assures that the adult and youth funds received under the Workforce Investment Act will be distributed equitably throughout the State, and that no local areas will suffer significant shifts in funding from year to year during the period covered by this Plan. (§112(b)(12)(B).)
4. The State assures that veterans will be afforded employment and training activities authorized in section 134 of the Workforce Investment Act, and the activities authorized in chapters 41 and 42 of Title 38 US code. The State assures that it will comply with the veterans priority established in the Jobs for Veterans Act. (38 USC 4215.)
5. The State assures that the Governor shall, once every two years, certify one local board for each local area in the State. (§117(c)(2).)
6. The State assures that it will comply with the confidentiality requirements of section 136(f)(3).
7. The State assures that no funds received under the Workforce Investment Act will be used to assist, promote, or deter union organizing. (§181(b)(7).)
8. The State assures that it will comply with the nondiscrimination provisions of section 188, including an assurance that a Methods of Administration has been developed and implemented (§188.)
9. The State assures that it will collect and maintain data necessary to show compliance with the nondiscrimination provisions of section 188. (§185.)
10. The State assures that it will comply with the grant procedures prescribed by the Secretary (pursuant to the authority at section 189(c) of the Act) which are necessary to enter into grant agreements for the allocation and payment of funds under the Act. The procedures and agreements will be provided to the State by the ETA Office of Grants and Contract Management and will specify the required terms and conditions and assurances and certifications, including, but not limited to, the following:
 - General Administrative Requirements:
 - 29 CFR part 97 --Uniform Administrative Requirements for State and Local Governments (as amended by the Act)
 - 29 CFR part 96 (as amended by OMB Circular A-133) --Single Audit Act
 - OMB Circular A-87 --Cost Principles (as amended by the Act)
 - Assurances and Certifications:
 - SF 424 B --Assurances for Non-construction Programs
 - 29 CFR part 37 --Nondiscrimination and Equal Opportunity Assurance (and regulation) 29 CFR § 37.20
 - CFR part 93 --Certification Regarding Lobbying (and regulation)
 - 29 CFR part 98 --Drug Free Workplace and Debarment and Suspension Certifications (and regulation)
 - Special Clauses/Provisions:
 - Other special assurances or provisions as may be required under Federal law or policy, including specific appropriations legislation, the Workforce Investment Act, or subsequent Executive or Congressional mandates.

11. The State certifies that the Wagner-Peyser Act Plan, which is part of this document, has been certified by the State Employment Security Administrator.
12. The State certifies that veterans' services provided with Wagner-Peyser Act funds will be in compliance with 38 U.S.C. Chapter 41 and 20 CFR part 1001.
13. The State certifies that Wagner-Peyser Act-funded labor exchange activities will be provided by merit-based public employees in accordance with DOL regulations.
14. The State assures that it will comply with the MSFW significant office requirements in accordance with 20 CFR part 653.
15. The State certifies it has developed this Plan in consultation with local elected officials, local workforce boards, the business community, labor organizations and other partners.
16. As a condition to the award of financial assistance from the Department of Labor under Title I of WIA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:
 - Section 188 of the Workforce Investment Act of 1998 (WIA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I--financially assisted program or activity;
 - Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;
 - Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
 - The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
 - Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.The grant applicant also assures that it will comply with 29 CFR part 37 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.
17. The State assures that funds will be spent in accordance with the Workforce Investment Act and the Wagner-Peyser Act and their regulations, written Department of Labor Guidance implementing these laws, and all other applicable Federal and State laws.

Name of WIA Title I Grant Recipient Agency:

PROGRAM ADMINISTRATION DESIGNEES AND PLAN SIGNATURES

Name of WIA Title I Grant Recipient Agency:

Idaho Department of Commerce and Labor
Address: 317 W. Main Street
Boise, ID 83735-0790
Telephone Number: (208) 332-3570, ext. 3313
Facsimile Number: (208) 332-7417
E-mail Address: cheryl.brush@cl.idaho.gov

Name of State WIA Title I Administrative Agency (if different from the Grant Recipient):

Address: _____
Telephone Number: _____
Facsimile Number: _____
E-mail Address: _____

Name of WIA Title I Signatory Official:

Roger B. Madsen, Director
Idaho Department of Commerce and Labor
Address: 317 W. Main Street
Boise, ID 83735-0500
Telephone Number: (208) 334-6110
Facsimile Number: (208) 334-6430
E-mail Address: roger.madsen@cl.idaho.gov

Name of WIA Title I Liaison:

Roger B. Madsen, Director
Idaho Department of Commerce and Labor
Address: 317 W. Main Street
Boise, ID 83735-0500
Telephone Number: (208) 334-6110
Facsimile Number: (208) 334-6430
E-mail Address: roger.madsen@cl.idaho.gov

Name of Wagner-Peyser Act Grant Recipient/State Employment Security Agency:

Roger B. Madsen, Director
Address: Idaho Department of Commerce and Labor
317 W. Main Street
Boise, ID 83735-0500
Telephone Number: (208) 334-6110
Facsimile Number: (208) 334-6430
E-mail Address: roger.madsen@cl.idaho.gov

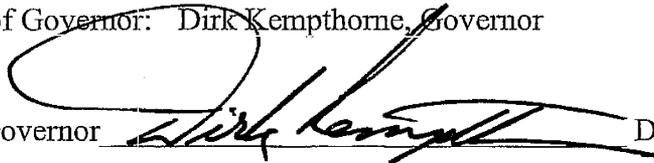
Name and title of State Employment Security Administrator (Signatory Official):

Roger B. Madsen, Director
Address: Idaho Department of Commerce and Labor
317 W. Main Street
Boise, ID 83735-0500
Telephone Number: (208) 334-6110
Facsimile Number: (208) 334-6430
E-mail Address: roger.madsen@cl.idaho.gov

As the Governor, I certify that for the State/Commonwealth of IDAHO, the agencies and officials designated above have been duly designated to represent the State/Commonwealth in the capacities indicated for the Workforce Investment Act, Title I, and Wagner-Peyser Act grant programs. Subsequent changes in the designation of officials will be provided to the U.S. Department of Labor as such changes occur.

I further certify that we will operate our Workforce Investment Act and Wagner-Peyser Act programs in accordance with this Plan and the assurances herein.

Typed Name of Governor: Dirk Kempthorne, Governor

Signature of Governor  Date: May 31, 2005



WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

VISION

Idaho will deliver a highly trained, diverse work force through partnerships among business, labor, education, and government. This integrated workforce development system will meet the productivity needs of a market-driven economy -- improving profitability, increasing global competitiveness, and enhancing Idaho's quality of life.

MISSION

The Governor's *Workforce Development Council*, understanding the unique needs of business, education, and labor, will develop policy and provide oversight for an integrated Idaho workforce development system, promoted and implemented within established constraints.

GOALS

GOAL I Assess the needs of business and industry to enhance economic development, based on market sensitivity.

1. Develop and conduct a statewide assessment of training and employment needs of business and industry.
2. Develop a system for ongoing assessment and evaluation.

GOAL II Establish a comprehensive workforce development delivery system.

1. Establish partnerships with business, agencies, and education in the development of a workforce system.
2. Promote a system with a comprehensive menu of quality information services.
 - Develop policy recommendations for a One-Stop Career system.
 - Oversee implementation of the One-Stop Career system.
3. Develop, recommend and support a substate governance structure.
 - Integrate planning, oversight and delivery systems at the state and local levels.
 - Approve initiatives, program plans and grant applications to ensure coordination and minimize duplication.

4. Develop and recommend performance and evaluation methods.
 - Support a system that regularly measures progress toward goals and determines customer satisfaction.
5. Support a coordinated marketing campaign for all users.
 - Develop and implement a statewide marketing/public awareness program.

GOAL III Support a comprehensive educational system for all students K-16+ that includes rigorous school-based learning and relevant work-based learning.

1. Promote access for all students to accurate and current information about careers, occupations, and available education and training programs.
 - Promote career information systems for common use throughout the state.
2. Expand opportunities and increase student participation in work-based learning.
 - Promote the development of a wide variety of work-based learning opportunities.
 - Encourage the educational system to recognize and support work-based learning.
 - Broaden the numbers of businesses providing work-based learning opportunities.

GOAL IV Provide opportunities for and encourage life-long skill development for Idaho's current and transitional workers.

1. Ensure access to employment and training services for diverse population groups.
 - Identify and eliminate barriers in the workforce development system.
 - Coordinate with representatives of minority populations to identify their needs.
 - Promote English language training to better prepare limited English speaking Idahoans for the workplace.
2. Facilitate transitions to or within the workforce.
 - Encourage businesses to partner with local instructional providers to offer training for current employees.
 - Support welfare reform efforts.
 - Encourage Idahoans in their efforts to attain economic independence and self-sufficiency.
3. Promote and recognize the interdependence of and need for balance between work and family life.
 - Support community services and employment practices that enable applicants to enter the workforce and continue providing quality family life.
4. Promote use of the Workforce Development Training Fund to deliver customized training for new employees, and upgrade training for current workers who are at risk of being permanently laid off.

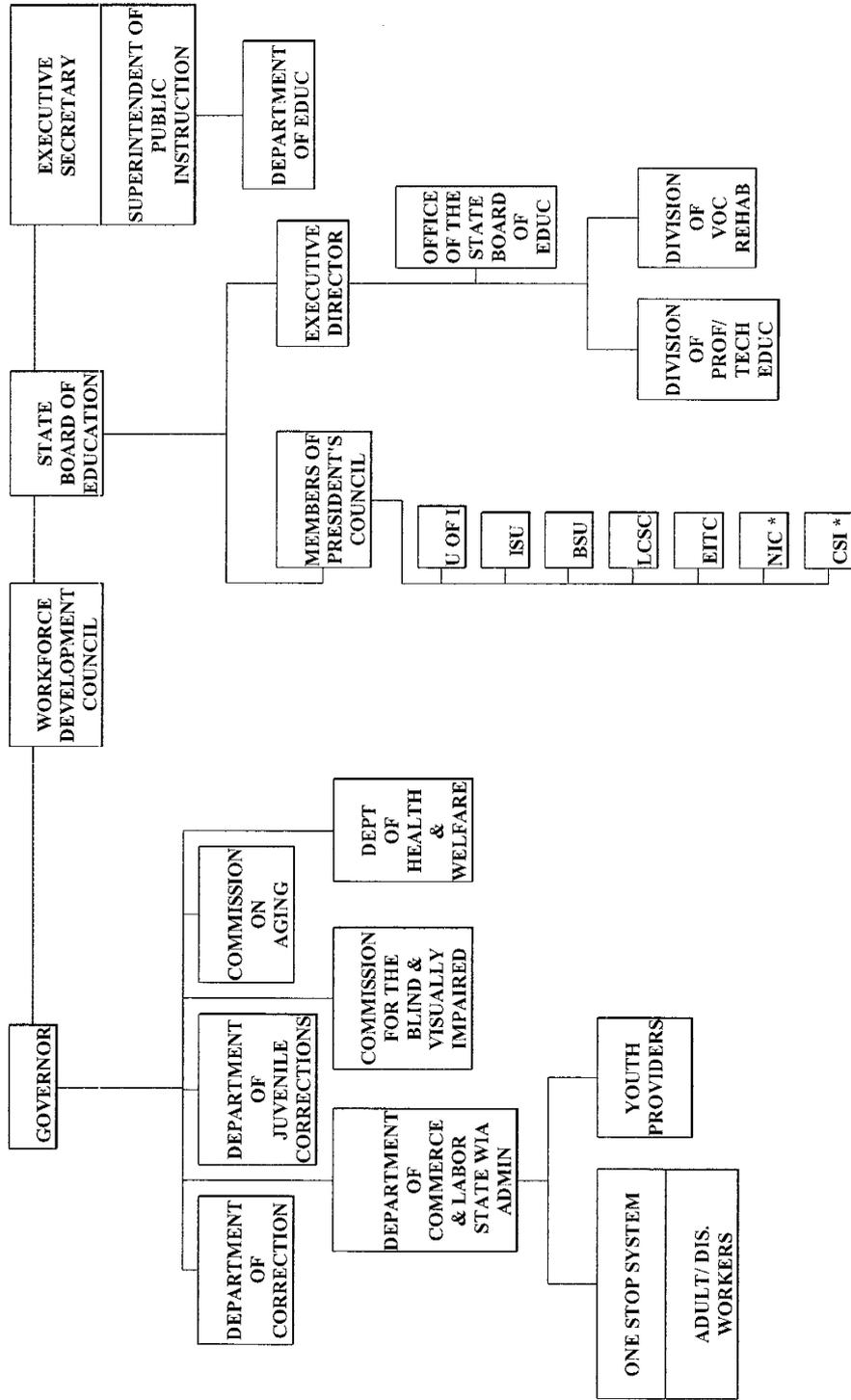
GOAL V To advance issues related to Idaho's Workforce Development system by providing recommendations and progress reports to the Governor, State Board of Education and policy makers.

Reaffirmed July 26, 1999

Attachment

IDAHO
WORKFORCE DEVELOPMENT SYSTEM

APRIL, 2005



* Community Colleges

EXECUTIVE ORDER NO. 2004-08

**CONTINUING THE WORKFORCE DEVELOPMENT COUNCIL FOR PLANNING
AND OVERSIGHT OF THE STATE'S WORKFORCE DEVELOPMENT SYSTEM,
REPLACING EXECUTIVE ORDER NO. 2000-14**

WHEREAS, the economic future of Idaho and the prosperity of its residents depends upon the ability of businesses in Idaho to compete in the world economy; and

WHEREAS, a well-educated and highly skilled workforce provides businesses in Idaho with a competitive edge critical for their success; and

WHEREAS, Idaho is committed to preparing its current and future workforce with the skills necessary for the 21st Century; and

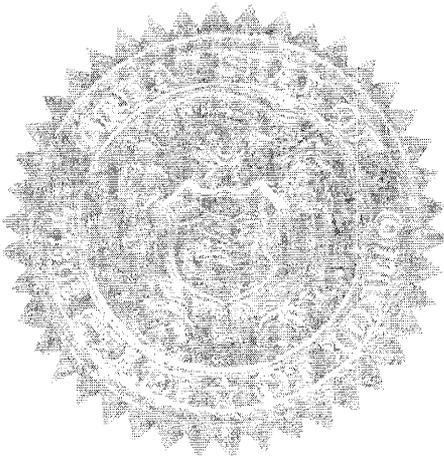
WHEREAS, empowering business, labor and community leaders to take a more active and strategic role in developing the state's economic and workforce development policy will enhance the quality and responsiveness of these programs; and

WHEREAS, the development of a comprehensive workforce development strategy for Idaho will improve planning and oversight functions; improve the effectiveness, quality and coordination of services designed to maintain a highly skilled workforce; and help provide for the most efficient use of federal, state and local workforce development resources;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby order that:

- 1. The Idaho Workforce Development Council (the "Council") is established in accordance with section 111(e) of the Workforce Investment Act (WIA) of 1998, as amended.*
- 2. The Council shall consist of not more than 33 members appointed by the Governor, consistent with federal requirements for the nomination and composition requirements set forth in section 702 of the Job Training Partnership Act as amended. The Council's membership, shall be as follows:*
 - a. Representatives of business and industry shall comprise at least 40% of the members;*
 - b. At least 15% of the members shall be representatives of local public education, postsecondary institutions, and secondary or postsecondary vocational educational institutions;*
 - c. At least 15% of the members shall be representatives of organized labor based on nominations from recognized state labor federations;*
 - d. Representatives from the Department of Commerce and Labor, the Department of Health & Welfare, the Division of Vocational Rehabilitation, the Division of Vocational Education, the Commission on Aging and the Superintendent of Public Instruction;*

- which encompasses all workforce programs;
- b. *Development of the WIA State plan;*
 - c. *Development and continuous improvement of services offered under the statewide workforce investment system;*
 - d. *Development of comments at least once annually on the Carl D. Perkins Vocational and Applied Technology Education Act;*
 - e. *Development and continuous improvement of comprehensive State performance measures;*
 - f. *Preparation of the annual report to the United States Secretary of Labor as required under section 136 of the WIA;*
 - g. *Development of a statewide employment statistic program;*
 - h. *Development of a plan for comprehensive labor market information; and*
 - i. *Development of applications for an incentive grant under section 503 of the WIA.*
4. *The Council shall also be responsible for:*
- a. *Approval and oversight of the expenditures from the Employment Security Reserve Fund as set forth in Section 72-1347A, Idaho Code;*
 - b. *Development and oversight of procedures, criteria and performance measures for the Workforce Development Training fund established under Section 72-1347B, Idaho Code; and*
 - c. *Such other duties as the Governor assigns the Council.*
5. *The Governor shall name the chair and vice-chair from among the private sector members of the Council;*
6. *The Council shall be jointly staffed by a management team of directors of state agencies that administer workforce development programs, as designated by the Governor. Funding for the Council shall be provided by the agencies staffing the Council, which shall agree upon appropriate ratios for the allocation of administrative funding. The Idaho Department of Commerce and Labor shall have responsibility for providing secretarial and logistical support to the Council;*
7. *The Council's members shall serve at the pleasure of the Governor, and appointments shall be for three-year terms.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 30th day of November in the year of our Lord two thousand and four, and of the Independence of the United States of America the two hundred twenty-ninth and of the Statehood of Idaho the one hundred fifteenth.

Dick Langston

WIA CODE OF CONDUCT

In order to ensure that the citizens of Idaho have complete confidence in individuals appointed by the Governor to serve on the Idaho Workforce Development Council (Council), in members appointed to serve on local Idaho Works Boards and local Youth Councils (local boards), and in other public servants administering Workforce Investment Act (WIA) funds, the following Code of Conduct is adopted:

A. DEFINITIONS

1. “Immediate Family” shall refer to persons related by blood, marriage or decree of court, within the second degree, to a voting member of the Council or local boards; or to the employees, officers and agents of grantees and subgrantees. This includes the spouse, child, parent, sibling, grandparent, aunt, uncle, niece, nephew, cousin, stepparent, stepchild, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or any other persons related by decree of court within the second degree.

2. “Financial benefit” shall refer to any economic gain or entitlement that results from any relationship with any organization or individual participating in a workforce investment activity.

3. “Entity” shall refer to any association, organization, business, government entity or other legal entity, whether operated for profit or not, in which the voting member or immediate family of a voting member has a private financial relationship, employment relationship or ownership interest.

B. CONFLICT OF INTEREST RESTRICTIONS FOR COUNCIL AND LOCAL BOARD MEMBERS

1. Members of the Council or any local board shall not:

A) Vote on any matter under consideration;

- 1) regarding the provision of WIA Title I funded services by such member, or by an entity that such member represents; or
- 2) that would provide direct financial benefit to such member or the immediate family of such member.

B) Engage in any business transaction or private arrangement that could reasonably be expected to result in a conflict between the private interest of a member and his or her official Council or board responsibility.

C) Participate in:

- 1) the designation of any local workforce investment areas;
- 2) the negotiation of or decision to award contracts or grants;
- 3) the settlement of any claims or charges in any contracts or grants;
- 4) the certification of any eligible providers; or
- 5) the selection of One-Stop Operators;

for any entity in which they have a financial or personal interest.

D) Engage in any other activity determined by the Governor or by state law to constitute a conflict of interest.

2. Misuse of Information. Members of the Council or local boards shall not use, for their own private gain, for the gain of others, or for other than officially designated purposes, any information obtained as a result of their council or board membership and not available to the public at large, or divulge such information in advance of the time prescribed for its authorized release.

3. Misuse of Board Facilities and Equipment. Members of the Council or local boards shall not use any council or board equipment, supplies, or property for their own private gain, for the gain of others, or for other than officially designated purposes.

4. Duties of Council and Local Board Members. It shall be the duty of all Council and local board members to:

A) Seek legal advice from the Attorney General or from independent counsel if they have any doubts that a specific situation involves a real or potential conflict of interest.

B) If the legal advice is that a conflict may exist, they shall prepare a written statement describing the potential conflict of interest and the matter to be acted upon, and shall deliver the statement to their appointing authority.

C) Recuse themselves from their duties if it is determined that there is a conflict of interest.

5. Violations of the Conflict of Interest Policy. If the Council or a local board believes that this policy has been violated, a recommendation may be made to the Governor or to the chief elected officials of the local workforce investment area that the individual who has violated the policy be removed as a member. Even if no recommendation is made for removal, the Governor or the chief elected officials of the local workforce investment area may remove a member of the Council or a local board for a violation of this policy.

C. CONFLICT OF INTEREST RESTRICTIONS FOR GRANTEEES AND SUBGRANTEEES

No employee, officer or agent of the grantee or subgrantee shall participate in the selection, award or administration of a contract supported by WIA funds if a conflict of interest, real or apparent, would occur. Such a conflict would occur when the employee, officer or agent; any member of his immediate family; his or her partner; or an organization which employs, or is about to employ, any of the above; has a financial or other interest in the firm selected for award.

D. NEPOTISM

No individual may be placed in a WIA employment activity if a member of that individual's immediate family is directly supervised by or directly supervises that individual.

E. KICKBACKS, GIFTS, FAVORS, AND GRATUITIES

No member of any Council or local board, or employee, officer or agent of any grantee or subgrantee under WIA shall solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors or parties to subagreements. This prohibition shall not apply to unsolicited trivial benefits, not to exceed a value of fifty dollars (\$50.00), that are incidental to personal, professional, or business contacts and that do not involve a substantial risk of undermining official impartiality.

CORE, INTENSIVE AND TRAINING SERVICES

Core Services

Determinations of eligibility - initial registration may occur electronically, by personal interview, or an individual application with verifying information obtained prior to determination;

Outreach, intake and orientation to the information and services available through the One Stop system including services targeted to special populations including migrant and seasonal farmworkers, veterans, older workers, Native Americans, minorities groups, and persons with disabilities;

Initial assessment - the process of gathering information about an individual's skill levels, aptitudes, abilities and supportive service needs to make an initial assessment of services or programs most appropriate for an individual;

Job search and placement assistance – activities to provide job seekers with specific and general information that are designed to help them carry out a successful job hunting strategy. Subjects may include labor market information, application/resume writing, interviewing techniques, skills identification, why you're hired, and other work search strategies;

Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including

1. job vacancy listings in the local labor market area;
2. information on job skills necessary to obtain the jobs listed; and
3. information relating to local occupations in demand and the earnings and skill requirements for such occupations;

Provision of performance information and program cost information on eligible providers of training services;

Provision of information regarding how the local area is performing on the local performance measures and any additional performance information with respect to the One Stop delivery system in the local area;

Provision of accurate information relating to the availability of supportive services, including child care and transportation, available in the local area, and referral to such services, as appropriate;

Provision of information regarding filing claims for unemployment compensation;

Assistance in establishing eligibility for welfare-to-work activities (not currently available in Idaho), programs of financial aid assistance for training and education programs (Pell grants) and other Federal, state or local resources that are not funded under WIA and are available in the local area. This assistance may include referrals to specific agencies; information relating to, or provision or, required applications or other forms; or specific on-site assistance; and

Follow-up services - the process of maintaining contact with participants in-person, by telephone or other procedures, to determine if additional services are required to maintain or obtain employment. Follow-up, for a minimum of 12 months after the first day of the employment, is required for participants who are placed in unsubsidized employment.

Intensive Services

Intensive Services are intended to identify obstacles and provide a higher degree of intervention to assist eligible unemployed adults and dislocated workers who are determined unable to obtain or retain employment through core services. Intensive services may also be provided to employed workers to obtain or retain employment that will lead to self-sufficiency as defined by State policy.

Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include

1. diagnostic testing and use of other assessment tools; and
2. in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;

Development of a written individual employment plan, to identify the employment goals, steps and timetables, and combination of services needed for the participant to achieve a specific occupational goal;

Group or individual career counseling: ongoing or one-time assistance from a qualified staff person to aid the participant in gaining a better understanding of themselves so that they can more realistically choose or change an occupation, or make a suitable job adjustment. Career counseling can be provided directly to an individual or through group services;

Case management for participants seeking training services; the provision of ongoing one-on-one personal assistance including, but not limited to, providing information and guidance pertaining to vocational choice, assistance in obtaining training and services to reach employability, and follow-up services over a period of time required to obtain employment;

Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance

skills, and professional conduct, to prepare individuals for unsubsidized employment or training;

Out-of-area job search assistance; financial assistance for travel expenses when traveling outside the normal commuting distance for job interviews or to make direct employer contacts where there is a strong potential for employment;

Literacy activities related to basic workforce readiness; includes training which will enhance the employability of the participant by upgrading basic skills. Participants may be enrolled in remedial education to enhance basic reading and math skills, English as a second language (ESL), GED preparation to obtain a high school equivalency diploma or basic computer skills commonly used in a variety of occupations and industries;

Relocation assistance - financial assistance for moving and relocation expenses when the participant receives a definite, permanent job offer which is contingent upon moving to within commuting distance of the job. Relocation assistance is prohibited to encourage or induce business relocation that would result in a loss of employment at the original site or 120 days after relocation and commencement of business if a loss of employment was encountered at the original site;

Internships - a short-term or part-time work assignment with a private for-profit employer for a participant who needs assistance in becoming accustomed to basic work requirements;

Work experience - a short-term or part-time work assignment with a public, private nonprofit or private-for-profit worksite for a participant who needs assistance in becoming accustomed to basic work requirements; it should promote the development of good work habits and basic work skills.

Training Services

Training Services includes classroom and other occupational training services designed to equip eligible adults and dislocated workers to enter the workforce and/or retain employment. Training services may be made available to employed and unemployed adults and dislocated workers who:

1. Have met the eligibility requirements for intensive services, have received at least one intensive service, and have been determined to be unable to obtain or retain employment through such services;
2. After an interview, evaluation, or assessment, and case management, have been determined by a One Stop operator or One Stop partner, to be in need of training services and to have the skills and qualifications to successfully complete the selected training program;

3. Select a program of training services that is directly linked to the employment opportunities either in the local area or in another area to which the individual is willing to relocate;
4. Are unable to obtain grant assistance from other sources to pay the costs of such training, including Federal Pell Grants established under title IV of the Higher Education Act of 1965, or require WIA assistance in addition to other sources of grant assistance, including Federal Pell Grants; and
5. For individuals whose services are provided through the adult funding stream, are determined eligible in accordance with the State and local priority system;

Occupational skills training - training conducted in a classroom setting and is designed to provide individuals with the technical skills necessary to perform a specific job or group of jobs. Participants may be enrolled in vocational technical skills training or academic skills training;

On-the-job training - training conducted by a private or public sector employer, that occurs while the participant is engaged in productive work, learning the skills and information necessary for full and adequate performance on the job;

Programs that combine workplace training with related instruction, which may include cooperative education programs;

Training programs operated by the private sector;

Skill upgrading and retraining - training provided to an individual already in the workforce, who is in need of additional training to advance in their current employment and attain self-sufficiency;

Entrepreneurial training - training provided to an individual for the purpose of providing the management skills required to start up and operate a business;

Job readiness training - defined as pre-employment/work maturity skills;

Adult education and literacy activities provided in combination with other training services;

Customized training – designed to train individuals for specific occupations in a new or expanding business or industry conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training;

Permissible Local Employment and Training Activities: Adult and dislocated worker funds provided to local areas may also be used to deliver the discretionary activities identified below and authorized in the Act:

1. Customized screening and referral of qualified participants in training services to employment;
2. Customized employment-related services to employers on a fee-for-service basis that are in addition to labor exchange services available to employers under the Wagner-Peyser Act.



DIRK KEMPTHORNE, GOVERNOR
Roger B. Madsen, Director

WIAP # 5-99

SUBJECT: One Stop Policies

Statutory Reference: WIA§121,134,188

WDC Review Date: 9/21/99

Effective Date: 11/1/99

BACKGROUND

Under the WIA, responsibility for program design and oversight is split between the state and local levels. Although extensive autonomy exists at the local level for the Workforce Investment Board and the One Stop Partners to design the One Stop system, the system must adhere to the policy direction set by the state and a very extensive legislative and regulatory framework.

ISSUES

SYSTEM PARTNERS

BACKGROUND

WIA section 121(b)(1) identifies the entities that are required partners in the One Stop system. Additional partners may participate in the One Stop system if the Local Workforce Investment Board and the Local Elected Officials approve. The "partners" are the entities that carry out the programs as the administering agency at the local level, not the subcontractor to that entity. If there is no local administering agency, the state agency serves as the "entity". The state has the option to require the participation of additional partners or to defer the decision to the local level.

POLICY

The LEO-WIB partnership, is encouraged but not mandated, to seek out the participation of voluntary partners in the local One Stop system.

PARTNER RESPONSIBILITIES

BACKGROUND

The Regulations at sections 662.230 and 662.260 list the responsibilities of the mandatory partners. All required partners must make their applicable core services available in the One Stop Center and provide

access to their other activities and programs. They must use a portion of their funds to create, maintain and participate in the One Stop delivery system, and provide their core services. They are required to enter into a Memorandum of Understanding (MOU) with the local Workforce Investment Board relating to the operation of the One Stop system, and to serve as a representative on the board

POLICY

When applying the terms “One Stop partner” and “Required One Stop partner” to the various opportunities and requirements listed in the Act, Regulations and state policy, the following definitions will be used.

That a One Stop Partner is defined as the entity that serves as the administrative entity for one or more of the partner programs listed at WIA section 121(b)(1). It excludes subrecipients of these entities.

That required One Stop Partners shall be defined as only those One Stop Partner entities which operate programs listed as required at 121(b)(1). All other partners are considered voluntary and are not subject to the requirements or opportunities afforded “required partners” unless agreed to by the partner, the Workforce Investment Board and the Chief local elected official.

APPLICABLE CORE SERVICES

BACKGROUND

Required One Stop Partners must make their applicable core services for a program available in at least one One Stop Center in the Workforce Investment Area. The State has the option to require additional core services or otherwise add to the definitions.

POLICY

The One Stop Partners, in accordance with agreements established with the Local Workforce Investment Boards, shall make available the applicable core services listed at Section 134(d)(2) of the WIA and are encouraged, but not mandated, to provide additional service elements in the local One Stop system.

LOCATION AND STRATEGY FOR PROVIDING SERVICES

BACKGROUND

The regulation at section 662.250 describes where and to what extent the One Stop partners must make available the applicable core services. Section 134(c) of WIA requires that the applicable core services be made available to individuals attributable to the partner program at the comprehensive One Stop Center.

The regulation at section 662.260 provides that, in addition to the provision of core services, the One Stop partners must use the One Stop system to provide access to the partners' other activities and programs. This access must be described in the MOU. This is intended to ensure a seamless, comprehensive workforce

development system that identifies the service options available to individuals and helps to facilitate access to these services.

The partner may provide core services at the center:

- Through the use of appropriate technology at the center;
- By co-locating personnel at the center;
- Cross-training of staff; or
- Through a cost-reimbursement or other agreement between center partners as agreed to in the MOU.

POLICY

The minimum service standards that will apply to the delivery of services is as follows:

1. Required One Stop Partners will make applicable core services available and provide access to other services in at least one physical One Stop Center within each workforce region.
2. Partners may utilize any authorized methodology to deliver core services provided the methodology
 - is consistent with the Partner's authorizing legislation and the WIA;
 - does not require the customer to travel to another location to obtain the core service; and
 - meets minimum standards of accessibility set forth in section 188(a)(1) of the WIA.
3. Access to other partner activities and programs will be described in the local MOU.

ADDITIONAL SITES

BACKGROUND

In addition to the comprehensive centers, the regulation notes that WIA allows for three other arrangements to supplement the comprehensive center. These supplemental arrangements include:

- (1) a network of affiliated sites that can provide one or more of the programs, services and activities of the partners;
- (2) a network of One Stop partners through which each partner provides services that are linked, physically or technologically, to an affiliated site and through which all individuals are provided information on the availability of core services in the local area; and
- (3) specialized centers that address specific needs.

The particular design, including the number of centers and other supplemental arrangements will be identified as a process of negotiation of the MOU with the Local Workforce Investment Board.

One Stop partners have an obligation to ensure that core services that are appropriate for their particular populations are made available at one comprehensive center. It is not required that partners provide applicable core services exclusively at a One Stop Center. Further, a partner is not required to route all of its participants through the comprehensive One Stop Center. If an individual enters the system through one of the network sites rather than the comprehensive One Stop Center, the individual may still obtain certain services at the network site and information about how and where all the other services provided through the One Stop system may be obtained.

Participation in the One Stop system, either at the center, or an affiliate location, will ultimately be decided as a product of the MOU between the partners and the local Workforce Investment Board. The following policy is intended to ensure continuation of maximum access and consistent quality of that access.

POLICY

All required partners and voluntary partners are encouraged to offer access to the services through the One Stop system by assuring an awareness of system services at any point of entry.

Those partners wishing to be identified as “affiliate” partner sites will

- enter into an MOU with the local WIB describing their specific participation in the one stop system;
- maintain access to the Idaho Works automated system;
- offer assisted services to those who prefer such services over automated services; and
- make accurate and up to date information on their services available for access through Idaho Works.

ONE STOP OPERATORS – ELIGIBILITY TO BE DESIGNATED

BACKGROUND

The WIA introduces the concept of the One Stop Operator. The role of the One Stop Operator or Operators is to administer the One Stop Center or centers. Their responsibility may range from simply coordinating service providers within the center to being the primary provider of services at the center. In areas where there is more than one comprehensive One Stop Center, there may be separate Operators for each center or one Operator for multiple centers. The Local Workforce Investment Board determines the number and role of One Stop Operators within each region.

The law specifies a number of entities which may serve as the One Stop Operator. The Act, at section 121(d)(2) identifies entities, including consortia, which can serve as the One Stop Operator. With the exception of secondary and elementary schools, any entity of demonstrated effectiveness is eligible to serve in this role.

POLICY

Entities wishing to serve as a One Stop Operator must be eligible to apply as specified at section 121(d)(2) of the Act.

SELECTION OF OPERATOR

The WIA gives the responsibility for selecting the One Stop Operator to the Local Workforce Investment Board.

The Local Workforce Investment Board may select the Operator through a competitive process, or the Local Workforce Investment Board may designate a consortium that includes three or more required One Stop Partners as an Operator. The law also addresses the “grandfathering” of existing One Stop Operators.

The conditions proposed for conduct of a competitive process are described in a separate WIAP. This section is intended to articulate policies when non-competitive processes are used under the consortium or grandfathering options.

Consortium Option

BACKGROUND

Section 121(d)(2)(A)(ii) specifies that the Local Workforce Investment Board may designate a consortium of three or more “required one stop partners” to serve as the One Stop Operator without the requirement to utilize a competitive process. While three or more required partners must be part of the agreement between the local workforce board and the consortium, any number of additional partners may join this consortium arrangement. Section 117(e) which includes the Sunshine Provisions for Local Workforce Investment Boards, requires that the board notify the public about the certification or designation of the One Stop Operator.

POLICY

The following process for designation of an Operator under the consortium option shall be used:

1. The local Workforce Investment Board may consider a request submitted by a consortium of three or more required One Stop Partners for designation as a One Stop Operator without regard to competition;
2. The local Workforce Investment Board will provide notice to the public for a period of thirty days (30) prior to designation if it intends to designate the consortium as the Operator;
3. The local Workforce Investment Board will designate the consortium, not its individual members, as the One Stop Operator after:
 - a) Considering and acting upon comments received from the public and other eligible applicants for services;
 - b) Negotiating an MOU with all required One Stop Partners and the entity(ies) being designated to provide services consistent with the scope and intent of section 134 of the WIA; or
 - c) If the local Workforce Investment Board has reached an impasse in the negotiations with any required partner, submitting a request to the Governor for intervention; after considering comments from the public and any other interested eligible applicants in the local area;
4. The designation of a consortium as a One Stop Operator will not preclude the local Workforce Investment Board from designating or certifying other entities as One Stop Operators for other center(s), provided that is consistent with the MOU negotiated with the partner organizations; and
5. The local Workforce Investment Board will enter into an agreement with the consortium specifying the role of the Operator and its responsibilities under the WIA, including its adherence to the MOU with the partner organizations.

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“Grandfathering” of an existing One Stop system

BACKGROUND

The WIA law and regulations provide for continuity for areas that have already established a One Stop system while ensuring that the “reform” provisions of the Act are put into place. For the “Operators” of these systems to be certified, the law requires compliance with the following conditions:

1. The One Stop delivery system, consistent with the scope and meaning of the term in section 134(c), existed prior to the enactment of the WIA on August 7, 1998;
2. The designation or certification must be approved by the Governor, the local Workforce Investment Board and the Chief elected official;
3. The certification must be consistent with the requirements of:
 - a. WIA section 121(b) which lists the requirements for participation of all required partners;
 - b. The Memorandum of Understanding negotiated with all required and any optional partners; and
 - c. The designation is made consistent with the Sunshine provisions appearing at section 117(e).

In Idaho, a One Stop system had been established prior to the enactment of the WIA as indicated by the submission of local One Stop plans by the Regional Collaborative Teams and the “initial certification” of the Idaho Works Career Centers (One Stop Centers) in January of 1998.

POLICY

The following policy outlines the criteria under which the Governor would approve the certification of these existing systems.

The Governor will approve a request to “grandfather” an existing system under the following conditions:

1. A request for certification has been submitted by an entity or consortium of entities who were certified to operate an Idaho Works Career Center prior to August 7, 1998, or
2. in those cases where an entity within the consortium is precluded from participation or no longer available to provide One Stop services, the remaining members of the existing consortium have submitted such a request;
3. The local Workforce Investment Board and the local elected officials have publicly announced their intent to designate the existing entity as the One Stop Operator, and for a period of no less than thirty (30) days, have provided the public and other eligible entities in the local area an opportunity to comment on the designation;
4. The local Workforce Investment Board and the local elected officials have agreed to designate the entity as the Operator after:
 - a. Considering and acting upon comments received from the public and other eligible applicants for services;
 - b. Negotiating an MOU with all required One Stop Partners and the entity(ies) being designated to provide services consistent with the scope and intent of section 134 of the WIA; or

- c. If the local Workforce Investment Board has reached an impasse in the negotiations with any required partner, submitting a request to the Governor for intervention; and
- 5. The local Workforce Investment Board and the local elected officials have submitted such request, together with any comments received and a summary of action taken on those comments, to the Workforce Development Council; the Workforce Development Council will make a recommendation on the request to the Governor.

MEMORANDUM OF UNDERSTANDING (MOU)

BACKGROUND

The Memorandum of Understanding (MOU) is an agreement developed and executed between the Local Workforce Investment Board, with the agreement of the local elected officials, and the One Stop partners relating to the operation of the One Stop delivery system. The WIA at section 121(c)(2) requires each MOU to contain provisions describing:

- 1. The services to be provided through the one stop delivery system;
- 2. How the costs of such services and the operating costs of the system will be funded, including the process for paying a proportional share of the costs of the one stop operating system;
- 3. Methods for referral of individuals between the one stop operator and the one stop partners, for appropriate services and activities;
- 4. The duration of the MOU and the procedures for amending the MOU; and
- 5. Other provisions as the parties determine to be appropriate.

WIA emphasizes the full and effective partnerships between Local Workforce Investment Boards and One Stop partners and requires these entities to enter into good faith negotiations. The WIA recognizes, however, that the process of negotiation will not always be successful. The regulations at section 662.310 set forth informal procedures and options to employ in the event an impasse is reached in the negotiations. In the event all negotiations fail, the regulations at section 662.310 require notification of the federal partners, the removal of the partner from the local Workforce Investment Board and exclusion of the local Workforce Investment Board from any incentives awarded for coordination.

POLICY

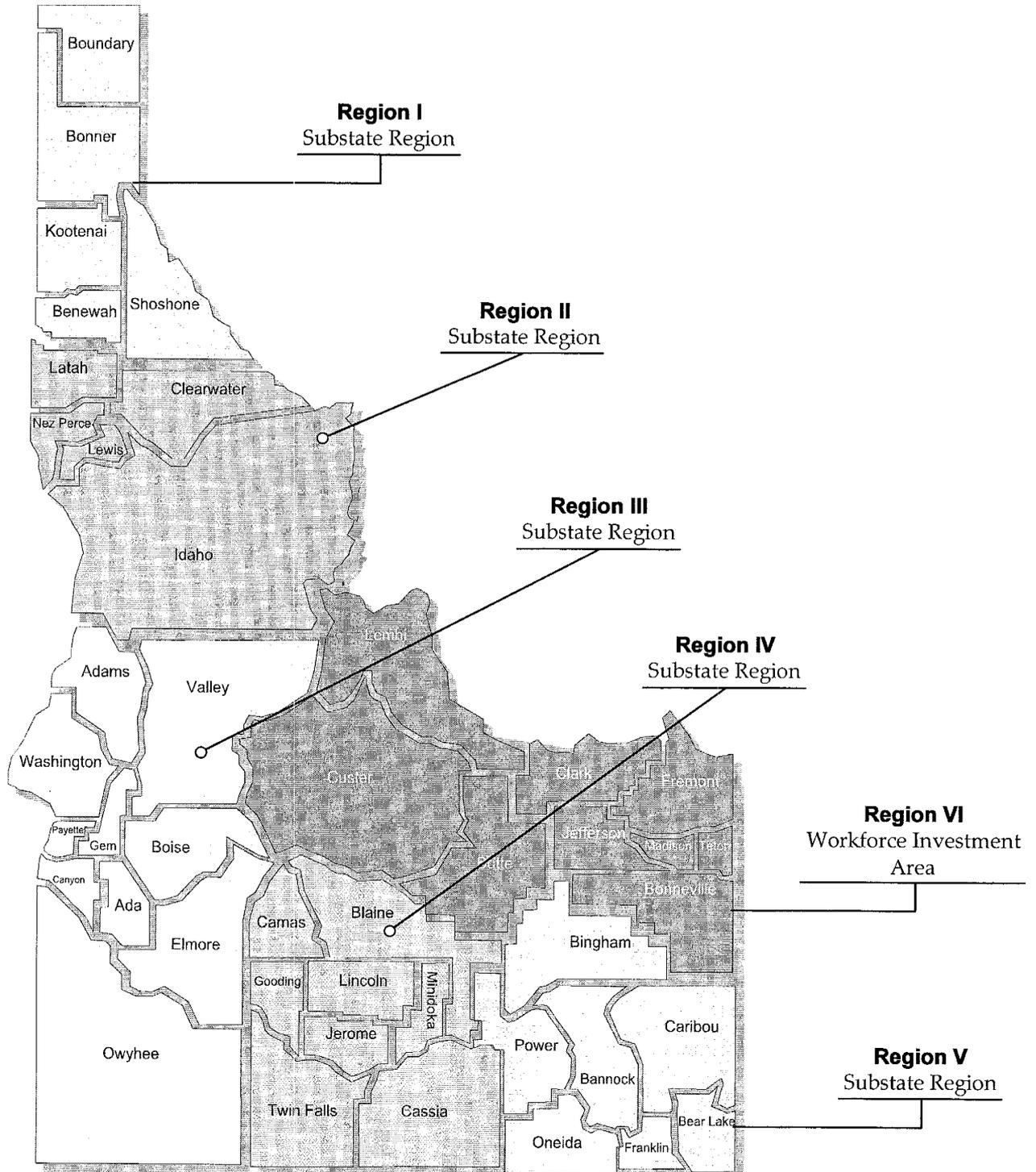
The following procedures for resolving an impasse between a local Workforce Investment Board and the local One Stop Partner shall be employed:

- 1. The local Workforce Investment Board and the local One Stop Partner will attempt to resolve their differences by informal means before employing the formal resolution process;
 - a. The Local Workforce Investment Board and local partner will document their efforts at negotiation and request the assistance of the appropriate state agency(ies) in an effort to resolve the impasse situation;
 - b. The state agency(ies) may contact their federal partners for assistance upon the agreement of all parties involved;

2. If negotiations cannot be resumed successfully through this negotiation process, the parties to the negotiation will present the issue to the Workforce Development Council, which will attempt to mediate the dispute and assist the parties in arriving at a resolution.
3. If the Council is able to negotiate a successful resolution, the Council will report the results to the Governor and the responsible state agency(ies);
4. If the Workforce Development Council is unable to facilitate a successful resolution to the impasse, the parties to the agreement will notify the Governor, the Department of Labor and the state agency responsible for administering the partner's program;
5. The responsible state agencies will report the situation to the Secretary of Labor and the head of any other Federal agency with responsibility for oversight of a partner's program, and
6. Sanctions will be imposed on the board and/or the partner program as specified in section 662.310 of the regulations.

Primary Contact: Cheryl Brush (208) 334-6303
Secondary Contact: Pat Debban (208) 334-6399

Workforce Investment Areas



*Guidelines
for
Recertification
of
Idaho Works Boards
under the
Workforce Investment Act
of 1998*

April 2004

Guidelines for Recertification of Local Idaho Works Boards

Introduction

Section 117 of the Workforce Investment Act (WIA) requires that local Idaho Works Boards be recertified every two years by the Governor of each state in accordance with criteria established in that section of the Act and with state policy. The material that follows describes recertification requirements and is divided into the following sections:

- I. RECERTIFICATION CRITERIA**
- II. RECERTIFICATION PROCESS**
- III. RECERTIFICATION TIMELINES**
- IV. DECERTIFICATION**

I. RECERTIFICATION CRITERIA

A local Idaho Works Board will be recertified when it is determined that: (A) the board meets composition requirements, as set forth in the Act and state policy; (B) appointments to the board made since the board was originally certified were based on proper nominations and meet other statutory requirements; and, (C) the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet local performance measures.

A. Composition

1. Each local Idaho Works Board must consist of the following, at a minimum:
 - a. Representatives of business in the local area;
 - b. Representatives of local educational entities;
 - c. Representatives of labor organizations;
 - d. Representatives of community-based organizations;
 - e. Representatives of economic development agencies;
 - f. Representatives of each of the required One Stop partners; and
 - g. Representatives of minority populations and people with disabilities

a. Representatives of business in the local area

Individuals appointed to represent the business sector must:

- ❑ be owners of businesses, chief executives or operating officers of businesses, and other business executives with optimum policy-making or hiring authority; (A representative with “optimal policy-making authority” within a business is an individual who can reasonably be expected to speak affirmatively on behalf of the business he or she represents and to commit that business to a chosen course of action.)
- ❑ represent businesses with employment opportunities that reflect the employment trends in the area;
- ❑ be nominated by local business organizations and business trade associations; and,
- ❑ constitute at least 51% of the local board membership.

The Chair of the local Idaho Works Board must be elected from among the business sector representatives.

b. Representatives of local educational entities

Special consideration must be given to representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist).

Appointments in this category must be made from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities.

c. Representatives of labor organizations

In areas in which employees are represented by labor organizations, individuals appointed in this category must be selected from among those nominated by local labor federations. In an area in which no employees are represented by such organizations, employees may be represented by other organizations.

d. Representatives of community-based organizations

Special consideration in appointing members in this category must be given to organizations representing individuals with disabilities and veterans, in local areas in which such organizations are present.

e. Representatives of economic development agencies

In the appointment of individuals in this category, special consideration must be given to private sector economic development entities.

AT LEAST TWO INDIVIDUALS ARE REQUIRED FOR EACH OF CATEGORIES (a) THROUGH (e) ABOVE.

f. Representatives of each of the required One Stop partners

Required One Stop partners are identified in Section 121 of the Act as the entities that carry out the following:

- Programs authorized under Title I of WIA, serving:
 - Adults
 - Dislocated Workers
 - Youth
 - Job Corps
 - Native American programs
 - Migrant and seasonal farmworker programs
 - Veterans' workforce programs (not applicable in Idaho at this time)
- Wagner-Peyser programs
- Trade Adjustment Act
- Veterans' Employment Services
- Unemployment Insurance programs
- Adult Education and Literacy programs
- Programs authorized under Title I of the Rehabilitation Act of 1973 – Vocational Rehabilitation, Commission for the Blind and Visually Impaired, and the client assistance program
- Senior community service employment activities authorized under Title V of the Older Americans Act
- Professional-Technical education programs
- Community Services Block Grant employment & training programs
- Housing and Urban Development employment & training programs
- Welfare To Work programs (not applicable in Idaho at this time)

An "entity", as used here, is the grant recipient, administrative entity, or organization responsible for administering the funds of the specified program in the local area, not the service providers under contract with the local administrative entity. For programs that do not include local administrative entities (i.e., programs operated by the Idaho Department of Labor and Idaho Division of Vocational Rehabilitation, Adult Education programs, and

programs funded through Title V of the Older Americans Act), the responsible state agency should be the partner. The eligible state entity may then designate an eligible local provider as the "entity" for this purpose. Local elected officials will need to contact appropriate state agency partners for designation of local representatives on local boards.

In those areas with both national and state programs funded through Title V of the Older Americans Act, local elected officials will need to consult with the Idaho Commission on Aging regarding selection of the most appropriate representative(s) to serve on the local board.

A single agency or organization that administers multiple required programs may represent more than one One Stop partner, as appropriate. One Stop partners should include, but are not limited to, the Idaho Department of Labor, Adult Basic Education, the Idaho Division of Vocational Rehabilitation, the Area Agency on Aging, and Professional-Technical Education.

If a required program is operational at more than one site (e.g., Community Services Block Grant activities), only one representative is required on the local board.

Local boards must also include national programs funded under Title I of WIA (Job Corps, Native American and Migrant Seasonal Farm Worker programs, and the Veterans Workforce Investment program), if they are present in the local area. In local areas where the national programs are not present, local boards should take steps to ensure that customer groups served by these programs have access to services through the One Stop delivery system.

One Stop partners not mandated for representation on local boards may be appointed to such boards at the discretion of the local elected officials.

g. Representatives of people with disabilities and minorities

In making appointments to local boards, local elected officials must include individuals who represent minority populations and people with disabilities.

2. Local elected officials may appoint other individuals or representatives of other appropriate entities, including entities representing individuals with multiple barriers to employment and other special populations, as deemed appropriate, as long as statutory compositional requirements are met.
3. Members that represent organizations, agencies or other entities shall be individuals with optimum policy-making authority within the entities they represent. A representative with "optimal policy-making authority" within an entity is an individual who can reasonably be expected to speak affirmatively on

behalf of the entity he or she represents and to commit that entity to a chosen course of action.

4. Statutorily-required Idaho Works Board members (Categories (a)-(f)) must be appointed as full voting members.
5. "Double-counting" - Under limited circumstances, individuals may be appointed to represent more than one membership category. Such individuals must have optimal policy-making authority within both entities, must meet nomination requirements for each category and nominating authorities in both categories must agree to such a dual role. In these situations, board bylaws must prohibit individuals in dual roles from voting on any issue that would involve a conflict of interest for either role.
6. "Special Consideration" – "Giving special consideration" to organizations specified in membership categories (a), (d), and (e) above requires that local elected officials take affirmative steps to identify any such organizations present in the local area and ensure that they are afforded an opportunity to submit nominations for appointments to local boards.
7. In order to ensure that policies for local workforce investment activities reflect the collaborative decision-making envisioned in the Act, each local board should have a mechanism to ensure that board members actively participate in board activities, attending meetings in accordance with requirements stipulated in board bylaws.

B. Board Appointments

Appointments made to local Idaho Works Boards subsequent to the last recertification of the board by the Governor must be based on nominations as prescribed above; individuals so appointed must meet other statutory requirements described above as well. Reappointments of existing members need not complete the nomination process again.

C. Ability to meet performance measures

Local boards will need to demonstrate that adequate oversight of local workforce investment activities is taking place and that local strategies have enabled the local area to meet local performance measures.

II. RECERTIFICATION PROCESS

A. Application Contents

Applications for recertification of Idaho Works Boards must contain the following information:

- (1) A current list of IWB members, including name, address, title, organizational affiliation/place of business, membership category, and term of appointment of local Idaho Works Board appointees.
- (2) A copy of current bylaws.
- (3) A description of the local board's mechanism for ensuring that attendance by board members complies with board bylaws and that inactive members are replaced in accordance with these bylaws. Please provide documentation of the ongoing utilization of the local processes to ensure attendance/replacement.
- (4) For all appointments made since the board was last recertified, the following information must be provided:
 - a) Name, address, title, organizational affiliation/place of business, membership category, term of appointment, and appointment expiration dates of local Idaho Works Board appointees. For those business sector representatives that are not chief executive officers or chief operating officers, the application must describe the "optimum policy-making or hiring authority" of the appointee(s).
 - b) Documentation that all nomination requirements have been met; nomination letters should be provided on the letterhead of the nominating authority or a form designed for this purpose.
 - c) Justification for any instances in which an individual will be appointed to represent more than one category; that is, a description of the circumstances which render the "dual role" appropriate. (When an individual is appointed to represent more than one category, the individual must have optimal policy-making authority in each category, nominations are required in each category, and documentation is required that the dual role is acceptable to both nominating authorities.)
 - d) Documentation that organizations specified in Section (I)(A)(1), (a),(d)&(e) have been identified for the local area and afforded special consideration in appointing new members to local boards.

- e) Documentation of appointments by local elected officials made since the board was last recertified, including documentation of reappointments made as a result of term expirations.
- (5) Documentation that local board activities have ensured the area's ability to meet regional performance measures, including a description of how the board has carried out the planned activities described in Chapter Four, Sections I(C) & II, of the local WIA plan.
- (6) The signature of the Chief Elected Official(s) authorized to act on behalf of the local elected officials requesting recertification.

B. Submission of Applications

Submit applications to:

*Laura Gleason
Idaho Department of Labor
317 W. Main
Boise, Idaho 83735*

PLEASE SUBMIT ONE COPY IN DRAFT FORM AND AN ORIGINAL AND ONE COPY OF THE FINAL APPLICATION.

III. Recertification Timelines

Local elected officials may submit draft recertification applications any time after receipt of this application package but no later than June 11, 2004. State staff will review draft recertification applications, recommend recertification to the Governor, or notify local staff of any concerns regarding the application by July 1. Local staff will then have until July 16 to resolve identified concerns; once all issues have been resolved, we request that you submit an original and one copy of the final application. Final action regarding recertification will take place by August 2, 2004.

IV. Decertification

Failure of a local board to meet recertification requirements will result in decertification of the local board.

Local boards may also be decertified by the Governor at any time (after notice has been provided, along with an opportunity for comment) for fraud or abuse, failure to carry out the roles and responsibilities described in the Act, or for failure to meet local performance measures for two consecutive program years (in accordance with WIA Section 136).

If a local board is decertified for any of these reasons, the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor, in consultation with local elected officials in the local area.

Any questions about this material or other information regarding the process for recertifying local Idaho Works Boards should be directed to Laura Gleason, lgleason@jobservice.us, 332-3570, ext. 3319.

WIAB 08-04

DATE: March 3, 2005
TO: All Local Workforce Investment Areas
FROM: Cheryl A. Brush, Chief, Workforce Systems Bureau
SUBJECT: PY05 Planning Guidance

The dates for submittal of your Workforce Investment Board's PY2005 modification to its WIA Five-Year Plan are approaching. This is our guidance for the preparation and submittal of the modification as well as other information that is related to PY05 planning.

National Developments

Legislation to reauthorize or replace the Workforce Investment Act has been introduced in both houses of Congress. WIBs and staff are encouraged to follow this legislation as it appears Congress will take some action this session.

The Administration has released its FY06 budget and appropriation requests. This legislation contains some initiatives that could change workforce development activities in Idaho. For example, funding for WIA Adult and Youth, Dislocated Worker, LMI, and Wagner-Peyser activities are merged into one block grant to the Governor. These proposals are not yet part of WIA reauthorization but reflect what the Administration seeks in the reauthorization legislation.

Both WIA reauthorization and the appropriation requests are works in progress but staff has determined it is prudent to anticipate changes will be made to the current system.

The recent issuance of ETA *Training and Employment Guidance Letter (TEGL) No.14-04* announces proposed revisions to the planning guidelines for WIA Title I Strategic Five-Year Plans. The revisions are significant and incorporate policies and initiatives found in the President's budget, WIA reauthorization proposals, and ETA's priorities. The new planning guidelines may be obtained at: http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=1673.

Finally, the Employment and Training Administration (ETA) is going forward with its requirements that (1) WIA and related agencies report outcomes against a set of common measures; (2) states negotiate "performance standards or targets" for the common and perhaps other outcome measures; and (3) the state's targets reflect the sum of those negotiated by WIBs with service providers while taking into account the state's targets. ETA has not released its final guidelines on these matters but they are expected to be announced in March.

PY05 Allocations and Substate Distribution

The state should receive its funding levels by April 1. When the state's allocations are received, the substate distribution will be made as soon as possible. No changes have been made to the basic WIA distribution formula although the policy for distributing incentive funds was changed at the last Workforce Development Council meeting.

PY05 Modification to Five-Year Plan

Following a brief discussion at the January 28, 2005 Council meeting, the decision was made to have each workforce investment area proceed with a modification to the existing five-year plan instead of waiting for the new planning guidelines.

It was concluded that a plan modification would be considered major for those areas who change service providers or add/delete a programmatic strategy, i.e., drop an in-school youth program in favor of serving out-of-school youth only; otherwise the plan would be considered minor.

New participant service levels, outcomes, measurable targets etc., and new budgets need to be submitted with both types of modifications. Changes only to participant schedules and budgets will be considered a minor modification.

Calendar/Due Dates

Major modifications are due to the State in final form by May 15, 2005 (45 days prior to the effective date of July 1, 2005). Each area's draft needs to be done so that the 30-day public review period can begin no later than 45 days prior to that, which would be April 1, 2005; each area would then have 15 days after the public review period for their Workforce Investment Board to consider public comments and finalize the plan and get LEO concurrence prior to the May 15 deadline. If more than 15 days are required for the Board to consider public comments and get LEO concurrence, the draft document and public review period would need to start earlier.

Staff is requesting a copy of the draft major modification on April 1, as part of the public review.

If your area's modification does not meet the requirements for a major modification, the due date is June 1 (30 days prior to the effective date) with the Department of Commerce and Labor.

Major and Minor Modification Criteria

As a reminder, a plan modification is considered **major** if it reflects:

- Increase or decrease of 20% in number of participants served in a program year; or
- Changes of greater than 20% in the financing available to support WIA Title I and partner-provided WIA services (other than the incorporation of funds carried forward from the prior year into the current budget); or
- Redesignation of a workforce investment area, grantee, or administrative entity; or
- Changes to the local board structure; or

- Any other substantial deviation from the existing plan (i.e., redesignation of One Stop Centers, change in service providers, major program design changes).

Minor modifications reflect:

- An increase or decrease of less than 20% of the number of participants served in a program year; or
- To incorporate previous year carry-in funds into the current program year budget; or
- To reflect other increases or decreases of less than 20% in the financing available to support WIA Title I and partner-provided WIA services; or
- A need to revise strategies to meet performance goals; or
- Other programmatic changes that do not meet major modification criteria (e.g., the addition of or modification to local skill attainment systems, addition of needs-based payments, changes in barrier groups).

Attached are the Workforce Development Council-approved plan modification criteria, as there are some procedural guidelines that need to be followed when each area submits their plan modifications. The items that need to be submitted for each type of modification should be noted.

The workforce development system might be changing, but the more immediate task is for each area to plan their PY05 activities in the current system context. As time proceeds and changes become clearer, there will opportunities for much discussion and collaboration.

Please contact Jim Adams at 332-3570, ext. 3219, if you have questions or require additional information.

Attachment:

*MODIFICATIONS TO LOCAL WIA PLANS
(Adopted by the Workforce Development Council
at their March 19, 2001 meeting—Attachment
to Transmittal #1.)*

Attachment

MODIFICATIONS TO LOCAL WIA PLANS

Local WIA plans may be modified through (A) major modifications or (B) minor modifications.

MAJOR MODIFICATIONS

Situations in which **major modifications** are required by the Governor include:

- Increase or decrease of 20% in number of participants served in a program year; or
- Changes of greater than 20% in the financing available to support WIA Title I and partner-provided WIA services (other than the incorporation of funds carried forward from the prior year into the current budget); or
- Redesignation of a workforce investment area, grantee, or administrative entity; or
- Changes to the local board structure; or
- Any other substantial deviation from the existing plan (i.e., redesignation of One Stop Centers, change in service providers, major program design changes).

Two copies of major modifications will be submitted to the Workforce Systems Bureau at the Idaho Department of Labor. The submission must include:

1. A cover letter outlining:
 - a) The reason for the modification.
 - b) The effective date.
 - c) A brief description of the modified sections.
2. Any affected pages from the original plan.
3. A dated and signed signature page indicating joint submission and approval by the WIB Chair and the Local Elected Officials.

Proposed major modifications to local WIA plans must be available for public review for at least 30 days, beginning 45 days prior to submission to the State. Availability of the modification shall be announced through a public notice in a prominent newspaper in the Workforce Investment Area and comments received during this review process shall be considered prior to submission of the modification to the State.

The modification shall be forwarded to the State for review and approval no later than 45 days prior to the proposed effective date. State staff will review these modifications for compliance with federal law and regulations and state policy and act upon them within 30 days of receipt.

MINOR MODIFICATIONS

A **minor modification** shall be made for the following reasons:

- ❑ An increase or decrease of less than 20% of the number of participants served in a program year; or
- ❑ To incorporate previous year carry-in funds into the current program year budget; or
- ❑ To reflect other increases or decreases of less than 20% in the financing available to support WIA Title I and partner-provided WIA services; or
- ❑ A need to revise strategies to meet performance goals; or
- ❑ Other programmatic changes that do not meet major modification criteria (e.g., the addition of or modification to local skill attainment systems, addition of needs-based payments, changes in barrier groups).

Two copies of the minor modification will be submitted to the Workforce Systems Bureau. Modifications will be submitted no later than 30 days prior to the effective date, unless the local area can demonstrate a participant-related need to implement the modification prior to the 30 days.

Minor modifications must contain:

1. A cover letter, signed by the individual authorized by local policy, identifying:
 - a) The effective date.
 - b) A brief description of the change.
2. Revised pages of the original plan.

Minor modifications will be reviewed by state WIA staff for compliance with federal law and regulations and state policy. Minor modifications will be acted upon by state staff within 15 days of receipt.

A complete copy of the plan, incorporating all minor modifications, will be made available to the Workforce Systems Bureau on an annual basis in accordance with timelines established by the State.

Workforce Investment Act of 1998

PY2000-2004 Planning Guidelines

September 1999

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WIA LOCAL PLANNING GUIDELINES

CHAPTER 1

LOCAL CONDITIONS

- I. Local Governance
 - A. Provide a current membership list for the local Idaho Works Board and Youth Council and a copy of the bylaws of each, as attachments to the local plan. [WIA§117(b)(2)&(h), CFR§667.200(a)(4)(i), state policy]
 - B. Describe how the local elected officials, the Idaho Works Board and the Youth Council will interact and coordinate activities and decision making, particularly as it relates to developing the local WIA plan. [WIA§117(d)&(h)(4)]
 - C. Identify the organization that will serve as the local Grant Recipient. Identify the organization that will be responsible for proper disbursement of WIA funds at the direction of the local board and for administration of the program. Describe the local arrangement for providing staff to the local board. [WIA§117(d)(3)(B) & §118(b)(8)]
 - D. Provide a copy of the agreement among local elected officials that demonstrates acceptance of the joint liability of individual jurisdictions for misuse of any WIA funds allocated to the local area under WIA§128 & §133, unless the local area has reached an agreement with the Governor to bear such liability. [CFR§667.705]
- II. Local Workforce Investment Needs
 - A. Describe the key trends that are expected to shape the economic environment of the local area during the next five years. Include a discussion of local industries that are expanding and those that are declining. Identify area and/or community economic development needs. (See Appendix A) [State Planning Guidelines]
 - B. Identify the current and projected employment opportunities in the local area. [WIA§118(b)(1)(B)]
 - C. Identify the job skills necessary to obtain such employment opportunities. [WIA§118(b)(1)(C)]
 - D. What is the makeup of the local labor force in terms of age, sex, ethnic grouping, education levels, and persons with disabilities? Discuss the socioeconomic conditions of the population in the local area to help identify those most in need of service. Describe any special needs of such groups as females, veterans, persons with disabilities, displaced homemakers, older workers, out-of-school youth, high school dropouts, migrant and seasonal farmworkers, and Native Americans. Identify sources for data analysis. [WIA§118(b)(1)(A)]

E. Existing Programs and Services

1. Describe the type and availability of adult and dislocated worker employment and training activities in the local area. Assess the degree to which these services meet the needs of local business and industry. [WIA§118(b)(4)]
2. Describe and assess the type and availability of youth activities in the local area, including an identification of successful providers of such activities, consistent with state policy. [WIA§118(b)(6), state policy]

III. Local Vision and Goals

- A. Describe the local area's broad strategic economic and workforce development goals within the framework of the vision and goals established by the Workforce Development Council and the State's vision for the One Stop system. (See Appendix B) [State Planning Guidance]
- B. Describe the local area's vision of how the WIA local workforce investment system will help attain these strategic goals. [State Planning Guidance]
- C. Describe any challenges to achieving the local vision.

CHAPTER 2

ONE STOP SYSTEM

- I. Identify the One Stop Operator(s) and describe the role of the Operator(s) within the local area. If there is more than one Operator, specify the site or sites for which each will be responsible. [WIA§121(d) & §134(c), CFR§662.400]
- II. Identify the process and any locally developed criteria used to select the Operator, consistent with state policy. If a consortium was selected as the Operator, attach a copy of the consortium agreement. [WIA§121(d), CFR§662.410-430, state policy]
- III. Identify the specific location of each Idaho Works Career Center in the local area. (At least one physical comprehensive Career Center must be located in each local area.) [WIA§134(c)(2), CFR§662.100(e)]
- IV. Identify the process for ensuring that each Career Center offers the minimum mix of programs and services required in the WIA and that affiliates offer services as specified in state policy. [WIA§121 & §134, state policy]
- V. Identify the organizations, and their locations, serving as local affiliate sites as defined in state policy. [WIA§134(c)(2), CFR§662.100(d-e), state policy]
- VI. Describe how the services provided by the federally mandated partners identified in WIA§ 121(b)(1) and any optional partners will be integrated into a seamless delivery system that moves customers through a continuum of services in the local One Stop delivery system. Describe how these programs will be coordinated to avoid duplication of labor exchange services. [WIA§112(b)(8)(A) & §121(b)(1-2) & 134(c), State Planning Guidelines]
- VII. Describe the process for negotiating Memoranda of Understanding (MOUs) with required and optional One Stop Partners. This may be a single or multiple agreements that describes participation in the comprehensive center and/or affiliate locations. Each MOU must comply with WIA§121(c)(2) and state policy and be included with the plan. If, at the time of plan submission, the local board and a One Stop partner have been unable to negotiate an agreement due to an impasse, include a description of the process that has been followed to resolve the impasse utilizing procedures contained in state One Stop policy guidance. [CFR§662.310, state policy]
- VIII. Describe how funds available under this grant will be used to leverage other federal, state and local resources to support the One Stop system. [WIA§112(b)(10)]

CHAPTER 3

TITLE I PROGRAM DESIGN

I. Adult and Dislocated Worker Services

A. Population to be served

1. Describe local strategies for meeting the needs of dislocated workers, displaced homemakers, low-income individuals such as migrant and seasonal farmworkers, public assistance recipients, women, minorities, individuals training for nontraditional employment, veterans, and individuals with multiple barriers to employment (including older workers, people with limited English speaking ability, and people with disabilities). [WIA§112 (b)(17)(A)(iv)]
2. Describe the criteria that will be used to determine eligibility for intensive and training services, consistent with state policy. [CFR§663.220, state policy]
3. Priority for Low-Income Adults [WIA§134(d)(4)(E), CFR§663.600, state policy]
 - a. If the local area intends to waive the requirement to give priority to low-income adults because sufficient funds are available to serve all adults who can benefit from intensive and training services, please provide the local analysis, comparing customer need and resource availability, which demonstrates this.
 - b. Unless information is being provided that demonstrates that adult funds are not limited, describe the procedures that will be used to ensure that priority is given to low-income adults, in accordance with state policy.
4. Describe other policies, if any, regarding priority of service to other targeted groups, such as single parents, persons with disabilities, veterans, minorities, older workers, and local area residents.

B. Services and Activities

1. Identify local strategies for providing Title I core, intensive, and training services, including providers of these services.
2. Describe local policies for:
 - a. customized training. [CFR§663.715-720]

- b. needs-based payments, including amounts available and whether such payments will be allowed prior to the start of training. [WIA§134(e)(3), CFR§663.815-840]
 - c. financial assistance to participants for out-of-area job search and relocation services. [CFR§663.200]
 - d. follow-up services including the local definition for what constitutes a follow-up contact, required frequency, and length, if more than the 12-month minimum. [CFR§663.150(b)]
 - e. discretionary activities identified in WIA§134(e)(1).
3. Describe planned employer outreach and job development activities. [WIA§181(e), CFR§667.262(a)]

PLEASE NOTE THAT THE STATE IS CURRENTLY IN THE PROCESS OF DEVELOPING STATE-LEVEL POLICIES FOR ELIGIBLE TRAINING PROVIDERS (SECTION (C) BELOW) AND INDIVIDUAL TRAINING ACCOUNTS (SECTION (D) BELOW). THE STATE WILL WORK CLOSELY WITH LOCAL BOARD STAFF THROUGHOUT THIS PROCESS.

C. Local List of Eligible Training Providers [WIA§122, CFR§663.510(d)&(e), state policy]

1. Describe the process for:
 - a. accepting applications for initial and subsequent eligibility from training and apprenticeship providers;
 - b. carrying out the procedures prescribed by the State for determining initial eligibility;
 - c. carrying out the procedures prescribed by the State for determining subsequent eligibility;
 - d. compiling a local list of eligible providers, collecting the performance and cost information and any other required information relating to providers;
 - e. submitting the local list of approved training providers to the Idaho Department of Labor;
 - f. disseminating the State list through the local One Stop system; and,
 - g. consulting with the Idaho Department of Labor where the termination of an eligible provider is contemplated.
2. Describe any additional performance and reporting requirements established by the local board.

D. System for use of Individual Training Accounts [WIA§134(d)(4)(G)]

1. Describe local policies for the use of ITAs, including restrictions on amounts and duration. [CFR§663.420]
2. Identify any exceptions or proposed waivers to the use of ITAs that will be used in the local area. Provide the appropriate justification for these exceptions in accordance with state policy. [WIA§134(d)(4)(G)(ii), CFR§663.430, state policy]
3. Describe procedures for identifying occupations in economic sectors with high potential for sustained growth. [WIA§134(d)(4)(G)(iii)]
4. Describe allowable ITA training costs. Identify whether ITAs will cover tuition, educational fees, books and other educational expenses. [CFR§663.420]
5. Describe arrangements for ensuring non-duplication with Pell grants. [WIA§134(d)(4)(B), CFR§663.320(c)]
6. Describe the ITA payment procedures including the process of disbursing and tracking WIA funds. [CFR§663.410]

E. Identify planned transfers of funds, up to the 20% maximum, between the adult and dislocated worker funding streams. [WIA§133(b)(4)]

F. Coordination with state-level rapid response activity

Describe how the local board will:

1. coordinate local workforce investment activities with the State's rapid response efforts including making WIA Title I resources available to support services for dislocated workers targeted by rapid response efforts. [WIA§118(b)(5)]
2. assist the State in promoting rapid response, early intervention services and Labor/Management Committees. [state policy]
3. assist in coordinating services with local economic development efforts and with appropriate local elected officials. [state policy]

II. Youth Services

A. Describe the local area's strategy for providing comprehensive services to youth, including any coordination with foster care, education, welfare, and other relevant resources. Explain how this strategy will prepare youth for post-secondary educational opportunities and transition to employment. [State Planning Guidelines, WIA§129(c)(1)(C), CFR§664.400(a)(3)&(b)]

B. Population To Be Served

1. Provide the local definition and documentation requirements for:
 - a. “an individual who requires additional assistance to complete an educational program or to secure and hold employment” [WIA§101(13), CFR§664.210]
 - b. “deficient in basic literacy skills” [WIA§101(13), CFR§664.205]
 - c. “other eligible youth who face serious barriers to employment”, as part of the 5% window [WIA§129(c)(5), CFR§664.220(h)]
2. Describe the local strategy for meeting the requirement to spend at least 30% of local WIA youth funds on out-of-school youth. What percentage of local youth funds will be targeted to out-of-school youth? [WIA§129(c)(4)(A)]

C. Services & Activities

1. Describe the local area’s process for providing income-eligible applicants with information on the full array of services available through the local board, providers found eligible by the board, or One Stop partners and for referral to appropriate education and training programs. [WIA§129(c)(3)(A), CFR§664.400(d)(1)]
2. Describe the local area’s mechanism to ensure that eligible applicants who cannot be served by a particular program will be referred for further assessment and to appropriate training and educational programs that have the capacity to serve them. [WIA§129(c)(3)(B), CFR§664.400(d)(2)]
3. Describe the local area’s assessment process that meets the requirements of WIA§129(c)(1)(A), and includes a review of the academic and occupational skill levels, as well as the service needs, of each youth. [WIA§129(c)(1)(A), CFR§664.400(a)(1)]
4. How will the ten required program elements identified in WIA§129(c)(2) be provided throughout the local area? Address each separately. [WIA§129(c)(2), CFR§664.400(b)&410]

D. Linkages

Describe the local area’s mechanism for complying with linkage requirements established in the State’s youth policy framework and with any other entities that foster the participation of eligible local area youth. [WIA§129(c)(7), CFR§664.400(c), state policy]

- E. What arrangements will the local board make to provide opportunities to individuals who have successfully participated in the program to volunteer assistance to participants in the form of mentoring, tutoring, and other activities? [WIA§129(c)(8)]

III. General Program Requirements (Issues common to all Title IB programs.)

- A. Describe plans made to ensure an orderly transition from JTPA to WIA, including arrangements made to ensure that participants enrolled on June 30, 2000 are allowed to complete their participation. [USDOL TEGL No.1-99]
- B. Describe local policies, including any locally established time limits, for delivery of work experience and/or internships in WIA Title IB programs. [CFR§663.200(b) & §664.460]
- C. On-the-Job Training [CFR§663.700-710 & §664.460]
 - 1. How will the length of OJT contracts be established?
 - 2. Describe the local policy for reimbursement of OJT wages (up to 50%).
 - 3. Describe the local policy stipulating the circumstances under which OJTs may be used for eligible employed workers.
 - 4. Describe the local policy for restricting the use of OJTs with employers who have received payments under previous contracts and who exhibit a pattern of failing to retain participants. [WIA§195(4)]
- D. Supportive services
 - 1. Describe how the provision of supportive services will be coordinated with other local resources provided by community organizations and One Stop system partners, including procedures for cross referral and how such services will be limited to circumstances in which other resources are not available. [WIA§134(e)(2), CFR§663.800-805 & §664.440]
 - 2. Describe any limits established by the local board regarding the provision of supportive services or policies to provide authority to the One Stop Operator or to youth providers to establish such limits, including maximum amount, maximum length of time, and procedures to grant exceptions. [CFR§663.810 & §664.440]
- E. For concurrently enrolled individuals, how will the local area ensure that services provided through the adult program are not duplicated with those provided under the youth program? [CFR§664.500]
- F. Describe local policy for making opportunities available to participants to participate in nontraditional training. [WIA§195(1), State Planning Guidelines]
- G. Describe any agreements with other areas to pay or share the cost of educating, training, or placing individuals participating in WIA programs. [WIA§195(3)]

CHAPTER 4

PERFORMANCE MANAGEMENT

- I. Performance Accountability
 - A. Identify the area's performance goals for the 17 WIA core measures for Program Years 2000, 2001, and 2002. More detailed definitions of performance measures are listed in Appendix C. [WIA§136 & §118(b)(3), 8/24/99 USDOL paper on Core Indicators of Performance, 8/16/99 Update on Performance Accountability]
 - B. Describe the local area's benchmarks for attainment of basic skills, work readiness skills and occupational skills in the youth program and identify the instruments to be used for these measures. [WIA§136(b)(2)(A)(ii), 8/24/99 USDOL paper on Core Indicators of Performance]
 - C. Describe how the local board will evaluate performance. What corrective action will the local board take if performance falls short of expectations? How will the local board use the review process to reinforce the strategic direction of the system? [WIA§117(d)(4), State Planning Guidelines]
- II. Continuous Improvement [WIA§118(b)(2)(A) & §136(a)&(e)(1), 8/8/99 USDOL Consultation Paper]
 - A. Describe how the local board will ensure continuous improvement of services through the One Stop system. How will the local board provide leadership for the continuous improvement effort?
 - B. What procedures, in addition to the WIA customer satisfaction core measures, will be used to obtain employer and participant feedback on services? What processes are in place to ensure customer feedback is utilized to improve service delivery?
 - C. Describe capacity building efforts designed to enhance the continuous improvement effort.
 - D. Describe how the local board will recognize and reward exemplary performance.

TABLE 1
LOCAL PERFORMANCE GOALS

Performance Measurement	PY2000	PY2001	PY2002
<u>Adult Programs</u>			
1. Entry into unsubsidized employment;	_____	_____	_____
2. Retention in unsubsidized employment @ six months	_____	_____	_____
3. Earnings @ six months	_____	_____	_____
4. Attainment of a recognized credential relating to achievement of educational skills by participants who enter unsubsidized employment.	_____	_____	_____
<u>Dislocated Worker Program</u>			
5. Entry into unsubsidized employment;	_____	_____	_____
6. Retention @ six months	_____	_____	_____
7. Earnings @ six months	_____	_____	_____
8. Attainment of a recognized credential relating to achievement of educational skills or occupational skills by participants who enter unsubsidized employment.	_____	_____	_____
<u>Older Youth (aged 19-21)</u>			
9. Entry into unsubsidized employment;	_____	_____	_____
10. Retention @ six months	_____	_____	_____
11. Earnings @ six months	_____	_____	_____
12. Attainment of a recognized credential relating to achievement of educational skills by participants who enter unsubsidized employment or who enter postsecondary education, advanced training or unsubsidized employment.	_____	_____	_____
<u>Younger Youth (aged 14-18)</u>			
13. Attainment of basic skills and, as appropriate, work readiness or occupational skills;	_____	_____	_____
14. Attainment of secondary school diplomas and their recognized equivalents; and	_____	_____	_____
15. Placement and retention in postsecondary education, advanced training, military service, employment, or qualified apprenticeships.	_____	_____	_____
<u>Customer Satisfaction</u>			
16. Participant customer satisfaction	_____	_____	_____
17. Employer customer satisfaction	_____	_____	_____

CHAPTER 5

ADMINISTRATION

I. Procurement Process

- A. Provide a copy of the local area's procurement policy. [WIA§184(a)(2-3), CFR§667.200, 29CFR Parts 95 & 97]
- B. Describe any competitive process, consistent with state policy, used to select the entities below. Include a description of how potential bidders are made aware of the availability of funds. [WIA§118(b)(9)]
 1. One Stop Operators
 2. Providers of core and intensive services, if not the One Stop Operator
 3. Organizations selected as exceptions to ITA requirements, consistent with state policy
 4. Providers of youth services
- C. Identify criteria used to evaluate youth proposals, consistent with state policy. [WIA§112(b)(18)(B), state policy]

II. Administrative Systems

- A. Identify the OMB Circulars governing cost principles and uniform administrative requirements that will apply to the local board-staffing organization and to the fiscal agent (if different), pursuant to a determination by the organization's cognizant agency. [WIA§184(a)(2-3), CFR§667.200]
- B. Describe the local structure and procedures in place to administer the local workforce investment system, including the following: [WIA§181-195, CFR§667]
 1. Describe local administrative controls (including monitoring and management information system requirements), accounting, audit, and debt collection procedures, consistent with WIA§184, to ensure proper disbursement of, and accounting for, funds allocated to the local area under Title IB. [WIA§184]
 2. Describe the local system/procedures for grievances or complaints alleging violations of the requirements of this title from participants and other interested or affected parties. [WIA§181, CFR§667.600]

III. Equal Opportunity (EO) Requirements

Describe systems and processes established to ensure compliance with primary federal laws governing equal opportunity and nondiscrimination for staff and for program participants. [WIA§188]

IV. Public Review/Involvement Process

- A. Describe the local process for ensuring ongoing compliance with the Sunshine provisions described in WIA§117(e).
- B. Provide documentation that the public review requirements identified below and detailed in Appendix D have been met:
 - 1. Waiver of prohibition against local boards providing training services [WIA§117(f)(1)(B)(ii)]
 - 2. Designation of One Stop Operators through grandfathering and/or consortia [WIA§117(e), state policy]
 - 3. Exceptions to ITA requirements [WIA§134(d)(4)(G)(ii)]
 - 4. Local Workforce Investment Plan [WIA§118(c), CFR§661.345(b)]
- C. Include with your plan any comments received as a result of the public reviews described above and the local board's response to these comments. [WIA§117(f)(1)(b)(iii) & §118(c)(3), CFR§661.345(c)]

V. Waivers

If the local area is requesting waivers of any federal requirements, provide the information requested in WIA§189(I).

VI. Budget

Budget format is being developed and will be transmitted at a later date.

Appendices

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Appendix A

Labor Market Information Publications

Publication	Description	Frequency of Release
● <u>Affirmative Action Statistics</u>	The data in this publication represent the latest statistics for use in the development of employer affirmative action plans. Population, labor force estimates, and a summary of occupations are presented for each county and on a statewide basis by race and gender.	Annually
● <u>Basic Economic Data</u>	This publication presents monthly nonfarm wage & salary employment by industry. The data are tabulated on statewide, county, and Labor Market Area levels.	Annually
● <u>Covered Employment & Wages in Idaho (250/251)</u>	This report provides the number of people employed that are covered by Unemployment Insurance law and the total wages for those workers. Employment and wages are tabulated at a one-digit SIC level by county.	Quarterly & Annual Summary
● <u>Distribution of Covered Workers in Idaho by Industry</u>	This report provides the number of workers covered by Unemployment Insurance law, tabulated by industry and summarized at a two-digit SIC level on a statewide basis only.	Annually
● <u>Distribution of Wages Paid to Covered Workers in Idaho by Industry</u>	This report provides the total wages of workers covered by Unemployment Insurance law in Idaho. The data are tabulated by industry and summarized at a two-digit SIC level on a statewide basis only.	Annually
● <u>Economic Profiles</u>	This consists of 24 separate publications. Each publication includes a geographic overview, population, an economic overview, labor force, nonfarm wage & salary employment, wages, major employers, per capita income, Job Service activity, and basic Unemployment Insurance information for the 24 Idaho Job Service areas. (Last updated October 1999) These profiles can currently be obtained by calling 1-800-772-2553.	Annually (Updated October 1999)
● <u>Idaho Demographic Profile</u>	Information contained in this publication includes population and labor force projections, occupational data, and socioeconomic characteristics of Idaho residents.	Annually
● <u>Idaho Employment</u>	This newsletter contains monthly nonfarm wage & salary employment, labor force data, unemployment rates, economic indicators, economic trends, business	Monthly

developments, and more for the state and Labor Market Areas. Sections include: State Overview, Panhandle, Seaport, Treasure Valley, Magic Valley, Southeast, Northeast, and FYI (For Your Information).

- **Occupational Employment & Wages in Idaho**

This publication provides the results of the annual Occupational Employment and Wage Survey, showing the number of employees in and wage ranges for over 800 occupations throughout the state.

Annually
- **Labor Force in Idaho**

Seasonally Adjusted and unadjusted civilian labor force, employment, unemployment, and unemployment rates for the state, Labor Market Areas, and all counties are included in this publication.

Annually
- **Labor Force by County**

This report presents seasonally adjusted and unadjusted civilian labor force, employment, unemployment, and unemployment rates for the state and all counties.

Monthly
- **Occupational Employment Statistics**

Occupational employment statistics, occupational projections, and industry projections are available upon request.

Available Upon Request
- **Unemployment Insurance Financing and Benefit Costs**

This publication details the structure, development, history, and current status of Idaho's unemployment insurance program for use in decision-making regarding benefit costs and benefit financing.

Annually

Appendix B

WORKFORCE DEVELOPMENT COUNCIL Vision, Mission & Goals

VISION

Idaho will deliver a highly trained, diverse workforce through partnerships among business, labor, education, and government. This integrated workforce development system will meet the productivity needs of a market-driven economy -- improving profitability, increasing global competitiveness, and enhancing Idaho's quality of life.

MISSION

The Governor's Workforce Development Council, understanding the unique needs of business, education, and labor, will develop policy and provide oversight for an integrated Idaho workforce development system, promoted and implemented within established constraints.

GOALS

GOAL I **Assess the needs of business and industry to enhance economic development, based on market sensitivity.**

1. Develop and conduct a statewide assessment of training and employment needs of business and industry.
2. Develop a system for ongoing assessment and evaluation.

GOAL II **Establish a comprehensive workforce development delivery system.**

1. Establish partnerships with business, agencies, and education in the development of a workforce system.
2. Promote a system with a comprehensive menu of quality information services.
 - Develop policy recommendations for a One Stop Career system.
 - Oversee implementation of the One Stop Career system.
3. Develop, recommend and support a substate governance structure.
 - Integrate planning, oversight and delivery systems at the state and local levels.
 - Approve initiatives, program plans and grant applications to ensure coordination and minimize duplication.
4. Develop and recommend performance and evaluation methods.
 - Support a system that regularly measures progress toward goals and determines customer satisfaction.

5. Support a coordinated marketing campaign for all users.
 - Develop and implement a statewide marketing/public awareness program.

GOAL III Support a comprehensive educational system for all students K-16+ that includes rigorous school-based learning and relevant work-based learning.

1. Promote access for all students to accurate and current information about careers, occupations, and available education and training programs.
 - Promote career information systems for common use throughout the state.
2. Expand opportunities and increase student participation in work-based learning.
 - Promote the development of a wide variety of work-based learning opportunities.
 - Encourage the educational system to recognize and support work-based learning.
 - Broaden the numbers of businesses providing work-based learning opportunities.

GOAL IV Provide opportunities for and encourage life-long skill development for Idaho's current and transitional workers.

1. Ensure access to employment and training services for diverse population groups.
 - Identify and eliminate barriers in the workforce development system.
 - Coordinate with representatives of minority populations to identify their needs.
 - Promote English language training to better prepare limited English speaking Idahoans for the workplace.
2. Facilitate transitions to or within the workforce.
 - Encourage businesses to partner with local instructional providers to offer training for current employees.
 - Support welfare reform efforts.
 - Encourage Idahoans in their efforts to attain economic independence and self-sufficiency.
3. Promote and recognize the interdependence of and need for balance between work and family life.
 - Support community services and employment practices that enable applicants to enter the workforce and continue providing quality family life.
4. Promote use of the Workforce Development Training Fund to deliver customized training for new employees, and upgrade training for current workers who are at risk of being permanently laid off.

GOAL V To advance issues related to Idaho's Workforce Development system by providing recommendations and progress reports to the Governor, State Board of Education and policy makers.

ONE STOP CAREER CENTER SYSTEM

VISION

The One Stop Career Center network will revolutionize the systems that support the American labor market. All customers – employers, job seekers and students – will have access to streamlined, state-of-the-art, user-friendly employment, education, and training information and services. The One Stop system will be customer driven, highly integrated, offer superior customer service and result in exceptional customer satisfaction and return on investment of public funds.

One Stop Career Center - Guiding Principles

Customers, whether students, job seekers or employers, will be regarded as capable and motivated to achieve success in the labor market.

We will put our customers first, measuring our success by satisfaction of the customer and value added for the customer.

Collaboration and consensus among partners will guide the truly successful One Stop system.

Partners are committed to the concepts of universal access, customer choice, program quality and accountability, and integration of services to meet customer demands.

Multiple federal, state and local programs will be integrated to create a seamless system for the customers.

Our efforts are guided by full participation of stakeholders and customers, fact-based decision-making, customer satisfaction as a key measure of accountability and delivering what we promise.

One Stop Career Center System - Goals

All customers, including those with special needs and barriers to employment, will have access to a core set of services designed to assist in managing career and labor market decisions.

Customer choice will be increased via:

- access to information and services in at least one full-service One Stop Career Center in each region, at multiple off-site locations including kiosks, service provider, education provider, and access points that are convenient to the customer;
- access to information on quality of education, training and One Stop performance;
- access to customer-friendly career information and new local labor market information;
- access to registration, referral and job order filing;
- access to regional service directories with information on education, training and support services, including child care; and,
- development of automated systems designed to perform eligibility screens for a wide variety of employment, training and financial aid services.

Customer satisfaction will be increased by:

- collecting and including customer preference in program design and measuring their satisfaction;
- expanding access to staff knowledgeable about the labor market and a range of service options;
- increasing access to a broader range of job openings, a larger pool of job applicants and an improved system for matching the two;
- eliminating duplicate collection of information among multiple service providers and providing access to a seamless service system; and,
- increasing staff time available for intensive services for those who need them through the use of automation and self-access for those who prefer this option.

Program quality will be improved through:

- greater availability and use of labor market information;
- greater availability and wider distribution of program outcome information; and,
- expanded use of quality and program improvement processes throughout the system.

Programs will be integrated through:

- greater integration of program planning processes at the state and local levels for School-to-Work, Work-to-Work and Welfare-to-Work programs;
- integration of data and information systems; and,
- expanded colocation of partners.

Appendix C

WIA Performance Measures

Adult Program

1. Entry into unsubsidized employment
2. Retention in unsubsidized employment six months after entry into employment
3. Earnings received in unsubsidized employment six months after entry into employment
4. Attainment of a recognized credential relating to achievement of educational skills, which may include attainment of a secondary school diploma or its recognized equivalent, or occupational skills, by participants who enter unsubsidized employment

Dislocated Worker Program

5. Entry into unsubsidized employment
6. Retention in unsubsidized employment six months after entry into employment
7. Earnings received in unsubsidized employment six months after entry into employment
8. Attainment of a recognized credential relating to achievement of educational skills, which may include attainment of a secondary school diploma or its recognized equivalent, or occupational skills, by participants who enter unsubsidized employment

Youth Program

Older Youth (aged 19-21)

9. Entry into unsubsidized employment
10. Retention in unsubsidized employment six months after entry into employment
11. Earnings received in unsubsidized employment six months after entry into employment
12. Attainment of a recognized credential relating to achievement of educational skills, which may include attainment of a secondary school diploma or its recognized equivalent, or occupational skills, by participants who enter unsubsidized employment or who enter postsecondary education, advanced training or unsubsidized employment

Younger Youth (aged 14-18)

13. Attainment of basic skills and, as appropriate, work readiness or occupational skills
14. Attainment of secondary school diplomas and their recognized equivalents
15. Placement and retention in postsecondary education, advanced training, military service, employment, or qualified apprenticeships

Customer Satisfaction

16. Participant customer satisfaction
17. Employer customer satisfaction

Appendix E

Required Attachments to local WIA Plans

1. Signature Page
2. Current membership lists for local Idaho Works Board and Youth Council
3. Idaho Works Board and Youth Council Bylaws
4. Agreement among local elected officials demonstrating acceptance of the joint liability of individual jurisdictions for repayment of disallowed costs identified in audits or other reviews
5. Consortia agreements used in the designation of One Stop Operators
6. Memoranda of Understanding between local board and One Stop partners
7. Analysis demonstrating that sufficient funds exist to serve all adults if the local area is proposing to waive the requirement to give priority to low-income adults
8. Procurement policy
9. Documentation of public review processes

IDAHO WORKFORCE INVESTMENT ACT PERFORMANCE MEASURES
PERFORMANCE GOALS FOR PY 2005 AND PY 2006

	PY 05	PY 06
Adult Programs		
1. Entered Employment Rate	87%	87%
2. Employment Retention Rate @ Six Months	84%	84%
3. Average Earnings Change in Six Months	\$3,900	\$3,900
4. Employment and Credential Rate	70%	73%
Dislocated Worker Program		
5. Entered Employment Rate	90%	90%
6. Employment Retention Rate @ Six Months	91%	91%
7. Earnings Replacement Rate in Six Months	-\$1,500 / 88%	-\$1,500 / 88%
8. Employment and Credential Rate	72%	74%
Older Youth (aged 19-21)		
9. Entered Employment Rate	83%	83%
10. Employment Retention Rate @ Six Months	89%	89%
11. Average Earnings Change in Six Months	\$3,094	\$3,094
12. Credential Rate	58%	59%
Younger Youth (aged 14-18)		
13. Skill Attainment Rate	92%	92%
14. Diploma or Equivalent Attainment	77%	77%
15. Retention Rate	78%	78%
Customer Satisfaction		
16. Participant customer satisfaction	85	85
17. Employer customer satisfaction	85	85

Memorandum of Understanding

Purchase of goods and services under the Workforce Investment Act (WIA) will comply with Uniform Administrative Requirements applicable the nature of the organization expending WIA funds. Units of state and local government will comply with OMB Circular A102, codified at 29CFR Part 97.

In order to meet these requirements, and in accordance with the general WIA procurement policies approved by the Governor (Attachment A), IDOL, as the State WIA Administrative Entity, proposes the following:

- . State agencies expending WIA funds will follow policies and procedures established by the Department of Administration for all purchase of professional services and all other administrative purchases.
- . When purchasing program services, state agencies expending WIA funds will be exempt from the specific procedural requirements of the Department of Administration, but will ensure compliance with all requirements contained in A102 as reflected in Attachment B and summarized below:
 - formal bidding for purchase of program services exceeding \$25,000;
 - maximum open and free competition;
 - maintenance of a bidders' list;
 - public notification of fund availability;
 - minimum of 30 days between issuance of RFP and submission deadline;
 - procedures that afford all applicants equal opportunity to be considered for funding;
 - objective selection of successful bidder, according to predetermined criteria and process, to be included in Requests-For-Proposals;
 - appeal procedures regarding selection of successful bidders, to be included in Requests-for-Proposals;
 - avoidance of any conflict of interest in selecting providers;
 - inclusion in RFP of applicable laws and regulations, and State policies or provision of these to potential applicants at a bidder's conference or upon request.

Noncompetitive practices

Use of noncompetitive practices will follow requirements established in OMB Circular A-102, except as follows.

- () State agencies will be allowed to purchase goods and services from other state agencies without competition.
- () Funds may be passed through from the State to local Idaho Works Boards without competition in accordance with established formulae to meet purposes specified in the Workforce Investment Act.
- () Funds may be passed through from the State to local Idaho Works Boards without competition to provide additional assistance for dislocated workers to local areas that experience disasters, mass layoffs or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals.

A Procurement Guide reflecting these requirements will be developed and maintained by IDOL and provided to other state agencies purchasing WIA program services

Signed:

Director, Idaho Department of Labor

DATE

Director, Idaho Department of Administration
(or Administrator, Division of Purchasing

DATE

Attachments (2)

Attachment A

TRANSMITTAL

MEMORANDUM

September 21, 1999

TO: Workforce Development Council

FROM: Roger B. Madsen, Director

SUBJECT: Procurement Issues under WIA

ACTION REQUESTED: Approval of proposed procurement policies for purchase of goods and services under the Workforce Investment Act

BACKGROUND:

WIA federal regulations require that state and local governments and other entities comply with federal Uniform Administrative Requirements applicable to their organizations in administration of WIA activities. For state and local government, this is OMB Circular A102; for private nonprofits, hospitals, educational institutions, commercial organizations and others, OMB Circular A110 applies. Among the required administrative systems is procurement of goods and services under WIA.

Overall, both sets of regulations provide for full and open competition for purchase of WIA goods and services, with limited opportunities for making purchases through noncompetitive mechanisms. They require written procurement procedures that include identification of all technical requirements and factors that will be used to evaluate bids. They also require contract awards to be made on the basis of a bidder's demonstrated ability to perform activities and results specified by the funding organization. Both sets of regulations recognize the four standard purchasing methods---small purchases, sealed bids, competitive proposals, and noncompetitive (or sole source) procedures.

States are generally bound to the State's procedures used for purchases made with non-federal funds. Other governmental entities are directed to use their own procurement policies as long as they reflect applicable State and local laws and regulations and those contained in WIA. While procurement procedures for nonprofit and commercial organizations are established in regulations specific to their organizations, these entities are also subject to State requirements if they are operating a federal program for the State.

One of the procurement options --- procurement by small purchase methods---warrants special attention. "Small purchases" are those relatively simple and informal procurement methods used for securing goods and services that do not cost more than the "simplified acquisition threshold" established in U.S. Code. Although this threshold is set in U.S. Code at \$100,000, this amount is set in the context of much larger funding scenarios than is the case in Idaho. The Idaho Division of Purchasing limits this level to \$25,000 for state agencies; for purchases over that amount one of the more formal methods of procurement must be used. Staff believe that limiting informal purchasing to \$25,000 reflects sound and prudent business practice, given the WIA funding levels within the State, and should be a common threshold for all entities expending WIA funds.

Further research reveals that a number of other provisions that reflecting sound business practice are not addressed in detail in the regulations governing nonprofit and commercial organizations.

- Governmental entities are required to obtain price or rate quotations from "an adequate number of qualified sources" for purchases under the simplified acquisition threshold; nonprofit and commercial organizations are not.
- While regulations governing governmental entities require that all procurement files document the basis for selecting procurement method, successful bidder(s), and price, regulations for nonprofit and commercial organizations only require this for purchases over the simplified acquisition threshold.
- Nonprofit and commercial organizations are only required to authorize access to contract documents for appropriate governmental officials for purchases over the simplified acquisition threshold.
- Regulations specify the terms under which noncompetitive practices may be used for governmental entities but these are not addressed for nonprofit and commercial organizations.

Staff believe that these requirements are fundamental to sound accountability principles for expenditure of public monies in general and should be requirements for purchases by all entities under WIA. It would, however, be appropriate to exempt "very small" purchases, such as office supplies and materials from these requirements.

Staff Recommendation:

That the Council recommend the following procurement policy for purchases of goods and services under WIA:

In addition to the requirements established in the Uniform Administrative Requirements applicable to the organizations purchasing goods and services under WIA, found in OMB Circulars A102, A110, and WIA regulations, the following will apply:

- 1. The “simplified acquisition threshold”, over which formal bidding is required, will be \$25,000 for all entities utilizing WIA funds.**
- 2. When small purchase procedures are used by an entity purchasing WIA goods and services over \$1500, price or rate quotations shall be obtained from an adequate number of qualified sources.**
- 3. Procurement records for purchases of WIA goods and services over \$1500 shall include, at a minimum:**
 - (a) the rationale for the method of procurement (including justification for any noncompetitive practices) and contract type;**
 - (b) basis for contractor selection; and,**
 - (c) basis for contract price.**
- 1. All negotiated contracts awarded by recipients and subrecipients shall provide that the funding organization, USDOL, the U.S. Comptroller General of the United States, or any of their duly authorized representatives shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to the program for purpose of making audits, examinations, excerpts, and transcriptions.**
- 2. Procurement by noncompetitive methods may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids, or competitive proposals and one or more of the following circumstances applies:**
 - (d) The item is available only from a single source;**
 - (e) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;**
 - (f) The awarding agency authorizes noncompetitive proposals;**
or
 - (g) After solicitation of a number of sources, competition is determined inadequate.**

Attachment B

<p>PROCUREMENT REQUIREMENTS FOR STATE AND LOCAL GOVERNMENT</p>	<p>REQUIREMENTS FOR EDUCATIONAL INSTITUTIONS, HOSPITALS AND OTHER PRIVATE NONPROFITS (PNPs)</p>
<p>(a) State must use same policies and procedures it uses for procurements from its non-federal funds; every contract/purchase order must contain all federally-required clauses. Other grantees and subgrantees use (b) through (f)</p> <p>(b) Procurement Standards</p> <p>0. Grantees and subgrantees are to use their own procurement procedures which reflect applicable State and local laws, provided they comply with federal requirements:</p> <p>0. Requires Contract Administration system that ensures that contractors perform in accordance with contractual terms</p> <p>0. Requires Code of Conduct</p> <p>0. Consolidation of procurements to avoid duplication or purchase of unnecessary items; Analysis of lease vs. purchase alternatives req.</p> <p>0. Intergovernmental agreements to procure common goods</p> <p>0. Use surplus property first</p>	<p>Section 95.1 states that no additional procurement standards or requirements shall be imposed by USDOL unless required by federal statute, but that PNPs that implement federal programs for states are subject to State requirements in addition to the requirements in these regulations.</p> <p>Requires contract administration system to ensure contractor conformance with terms of contracts and to ensure adequate and timely followup on all purchases. Recipients shall followup on all contracts and document contractor performance</p> <p>Requires code of conduct</p> <p>Recipients shall avoid purchasing unnecessary items.</p> <p>Requires analysis of lease vs. purchase options</p>

<p>8. Use value engineering on construction projects</p> <p>9. Awards to be made to responsible bidder who can demonstrate ability to do the work, taking into account contractor integrity, compliance with public policy, record of past performance, and financial and technical resources</p> <p>10. Maintain sufficient records to detail history of a procurement: rationale for procurement method, selection of contract type, contractor selection and basis for price</p> <p>11. Limited use of "time and materials" contracts</p> <p>12. Grantees and subgrantees are responsible for resolving contractual and administrative issues arising out procurements -- proposal evaluations, protests, disputes, and claims</p> <p>13. Must have protest/appeal procedures; establishes limits of federal involvement in disputes to violation of federal law/procurement requirements, violation of the grantee/subgrantees</p> <p>(c) Competition --</p> <p>2. Must ensure full and open competition. Examples of restriction of competition -- placing unreasonable requirements on bidders, requiring unnecessary experience, noncompetitive pricing practices, noncompetitive awards to individuals on retainer contracts, organizational conflicts of interests,</p>	<p>Contracts shall be made with responsible contractors who possess ability to perform successfully under the terms of the contract, giving consideration to contractor integrity, record of past performance, financial and technical resources or accessibility to other necessary resources</p> <p>Procurement records and files for purchases in excess of small purchase thresholds shall include, at a minimum</p> <p>Basis for selection</p> <p>Justification for sole source</p> <p>Basis for award price or cost</p> <p>Recipients are responsible for disputes, claims, protests, source evaluation problems; matters concerning violations of statute are to be referred to federal state or local authorities that have jurisdiction.</p> <p>Matters concerning violation of statute are to be referred to such federal, state, or local authority as may have proper jurisdiction.</p> <p>Competition-</p> <p>Requires full and open competition, to the extent practicable.</p> <p>Requires recipients to be alert to organizational conflicts of interest and noncompetitive practices that restrict trade.</p> <p>Contractors that develop or draft specifications, requirements, statements of work, IFBs, & RFPs shall be excluded from competing for such</p>
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<p>specifying brand names, any arbitrary actions</p> <p>1. No administratively imposed local geographic preferences</p> <p>1. Must have written selection procedures for procurement transactions, ensuring:</p> <ul style="list-style-type: none">(ii) incorporation of all technical requirements for item being procured, including any applicable standards(iii) identification of all evaluation factors and other requirements that bidders must fulfill <p>7. Requires use of bidders' lists</p>	<p>procurements.</p> <p>Recipients must establish written procurement procedures.</p> <p>Solicitations must provide for the following</p> <ul style="list-style-type: none">Clear and accurate description of technical requirements for material, product or service to be procured. Shall not contain features that unduly restrict competition.All Requirements that the bidder must fulfill and all other factors to be used in evaluating bidsDescription of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or acceptable standardsThe specific features of "brand name or equal" descriptions that bidders are required to meet, if such items are usedAcceptance of products dimensioned in the metric system.Preference for products that conserve energy
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<p>(d)Methods of procurement</p> <p>3. <i>Small purchase methods</i> – up to \$100,000; Requires quotes from “an adequate number of qualified sources”</p> <p>3. <i>Sealed bids</i> (formal advertising)– usually used when selection will be based principally on low bid; requires public advertisement, use of IFB public opening; firm fixed price contract award; any or all bids may be rejected with a sound documented reason</p> <p>3. <i>Competitive proposals</i> – solicitation when specification are not as specific as in sealed bids, requires:</p> <ul style="list-style-type: none"> (i) public advertising of RFPs, identification of all evaluative criteria and their relative importance (ii) solicitation from an adequate of sources (iii) established method for evaluating proposals and selecting awardees (iv) awards to be made to the bidder whose proposal is most advantageous to the program <p>3. <i>sole source contracting</i> (noncompetitive proposals) – to be used only when the award of a contract is infeasible under #1-3 above and one of the following apply:</p> <ul style="list-style-type: none"> <input type="checkbox"/> item only available from one source <input type="checkbox"/> public emergency exists <input type="checkbox"/> awarding agency authorizes sole source contracting <input type="checkbox"/> after solicitation, competition is determined inadequate <p>requires cost analysis and may require pre-approval from awarding agency</p>	<p>There is no requirement that PNPs obtain bids from qualified sources for amounts below the small purchase threshold.</p> <p>Type of procuring instrument – fixed price contracts, cost reimbursable contracts, purchase orders, and incentive contracts – shall be determined by recipient, but shall be appropriate for the particular procurement and in the best interests of the recipient.</p> <p>(No specific discussion of these procurement methods in 29CFR95, although reference is made to the small purchase threshold set in 41USC, which is \$100,000 – though 29CFR95 identifies the 41USC limit as \$25,000. Reference is also made in 29CFR95 to “sealed bids”, also not defined; in looking at this in 41USC, it appears that sealed bids and competitive proposals are all substantially similar in most contexts.)</p> <p>Awards shall be made to the responsible bidder whose bid is most advantageous to the recipient, based on price, quality and other factors set forth.</p>
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<p>41USC allows grantees to reject any and all offers if it is in the best interest of the grantee to do so, although this language is not in 29CFR97.</p> <p>(d) Requires that grantees and subgrantees take affirmative steps to ensure that small, women- and minority owned businesses and "large surplus area firms" have an opportunity to submit proposals, including:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Inclusion on bidders' lists <input type="checkbox"/> Ensuring these firms are solicited whenever they are potential sources <input type="checkbox"/> Dividing total requirements into smaller tasks to maximize participation by these firms <input type="checkbox"/> Establishing delivery schedules that encourage participation by these firms <input type="checkbox"/> Using SBA & Minority Business Dev. Agency of Dept. of Commerce <input type="checkbox"/> Requiring prime contractor to take affirmative steps to use these firms for subcontracts <p>(d) Cost and price analyses are required -- independent cost estimates are required before receiving bids; cost analyses are required when price competition is lacking and for sole source procurements, unless price can be established based on published catalog price; profit is negotiated separately, "cost plus a %age of cost" is not allowable</p>	<p>Any or all bids may be rejected when it is in the recipient's interest to do so.</p> <p>Requires that recipients make positive efforts to use small businesses, minority-owned firms, and women's business</p> <ul style="list-style-type: none"> Must ensure that these firms are used to the fullest extent practicable Make information on forthcoming opportunities available and arrange timeframes for purchases to encourage participation by these firms Consider in the contracting process whether contractors intend to subcontract using these firms Encouraging contracting with consortia of these firms Use SBA and the Minority Business Dev. Agency of the Dept. of Commerce and USDOL's Small Bs. and Minority Affairs in the solicitation and utilization of these firms <p>Some form of cost or price analysis shall be made and documented in procurement files in connection with every procurement action</p>
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<p>(d) Awarding agency review --</p> <ol style="list-style-type: none"> 1. must make technical specs available to awarding agency under certain conditions 2. must make procurement documents available for review by awarding agency <ol style="list-style-type: none"> (ii) if grantee's procurement requirements are not certifiable, (iii) the procurement is expected to exceed the small purchase threshold and is to be awarded without competition or after only one bid is received; (iv) the procurement exceeds small purchase threshold and uses a brand name requirement, (v) the procurement exceeds the small purchase threshold and is awarded to other than low bidder under a sealed bid procurement; (vi) a contract mod increases a contract amount by more than the small purchase threshold 3. Grantee or subgrant is exempt from pre-award review if the awarding agency determines that its procurement systems comply with federal requirements. <ol style="list-style-type: none"> (ii) Grantee or subgrantee may request that its procurement system be reviewed by the awarding agency (iii) Grantee or subgrantee can self-certify its system; subject to later review, through written assurances <p>(e) Bonding requirements -- there are a series of these (constr/)</p>	<p>USDOL (or awarding agency?) review --</p> <p>Must make procurements documents available for review by (USDOL/awarding agency?) when</p> <p>Recipients procurements or operation fails to comply with procurements standards in regulations</p> <p><u>Procurement will exceed small purchase threshold and is to be awarded without competition or after only one bid is received</u></p> <p><u>Procurement will exceed small purchase threshold and specified brand name</u></p> <p>Award is <u>over small purchase threshold</u> and is to be awarded to other than low bidder under a sealed bid</p> <p>A proposed contract modification changes the scope of a contract or increases the contract amount by <u>more than small purchase threshold amount</u></p> <p>Bonding requirements -- there are a series of these</p>
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<p>(f) Contract provisions, required in addition to anything in WIA</p> <ul style="list-style-type: none"> () Administrative, contractual or legal remedies for breach of contract, including sanctions () Termination for cause and for convenience <ul style="list-style-type: none"> () EEO Compliance () "Anti-kickback" requirements,(constr/repair) () Davis-Bacon requirements (construction) () Contract Work Hours and Safety Standards Act, as approp. () Reporting requirements () Requirements relating to patents and copyrights () Requirements guaranteeing access to records by awarding agency () Records retention requirements – 3 years () Requirements relating to Clean Air Act () Requirements relating to energy efficiency 	<p>Contract provisions, required in addition to WIA and sound business practices</p> <p>Contracts in excess of small purchase threshold amounts shall contain contractual provisions that allow for administrative, contractual, or legal remedies in instances in which a contractor violates or breaches contract terms and provides for corrective action</p> <p>Contracts in excess of small purchase threshold amounts shall contain termination clauses</p> <p>Special clauses for construction projects</p> <p>All negotiated contracts exceeding small purchase thresholds awarded by recipients shall contain clauses which authorize access by the recipient, USDOL, the Comptroller General of the U.S. or their duly representatives to records pertinent to the performance of the contract</p> <p>All contracts shall contain provision for (from Appendix A)</p> <p>EEO Compliance</p> <p>Antikickback prohibitions (construction/repair)</p> <p>Davis-Bacon Act compliance (construction)</p> <p>Contract Work Hours and Safety Standards (construction and employment of mechanics and laborers</p> <p>Rights to inventions made under a contract</p> <p>Clean Air Act compliance</p> <p>Compliance with Byrd Anti-Lobbying Amendment – for awards exceeding</p>
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\$100,000. Each tier must certify to the tier above that it has not and will not use any federally appropriated funds to pay any person or organization for influencing officers or employees of any agency, members of Congress, employees of Congress in connection with the obtaining of any federal contract, grant or any other award and must disclose any non-federally funded lobbying that takes place in connection with obtaining any federal award.

Debarment and Suspension requirements

WIA COMPLAINT PROCEDURES TECHNICAL ASSISTANCE GUIDE

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WIA COMPLAINT PROCEDURES

Introduction

The appropriate complaint resolution process to be followed depends on the nature of the complaint. Complaints fall into three categories: 1) program complaints involving the proper application of the Workforce Investment Act (WIA) and its regulations and policies on the local level, 2) program complaints involving statewide WIA policies, and 3) discrimination complaints.

A complaint may be amended prior to a scheduled hearing or withdrawn at any time. To the extent practical, information that could lead to the identification of the person filing the complaint must be kept confidential. The identity of any person who furnishes information relating to, or assisting in, an investigation shall be kept confidential to the extent possible. No entity receiving financial assistance under the Act may discharge, intimidate, retaliate, threaten, coerce, or discriminate against any person because such person has filed a complaint, opposed a prohibited practice, furnished information, assisted or participated in any manner in an investigation or hearing.

A. PROGRAM COMPLAINTS AGAINST LOCAL WIA PROGRAMS

Who may file: Applicants, participants, service providers, recipients and other interested parties, may file a complaint alleging a non-criminal violation of local WIA programs, agreements or the Local Workforce Investment Board's policies and activities.

Time and place for filing: Local program complaints must be in writing and be filed with the Service Provider or Local Administrative Entity within 180 days from the date of the event or condition that is alleged to be a violation of WIA.

Procedure To Be Followed

Step 1 - Initial Review. Written complaints will be taken by the Service Provider or Local Administrative Entity from the complainant or the complainant's designated representative. All complaints will be logged.

If the complaint alleges a violation of any statute, regulation, policy, or program that is not governed by WIA, the complaint will be referred to the appropriate organization for resolution. Notice of the referral will be sent to the complainant.

If the complaint is retained, a complaint file should be established that contains: 1) all application and enrollment forms, if appropriate, 2) the complaint statement and form, 3) a chronological log of events, 4) all relevant correspondence, and 5) a record of any attempted resolution.

Step 2 - Informal Resolution. An attempt should be made to informally resolve the complaint to the satisfaction of all parties. This informal resolution process must be completed

within 10 days from the date the complaint was filed. If all parties are satisfied, the complaint is considered resolved and the terms and conditions of the resolution must be documented in the complaint file.

Step 3 - Formal Resolution. When no informal resolution is possible, the Service Provider will forward the complaint and a copy of the file to the Local Administrative Entity who will review the complaint file, conduct a further investigation if necessary, and issue a Determination within 20 days from the date the complaint was filed. If further review of the Determination is not requested, the complaint is considered resolved and the complaint file should be documented accordingly.

Any party dissatisfied with the Determination may request a hearing within 10 days of the date of the Determination. The request must be in writing and be timely filed with the Local Administrative Entity. The Local Administrative Entity will schedule the hearing and forward the program complaint to the hearing officer for resolution. The Local Administrative Entity will monitor the processing of the complaint.

Step 4 - Hearing. The hearing officer will schedule a formal hearing by written notice, mailed to all interested parties at least 7 days prior to the hearing. The notice will include the date, time, and place of the hearing. The hearing must be conducted within 45 days from the date the complaint was filed. Parties may present witnesses and documentary evidence, and question others who present evidence and witnesses. Parties may be represented by an attorney or another designated representative, and may request that records and documents be produced. All testimony will be taken under oath or affirmation. The hearing will be recorded. The hearing officer's recommended resolution will include a summary of factual evidence given during the hearing and the conclusions upon which the recommendation is based.

Step 5 - Final Decision. The Local Administrative Entity will review the recommendation of the hearing officer and will issue a Final Decision within 60 days from the date the complaint was filed.

Step 6 - Appeal. Any party dissatisfied with the Final Decision, or any party who has not received a decision or a final resolution within 60 days from the date the complaint was filed, may file a request for review. A request for review must be filed with the State Administrative Entity within 90 days from the date the complaint was originally filed.

The State Administrative Entity will review the record and issue a Final Decision on Appeal within 30 days from the date the appeal was received by the State Administrative Entity.

B. PROGRAM COMPLAINTS AGAINST STATEWIDE WIA PROGRAMS AND POLICIES

Who may file: Applicants, participants, service providers, recipients and other interested parties, may file a complaint alleging a non-criminal violation of statewide WIA policies, activities or agreements.

Time and place for filing: Statewide program complaints must be in writing and be filed with the Statewide Service Provider or Idaho Department of Commerce and Labor, the State Administrative Entity, within 180 days from the date of the event or condition that is alleged to be a violation of WIA.

Procedure To Be Followed:

Step 1 - Initial Review. Written complaints will be taken from the complainant or the complainant's designated representative. All complaints will be logged.

If the complaint alleges a violation of local WIA programs, policies or agreements, the complaint will be referred to the Local Administrative Entity for processing under the complaint procedures for program complaints against local WIA programs. If the complaint alleges a violation of any statute, regulation, policy, or program that is not part of WIA, the complaint will be referred to the appropriate organization. Notice of the referral will be sent to the complainant.

If the complaint is retained, a complaint file should be established that contains: 1) the complaint statement and form, 2) a chronological log of events, 3) all relevant correspondence, and 4) a record of any attempted resolution.

Step 2 - Informal Resolution. An attempt should be made to informally resolve the complaint to the satisfaction of all parties. This informal resolution process must be completed within 10 days from the date the complaint was filed. If all parties are satisfied, the complaint is considered resolved and the terms and conditions of the resolution must be documented in the complaint file.

Step 3 - Formal Resolution. When no informal resolution is possible, the Statewide Service Provider will forward the complaint together with a copy of the complaint file to the State Administrative Entity who will review the complaint file, conduct a further investigation if necessary, and issue a Determination within 20 days from the date the complaint was filed. If further review of the Determination is not requested, the complaint is considered resolved and the complaint file should be documented accordingly.

Any party dissatisfied with the Determination may request a hearing within 10 days of the date of the Determination. The request must be in writing and be timely filed with the State Administrative Entity. The State Administrative Entity will schedule the hearing and forward the program complaint to the hearing officer for resolution. The State Administrative Entity will monitor the processing of the complaint.

Step 4 - Hearing. The hearing officer will schedule a formal hearing by written notice, mailed to all interested parties at least 7 days prior to the hearing. The notice will include the date,

time, and place of the hearing. The hearing must be conducted within 45 days from the date the complaint was filed. Parties may present witnesses and documentary evidence, and question others who present evidence and witnesses. Parties may be represented by an attorney or another designated representative, and may request that records and documents be produced. All testimony will be taken under oath or affirmation. The hearing will be recorded. The hearing officer's recommended resolution will include a summary of factual evidence given during the hearing and the conclusions upon which the recommendation is based.

Step 5 - Final Decision. The State Administrative Entity will review the recommendation of the hearing officer and will issue a Final Decision within 60 days from the date the complaint was filed.

C. DISCRIMINATION COMPLAINTS

Who may file: Any person who believes that either he or she, or any specific class of individuals, has been or is being subjected to discrimination prohibited by WIA or its implementing regulations may file a written complaint, either by him/herself or through an authorized representative.

Discrimination prohibited by WIA includes discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, discrimination on the basis of either citizenship or status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I financially assisted program or activity; Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin; Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities; The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

Time and place for filing: Discrimination complaints must be filed within 180 days of the alleged discrimination. However, a complainant may petition the Director of the Civil Rights Center for an extension of the filing time.

Discrimination complaints shall be filed with the State or Local Administrative Entity, Service Provider, One-Stop Operator, directly with the Equal Opportunity Officer, Idaho Department of Commerce and Labor, 317 W. Main Street, Boise, Idaho 83735 or with the Director of the Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Ave. NW, Room N-4123, Washington D.C. 20210. All complaints shall be promptly forwarded to the State Equal Opportunity Officer.

Time limit for completing complaint processing procedures: The discrimination complaint processing procedures must be completed and a written Notice of Final Action issued within 90 days from the date the complaint was filed.

Procedure To Be Followed:

Step 1: Initial Review of Written Complaints. Written complaints will be taken by the State or Local Administrative Entity, Service Provider, or One-Stop Operator from the complainant or the complainant's designated representative. A written complaint must include: 1) the complainant's name and address; 2) the identity of the individual or entity that the complainant alleges is responsible for the discrimination; 3) a description of the complainant's allegations in enough detail to allow an initial determination of jurisdiction, timeliness and the apparent merit of the complaint; and 4) the complainant's signature or the signature of the complainant's authorized representative.

Record keeping. All complaints must be logged. The log must include: 1) the name and address of the complainant, 2) the basis for the complaint, 3) a description of the complaint, 4) the disposition and date of disposition of the complaint, and any other pertinent information. Information that could lead to the identification of the person filing the complaint must be kept confidential.

Jurisdiction of the discrimination complaint must be determined. In order to have jurisdiction to process the discrimination complaint: 1) the respondent against whom the complaint was filed must be a WIA recipient, 2) the complaint must allege a basis for discrimination that is prohibited by WIA, and 3) the complaint must be filed within 180 days of the alleged discrimination.

Notice of Lack of Jurisdiction. If a determination is made that there is no jurisdiction to process the complaint, a Notice of Lack of Jurisdiction must be sent to the claimant that includes the reason for the determination and notice that the complainant has the right to file a complaint directly with the Civil Rights Center within 30 days from receipt of the Notice of Lack of Jurisdiction.

Joint Jurisdiction. Where the complaint alleges discrimination by a WIA Recipient, or Service Provider on a basis that is prohibited by both WIA and by a civil rights law independently enforced by that WIA Recipient or Service Provider, the complaint must be referred to that WIA Recipient or Service Provider for processing under their procedures. For example, WIA prohibits discrimination on the basis of national origin. If a discrimination complaint on the basis of national origin is made against a WIA Recipient or Service Provider and they are also prohibited under their own regulations from discriminating on the basis of national origin, then the complaint will be referred to them for processing according to their own regulations. Notice must be sent to the complainant about the referral.

Sole Jurisdiction. Where the complaint alleges discrimination by a WIA Recipient or Service Provider on a basis that is prohibited by WIA and is not covered by a civil rights law independently enforced by that WIA Recipient or Service Provider (e.g. religion, political affiliation or belief, citizenship or participation in WIA Title I), the complaint must be processed by that WIA recipient or Service Provider under these procedures.

When it is determined that WIA has sole jurisdiction over the discrimination complaint, the complaint will be referred to the Equal Opportunity (EO) Officer of the Idaho Department of Commerce and Labor

Step 2: Formal Resolution. The EO Officer must send written notice to the complainant stating that the complaint has been received. The notice must list the issues raised in the complaint and state for each issue whether it has been accepted for investigation or rejected and the reason for its rejection. The Notice must advise that the complainant has the right to be represented by an attorney or another person of the complainant's choice. The Notice must also give the complainant the right to choose between (A) an alternative dispute resolution (ADR) process or (B) a hearing.

A. *The ADR Process.* If the party filing the complaint requests to use the ADR process for resolving the complaint, the EO Officer will request a mediator and monitor the processing of the complaint. The mediator will schedule mediation by written notice, mailed to all interested parties at least 7 days prior to the first mediation session. The notice will include the date, time, and place of the mediation. The mediation process must be concluded within 45 days from the date the complaint was filed.

The complaint is considered resolved when all parties to the complaint enter into a written agreement resolving the issues raised in the complaint. The written agreement must give notice that if the terms of the agreement are breached, the non-breaching party may file a complaint with CRC within 30 days of the date the non-breaching party learns of the breach.

If the parties do not reach an agreement, the EO Officer will forward the complaint to a hearing officer for a hearing.

B. *The Hearing Process.* If the party filing the complaint requests a hearing to resolve the complaint, or if the ADR process fails to result in an agreement, the EO Officer will forward the complaint to the hearing officer and monitor the processing of the complaint. The hearing officer will schedule a formal hearing by written notice, mailed to all interested parties at least 7 days prior to the hearing. The notice will include the date, time, and place of the hearing. The hearing must be conducted within 60 days from the date the complaint was filed. Parties may present witnesses and documentary evidence, and question others who present evidence and witnesses. Parties may be represented by an attorney or other designated representative, and may request that records and documents be produced. All testimony will be taken under oath or affirmation. The hearing will be recorded. The hearing officer's recommended resolution will include a summary of factual evidence given during the hearing and the conclusions upon which the recommendation is based. The hearing officer's recommended resolution must be completed and sent to the State EO Officer within 75 days from the date the discrimination complaint was filed.

Step 3: Notice of Final Action. Idaho Department of Commerce and Labor will review the recommendation of the hearing officer and will issue a Notice of Final Action within 90 days from the date the discrimination complaint was filed.

The Notice of Final Action must contain: 1) Idaho Department of Commerce and Labor's decision on each issue and the reasons for the decision, 2) a description of the way the parties resolved the

issue, and 3) notice that the complainant has the right to file an appeal with CRC within 30 days from the date the Notice Final Action is issued if dissatisfied with Idaho Department of Commerce and Labor's final action on the complaint.

D. WIA COMPLAINT FORM INSTRUCTIONS (WIA-43):

The WIA Complaint Form (WIA-43) is used at the Local Administrative Entity or Service Provider level as a complaint intake tool.

Informal resolution prior to the taking of a written complaint is encouraged, but the potential complainant should be encouraged to complete a WIA Form 43 if he or she is not satisfied with attempts at resolution.

At the time a written complaint is taken, the complainant should be allowed sufficient time and technical assistance by the staff member to allow for a complete and clear written explanation to occur. In the event a complainant is unable to write, the WIA representative may transcribe his or her words onto the form. Care must be taken not to alter the language of the complainant.

Instructions for Completing the Complaint Form:

1. Completion of the WIA-43 begins with the complainant listing his/her name, address, city, state, zip code, and telephone number in the upper left block of the form. To the immediate right of this first block the complainant should list the name, address, city, state, zip code, and telephone number of the person/entity against whom the complaint is being lodged. Immediately to the right of this block the complainant should select the category that best describes the nature of the complaint.
2. The next portion of the WIA-43 to be completed is the complaint itself, which is written as a statement of events by the complainant. He or she should be as specific as possible in terms of when, where, how, and by whom the act or omission occurred. If additional space is needed, pages may be attached to the complaint form. In addition, any documentation felt necessary by the complainant should be attached to the form. The last portion of the statement block asks the complainant to describe an acceptable resolution.
3. The complainant must sign and date the form on the bottom of the front page, and list his/her Social Security number. If the complainant is unable to sign his or her name, the mark "X" may be used, and must be witnessed by two individuals attesting to the complainant's identity.
4. The WIA representative accepting the complaint should explain the resolution procedure and its timelines to the complainant.
5. The resolution requested by the complainant should be explored by the WIA representative, and must be documented in the top block on the reverse side of the WIA-43, with the WIA representative's signature and date being entered at the bottom of this block. If a resolution other

than that described by the complainant is negotiated, the WIA representative should contact the complainant and offer him/her the option of considering this proposal.

6. If acceptable resolution is reached, the block marked "Resolved" must be checked, and the nature of resolution must be described in the second block on the reverse side of the WIA-43. The complainant must sign and date the described resolution to attest to its acceptability. Again, complainants unable to sign this document may make the mark "X", which will then be witnessed as described in number 3 above.

7. If acceptable resolution is not reached, the "Not Resolved" block on the lower reverse portion of the form must be checked, and a "Date Forwarded" entered. The WIA representative must make a photocopy of the complaint form and any attachments, and forward the original with attachments to the address shown on the bottom of the reverse side of the Form 43.

8. The WIA representative is strongly encouraged to contact his/her Grants Management Officer and immediate supervisor to provide basic information about the complaint. The Grants Management Officer will contact the EO Officer to ensure that proper coordination takes place.

WIA CORE SERVICES

Core Service	WIA Adults	Dislocated Workers	WIA Youth	Job Corps ¹	WIA Native American ¹	WIA MSFW	WIA Veterans ²	Wagner Peyster	UI	ABE	Vocational Rehabilitation	V.R. Blind	V.R. Client Assistance ³	SCEP	Carl Perkins ⁴	Veterans DVOP/LVER	TAA NAFTA	CSBG E&T ⁵	HUD E&T ¹	TARF ⁵	Food Stamps E&T ⁵
1. Eligibility for WIA – Title I	X	X	X				X	X		X	X	X		X		X	X			X	X
2. Outreach, intake, orientation	X	X	X				X			X	X	X		X		X	X				
3. Initial Assessment	X	X	X				X			X	X	X		X		X	X				
4. Job Search and Placement	X	X	X				X	X			X	X		X		X	X				
5. Provision of Employment Statistics (Job Vacancies, job skills, occupations in demand)								X			X	X									
6. Program Performance information																					
> Title I eligible providers	X	X	X																		
> WIA Youth			X																		
> ABE eligible providers										X											
> Carl Perkins (ps/do)															X						
> Vocational Rehabilitation											X	X									
7. Area and OS performance	X	X	X																		
8. Supportive Service Info	X	X	X				X							X		X					
9. Filing UI Claims (info)																					
10. Assistance in establishing eligibility for financial aid	X	X	X																		
11. Title I Client follow-up	X	X	X											X							

¹ Local Program Only

² This is a competitive grant program currently operated by IDOL. Core services provided by Job Service Veterans' Representatives.

³ Local Program Only with offices in Boise, Pocatello, Moscow

⁴ Carl Perkins generally does not operate programs; therefore, core services apply only if local entity provides a program for non-traditional training or to target groups.

⁵ TANF and Food Stamps Employment and training are voluntary One Stop Partners.

WIA CORE SERVICES METHODOLOGIES

Delivery Considerations	WIA Adults	Dislocated Workers	WIA Youth	Job Corps ¹	WIA Native American ¹	WIA MSFW	WIA Veterans ²	Wagner Pevser ES	UL	ABE	Vocational Rehabilitation	V.R. Blind	V.R. Client Assistance ³	SCSEP	Carl Perkins ⁴	Veterans DVOP/VERB	TAA NAFTA	CSBG E&T	HUD E&T ⁵	TAF ⁵	Food Stamps E&T ⁵	
1 Population Served																						
Universal	X							X		X												
Restricted		X	X			X	X		X		X	X		X	X	X	X	X		X	X	X
2. Preferred Delivery Process(es) - Minimum offered																						
Technology (Idaho Works, phone, video) and/or printed - Unassisted at the center	X	X	X			X	X	X	X	X	X	X			X	X	X	X		X	X	X
Cross-Training of staff										X	X	X										
By Appointment or Itinerant										X	X	X		X								
Co-location - Part time										X	X	X		X				X				
Co-location - Full time	X	X	X							X	X	X		X								
Cost Reimburse Center Partners	X	X	X							X	X	X		X								
3. Limitations																						
Services may be performed only by agency staff								X	X		X	X								X	X	X

¹ Local Program Only

² This is a competitive grant program currently operated by IDOL. Core services provided by Job Service Veterans' Representatives.

³ Local Program only with offices in Boise, Pocatello, Moscow

⁴ Carl Perkins generally does not operate "programs"; therefore, core services apply only if local entity provides a program for non-traditional training or to target groups.

⁵ TANF and Food Stamps Employment and Training are voluntary One Stop Partners.

STATE 15% SET-ASIDE PLANS

WIA Title IB funds reserved for state level activities will be used to support the following:

- Rapid response activities for dislocated workers;
- Disseminating:
 - The State list of eligible providers of training services (including those providing non-traditional training services) for adults and dislocated workers;
 - Information identifying eligible providers of on-the-job training and customized training;
 - Performance and program cost information about these providers; and
 - A list of eligible providers of youth activities;
- Conducting evaluations of adults, dislocated workers and youth activities, to establish and promote methods for continuously improving such activities to achieve high-level performance within, and high-level outcomes from, the Statewide workforce investment system;
- Providing incentive grants to local areas for regional cooperation among local boards, for local coordination of activities carried out under WIA; and for exemplary performance by local areas on the performance measures;
- Providing technical assistance to local areas that fail to meet local performance measures;
- Assisting in the establishment and operation of One Stop delivery systems;
- Providing additional assistance to local areas that have high concentrations of eligible youth; and
- Operating a fiscal and management accountability information system.

Specifically, PY 2005 funds (estimated budgets) will be used to support the following activities and services:

Rapid Response

The full 25% will be reserved for use in Rapid Response activities. Approximately \$200,000 per year will be used for direct Rapid Response activities with the remaining funds distributed to areas demonstrating a need for funds. Of the \$200,000, a portion will be made available for supporting a contract with AFL-CIO to aid in rapid response with dislocated workers.

Reserve for Eligible Provider List

The State will use funding as needed to explore the use of Unemployment Insurance and other administrative records to facilitate the verification of outcome data from eligible training providers and to explore alternative data sources to ease the burden on the providers of collecting and reporting this information. Because this has been a shared cost among agencies, no amount is specified.

Reserve for Evaluation Contracts

\$50,000 will be reserved to pay for costs of ongoing customer satisfaction surveys for all customer groups in the WIA.

Incentive Grants

During transition year PY'05, \$100,000 will be set aside to incent the special Region VI Area for participation in the Idaho Workforce Consortium. Incentive funds for performance will not be awarded during PY'05. The Workforce Development Council will examine the amounts to be awarded in PY'06 based on funds available and will use the existing incentive policy.

Assisting in the Operation of the One Stop System

The state will make available 10% of the new state funds each year to assist in the operation of the One Stop system. This is estimated to be approximately \$140,000. These funds will be directed towards improvements in the WIA MIS, partially as a result of common measures.

Areas with High Concentrations of Eligible Youth

The State will budget \$100,000 to support programs in areas with high concentrations of eligible youth (those in poverty experiencing other barriers). Half of these funds will be divided among those regions whose poverty rates for youth exceed the state average, based on the most recent data available, and the other half will be shared equally among those regions that will (a) experience allocation reductions in PY2005 and (b) expend at least 80% of their PY2004 fund availability. This strategy for providing additional assistance to local areas with high concentrations of eligible youth is for PY2005 only and will be reexamined on an annual basis.

Capacity Building and Technical Assistance

The State is reserving \$25,000 to be used to finance consultants, training conferences or other activities to build the capacity of the workforce investment system under WIA. Local areas will be polled to determine their specific needs for training and assistance and will be included in decisions about the specific use of these funds.

Fiscal and Program Management

The State is reserving approximately \$1.1 million to pay for the costs of state administration and program functions and to support the costs of the shared state-local systems including the statewide MIS and FMIS systems, monitoring, data validation and support to the Workforce Development Council.

Optional activities

Assuming that sufficient funding is available to fund the activities identified above and that future funding remains fairly consistent, additional support may be made for the optional activities described below in the order of preference:

Older Worker Assistance

A grant will be made available to the Idaho Commission on Aging to provide continued support technical assistance to the system to ensure that the needs of older workers are addressed in the One Stop Delivery System. Approximately \$25,000 will be made available for this purpose.

Customized and Incumbent Worker Training

Projects approved by the Workforce Development Council in Region III, IV, V, and VI will be continued through PY'05 using PY'04 funds set aside for this purpose. There are four projects, one for construction in the Boise area, a nursing program operated in the Magic Valley, a small distance learning project operated jointly by ISU and Bear Lake Hospital and two projects operated as a partnership between EITC and local health care providers in Ashton and Driggs. If adequate carry-in funds are available to meet other priority needs for dislocated workers and youth in need programs, the Workforce Development Council will be asked to consider awarding funds for other projects.

Labor Market Information

An additional \$100,000 has been set aside annually to contribute to the costs of Regional Labor Economists and to support investments in software that improve workforce information at the state and local levels. Other sources of funds supporting this activity include Wagner-Peyser and the Workforce Information Grant.

Marketing

\$20,000 will be set aside to provide for updating the *IdahoWorks* website to improve information available to system customers. Additional marketing materials will be developed to increase awareness among Faith-based and Community-based organizations as a support to their constituents.

Additional Support for Dislocated Workers and Youth in Need

Because of the steep drop in funds, any carry-in funds not already committed above will be reserved to make additional dislocated worker and youth-in-need funds available to the local areas. The Workforce Development Council may also direct resources for additional high growth projects if the Council determines that has a priority for funding.

STRATEGIC FIVE-YEAR STATE WORKFORCE INVESTMENT PLAN

FOR

**TITLE I
OF THE WORKFORCE INVESTMENT ACT OF 1998
(WORKFORCE INVESTMENT SYSTEMS)**

AND

THE WAGNER -PEYSER ACT

STATE OF

IDAHO

for the period of

July 1, 2000 – June 30, 2005

X FULL PLAN

TRANSITION PLAN

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EXECUTIVE SUMMARY

Executive Summary
State of Idaho
Workforce Investment System and Wagner-Peyser Plan

The five-year strategic plan for Idaho's workforce development system was developed under the leadership of Idaho's Workforce Development Council. The Council goals for the broader system were used to guide the plan development process. These goals included assessing the needs of business and industry to foster economic development, establishing a comprehensive workforce delivery system, supporting a comprehensive education system, and providing opportunities for life-long learning for Idaho's current and transitional workers. Workforce Investment Act (WIA) funds are intended to support these goals in two important ways. First, the state will continue its refinement of the One Stop initiative started nearly a decade ago to improve services to adult, dislocated worker and business customers. Secondly, the state will improve services to youth by linking these services to Governor Kempthorne's comprehensive youth initiative entitled the "Generation of the Child".

The State of Idaho is ideally positioned to bring the vision for the workforce development system to reality. The Council, a consolidated Human Resource Investment Council (HRIC), oversaw the development of Idaho's One Stop system and was key in establishing the substate governance structure leading to the appointment of local Idaho Works Boards (IWBs). These state and local boards, combined with strong leadership from the Governor's office and the commitment of partners to the system, will ensure our success.

Over the last several years, significant gains have been made in building Idaho's One Stop service system. The automated infrastructure developed under our One Stop grant provides significant opportunity for future system building. A physical network is in place to connect all partners to *Idaho Works*, the backbone of an integrated information system. *Idaho Works* links to all One Stop partner home pages, providing information to customers about the vast array of services available in the system. The *Idaho Works* self-registration system brings the ability to register for work via the Internet and in the offices of One Stop Centers, Affiliate locations, and direct access sites, including stand-alone kiosks in remote and high traffic areas. The WIA information system is being built on the foundation of this highly successful system.

The One Stop development effort also benefited the system in other ways. One Stop facilities were upgraded to accommodate electronic lobbies and comprehensive Employment Resource Centers. Staff were the recipients of many skill building initiatives including Career Development Facilitation, automation training and interagency cross training in multiple topics including mentoring, system awareness and continuous improvement. Today, the system is comprised of 24 One Stop Centers, numerous Affiliate sites and a comprehensive network of direct access points.

Under the WIA, we will build upon the accomplishments of the past to realize our vision of the future. The full participation of all required partners will assure that all customers will have access to a full array of information and services at their initial point of contact. Information and services will be available through highly trained staff, electronically, and in a variety of access

modes to ensure access for all workforce systems customers. In every workforce area, comprehensive One Stop Centers, each offering the full complement of programs and services, will be supplemented by a network of Affiliate partner sites, direct access points, and kiosks to bring services within easy reach of all Idaho citizens. A comprehensive, easily maneuvered *Idaho Works* Home Page will be continuously updated and improved to ensure the availability of current, user friendly information about services available through the system.

A comprehensive youth service strategy will be in place that utilizes the resources available in the community to assure that all youth have the opportunity to learn the skills and workplace competencies to make them productive citizens and valued members of the workforce. A cadre of mentors will be available to support all youth who need their assistance. The system will link with the services of the education system, juvenile justice, health and welfare and community based organizations to maximize resources and assure a comprehensive approach to youth services.

Services will be streamlined by reducing redundancies in data collection at intake and using administrative records wherever possible to gather status and outcome information to ease the burden on customers and staff. Through the collaborative efforts of workforce boards and partners, opportunities for system improvement will be identified and implemented in a timely manner. Improved systems of gathering customer and market information and customer satisfaction information will be routinely employed to guide design and delivery of services at all levels of the workforce investment system.

The system will be characterized by high levels of customer satisfaction, achievement of system goals and continuous improvement in both organizational and program performance. All “graduates” of the workforce system will possess the occupational skills and workplace competencies desired by employers. Employers will be recipients of improved, targeted service strategies to assure the system supports their workforce development needs. Partners in the workforce system will work collaboratively to attain these goals.

I. PLAN DEVELOPMENT PROCESS

A. *Describe the process for developing the State Plan (including a timeline) that ensures meaningful public comment. Include a description of the Governor's and the State Board's involvement in drafting, reviewing and commenting on the Plan. What actions did your State take to collaborate in the development of the State plan with local elected officials, local workforce boards and youth councils, the business community (including small businesses), labor organizations, educators, vocational rehabilitation agencies, and the other interested parties, such as service providers, welfare agencies, community-based organizations, transportation providers and advocates? (§§111(g), 112(b)(1), 112(b)(9).)*

Planning for the Workforce Investment Act (WIA) began soon after the passage of the Act and expanded upon the collaborative approach utilized in past improvement efforts. The planning process envisioned broad participation at the state and local levels and was structured in such a way as to encourage participation of various councils, agencies and staff as well as system customers.

All planning and policy development has been under the direction of the Idaho Workforce Development Council (Council). The lead staff for the Council is the Governor's Labor and Human Services Policy Advisor, assuring vital leadership from the Governor's Office. The Policy Advisor is supported by an interagency staff team comprised of key staff of state workforce development agencies. Additionally, a State Leadership Team was established to guide development of state WIA policy recommendations for the One Stop system. The team includes representatives of the Department of Labor, Department of Health and Welfare, Commission on Aging, Division of Vocational Rehabilitation, Commission for the Blind, Office of the State Superintendent of Public Instruction, Division of Professional-Technical Education, and the Idaho Migrant Council. Together, the group represents all required programs with a state level agency presence. The work products of the Council developed with the assistance of these interagency teams form the basis of this plan.

Throughout the process, extensive communication has occurred with local elected officials, board members and their staff. It is at the local level that Native American Title I grantees, the Client Assistance Programs, HUD and Job Corps serve as members of Idaho Works Boards and local planning teams assuring the participation of these required partners in the process. State Board members often attend local IWB meetings and local officials are notified of all Council activities in advance. State staff also meet regularly with local workforce professionals to discuss policies and options early in the development stage.

Policies under consideration by the Council are mailed to a wide list of interested parties, including local officials, two weeks prior to meetings to encourage input and discussion. Both the Council membership and the interested parties lists include representatives of large and small business, labor, education, vocational rehabilitation, and the service provider community. Individuals and organizations are invited to participate in Council meetings and the learning opportunities around the WIA.

The WIA implementation schedule was structured to allow for broad public participation and assure the participation of state and local partners in the system.

Key implementation dates are:

Appoint Workforce Development Council as the State Workforce Investment Board	November	1998
Designate Six Workforce Investment Areas	December	1998
Certify Local Workforce Investment Boards	July	1999
Local Youth Councils established	September	1999
State policies for One Stop	September	1999
State Youth Policies	September	1999
Administrative Policies	September	1999
Issue Local Planning Guidance	October	1999
Receive Draft Local Plans	January	2000
Publish Draft State Plan and post on Home Page	February	2000
Comments on Plan Due (30 day review)	March	2000
Final Local Plans	April	2000
State Plan submitted	April	2000

- B. *Include all comments received (or a summary), and demonstrate how comments were considered in the plan development process. (§112(b)(9).)*

As described above, the plan was developed using information gathered during the One Stop planning process and the Council's goal setting and policy development process. The draft plan was subsequently made available to the public to gather further input from system customers, including business and labor, the service provider community and various interest groups. The plan was published for a thirty-day period beginning February 17, 2000. Notice was placed in regional newspapers across the state and made available for public review on the Department of Labor's Home Page. The notice included an offer to make the plan available in alternate formats.

Comments were received from the Division of Professional-Technical Education, the Education, Employment and Training Center of the Shoshone Bannock Tribe, the Idaho Migrant Council and the Seattle Regional Office of the U.S. Department of Labor. A summary of comments, and actions taken in response to those comments, are included below.

The Division of Professional-Technical Education submitted a letter in support of the plan and did not request changes. They cited appreciation for the role of the technical colleges as a primary provider of services, support for proposals to ease outcome reporting for the eligible provider list, and support for possible extension or modification of requirements in implementing the subsequent eligibility process.

Comments from the Shoshone Bannock Tribe were more extensive. Ten of the twenty seven comments related to what the reviewer deemed to be a lack of reference or recognition of the participation of Native American entities in the One Stop system or in youth programs.

PLAN DEVELOPMENT PROCESS

Numerous modifications were made to the plan to clarify that Native American Title I grantees are participating as sovereign entities at the local level and have no state level presence, a term which caused concern for the reviewer. While there is a Native American representative on the Workforce Development Council, the participation of Native Americans is primarily at the local level. The plan clarifies that the participation of Native Americans, particularly in defining services under the One Stop MOU, is a matter for the Native American grantee and the local IWB where they serve as a member. The reviewer did express his pleasure with the extensive participation at the local level both on the Board and in One Stop system planning.

The reviewer also expressed that the state's priorities should be changed to include reference to meeting the service needs of individuals and communities. The Workforce Development Council approved the addition of a new priority. Responses to all other comments were addressed in a letter to the reviewer rather than adopted as plan changes.

Comments were also received from the Idaho Migrant Council pertaining to the Migrant Seasonal Farmworker services provided under Wagner-Peyser. Concerns centered around the Idaho Department of Labor meeting the minimum service indicators for MSFWs placed and placed on long term non-ag jobs. They also requested clarification on the rationale for reducing H-2A Field Checks to 15%. Clarification was also requested regarding changes, if any on MSFW data tracking and reporting and how this population would be accommodated within the electronic system including customer surveys. They also requested that the Department re-evaluate outreach staff, in particular, the allocations for the Burley and Canyon Office. IMC also asked the Department to address why it was experiencing declining numbers of MSFWs served and service levels over the past eight years while the overall estimates for farmworkers has seen limited changes. These comments have been addressed without changes to the plan.

The Regional Office also offered comments. Primary comments focused on the perceived lack of partner participation in the development and delivery processes. These were clarified to more fully describe the role of partners. Additionally, a number of comments dealt with participation of persons with disability and their representatives. These were also addressed. A number of other single issue items were also addressed through clarification of the state's approach to various processes.

II. STATE VISION AND GOALS

A. *What are the State's broad strategic economic and workforce development goals? (§§111(d)(2), 111(d)(6), 112(a), 112(b)(3).)*

See Section B:

B. *Provide (in a few paragraphs) the State's vision of how the WIA statewide workforce investment system will help the State attain these strategic goals. This vision should address the specific emphases of Title I of the Act and provide a brief description of what the State's workforce investment system will look like at the end of the five-year period covered by this Plan. Some specific questions that should be answered by the vision statement are:*

- *In five years, how will services be further streamlined?*
- *What programs and funding streams will support service delivery through the One-Stop system?*
- *Typically, what information and services will be provided and how will customers access them? How will the goal of universal access be assured?*
- *For customers who need training, how will informed customer choice and the use of the Individual Training Accounts (ITAs) be maximized?*
- *How will Wagner-Peyser Act and unemployment insurance services be fully integrated into the system?*
- *How will the State's workforce investment system help achieve the goals of the State's welfare, education, and economic development systems?*
- *How will the youth programs be enhanced and expanded so young people have the resources and skills they need to succeed in the State's economy? (§§111(d)(2), 112(a).)*

The Idaho Workforce Development Council created a succinct vision to guide the state's workforce development system:

Idaho will deliver a highly trained, diverse workforce through partnerships among business, labor, education, and government. This integrated workforce development system will meet the productivity needs of a market-driven economy--improving profitability, increasing global competitiveness and enhancing Idaho's quality of life.

The workforce system supporting this vision will assure that all customers – employers, job seekers and students – will have access to streamlined, state-of-the-art, user-friendly employment, education and training information and services. The Idaho system will be customer driven, highly integrated, offer superior customer service and result in exceptional customer satisfaction and return on investment of public funds.

To bring the vision to reality, partners in the workforce system will undertake a number of activities. Specific goals for the system are reflected in Attachment 1, Vision, Mission and Goals

of the Workforce Development Council and the Vision, Guiding Principles and Goals for the One Stop system included as Attachment 2. The Council's goals serve as the state's broad strategic and economic workforce development goals. These goals were developed by the Council, refined over a two-year period, and are intended to guide all workforce development programs. All state workforce development agencies participate by developing specific strategies to implement goals germane to their mission and by serving on teams that are charged by the Governor's office with implementation of common goals.

The One-Stop Goals have also included significant participation of partners. The original goals were established in response to recommendations made in a series of regional forums hosted by State education, workforce and welfare agencies and local private industry councils. The forums were attended by a wide range of service providers, members of various boards and councils, and system customers. The goals were subsequently reviewed and affirmed by participants in a second series of regional forums that were attended by a larger, more diverse audience. With the adoption of the WIA, state and local partners recommended that these strategic goals continue to guide the system. The WDC accepted the goals with one minor clarifying change.

While the Council goals are quite broad (e.g., establish a comprehensive workforce development system), the One Stop goals become more specific (e.g., integrate services through expanded integration of planning processes, integration of data and information systems and expanded co-location of system partners). The state partners to the system have entered into a cooperative agreement that sets out a plan of action to meet high priority goals that have yet to be attained through the cooperative efforts of partners. The particular focus responds to these broader goals and reflects the predominate approach of system partners to rely on electronics as a means to accomplish program integration (e.g. high priority goals include improving the *Idaho Works* system that provides access to all partner programs, developing common methodologies for sharing data, eliminating barriers to data sharing, etc.) The specific strategies for system improvement are incorporated in Section III of this plan. At the local level, all required partners are entering into a Memorandum of Understanding that will articulate specific approaches to service delivery and any system improvement activities to be undertaken at the front line.

The youth programs operated under the WIA will be integrated with Governor Kempthorne's broader and most important strategic initiative known as the Generation of the Child. Covering a wide range of issues such as health, safety, and education, the initiative is geared towards ensuring that Idaho is the best place to live, work and raise a child. The Governor's initiative recognizes the value of early investment in children to ensure a quality workforce in the future. To that end, the workforce system will participate as part of a highly coordinated continuum of services designed to assure healthy, happy and well-educated children prepared to enter adulthood as productive members of the workforce. The two most highly publicized efforts have included a statewide effort to increase the immunization rate of Idaho's children and the Governor's program to ensure that all students can read at level by grade three. The newest initiative is one designed to bring together regional youth representatives from all disciplines in the public, private-for-profit, private non-profit and voluntary sectors to identify strategies to better coordinate services to youth and young children.

Where will we be in five years?

At the end of the five-year period, the full participation of partners will assure that all customers will have access to a full array of information and services at their initial point of contact. Information and services will be available through highly trained staff, electronically, and in a variety of access modes to ensure access for all workforce systems customers. In every workforce area, comprehensive One Stop Centers, each offering the full complement of programs and services enumerated in the WIA, will be supplemented by a network of Affiliate partner sites, direct access points, and kiosks to bring services within easy reach of all Idaho citizens. A comprehensive, easily maneuvered *Idaho Works* Home Page will be continuously updated and improved to ensure the availability of current, user friendly information about services available through the system.

A comprehensive youth service strategy will be in place that utilizes the resources available in the community to assure that all youth have the opportunity to learn the skills and workplace competencies to make them productive citizens and valued members of the workforce. A cadre of mentors will be available to support all youth who need their assistance. The system will link with the services of the education system, juvenile justice, health and welfare and community based organizations to maximize resources and assure a comprehensive approach to youth service needs.

Services will be streamlined by reducing redundancies in data collection at intake and using administrative records wherever possible to gather status and outcome information to ease the burden on customers and staff. Through the collaborative efforts of workforce boards and partners, opportunities for system improvement will be identified and implemented in a timely manner. Improved systems of gathering customer and market information and customer satisfaction information will be routinely employed to guide design and delivery of services at all levels of the workforce investment system.

The system will be characterized by high levels of customer satisfaction, achievement of system goals and continuous improvement in both organizational and program performance. All “graduates” of the workforce system will possess the occupational skills and workplace competencies desired by employers. Employers will be recipients of improved, targeted service strategies to assure that the system supports their workforce development needs. Partners in the workforce system will work collaboratively to attain these goals.

- C. *Identify the performance indicators and goals the State has established to track its progress toward meeting its strategic goals and implementing its vision for the workforce investment system. At a minimum, States must identify the performance indicators required under section 136, and, for each indicator, the State must develop an objective and quantifiable performance goal (the “State-adjusted level of performance”) for each of the first three program years. States may want to use a chart such as the one in Attachment B. (Further guidance, including definitions of specific indicators, will be provided separately.) States are encouraged to address how the performance goals for local workforce investment areas and training providers will help them attain their Statewide performance goals. (§§112(b)(3), 136.)*

Idaho will utilize the 17 WIA core measures to track performance; no additional State measures will be established. The State will follow USDOL guidance in establishing performance goals for each of the 17 core measures. The State will develop a database for the core measures in accordance with federal guidance. The database will reflect past State and area-level Job Training Partnership Act (JTPA) performance for the WIA measures. This database will be the primary basis for negotiations with the USDOL and the Idaho Works Boards. For measures such as the Employment and Credential Rate, where data is not available to construct a valid database, the State will follow federal guidance in establishing appropriate performance standards. The 17 measures and performance levels are attached (See Attachment 3. Based on the recently released federal guidance, Idaho is in the process of completing the table.)

Idaho will continue to closely monitor the federal efforts such as the recent Workforce Development Performance Measures (WDPMs) that focus on developing cross cutting system-wide measures. Idaho will consider adopting those tools that will help improve quality of services within the workforce system.

III. ASSESSMENT

A. Market Analysis

OVERVIEW

This market analysis must be placed in context. That context is what economic developments have brought the state to this point in time and what do they bode for the future? Among almost endless possibilities, a few key trends have been selected as context for this market analysis.

The key trends that are expected to shape Idaho's economy in the next five years are the same ones that shaped the economy during the 1990s:

- From 1990 to 1999, Idaho ranked third nationally in the rate of population growth. Although the numerical growth of 245,000 is small in comparison to other states, it constitutes a 24.3 percent population increase for the period or an average of 2.7 percent annually. Net migration into the state accounts for 63 percent of this growth. About 10 percent of the state's population is considered to be in a racial/ethnic minority group. **Analysis: In-migration is expected to continue, but at a slower pace. The net birth/death rate should remain the same. This results in continued population increases but at a projected 1.8 percent annual growth rate. This rate is double the projected national growth rate of .8 to 1.0 percent per year. The minority population will grow, but Idaho will remain predominately white, non-minority.**
- In spite of this significant population growth, Idaho remains a predominately rural state, with almost two-thirds of the land area managed by the Federal Government. The majority of Idahoans live in urban areas, but these are limited to a few cities. Boise is the only city with a population of 100,000 or more. The few larger cities are regional economic centers, especially for trade, health services, and higher education. **Analysis: Idaho's population density will not change in terms of location, a few larger cities, and regional focus. Most small rural communities are growing, but will remain small.**
- The growth in total employment, at nearly 35.5 percent, outpaced the population growth. That is why the state's average annual unemployment rate has gradually declined from just over 6 percent in the early 1990s to 4.8 percent in 1999 as the labor force participation rate of Idaho's population increased. **Analysis: Current labor force participation rates are expected to continue and total employment will continue to grow. The annual average unemployment rate will be in the 5.2 to 4.7 percent range.**
- Relatively low unemployment rates are not uniformly shared by all areas of the state. There are counties, which are dependent upon forest products or metal mining, that persistently have double-digit rates. Idaho's economy is seasonal (primarily due to weather), and seasonality affects some areas more than others. **Analysis: Seasonality will continue to be a strong feature of Idaho's economy. Lowering double-digit unemployment rates in some areas will depend upon economic diversification and development.**

- Idaho's economic growth has been exceptionally strong. The economy is diversifying. Overall employment numbers are very positive. Yet, Idaho's per capita personal income continues to rank in the mid-forties among the states. Idaho traditionally has been a low wage state; the ups-and-downs of agricultural prices and the relatively low presence of manufacturing all contribute to this situation. On the other hand, Idaho has been one of the nation's top ranked states in the rate of per capita personal income rate of growth. **Analysis: It is unlikely Idaho will significantly improve its per capita personal income relative ranking but it is likely, as economic diversification continues, the per capita personal income values will continue to grow. Idaho's per capita income growth rate is projected to be slightly below the 3.5 to 4.0 national growth rate (in current dollars).**
- Small businesses populate Idaho's business structure. There are 37,619 Unemployment Insurance (UI) accounts in Idaho (2nd Quarter, 1999); only 51 of them have more than 500 employees, accounting for about 20 percent of covered employment. **Analysis: Small businesses have been the source of the vast majority of jobs in Idaho. This trend will continue although the few big businesses will continue to significantly impact local and regional economies.**
- Even though Idaho's economy is diversifying, the number one industry continues to be agriculture when farming, ranching, agriculture services, food processing, transportation, and other supporting activities are combined. **Analysis: Agriculture will remain Idaho's major industry for the next decade. However, the mix of agriculture is likely to change as dairies and cheese making increase in importance.**
- Population growth, economic diversification, natural resource industry problems, rural community economic development needs, and a variety of other trends are manifesting themselves in significant public policy debates that could frame Idaho's future economic environment. Debates over water use, public lands use, endangered species, nuclear waste, and growth management are at the forefront and are likely to continue. **Analysis: The outcomes of these debates are extremely hard to predict. The issues are complex and the solutions problematic and controversial. It is likely the status quo will not be maintained.**
- There are two major Federal installations whose future will have profound impact on their local and regional economies. One is the Mountain Home AFB which is home to a composite wing. However, its future is dependent upon military strategy and base closure decisions. The other is the Idaho National Environmental and Engineering Laboratory (INEEL). INEEL's mission is changing from nuclear testing and research to managing environmental issues and, perhaps, involvement in the next generation of space shuttles and space cargo lifters. Both of these facilities provide substantial employment opportunities and supporting jobs in the surrounding area. **Analysis: These facilities will continue to exist during the next five years although their missions might change. These changes could result in different workforce needs.**

1. *Describe the key trends that are expected to shape the economic environment of the State during the next five years. Which industries are expected to grow?*

*Which will contract? What are the economic development needs of the state?
What data sources support the State's market analysis?*

- Idaho's *Total Nonfarm Wage and Salary Employment* increased by 17.04 percent between 1994 and 1999. Estimates of self-employed workers indicate about a 20 percent increase. Estimates of on-farm employment have shown little change in levels. **Analysis: Both nonfarm and self-employed workers will continue to increase during the next five years. It is probable that on-farm employment will decline marginally unless the mix of Idaho agriculture significantly changes through the addition of more dairying and new concentrated livestock breeding and processing operations.**
- This population growth also explains the increase (18.8 percent between 1994-1999) in the *Services-Producing Industries* employment to the point these industries now provide 78.8 percent of Idaho's nonfarm jobs. Industries within the *Trade, Services, and Government* divisions provide the most jobs and all have grown at an above-average pace. Specific high employment industries with above-average growth include *Wholesale Trade, Food Stores, Eating and Drinking Establishments, Business Services, Health Services, and Local Government*. **Analysis: Because of the expected population growth, almost all Services-Producing Industries will continue to grow. Possible exceptions include Railroads and Federal Government.**
- The *Goods-Producing Industries* grew by almost 10.6 percent between 1994 and 1999 in spite of some significant declines in several important industries. *Construction* and "high-tech" are the industries that account for most of the employment increases, offsetting significant reversals in *Logging and Sawmills and Planing Mills*. Both the positive and negative changes signify the larger trend occurring in the Idaho economy; increased economic diversity at the expense of the historical, natural resources-based economy of forest products and mining. **Analysis: Diversified manufacturing should continue to expand. The traditional wood products industries will continue to suffer during the next few years, causing economic hardship on many small communities.**
- Between 1994 and 1999, the two industries normally called "high tech" manufacturing—computers and electronic components—added an average of 6,057 jobs. These industries are primarily concentrated in the Boise MSA, where there are two dominant manufacturers, but these industries are also found elsewhere in the state. In the Boise area, high tech manufacturing has reached the point where there have been many smaller businesses formed to supply the larger ones, spun off from them, or the area has been conducive to entrepreneurial start-ups. Higher education facilities throughout the state are in position to support the needs of the high tech industries. **Analysis: Idaho's high tech industries are in the global economy. Their economic vitality is dependent upon the world market, not on local labor market conditions, although having a stable and trained workforce is essential.**
- In addition to *Metal Mining and Lumber and Wood Products*, industries projected to have negative or very little job growth include *Railroads, Chemicals and Allied Products, Depository Institutions, and Federal Government*. Traditional row crop food processing

employment is declining although cheese making is expanding. **Analysis: Food processing and chemicals are large Idaho employers. The businesses have been increasing productivity and developing new products. They will continue to be important industries but they will not be the source of large job additions.**

- Idaho's economic development needs are varied and that is why there is a strong cadre of economic development specialists within the state. In summary, they are working to expand existing businesses, develop new markets for Idaho products, bring more diversified economic enterprises to the rural communities, attract environmentally clean new businesses to the state, and to train and retrain Idaho's workforce. There have been many successes as a result of these efforts. **Analysis: Idaho's employment growth can be attributed in part to economic development efforts. The quality of Idaho's workforce has been a major selling point to new businesses or for existing businesses to make the investments necessary to expand. Training and retraining is fundamental to this process.**

This section of the market analysis is based primarily upon data from the Idaho Department of Labor, Idaho Department of Commerce, Idaho Division of Financial Management, U.S. Bureau of Labor Statistics, and the U.S. Census Bureau.

2. *Identify the implications of these trends of overall availability of employment opportunities by occupation, and the job skills necessary in key occupations.*

Idaho's estimates of future occupational employment opportunities are based upon the state's projections of future employment by industry. As part A.1. of this section notes, most Idaho jobs will be in the Services-Producing Industries with some key manufacturing industries also expected to grow significantly. Employment opportunities come through net employment growth and replacement jobs. Replacement jobs will be available in almost all occupations, even if the industries employing them are declining or barely growing. Combining projections of growth and replacement demand yields the following list of occupations that will offer the most job opportunities in the next five years. This list is limited to occupations with 500 or more annual job openings.

Salespersons, Retail
 (1140 annual openings)
 (Short-term on-the-job training)
 Cashiers
 (1050 annual openings)
 (Short-term on-the-job training)
 Combined Food Preparation & Service
 Workers
 (500 annual openings)
 (Short-term on-the-job training)
 General Managers & Top Executives
 (610 annual openings)
 (Work experience plus college degree)

Waiters & Waitresses
 (750 annual openings)
 (Short-term on-the-job training)
 Teachers, Secondary School
 (550 annual openings)
 (Bachelor's degree)
 Truck Drivers, Heavy or Tractor-Trailer
 (460 annual openings)
 (Short-term on-the-job training)
 General Office Clerks
 (460 annual openings)
 (Short-term on-the-job training)
 Food Preparation Workers
 (200 annual openings)
 (Short-term on-the-job training)
 Carpenters
 (460 annual openings)
 (Long-term on-the-job training)
 Electronic Semiconductor Processors
 (500 annual openings)
 (Moderate-term on-the-job training)
 Teachers, Elementary School
 (550 annual openings)
 (Bachelor's degree)
 Janitors & Cleaners
 (400 annual openings)
 (Short-term on-the-job training)

The education and training requirements for these jobs are quite varied, ranging from postsecondary--usually necessary to be a General Manager or Top Executive--to on-the-job training for Janitors and Cleaners. Almost all of these occupations require working with co-workers, at least basic educational skills, and customer service. Increasingly, even jobs such as Material Movers require technical skills for equipment operation, measuring, recording data, and communicating information. Occupational-specific skills for these jobs often can be acquired on-the-job, but the best paying jobs require postsecondary technical or academic training.

3. *Given the projected job skills needed in the State, identify for each of your customer segments their projected skill development needs.*

Idaho's key customer segments of its state workforce investment system include both individuals, such as a job seeker or an employer, and system intermediaries, such as technical schools. Both broad sets of customers can benefit from the system's services, information, resources, and coordination. Individuals will be best served through the One Stop system. Idaho's One Stop system includes staffed facilities, self-service kiosks, telephonic accessed information and services, publications and other media resources, and information and service

access via the Internet. The One Stop system is a workforce service environment in which customers can enter in a variety of ways.

Idaho employers directly benefit from having a well-trained workforce. This applies to the incumbent workforce and to job seekers, students, and new entrants. Through national and state surveys, conferences and meetings, and other types of research, there is near unanimity that the following skills are needed to obtain the objective of having a well-trained workforce. Briefly these are:

“SOFT SKILLS”

Effective communication with co-workers, supervisors, and subordinates

Being able to work as a team to achieve the organization’s objectives

Leadership, critical thinking, ability to adapt to changing circumstances

Fundamental workplace “ethics” such as dependability, trustworthiness, and non-discriminatory behavior

ACADEMIC

Basic English Literacy

Computational skills

Basic science

Personal computer or other electronic machine operations and familiarity with commonly used software

JOB RELATED

Job-specific skills that can be acquired through formal training or on-the-job training

Effective customer service practices

Idaho’s WIA system considers its primary customer segments as employers; community officials; workforce development intermediaries; experienced worker job seekers, including dislocated workers; new and returning entrants to the workforce; youth, both in and out of school; and those who might fit into one of the broad customer segments but who have additional skill development needs.

It is unwise to assume that each person or organization within these key customer segments has the same service and skill development needs. However, some examples of needs that can be addressed through WIA activities include:

FOR EMPLOYERS, ETC.

Employers needing workers, labor market information, business requirements information

Elected officials, community leaders, workforce intermediaries, and the media needing information on economic and workforce trends and needs

FOR EXPERIENCED WORKERS

Job seekers, regardless of reason, seeking employment opportunities and labor market information

Dislocated workers, especially those needing retraining, intensive job search assistance, or finding suitable jobs out of the local area

FOR NEW ENTRANTS AND RETURNING WORKERS

New entrants to the labor market or those reentrants needing labor market information, career guidance, or assistance in tailoring their job search

Public assistance recipients needing job training, career guidance, case management services, or transition assistance from welfare to work

Older workers who often need retraining, skills enhancement, work experience and job search assistance

FOR YOUTH

Youth and others making career and school decisions that require understanding career possibilities and training requirements, basic work skills, and making the transition from school to work

Youth needing part-time or summer employment

Youth also need informed educational services that not only provide academic and social skills but also prepare students for the workforce. To this end, the Idaho educational system, with substantial support from foundations, has made large investments in multimedia technology for schools, embraced the School-to-Work program, developed multi-district vocational education centers and programs, created cooperative secondary-to-postsecondary technical education programs, sponsored special studies of how well the schools' curricula meet workforce needs, and refocused attention on those students who do not attend postsecondary schools. Special initiatives are operating under the 70% Committee of the State Board to improve graduation rates of Hispanic and Native American youth.

FOR PERSONS NEEDING OTHER SERVICES

Unemployment Insurance, Workers Compensation, and other program customers who are not necessarily changing jobs but need prompt and coordinated service during their participation

Migrant and Seasonal Farmworkers needing job information, worker protection, or training

Economically disadvantaged persons needing comprehensive workforce training services including basic academic education, basic workplace skills, labor market information, and intensive job search assistance

Persons with disabilities needing special workplace or training accommodations, exposure to and learning how to use technologies that mitigate their disabilities, and advocacy in obtaining employment

Veterans needing job search assistance or supportive services for disabilities

Workforce intermediaries, such as labor exchange agents, schools, community based organizations, career guidance counselors, and teachers are customers of Idaho's workforce investment system. Intermediaries need information and often system partners have that information. Intermediaries need to know how to refer customers to a specific service. Limited financial resources often can be extended through intermediary coordination and joint ventures. All intermediaries need labor market information.

CONCLUSION

The 1990s have seen remarkable changes in Idaho's economy and workforce. Most of these changes have been positive. However, some changes have had negative effects on some Idaho communities and workers. The Workforce Investment Act affords opportunities to address both the positive and negative results of Idaho's recent economic developments.

The positive aspects provide opportunities for investments that will continue the employment growth, economic diversification, the climb in personal income, and a more efficient labor exchange and training system. A key ingredient will be the system's intelligent deployment of educational and training resources in efforts such as generic school-to-work, technical education, worker continuing education, and responsive retraining programs.

Addressing the negative aspects will require the system to pay particular attention to rural areas caught in the transformation from reliance on natural resource industries to other forms of economic enterprise. It requires the system to prepare dislocated workers for the new information and technology economy. It requires the system to address the persistent problems of poverty, rural transportation, and the inability of some to take advantage of the remarkable economic progress Idaho has made.

Other factors that must be considered are public policies concerning economic development, education, welfare, the environment, and Idaho's place in the global economy. Factors of a more local nature include assimilating an increasingly multi-cultural population, managing population growth, and having the necessary transportation and utility infrastructure to facilitate economic development.

The nation, Idaho, and local communities have long-standing commitments to workforce development. Although funding for schools, training, and labor exchange is significant, it is still limited. Therefore, the managers of these funds must be committed to spending them wisely in ways that will bring the most benefit to Idaho citizens.

B. State Readiness Analysis

1. Leadership

a. State Workforce Investment Board

- i. Describe the organization and structure of the State Workforce Investment Board. Did you create a new Board or did you “grandfather” an alternative entity as the Board? If you “grandfathered” an existing Board, (1) state whether the Board existed on December 31, 1997, (2) state whether the Board was established under the Job Training Partnership Act (as a State Human Resource Investment Council or State Job Training Coordinating Committee under JTPA section 122 or Title VII) or is “substantially similar” to the WIA membership requirements, and (3) describe how the Board includes, at a minimum, representatives of businesses and labor organizations in the State. (§§111, 112(b)(1).)*

Governor Kempthorne elected to “grandfather” Idaho’s Workforce Development Council (WDC) for purposes of the Workforce Investment Act. The Workforce Development Council was established August 8, 1996 by Executive Order in accordance with Title VII of the Job Training Partnership Act, as amended. The Council replaced and consolidated the Idaho Job Training Council, the State Council on Vocational Education, the State School-to-Work Collaborative Team, and the Employment Security Advisory Council.

- ii. Identify the organizations or entities represented on the Board. If you are using an alternative entity which does not contain all the members required under section 111(b)(1), describe how each of the entities required under this section will be involved in planning and implementing the State’s workforce investment system as envisioned in WIA. How will this alternative entity achieve the State’s WIA goals? (§§111(a-c), 111(e), 112(b)(1).)*

Each of the required Board entities identified under WIA was invited and/or actively participated in the planning and implementation processes that were developed to achieve the goals envisioned for the Idaho workforce system. The WDC represents a broad constituency of government, education, and labor. Membership includes representatives of community based organizations for minority, youth and lead state agency officials responsible for One Stop partner programs.

The Executive Order requires that the Council’s membership shall be as follows:

- Representatives of business and industry shall comprise at least 40% of the members;
- At least 15% of the members shall be representatives of local public education, postsecondary institutions, and secondary or postsecondary vocational educational institutions;

- At least 15% of the members shall be representatives of organized labor based on nominations from state labor federations;
- Representatives for the Department of Labor, the Department of Health and Welfare, the Department of Commerce, the Division of Vocational Rehabilitation, the Division of Vocational Education, the Commission on Aging, and the Superintendent of Public Instruction;
- A representative of a Community Based Organization; and
- Individuals from the general public who have special knowledge and qualifications with respect to special education and career development needs of hard-to-serve individuals.

Further, the Order requires that the Chair and Vice-Chair be from the private sector.

Members of the Council include:

- Director, Department of Health and Welfare – (TAFI, Food Stamps, CSBG)
- Director, Department of Labor – (WIA, Wagner-Peyser, UI, TAA, Veterans, WOTC)
- Executive Director, State Board of Education – (Professional-Technical Education, Vocational Rehabilitation, School To Work, Higher Education)
- Director, Department of Commerce
- Director, Commission on Aging
- Superintendent of Public Instruction – (K-12, ABE)
- Representatives of Secondary, Postsecondary Education, and Sex Equity
- Representatives of Local Public Education
- Representatives from Labor
- Representatives from Community Based Organizations
- Representatives from large and small business and business organizations

The Council's membership brings together a highly integrated mix of business and industry representatives, education, labor, governmental entities and community based organizations to set the vision and make plans for Idaho's workforce development system. Specifically the Council is responsible for advising the Governor and the State Board of Education on:

- Development of a statewide strategy for workforce development programs which encompasses all workforce programs including school-to-work, work-to-work, welfare-to-work, and economic stimulus initiatives;
- Priorities for the use of federal employment and training, and employment and training-related activities under welfare reform as well as state appropriated workforce development funds;
- Development, in collaboration with local and state stakeholders, of a substate structure for planning and oversight of the statewide workforce development system;

- Streamlining of services to customers to achieve an efficient and effective, customer-driven workforce system for the state;
- Development of goals, standards and measures to evaluate the effectiveness and efficiency of workforce development programs; and
- Implementation of a continuous improvement process designed to ensure high quality services for Idaho's citizen and business customers.

In developing the state's plan, opportunities for input and consultation were made available throughout the process for the Governor, local elected officials, legislators and other participating entities and interested parties. Throughout the process of implementation, the Governor's Office provided leadership in bringing together the Council, legislative leadership, local elected officials, agency Directors and community partners. Council members attended local Workforce Investment Board meetings, met with local elected officials, provided invitations for participating entities to appear before the Council and met with legislators locally.

With the passage of WIA in late 1998, the Council began deliberation and policy development to guide Idaho's implementation plan. Employment and training goals, the vision and framework of the One Stop system, certification of local boards, and policies described throughout this plan were considered and approved by the Council in five public meetings held in November, 1998, and in March, April, July, and September of 1999. The State's Draft Plan was posted on the Internet after public notice was made available to the major newspapers in the six Workforce Investment Areas. The Council reviewed comments and changes proposed for the Final Plan during its March 27, 2000 meeting.

The WDC has in place the members, linkages and procedures to provide the leadership and oversight necessary to achieve the goals established for the Idaho Workforce Development system. The Council will continue to review the employment and training community's accomplishments against the long-term visions, goals and objectives established in the five-year plan. The Council will focus on its overall goals of assessing the needs of business and industry, promoting the development of partnerships to improve services to all customers, and supporting systems to measure progress, outcomes and system improvements based upon customer input. Further, the Council will continue to support a comprehensive educational system to expand career awareness through its working relationship with the State Board of Education and its efforts to connect business needs with educational opportunities.

- iii. *Describe the process your State used to identify your State Board members. How did you select Board members, including business representatives, who have optimum policy-making authority and who represent diverse regions of the States as required under WIA? Describe how the Board's membership enables you to achieve your vision described above. (§§111(a-c), 112(b)(1).)*

Appointments to the Council are made by the Governor upon nominations and recommendations from business organizations and local elected officials. The Governor appoints the private sector chairperson. The Governor also appoints the Directors and/or top officials of the agencies

responsible for the workforce development programs and educational system. The Council's membership considers regional representation to identify and address the various needs throughout the state. Appointments to the Council were made in accordance with the requirements under Title VII of the Job Training Partnership Act. The State will ensure that any new appointments to the Council will have the optimum policy making or hiring authority.

iv. Describe how the State Board will carry out its functions. How will this Board provide direction-setting leadership for the statewide system? (§§111(d), 112(b)(1).)

The Council's implementation of WIA included a process to involve all stakeholders and interested parties to achieve maximum efficiency and results for the broadest spectrum of Idaho citizens. Implementation of WIA continued a long history of collaboration among Idaho's state and local employment and training community, education, labor, industry, special interest groups, legislative leaders, local elected officials, Native American Tribes and minority organizations. It is the intent of the Council to continue these efforts to provide direction and leadership, along with the Governor's Office, to ensure full implementation and success in obtaining the long-range goals envisioned in the State Plan.

Specifically, the process calls for wide distribution and input in the development of state policy, plans and strategies to carry out oversight and attainment of the state's goals. The Council provides advance notice of scheduled meetings to ensure sufficient time for interested stakeholders to attend and/or submit comments and concerns. Policy material prepared for the meetings is made available for interested parties who requested that their name and/or organization be included on the Council's mailing list.

The Council schedules its meetings annually based upon projected workload, which usually requires that meetings be held at least quarterly. The Council typically performs all work in a meeting of the entire body; however, the Council has a standing Executive Committee, a Performance Committee and will assemble ad hoc committees, as needed, to address specific issues or tasks as identified by the Council or Governor.

v. How will the State Board coordinate and interact with the local WIBs? (§112(b)(1).)

The WDC will utilize various methods to obtain feedback and interact with local IWBs during the implementation and life of WIA. In some instances, Council members serve on both bodies, while other members routinely attend each other's meetings to maintain an open dialogue. Ongoing electronic communication as well as face to face meetings between IWB staff and WIA State Administrative Entity staff also permit the exchange of information between state and local systems. Due to Idaho's relatively small number of workforce areas, strong working relationships have been forged over the years between state and local staff.

vi. How will meetings be made available to persons with disabilities?

Workforce Development Council meetings will be held in facilities that comply with ADA legislation to ensure access for persons with physical disabilities. Upon request, alternate formats will be offered for written materials to meet the special needs of persons with sight

impairments. The Idaho Commission for the Blind has volunteered to assist the Council in meeting requests for alternate formats. The WDC will coordinate with the Idaho Commission for the Deaf and Hard of Hearing to arrange equipment or other services for individuals who request hearing assistance at meetings.

- b. Identify the circumstances which constitute a conflict of interest for any State or local Workforce Investment Board member, including voting on any matter regarding the provision of service by that member or the entity that s/he represents, and any matter that would provide a financial benefit to that member or his or her immediate family. (§§111(f), 112(b)(13), 117(g).)*

The attached WIA Code of Conduct (Attachment 4) has been adopted by the Workforce Development Council and approved by the Governor. Although this Code does not identify any additional instances which would constitute conflict, language is included which would allow conflict to be determined at a later date. In addition, IWB certification packages required that local IWB bylaws comply with conflict of interest policies identified in WIA and those established by the State and include a provision prohibiting individuals representing more than one category from voting on any issue that would involve a conflict of interest in either category.

- c. Identify the criteria the State has established to be used by the chief elected official(s) in the local areas for the appointment of local Board members based on the requirements of section 117. (§§112(b)(6), 117(b).)*

The State's Guidelines for Certification of local Idaho Works Boards are included as Attachment 5.

- d. Allocation Formulas.*
- i. If applicable, describe the methods and factors (including weights assigned to each factor) your State will use to distribute funds to local areas for the 30% discretionary formula adult employment and training funds and youth funds pursuant to sections 128(b)(3)(B) and 133(b)(3)(B). Describe how the allocation methods and factors help ensure that funds are distributed equitably throughout your State and that there will be no significant shifts in funding levels to a local area on a year-to-year basis. (§§112(b)(12)(A-B), 128(b)(3)(B), 133(b)(3)(B).)*

Substate Adult and Youth Allocations

The State will not use alternative factors to allocate up to 30% percent of the funds to the local areas. All Adult and Youth program funds will be allocated using the three required factors of areas of substantial unemployment, excess unemployment and economically disadvantaged. The required factors that will be used are:

Adult Program:

1/3 of the funds allocated on the number of unemployed residing in areas of substantial unemployment (6.5% or higher unemployment)

1/3 of the funds allocated on excess unemployment (number of unemployed over 4.5%)

1/3 of the funds allocated on the number of economically disadvantaged adults

Youth Program:

1/3 of the funds allocated on the number of unemployed residing in areas of substantial unemployment (6.5% or higher unemployment)

1/3 of the funds allocated on excess unemployment (number of unemployed over 4.5%)

1/3 of the funds allocated on the number economically disadvantaged youths

To ensure that local Workforce Investment Areas experience no significant shifts in the first two years of funding until the hold-harmless provisions under WIA apply, the State will implement the hold-harmless provisions currently used under JTPA, as permitted under the Secretary of Labor's transition policies. Hold-harmless will apply to the local area allocations for the Adult and Youth programs during the first two years of WIA (PY 2000 and 2001). Hold-harmless levels are based on 90% of an area's relative share of the previous two years of funding.

- ii. *Describe the State's allocation formula for dislocated worker funds pursuant to section 133(b)(2)(B). (§§112(b)(12)(C), 133(b)(2)(B).)*

The State will allocate dislocated worker funding to the local areas based upon information that will include insured unemployment data, unemployment concentrations, plant closing and mass layoff data, declining industries data, farmer-rancher economic hardship data, and long-term unemployment data. No other informational factors will be used. The data to be used and the weights applied to each factor follow:

Substate Dislocated Worker Allocation Factors and Weight

Weight	Factor
0.320	Average number unemployed
0.320	Average number unemployed over the state s rate
0.320	Number of UI claimants with 15 weeks claimed and 0 earnings
0.010	Number of workers from plant closures
0.010	Number of workers from Mass Layoffs expected to last 90 days or longer
0.010	Industry employment declines by annual average monthly employment
0.010	Number of FHA borrowers who are bankrupt or delinquent
1.000	

- iii. *For each funding stream, include a chart that identifies the formula allocation to each local area for the first fiscal year, describe how the individuals and entities represented on the State Board were involved in the development of factors, and describe how consultation with local boards and local elected officials occurred. (§112(b)(12)(A).)*

The development of allocation formulas was conducted in consultation with local Boards and the Workforce Development Council as described in the Plan Development Process (Section I).

Local Areas	ADULTS	DISLOCATED WORKERS	YOUTH
North Idaho - I	\$1,246,873	\$1,456,402	\$1,279,285
North Central - II	320,446	367,738	308,428
Southwest - III	790,173	1,429,149	874,321
South Central - IV	364,797	490,328	380,867
Southeast - V	307,780	554,709	330,343
East Central - VI	261,695	351,770	307,717

- e. *Describe the competitive and non-competitive processes that will be used at the State level to award grants and contracts for activities under Title I of WIA, including how potential bidders are being made aware of the availability of grants and contracts. (§112(b)(16).)*

Competitive and noncompetitive processes used at the state level to award WIA grants and contracts will follow procedures established by the Idaho Department of Administration which are based on OMB Circular A102, except as stipulated in the attached agreement (Attachment 6), which is being negotiated with that Department.

This agreement allows the State to use alternative procedures, consistent with OMB Circular A102 as reflected in a WIA Procurement Guide under development for the purchase of program services at the state level. Should any procurement activity become necessary prior to the completion of the state-level WIA Procurement Guide this summer, the State will continue to use the JTPA Procurement Guide which was also developed in accordance with OMB Circular A102.

Bidders are notified of fund availability through use of a bidders' list and through legal notices published in regional newspapers across the state.

- f. *Identify the criteria to be used by local Boards in awarding grants for youth activities, including criteria used by the Governor and local Boards to identify effective and ineffective youth activities and providers. (§112(b)(18)(B).)*

The criteria to be used to evaluate proposals to deliver services identified by local boards as needed within local areas will be a reflection of the goals which these proposals are designed to accomplish. The State has established the following broad parameters to be used as the template by which state and local proposals and programs are approved for funding and measured for success:

Youth proposals and programs will be judged according to the degree to which they offer youth:

- Services tailored to their individual needs;
- A variety of contextual educational options to attain skill competencies;
- Continuity of contact with caring, competent adults;
- A focus on work opportunities as a means to teach skills;
- Bona fide connections to employers;
- Leadership development opportunities;
- Positive peer support;
- Opportunities for postsecondary education;
- Positive social skill development;
- Availability of supportive services during and following participation over a sustained period of time;
- Opportunities for participants to be an integral part of program design;
- Services provided by qualified staff; and,
- A commitment to high levels of customer satisfaction and outcome goals appropriate to the population.

Local boards may tailor these criteria and determine their relative importance in accordance with local program design.

- g. *If you did not delegate this responsibility to local Boards, provide your State's definition regarding the sixth youth eligibility criterion at section 101(13)(C)(vi) ("an individual who requires additional assistance to complete an educational program, or to secure and hold employment"). (§§101(13), 112(b)(18)(A).)*

Local boards will be responsible for defining "an individual who requires additional assistance to complete an educational program or to secure and hold employment".

- h. *State Policies and Requirements. (§112(b)(2).)*

Describe major State policies and requirements that have been established to direct and support the development of a statewide workforce investment system not described elsewhere in this Plan. These policies may include, but are not limited to:

- *State guidelines for the selection of One-Stop providers by local Boards;*

One Stop Operators may be designated through (1) a competitive process, (2) through designation of a consortium or (3) through the grandfathering of an eligible existing system.

- (1) Competitive processes used to select One Stop Operators must follow local procurement policies and those established by the State.
- (2) The following process for designation of an Operator under the consortium option shall be used:

- (A) The local Workforce Investment Board may consider a request submitted by a consortium of three or more required One Stop Partners for designation as a One Stop Operator without regard to competition;
 - (B) The local Workforce Investment Board will provide notice to the public for a period of thirty days (30) prior to designation if it intends to designate the consortium as the Operator;
 - (C) The local Workforce Investment Board will designate the consortium, not its individual members, as the One Stop Operator after:
 - (i) Considering and acting upon comments received from the public and other eligible applicants for services;
 - (ii) Negotiating a Memorandum of Understanding (MOU) with all required One Stop Partners and the entity(ies) being designated to provide services consistent with the scope and intent of WIA §134 of the WIA; or
 - (iii) If the local Workforce Investment Board has reached an impasse in the negotiations with any required partner, submitting a request to the Governor for intervention; after considering comments from the public and any other interested eligible applicants in the local area;
 - (D) The designation of a consortium as a One Stop Operator will not preclude the local Workforce Investment Board from designating or certifying other entities as One Stop Operators for other center(s), provided that is consistent with the MOU negotiated with the partner organizations; and
 - (E) The local Workforce Investment Board will enter into an agreement with the consortium specifying the role of the Operator and its responsibilities under the WIA, including its adherence to the MOU with the partner organizations.
- (3) The Governor will approve a request to “grandfather” an existing system under the following conditions:
- (A) A request for certification has been submitted by an entity or consortium of entities who were certified to operate an *Idaho Works* Career Center prior to August 7, 1998, or
 - (B) In those cases where an entity within the consortium is precluded from participation or no longer available to provide One Stop services, the remaining members of the existing consortium have submitted such a request;
 - (C) The local Workforce Investment Board and the local elected officials have publicly announced their intent to designate the existing entity as the One Stop Operator, and for a period of no less than thirty (30) days, have provided the public and other eligible entities in the local area an opportunity to comment on the designation;
 - (D) The local Workforce Investment Board and the local elected officials have agreed to designate the entity as the Operator after:
 - (i) Considering and acting upon comments received from the public and other eligible applicants for services;
 - (ii) Negotiating an MOU with all required One Stop Partners and the entity(ies) being designated to provide services consistent with the scope and intent of WIA §134 of the WIA; or
 - (iii) If the local Workforce Investment Board has reached an impasse in the negotiations with any required partner, submitting a request to the Governor for intervention; and

(E) The local Workforce Investment Board and the local elected officials have submitted such request, together with any comments received and a summary of action taken on those comments, to the Workforce Development Council. The Workforce Development Council will make a recommendation on the request to the Governor.

- *The State's process to work with local boards and local Chief Elected Officials to certify existing One-Stop operators;*

(See above)

Local boards and local elected officials were provided an opportunity to comment on proposed guidelines prior to adoption by the Idaho Workforce Development Council. Local representatives also attended the meeting at which these guidelines were acted upon.

- *Procedures to resolve impasse situations at the local level in developing MOUs to ensure full participation of all required partners in the One-Stop delivery system;*

The following procedures for resolving an impasse between a local Workforce Investment Board and the local One Stop Partner shall be employed:

1. The local Workforce Investment Board and the local One Stop Partner will attempt to resolve their differences by informal means before employing the formal resolution process.
 - a. The Local Workforce Investment Board and local partner will document their efforts at negotiation and request the assistance of the appropriate state agency(ies) in an effort to resolve the impasse situation.
 - b. The state agency(ies) may contact their federal partners for assistance upon the agreement of all parties involved.
2. If negotiations cannot be resumed successfully through this negotiation process, the parties to the negotiation will present the issue to the Workforce Development Council, which will attempt to mediate the dispute and assist the parties in arriving at a resolution.
3. If the Council is able to negotiate a successful resolution, the Council will report the results to the Governor and the responsible state agency(ies).
4. If the Workforce Development Council is unable to facilitate a successful resolution to the impasse, the parties to the agreement will notify the Governor, the Department of Labor and the state agency responsible for administering the partner's program.
5. The responsible state agencies will report the situation to the Secretary of Labor and the head of any other Federal agency with responsibility for oversight of a partner's program.
6. Sanctions will be imposed on the board and/or the partner program as specified in section 662.310 of the regulations.

- *Criteria by which the State will determine if local WIBs can run programs in-house;*

The following policy has been adopted by the State:

- A. Local Idaho Works Boards may not provide training services without a waiver from the Governor.

The Governor will apply the statutory limitations on the provision of training services by local boards identified in WIA§117(f) without additional state criteria and will approve waiver requests if:

1. the waiver request substantiates the absence of other alternatives for providing the proposed training;
 2. the local board meets the State's criteria for being considered an eligible provider of training services;
 3. the proposed training program is for an occupation in demand locally; and
 4. no compelling evidence is received during the public review required in WIA §117 that the waiver request should not be approved.
- B. Delivery of core and intensive services and serving as One Stop Operators by local Idaho Works Boards and staff employed by the boards will be limited to those circumstances in which the local board can demonstrate to the Workforce Development Council and the Governor, that after appropriate consultation with partner organizations and the public, no viable alternatives to this option exist.
- C. An organization that staffs the local Idaho Works Board may not compete to provide core and intensive services or to be designated or certified as the One Stop Operator. However, if such an organization was providing such services in the existing One Stop system on the date of adoption of this policy by the Governor, the organization may continue its current level of participation:
- if the current One Stop system/Operator is grandfathered, or
 - as part of a consortium that is designated as the One Stop Operator.

The organization is limited to its current level of participation.

An organization that staffs the local Idaho Works Board may not compete to provide youth services.

- D. Grant recipients or their fiscal agents who deliver services are required to establish procedures that maximize objectivity in the management of any funds awarded to their organization and abide by guidance issued by the USDOL regarding this issue.
- *Performance information that on-the-job training and customized training providers must provide;*

The State will not establish additional performance requirements for customized training and on-the-job training employers. Local boards and service providers involved in these activities will be accountable to the WIA core measures.

- *Reallocation policies;*

It is the State's policy to recapture from local areas, all unexpended Youth and Adult program funds after the second year and the unobligated amount that exceeds 25% of funds allocated

during the immediately preceding year (along with the corresponding 10% administrative funds), with adjustments for any allowable transfer between funding streams. Reallocations will be made to areas that have expended 100% of the prior (year two) year's allocation and exceeded the 75% obligational requirement for the year one funding. Reallocations will be made to each eligible local area, with the amount based on the relative amount allocated to such area for that funding stream for the prior program year, as compared to the total amount allocated to all eligible local areas in the state.

It is the State's policy to recapture 100% of all unexpended State 25% Dislocated Worker discretionary program funds that were allocated to the local area, along with the corresponding 10% administrative funds, for the preceding year at closeout.

- *State policies for approving transfer authority (not to exceed 20%) between the Adult and Dislocated Worker funding streams at the local level;*

The Governor will approve plans from a local board to transfer up to 20% of a program year's allocation between the adult and dislocated worker programs.

- *Policies related to priority of service for recipients of public assistance and other low-income individuals under WIA, and veterans or other groups under the Wagner-Peyser Act;*

Local boards will be given the opportunity to analyze the customer need in relation to resource availability, in order to determine whether there are sufficient funds available in the local area to serve all adults appropriate for intensive and training services. If the analysis demonstrates that sufficient funds are available, no priority of service will be required.

The state has determined that sufficient TAFI (TANF) funds exist statewide to serve public assistance recipients, local areas are relieved of the requirement of providing priority to this population.

Unless adequate demonstration is provided by local boards that sufficient funds are available in the local area to serve all appropriate adults, local boards will be required to describe in their plans the procedures that will be used to ensure that priority for intensive and training services is given to low income groups other than public assistance recipients.

- *Policies limiting ITAs (e.g., dollar amount or duration).*

WIA allows training services to be provided through a contract for services in lieu of individual training accounts for the following three exemptions:

1. on-the-job training and customized training;
2. programs procured when the local board determines that there is an insufficient number of providers in the area to accomplish the purpose of Individual Training Accounts (ITAs); or

3. when a local board determines that there are qualified programs serving special populations with multiple barriers.

Idaho will utilize on-the-job training and customized training as allowed by federal guidance. For the first year of WIA, all areas will be required to utilize ITAs. Idaho will develop the policies for exemptions based on an insufficient number of providers during the development of the Eligible Training Provider outcome reporting system. Exemptions for qualified programs serving special populations with multiple barriers will be permitted in accordance with WIA law and regulations.

Idaho will utilize a fourth exemption for dislocated workers targeted for early intervention services organized through a Labor/Management Committee. To enhance early intervention services for dislocations, Labor/Management Committees will be allowed to organize group training projects for workers impacted by large layoffs. The projects will need to identify a sufficient number of potential participants interested in similar job skill training. The training will be related and build upon the existing skills of the workers. The training will be for occupations in demand and for a variety of potential employers. The training will be provided by Idaho's postsecondary schools and will be in addition to regularly scheduled program offerings to maximize customer choice in selecting training options. The Dislocated Worker Unit and the local Idaho Works Board will approve all projects.

The Individual Training Account is established on behalf of a participant. All ITAs must be selected by the participant and approved by their WIA case manager. ITAs will be issued for a specific training program and to a specific provider. ITAs may not be transferred from one participant to another. All training must be linked to employment opportunities in the area or to another area where the individual is willing to relocate. Training services may only be made available in accordance with federal and State policies on moving from core/intensive services to training.

ITAs must be coordinated with other grant sources for training, including Pell Grants, in accordance with the following State policies. Section 134(d)(4)(B) limits the use of WIA funds for training services to instances when there is no or inadequate grant assistance from other sources available to pay for those costs. The statute specifically requires that funds not be used to pay for the costs of training when Pell Grant funds or grant assistance from other sources are available to pay the costs. However, Title IV of the Higher Education Act (HEA) as amended (20 USC 1087uu), prohibits taking into account either a Pell Grant or other Federal student financial assistance when determining an individual's eligibility for, or the amount of, any other Federal funding assistance program.

Thus, program operators must coordinate available training funds and make funding arrangements with entities administering alternate sources of funds, including Pell Grants, to avoid duplicate payment of costs and to ensure that WIA funding for training is limited to participants who 1) are unable to obtain grant assistance from other sources to pay the costs of their training or 2) require assistance beyond that available under grant assistance from other sources to pay the costs of such training.

The “costs of training” is defined as the total of the education and education-related costs (training and supportive services costs) which will be incurred if the participant is to complete the chosen program. The WIA program operator will work with the participant to assess the full education and education-related costs (training and supportive services costs) and to calculate the total funding resources available. The exact mix of funds will be determined based on the availability of funding, with the goal of ensuring that the costs of the training program the participant selects are fully paid and that necessary supportive services are available so that the training can be completed successfully.

If WIA funds are initially used to cover costs of enrollment in a training program while the Pell application is pending, only the portion of the Pell Grant intended to provide tuition may be subject to reimbursement if the funds received from all funding sources exceeds the total cost of training documented by the program operator.

The State will not limit Individual Training Accounts funding amounts, duration, or define allowable training costs. This is a matter for local policy.

In an effort to maximize local service delivery options, WIA intensive services will be excluded from the Eligible Training Provider requirements. Intensive services include such activities as basic skill training, training in quality practices, basic computer software training and general preparatory services.

- *Hard-to-serve special participant populations*

The Governor has determined that no additional groups, other than those defined by Regulations, will be identified as “hard-to-serve” for purposes of granting exceptions to Individual Training Accounts.

- *State’s quality control standards for mentoring services*

In order to develop the workforce development system’s capacity to offer quality mentoring services, the State arranged for a nationally-recognized trainer to provide training to local Youth Councils, local board staff, service providers, and other state and community partners on the steps to effective mentoring. Guidance provided by this trainer suggests that the effectiveness of mentoring services depends on a variety of factors, most critical of which are the appropriate selection and screening of mentors (including background checks on prospective mentors), adequate training of mentors to equip them to do quality mentoring, and the provision of ongoing support and supervision of mentoring.

While mentoring activities offer youth valuable opportunities for positive role-modeling, mentoring, because it involves the establishment of relatively unstructured one-on-one relationships between volunteers and youth participants, carries with it certain liability concerns that must be minimized to ensure protection for all parties involved.

There are two basic models for mentoring – site-based mentoring, which occurs only at specified sites, and community based mentoring, which may take place throughout the community. Both

provide learning and support opportunities for youth. Site-based mentoring offers the greatest protection and the most support for participating youth and mentors, as this model limits mentor/mentee meetings to supervised public settings where support staff are available to assist with any problems that might arise. Community based mentoring is less restricted, covering a wider variety of activities, requires significantly more intensive and expensive screening of prospective mentors because it involves unsupervised encounters between mentors and mentees in a broader array of settings, and raises additional liability concerns.

It is therefore the policy of the State that mentoring conducted under the auspices of WIA will be limited to site-based mentoring. In addition, in order to ensure that mentoring services offer maximum protection and quality experiences for both mentors and mentees, each local area will be required to establish procedures which ensure adequate screening of mentors (including background checks on all prospective mentors), mentor training, and the provision of ongoing support and supervision of mentoring activities.

Additional quality standards may be developed by the State in consultation with State and local partners.

- *Drug Testing*

The state does not currently require substance abuse testing of participants served under Subtitle B (Dislocated Workers, Adults and Youth). Instead, it is the State's policy to encourage local Workforce Investment Areas to use alternative screening systems, where appropriate, to identify and refer applicants as well as participants to existing treatment services provided by the state and available to the general public for alcohol and/or substance abuse.

- *Administrative Policies*

Idaho's Workforce Development Council has voiced strong support for local decision-making, but not for the creation of separate and duplicative administrative systems. All local Workforce Investment Boards in Idaho formally agreed to the development and use of the Idaho Department of Labor's WIA participant MIS.

Any grant recipient utilizing a participant MIS system other than the Idaho Department of Labor's WIA participant MIS, must incorporate the following administrative requirements:

- Electronic transmittal, no later than the fifth day of each month, using a delimited ASCII file, of standardized records of individual demographic information, cumulative activities and services information, and outcome information for each active and terminated participant for the program year;
- Incorporation of the coding conventions for demographics, fund numbers, outcome information, cost categories, etc., controlled and defined by the Idaho Department of Labor;
- Incorporation of additional coding conventions controlled and defined by the Idaho Department of Labor to ensure accurate reporting of costs and performance for adult/dislocated worker services at the core/intensive/training levels;

- Incorporation of additional coding conventions controlled and defined by the Idaho Department of Labor to ensure accurate reporting of in-school/out-of-school costs and performance.

Each grant recipient's financial system must incorporate the following administrative financial requirements to ensure capable and consistent financial management and financial reporting at the State level:

- Electronically submit, no later than the fifth day of each month, summary costs accrued and cash expended in three categories--individual participant, individual subgrant, and all other costs. These files are to be ASCII delimited files and are to be formatted in accordance with definitions from the Idaho Department of Labor. Participant costs include all expenditures which directly benefit a participant such as wages, tuition, supportive services, fringe benefits, etc. Participant costs include all such expenditures regardless of whether paid by the IWB or by a subgrantee;
- The key to the summary expenditure records will be defined by the Idaho Department of Labor. For example, the participant record key includes the Program Year, Report Month, IWB Number, Site Number, Social Security Number of participant, Fund Number, Summary Cost Category and Detail Cost Category. In all three reports, the IWB will report one summary record for each unique key in their fiscal system;
- Electronic files must be reconcilable to the monthly Reports 33 and 34 filed by the IWB with the Idaho Department of Labor. These electronic files will be submitted no later than the fifth day of each month;
- Incorporate coding conventions for fund numbers, cost categories, etc., used in the participant MIS system, which are controlled and defined by the Idaho Department of Labor;
- For emergency situations resulting from lost warrants, late paperwork or hardship which threatens the continued participation of a client, financial systems must be capable of issuing emergency payments within 24 hours after receipt of request.

If a grant recipient's failure to transmit accurate participant/financial data is directly responsible for the State's failure to submit a valid federal report, or is accountable for the State's failure to submit a federal report within prescribed timeframes, and the State suffers a sanction which reduces funds to the State for the succeeding year, the responsible grant recipient will bear the full cost of the sanction.

- *Monitoring*

Each Workforce Investment Area shall ensure that procedures are in place to monitor compliance with the Act, regulations, and state policies. At a minimum, such procedures shall comply with the following monitoring requirements for internal and subrecipient activities:

- Subagreements reviewed. Annual monitoring reviews shall be performed on all subagreements of \$75,000 or more. Subagreements under \$75,000 shall be monitored at a level equal to 20% of the funds awarded in the category. Fifteen percent of work/training sites active at the time of the review scheduling shall be monitored.

- Attributes reviewed. Compliance monitoring of subagreements shall include reviews of compliance with the Act and Regulations, and where applicable, financial management systems, procurement procedures, program management procedures, record keeping procedures, participant activities and treatment, performance of agreement terms, corrective action and continuous improvement processes and eligibility verification processes.
 - *Policies impacting participant eligibility*
 - *State's definition of "deficient in basic literacy skills" for the purpose of youth eligibility.*

Local boards will be responsible for defining "deficient in basic skills". The definition of "deficient in basic skills" must include a determination that an individual (a) computes or solves problems, reads, writes, or speaks English at or below grade level 8.9 or (b) is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family or in society.

- *Out-of-School Youth*

An out-of-school youth is defined as an eligible youth who:

- is a school dropout—an individual no longer attending any school and who has not received a secondary school diploma or its equivalent
- has received a high school diploma or GED but is basic skills deficient, unemployed or underemployed

For purposes of defining "underemployed out-of-school youth", the State has determined that an employed youth who meets WIA income criteria may be determined underemployed. Further verification of this characteristic is not required.

- *Policy on Self-sufficiency*

An employed adult shall be considered self-sufficient if the family income exceeds 200% of OMB's poverty income level guidelines.

A reemployed dislocated worker shall be considered self-sufficient if the family income exceeds 200% of OMB's poverty income level, OR, he/she is employed in a permanent position that pays at least 90% of the qualifying layoff wage, whichever is higher.

- *Dislocated Worker Eligibility Timelines*

Two years will be established as the timeframe from which the lay-off, termination or ending of self-employment occurred for dislocated worker eligibility purposes.

- *Unlikely to Return*

Four weeks of unemployed time shall be used to substantiate “unlikely to return” to the previous industry or occupation. The four-weeks of unemployed time can be waived if the case manager can verify/document that the registrant is unlikely to return to a previous industry or occupation.

- *Duration sufficient to demonstrate attachment to the workforce*

Applicants must provide evidence that they have been employed fulltime (30 hours or more per week) in the same or similar occupation for at least one year out of the last three years immediately prior to registration, or they must otherwise demonstrate that they have had substantial attachment to the same or similar occupation for at least one year.

The term “substantial” is based on calculating the fulltime equivalency of work history. “Fulltime” is defined as 30 hours per week at a minimum, which calculates to 1,560 hours worked per year.

- *Substantial Layoff*

The state will incorporate the following definition from the Worker Adjustment and Retraining Notification (WARN) Act of 1988:

Any reduction in force which is not the result of a plant closing and which results in an employment loss at a single site of employment during any 30 day period of: a) at least 500 employees (excluding employees regularly working less than 20 hours per week) or b) at least 50 employees (excluding employee regularly working less than 20 hours per week), and at least 33% of the regular full-time workforce (excluding employees regularly working less than 20 hours per week).

- *Terminated/Laid off*

“Terminated/laid-off” refers only to involuntary discharge not for cause, and precludes enrollment of those individuals who were discharged for cause. Individuals may qualify as having been “laid off or terminated” when the cognizant Unemployment Insurance (UI) entity has adjudicated the case and determined that the quit was for good cause. In those instances where the applicant receives formal notification of monetary ineligibility for UI, the case manager may apply the rationale of “discharge not for cause” using information received from the employer regarding the individual’s separation.

- *General Announcement*

A verifiable form of communication from the employer, authorized representative or designee, informing the public or the employees of the business closure or substantial lay-off which includes a planned closure date for the facility.

- *Self-Employed*

An individual who was self-employed (including but not limited to employment as a farmer, a rancher, or a fisherman) or was a contributing family member in a self-employment endeavor, but is unemployed due to business downturn or failure which occurred as a result of general economic conditions in the community in which the individual resides or because of natural disasters.

- *Governor's Group*

Individuals laid off or terminated due to natural disaster or severe economic downturn, as defined and approved by the Governor or his designated representative.

- *Guidelines for documentation and verification of program eligibility for adult, dislocated worker, and youth services*

To limit the risk of disallowed costs incurred for service to ineligible individuals, each grant recipient will be required to develop standards, procedures and forms for verifying the eligibility of all participants enrolled in the WIA program. For eligible adults and dislocated workers, the Grant Recipient must develop procedures to document the receipt of minimum (core/intensive) services and the information used by the One Stop operator to arrive at a determination that additional (intensive/training) services are required to obtain or retain employment.

ADULT SERVICES

- *Age 18 or older
- *Selective Service Registration (§189(h))
- *Authorized to work in the United States
- *Documentation of minimum services (core/intensive) and determination that additional (intensive/training) services are needed to obtain employment, or employment that will lead to self-sufficiency for those participants who are employed
- *Employed adult seeking intensive/training services, who does not meet the criteria for self-sufficiency (family income exceeds 200% of poverty)

DISLOCATED WORKER SERVICES

- *Age 18 or older
- *Selective Service Registration (189(h))
- *Authorized to work in the United States
- *Specific eligibility sub-parts found in the definitions of dislocated worker
- *Documentation of minimum services (core/intensive) and determination that additional (intensive/training) services are needed to obtain employment, or employment that will lead to self-sufficiency for those participants who are employed
- *Reemployed dislocated worker seeking intensive/training services, who does not meet the criteria for self-sufficiency (family income exceeds 200% of poverty), OR, is reemployed in a permanent position that does not pay at least 90% of the qualifying layoff wage (whichever is higher).

YOUTH SERVICES

- *Not less than 14 and not more than age 21

- *Selective Service Registration if 18 years or older
 - *Authorized to work in the United States
 - *Low income individual as defined in the Act
 - *Is a member of one of the “eligible youth” categories identified in the Act
- OR-
- *Is not low income but is a member of one of the “exception groups” identified in the Act (limited to 5% of enrollees or fewer as determined by IWB)

2. *Services: Describe the current status of One-Stop implementation in the State, including:*
 - a. *Actions your state has taken to develop a One-Stop integrated service delivery system.*

Workforce development partners in the State of Idaho have been working towards developing and enhancing the One Stop service system for nearly a decade. The Job Training 2000 initiative provided an opportunity for the partners to begin crafting our next generation service strategy. Two rounds of forums were held over a three-year period, first to identify and then to affirm the most important system improvement strategies for the state. These forums were hosted by State partner agencies and the local service delivery areas and attended by more than 500 stakeholders and system customers – employers, program participants, members of various boards and councils and service providers from the employment and training community.

The leadership of Idaho’s workforce development organizations adopted the many suggestions for program improvement obtained through these forums. The groups recommended support for customer service concepts first appearing in the One Stop vision and now codified in the WIA. Given the vast geography of the state, the “no wrong door” approach facilitated by broadened communications mechanisms was favored by partners as the best means of providing access. The most widely-requested process improvement took the form of expanding information sharing among agencies and programs. The requests were universal in terms of sharing intake and assessment/case management information as customers move among programs. Likewise, there was a resounding call for sharing program information among partner agencies and customers of the system. The recommendations included cross training, electronic service directories, improving availability and access to local labor market information and joint assessment, case management processes. The groups also made recommendations regarding governance and organizational issues regarding boards.

These concepts, together with recommendations designed to improve the delivery systems, formed the basis for activities under the One Stop development and implementation grants that will end in calendar year 2000. While not all goals related to these customer needs were realized, the state made tremendous progress due to the full participation of partners and the financial and technical support from the USDOL.

Among the key accomplishments were:

- Development of the automated infrastructure that connected a multitude of partners throughout the system (175 computers were installed in 129 partner sites and several hundred additional computers were installed in the lobbies and Employment Resource Centers of Job Service offices designated as One Stop Centers);
- Development of the *Idaho Works* self registration system (this system is available in Centers and Affiliate sites in a touch screen version and available on the Internet. The self-registration system is available in English and Spanish, and serves as the foundation for the WIA information system currently under development);
- Development of the *Idaho Works* Home Page (the page serves as the information link to the programs and services offered in Idaho's workforce development system);
- Development of new, user friendly Labor Market Information (extensive work was done to create new information and to array and disseminate the information in an easy to use, geo-based format);
- Delivery of extensive staff training in a variety of topics (center staff received Career Development Facilitation Training; center and partner staff participated in cross training, technology training, use of labor market information, customer satisfaction and other locally determined and delivered training);
- Upgrade of facilities to make them more user friendly, and where feasible, to accommodate co-location of staff; and
- Development of State and Regional interagency teams to guide development of the necessary support systems (these solidified relationships and are being retained in some fashion to continue to shape WIA One Stop efforts).

b. *The degree of existing collaboration for WIA Title I, the Wagner-Peyser, and all other required and optional partners (Section 112(b)(8)(A), 121(b)(1-2), 123(c));*

The State has an extensive history of collaboration among partners of the workforce development system. With the exception of HUD and the vocational rehabilitation client advocacy program operated by Comprehensive Advocacy, Inc.), all WIA mandatory partners participated in the development of the One Stop system at both the State and local levels over the past several years. Participating partners included representatives of JTPA Adult, Dislocated Worker, and Youth programs, Title V-Senior Community Work Experience Program, Vocational Rehabilitation Services, Commission for the Blind, Idaho Migrant Council, Adult Basic Education, Carl Perkins programs provided by the Division for Professional and Technical Education, Unemployment Insurance, Wagner-Peyser, Veterans Program (DVOP, LVER, and JTPA Title IV), Trade Act, Job Corps, and Native American grantees. In addition, representatives from TANF, Department of Commerce, School-to-Work, Bureau of Apprentice and Training, Food Stamp Program, universities and technical colleges and the state's Industrial Commission have also been partners in the system. A wide variety of non-profit organizations have participated at the local level as well.

Under the USDOL One Stop Implementation Grant, all 24 local job service offices were designated as *Idaho Works* Career Centers with the full array of state and local Labor programs (JTPA, Wagner-Peyser and related; TAA, UI, Veterans, and Title V). Depending upon location, a variety of other programs and services were co-located in the 24 Centers including Vocational

Rehabilitation services, programs operated by our Department of Health and Welfare, and National Aging Contractors. In addition, even more facilities are used as customer contact points on an itinerant basis. Finally, the *Idaho Works* automated electronic infrastructure ensures access to partner programs and services at designated “Affiliate” partner locations throughout the state. This network of affiliate sites includes the offices of partner state agencies (VR, DHW, Commission for the Blind), universities and technical colleges, Tribal employment offices, Job Corps offices, the Idaho Migrant Council and a variety of private non-profit service providers. As identified above, there is a long-term, ongoing commitment to improve the functioning of the partnerships that support Idaho’s workforce system. The collaborative efforts initiated under the One Stop grants form the foundation for work that will continue under WIA. Further descriptions of how the One Stop system developed under the USDOL Grant will be configured under WIA are found in Section IV, Strategies for Improvement, the State Cooperative Agreement shown in Attachment 8 and the table reflecting service and service methodology for State-level mandatory and voluntary partners in Attachments 11 and 12.

3. *System Infrastructure*

a. *Local Workforce Investment Areas.*

- i. *Identify the State's designated local workforce investment areas, including those that were automatically designated and those receiving temporary designation. How do these areas compare in size and number with the Service Delivery Areas under JTPA? (§§112(b)(5).)*

The attached map (Attachment 7) identifies the six Workforce Investment Areas in the state.

The Southwest Idaho Service Delivery Area met the requirements for mandatory temporary designation as a workforce area and was so designated.

Each of the five planning areas within the Balance-of-State Service Delivery Area applied for and were designated as Workforce Investment Areas, bringing the total number of Workforce Investment Areas in Idaho to six, compared to the two Service Delivery Areas that existed under JTPA.

- ii. *Include a description of the process used to designate such areas. Describe how the State considered the extent to which such local areas are consistent with labor market areas; geographic areas served by local and intermediate educational agencies, post-secondary educational institutions and area vocational schools; and all other criteria identified in section 116(a)(1) in establishing area boundaries, to assure coordinated planning. Describe the State Board's role, including all recommendations made on local designation requests pursuant to section 116(a)(4). (§§112(b)(5), 116(a)(1).)*

The Governor, upon recommendation from the Idaho Workforce Development Council, established criteria to be used in the designation of Workforce Investment Areas in the fall of 1998.

Review criteria included (a) the proposed roles and responsibilities of individual units of government in consortium arrangements, (b) the consistency of the proposed area with school boundaries, postsecondary education areas, labor market boundaries, and normal commuting

distances, (c) the degree to which the proposed area would promote cost-effective and coordinated regional service delivery, (d) whether adequate resources would be available in the proposed area to effectively administer required activities, and (e) prior experience administering employment and training programs. Point values were assigned to each of these criteria.

An application package (See Attachment 5) which included these criteria was then mailed to Chief Local Elected Officials throughout the state; a legal notice announcing the Governor's intent to designate areas was also published in newspapers across the state.

This application packet included the following:

- Application Form
- Application Review Criteria
- Local Roles and Responsibilities
- Grant Recipient Responsibilities and Liabilities
- Projection of Workforce Investment Act Fund Availability
- Criteria for Appointment of Workforce Investment Boards
- General Timetable for the Implementation of the Workforce Investment Act

Applications for designation were received from Chief Local Elected Officials representing each of the six regional planning areas in the state. These applications were reviewed by the Workforce Development Council in November, 1998. The Council agreed that each application was complete and complied with established designation criteria and recommended to the Governor that all six applications be approved. Because the Council was concerned about the scarcity of administrative resources and the need for efficient administration of the local workforce investment system, the Council also recommended that workforce investment funds be administered by a single entity for maximum efficiency and cost effectiveness.

The Governor designated the six recommended areas in December, 1998, encouraging local elected officials to further explore participation in a single administrative system for the State of Idaho.

iii. Describe the appeals process used by the State to hear appeals of local area designations. If any appeals were made, identify them and indicate the status of the appeal. (§§112(b)(15), 116(a)(5).)

As all six applications received by the State were approved, no appeals of designation decisions were received. The State of Idaho does not have any areas of the state qualifying for automatic designation and only one area that qualified for temporary designation. The applications of all applicants, including the grant recipient under JTPA, were approved for designation as Workforce Investment Areas under WIA. Although no appeals process was in place, the State would have utilized the following appeal process had it become necessary.

The applicant, qualifying under Section 116(a)(3) would be asked to submit in writing, its request for reconsideration by the state Workforce Development Council citing its entitlement to designation. The Workforce Development Council would consider the request, allowing time for oral testimony, at the next regularly scheduled meeting of the Council. The Council would advise the applicant and the Governor of their recommendation. The Governor would consider

the advice of the Council and issue his decision. Any qualifying applicant whose designation was denied would be notified of the right to file an appeal with the Secretary.

*c. Selection of Service Providers for Individual Training Accounts.
(§§112(b)(17)(A)(iii), 122, 134(d)(2)(F).)*

i. Identify policies and procedures your State established for determining the initial eligibility of local level training providers, how performance information will be used to determine continuing eligibility (including a grievance procedure for providers denied eligibility), and the agency responsible for carrying out these activities.

The Workforce Investment Act requires that the State and local boards approve training providers before WIA funds can be used to pay for occupational training. The Idaho Department of Labor is responsible for implementing these requirements. Two of the most difficult aspects of creating this new system are establishing feasible reporting criteria and appropriate performance expectations for the training providers. WIA requires that the training providers submit information on all of their students as well as the WIA supported training participants.

Idaho's education community, led by the State Board of Education, has established extensive reporting requirements and approval processes for all public programs. The implementation of the new WIA requirements will be developed to support and enhance these efforts whenever possible.

The goals for Idaho's Eligible Training Provider system are to maximize customer training options, improve customer information and comply with WIA requirements. Idaho will create the Eligible Training Provider system in accordance with the following guiding principles:

Ensure that quality training options are available for WIA participants on July 1, 2000, while setting the foundation for a training provider Consumer Report over the next several years.

Develop the Eligible Training Provider system in close coordination with public and private training providers and the local Idaho Works Boards.

Focus the statewide system on training programs that lead directly to occupations and/or careers.

Maximize local services delivery options by excluding intensive services from the Eligible Training Provider requirements. Intensive services include such activities as basic skill training, training in quality practices, basic computer software training and general preparatory services.

Develop an efficient and effective reporting process that facilitates participation by training providers.

Build upon existing systems established by the State Board of Education and Idaho's Education agencies.

Develop and implement consistent definitions and measurements for public and private training provider outcomes.

Implementation Strategy

The Workforce Investment Act defines two types of eligible training providers: those "initially" eligible to provide services during the first implementation year, and those "subsequently" eligible based on an annual review of performance and cost information. The first priority in developing the Eligible Training Provider system is to ensure that a maximum number of quality training options are available for WIA participants beginning July 1, 2000. The implementation effort will focus on developing the initial eligibility procedures, then address the foundation for establishing subsequent eligibility policies, the consumer report system, and the other policies necessary for maintaining the system.

State Policies for Initial Eligibility

The Department of Labor will work closely with the local Idaho Works Boards in encouraging training providers to apply for initial eligibility. The Department and local boards will develop a statewide application form for initial eligibility. To have a program included on the list, the training providers will be required to list each training program and the training costs/fees. Training providers will also certify compliance with debarment and nondiscrimination policies. All applications for the Eligible Training Provider system must be submitted to the appropriate Idaho Works Board.

Training providers who qualify for automatic designation who submit the above information will be eligible for inclusion on the list. These providers include:

- a postsecondary educational institution that is eligible to receive Federal funds under title IV of the Higher Education Act of 1965 and provides a program that leads to an associate degree, baccalaureate degree, or certificate, or
- an entity that carries out programs under the Act commonly known as the National Apprenticeship Act

For those providers not covered by automatic designation and who are currently providing training programs, the State determines the appropriate performance and program information requirements as well as appropriate performance expectations.

The establishment of appropriate performance expectations requires a valid database on training provider outcomes. Currently in Idaho there is a lack of standardized verifiable outcome data on training programs and thus no valid database is available to establish appropriate statewide performance expectations. Due to the absence of a valid statewide database, the State will not establish statewide performance levels. Rather the local Idaho Works Boards will determine

initial eligibility based on such factors as training content, cost and past JTPA experiences in making eligibility determinations. For new programs the Idaho Works Boards will focus on cost and training content factors. The Idaho Works Boards will be encouraged to approve training programs that will contribute to their efforts to offer a wide range of quality services.

To maximize opportunities for training provider participation the Idaho Works Boards will be encouraged to accept applications on an ongoing basis. The Idaho Works Boards will forward a list of locally approved training programs to the Department of Labor as programs are approved.

The State believes that this approach maximizes local flexibility in approving initial providers and increases opportunities for participation of training providers. This approach helps assure that training options will be available for WIA participants during the first years of WIA implementation, while the other required Eligible Training Provider system policies are being developed, including the development of a valid outcome database.

WIA Subsequent Eligibility Requirements

WIA states that the initial eligibility period may last up to eighteen months. To maintain subsequent eligibility, all training providers will be required to submit program information and meet performance levels. Reporting requirements are listed in WIA 122 (d):

- (A) Program information on all students including:
1. the program completion rates for all individuals participating in the applicable program conducted by the provider;
 2. the percentage of all individuals participating in the applicable program who obtain unsubsidized employment, which may also include information specifying the percentage of the individuals who obtain unsubsidized employment in an occupation related to the program conducted; and
 3. the wages at placement in employment of all individuals participating in the applicable program.

WIA participant information:

1. the percentage of participants who have completed the applicable program and who are placed in unsubsidized employment;
2. the retention rates in unsubsidized employment of participants who have completed the applicable program, 6 months after the first day of the employment;
3. the wages received by participants who have completed the applicable program, 6 months after the first day of the employment involved; and

4. where appropriate, the rates of licensure or certification, attainment of academic degrees or equivalents, or attainment of other measures of skills, of the graduates of the applicable program; and
- (B) Information on program costs (such as tuition and fees) for participants in the applicable program.

State Policies for Subsequent Eligibility

The WIA requirements for subsequent eligibility are more prescriptive and challenging to implement. The reporting requirements pertain to all students as well as WIA participants. As this is a new federal initiative, many of the federal requirements and definitions are still being developed. However, it is clear that the USDOL expects that subsequent eligibility will be based on verifiable outcome data. Currently, consistent data is not available for most training programs and will need to be developed. Also, there are a myriad of issues involving such items as data consistency and reporting timeframes, common definitions, data sharing, the process for setting appropriate performance expectations, and facilitating ongoing training provider participation in the Eligible Training Provider system.

The USDOL has recently announced the sponsorship of Eligible Training Provider Demonstration Grants. The grants are designed to provide the employment and training community with valuable technical assistance based on the projects' experiences. Unfortunately, as the USDOL is just beginning this process, there will be significant time delays before information is available. In the interim, Idaho will need to move forward while closely monitoring federal guidance as it develops the Eligible Training Provider system.

Idaho will explore the options for creating an outcome reporting system for WIA subsequent eligibility. This process will be based on the strategies described below. If it is determined that the outcome reporting system is unfeasible in a small rural state, we will request a modification to the plan seeking relief from the Eligible Training Provider requirements.

For subsequent eligibility, WIA requires that training entities provide program outcome information on the seven criteria listed above as well as information on program costs. The State and local Idaho Works Boards may require additional information. In an effort to simplify data and reporting issues, reduce administrative burden, and to promote training provider participation in the Eligible Training Provider system, the outcome reporting system will not require additional outcome criteria.

The State will explore the use of Unemployment Insurance wage records as a data source for collecting information on training completers. The UI wage records should be helpful in determining employment status and earnings for training completers. The use of UI wage records will comply with the Idaho Department of Labor's cost and confidentiality requirements. The use of UI wage records offers a potentially less expensive and more consistent means of gathering data. However, the system also involves significant time delays and underreporting of employment status.

Under the UI wage record approach, training providers would submit a list of names of training program completers with their completion date and social security numbers to the Department. The Department would search the UI wage records to determine employment and earnings outcomes. The result would be returned to the training provider and included in the State's database. The Department of Labor will utilize a portion of WIA state-level funds to help develop a system using UI wage records. Training providers may be required to help financially support the development effort and the ongoing operation of the system.

To develop the outcome reporting system, Idaho will need to establish common reporting procedures and processes. This includes developing common definitions for the required outcome criteria, determining the applicable cohort groups, establishing appropriate reporting timeframes, resolving data sharing issues and creating the computer programs necessary for matching student records with the UI wage record data base. The creation of this new reporting system will be complicated and time consuming. If the State is successful in developing the system, the data generated by the effort will be utilized to develop the database for establishing appropriate performance expectations and the eventual development of the consumer reports system. Successful completion of this task will be, in large part, contingent on the development of effective federal technical assistance tools.

As noted above, outcome reporting systems based on Unemployment Insurance wage records involve lengthy time delays. For example, if Idaho adopts the "Texas model" of utilizing the fourth quarter of the calendar year to measure performance, data will not be available for students enrolling in the fall of 2000 until April 2002. In light of these delays, Idaho will extend the initial eligibility period until there is an adequate database for establishing appropriate performance expectations.

One of the primary goals of Idaho's Eligible Training Provider system is to maximize customer training options. As Idaho's system is voluntary, this goal can only be achieved if training providers choose to fully participate. The State and local boards will aggressively recruit training providers to apply for initial eligibility. Maintaining training provider participation will depend on the quality and benefits of the system in comparison to its costs and reporting burdens. Utilizing the UI wage records to measure outcomes will result in underreporting for some programs. As the outcome data may not fairly reflect actual performance, no outcome data will be publicly released without the consent of the training provider. As the system is being developed, training providers will have the option to continue in accordance with State/local policies or to ask have programs removed from the list.

Appeal Process

All applications for the Eligible Training Provider system must be submitted to the appropriate Idaho Works Board. The local board will provide a written notice of determination of eligibility/ineligibility to the training provider within 90 calendar days of the receipt of the application.

Notification of Ineligibility -- Local

If the local board determines that a program of training service is ineligible for inclusion on the “state list”, the Board will inform the training provider in writing of their determination. The notification will be sent by certified mail. The written notification will include the specific reason(s) for ineligibility and will inform the ineligible training provider of the appeal process.

Redetermination – Local

Within 14 calendar days after receipt of the local board’s notification, an ineligible training provider may submit a written request for redetermination by the local board. The request should address the specific reasons of ineligibility identified by the local board.

Within 30 calendar days after receipt of the request, the local board will issue a redetermination regarding the training provider’s eligibility. If the local board determines that the specific reason(s) for ineligibility has been addressed/removed, the local board will notify the Idaho Department of Labor, provide the necessary program/performance information to the Department, and notify the training provider of their redetermination for inclusion in the state list.

Appeal – State

If the local board’s redetermination finds that the training provider remains ineligible for inclusion on the “state list”, the local board will notify the Idaho Department of Labor and the training provider in writing (certified mail) of the redetermination and the reason(s) for ineligibility. The written notification will also inform the training provider of the process to request an Administrative Review at the State level.

Within calendar 14 days after receipt of the local board’s redetermination, a training provider may request an Administrative Review by the Department of Labor. The State will issue their findings within 30 calendar days after receipt of the request for review.

If the State reverses the decision of the local board, the State will notify both the local board and the training provider of the reversal and will follow the appropriate procedures to incorporate the training provider into the “state list”.

If the State findings support the ineligibility of the training provider, the training provider will be notified in writing of their right to request a formal hearing with the Idaho Department of Labor.

Formal Hearing – State

Within 14 calendar days after receipt of the State’s determination of ineligibility, the training provider may file a written request for a hearing with the Idaho Department of Labor. A hearing will be scheduled within 60 calendar days from the date of the receipt of the request for a hearing. The hearing shall include an opportunity for the applicant to submit written and verbal information to the Hearing Officer. The Hearing Officer will issue a decision within 60 calendar days from the date the hearing takes place. The decision of the Hearing Officer shall be final.

- ii. Describe how the State solicited recommendations from local boards and training service providers and interested members of the public, including representatives of business and labor organizations, in the development of these policies and procedures.*

The development of the Eligible Training Provider system requires close coordination and extensive input from the employment and training community. At the state-level, the Department of Labor created an Eligible Training Provider Committee to assist in the development of the policies. The Committee includes representatives from the Division of Professional-Technical Education, State Board of Education and the Idaho Career Information System. Staff from the Division of Professional-Technical Education are assisting by providing information to the State's six postsecondary Technical colleges. The Department is also working closely with Idaho Works Boards in the development of the policies. The Department shares draft policy documents with the Idaho Works Board staff and has joint meetings to discuss the policies. The Department will work with the local board staff to develop an application form for statewide use. Draft documents are also shared with the Idaho State AFL-CIO for input. The draft plan policies will be available over the Internet for public review and comment. During the initial eligibility process, Idaho's goal is to maximize training provider participation. Inclusion on the initial list of eligible providers will help facilitate opportunities with those training providers for additional input in the development of the subsequent eligibility policies.

- iii. How will the State maintain the provider list?*

Training providers will apply through the Idaho Works Boards. The Idaho Works Board will submit approved training programs to the Department of Labor. To maximize opportunities for training provider participation, the local boards will be encouraged to accept and review applications on an ongoing basis. The locally approved programs will be consolidated in a statewide list and included in the Department of Labor's *Idaho Works* system. The Department will update the list monthly.

- iv. What performance information on training providers will be available at every One-Stop center?*

When consistent and verifiable outcome information is produced through the Eligible Training Provider system, this information will be made available in the One Stop Centers through the automated *Idaho Works* system. All One Stop Centers and affiliate sites have staff available to assist customers who either choose or are unable to access this information through automated means. This data will complement the wide variety of training and labor market information already available in the One Stop Centers. This information includes the extensive labor market information available in the One Stop Centers and the automated Career Information System. In the Career Information system, training occupations are matched with labor market information such as wage rates, projected annual earnings, long term employment prospects and descriptions of work conditions. Idaho's Career Information System also provides programs of study, program cost information and a host of other information on training programs and services.

- v. Describe the State's current capacity to provide customers access to the statewide list of eligible training providers and their performance information.*

The Eligible Training Provider list will be available through the Department of Labor's *Idaho Works* Home Page. The *Idaho Works* Home Page serves as a gateway to the major education, employment and training service systems in the State. *Idaho Works* links to the Department of Labor's own home page and the home pages of a variety of state agency partners to provide information to job/training seekers and employers about the variety of services available in the Idaho workforce development system. This process ensures that customers and other states will have access to the list through the Internet. As outcome data is developed, it will be added to the *Idaho Works* Home page.

vi. Describe the process for removing providers from the list.

If the Department of Labor, after consulting with the appropriate Idaho Works Board, determines that an eligible provider intentionally supplies inaccurate information regarding the Eligible Training Provider process, the provider will be removed from the list for no less than two years. If Idaho is successful in developing appropriate performance expectations for training providers, those training providers who do not meet required performance levels will be removed from the Eligible Training Provider list.

d. What is your State's current capacity to deliver high quality employment statistics information to customers -- both job seekers and employers -- of the One-Stop system? Your response should address the products that have been developed as part of America's Labor Market Information System, the Bureau of Labor Statistics Federal-State cooperative statistical programs, and other State-generated employment statistics. (§§111(d)(8), 112(b)(1), 134(d)(2)(E).)

The State of Idaho provides a comprehensive labor market information (LMI) system for the state. The Department of Labor, Idaho SOICC, Department of Commerce, Division of Financial Management, Division of Professional-Technical Education, Department of Education, and the State Board of Higher Education are the primary producer of LMI products and services. LMI and other products designed to assist the various program planning and services processes are developed in concert with the users.

Idaho participates in all of the BLS Federal/State Cooperative Agreement statistical programs. ETA One Stop funds have been used to create LMI delivery systems through traditional printed materials, customer computerized self-service stations in One Stop Centers and Affiliates, the Internet, and participation in national efforts such as America's Job Bank and Career Network. The state's Census Data Center has Affiliate centers in the state's universities. The Division of Financial Management prepares annual economic projections, as the Department of Labor.

The Department of Labor has six Area Labor Market Analysts stationed in the major cities. These analysts meet regularly with local employers, schools, economic development agencies, and government officials.

The Department of Labor has developed, in a consortium with twenty-one other states, a new computerized system for the delivery of employment statistics: *LMI Access*. This application runs on the ALMIS Database and is delivered via client-server connectivity to all *Idaho Works* (One Stop) customer service stations. It also serves as a data warehouse for service staff, analysts, and program planners.

Data produced in Idaho's economic statistics system usually includes county specific information. However, sparse populations and disclosure limitations often affect the level of detail that can be delivered at this geographic level. Idaho continues to survey employers to seek permission to disclose identifying information and employers with about 60 percent of the state's employment have provided this permission.

- e. *Describe how the work test and feedback requirements (under §7(a)(3)(F) of the Wagner-Peyser Act) for all UI claimants are met. How is information provided to the UI agency regarding claimant registration, claimant job referrals, and the results of referrals? (§112(b)(7).)*

The unemployment insurance and labor exchange programs in Idaho continue to integrate as One Stop components are developed for automation and service delivery. From their inception, UI and ES have been administered by the Idaho Department of Labor, with services delivered through the same network of Job Service offices that are now participants in the local One Stop system. Historically, UI claimants have had high levels of access and reemployment service due to the administration and delivery of UI, ES and Dislocated Worker services under JTPA programs provided by the IDOL. The Department will continue to serve as a One Stop Operator and/or provider of Adult and Dislocated Worker services in all six Workforce Investment Areas of the state.

Because IDOL administers both UI and ES programs, automated systems are in place for cross reporting of claimant referrals to job openings and results of those referrals. UI claimants can access job openings through the self service *Idaho Works* electronic system via the Internet or available in the One Stop Centers and Affiliate sites throughout the state. Staff assisted services are available for UI claimants with special needs or for those requesting service. ES staff are responsible for maintaining contact with employers for status of job orders and results of referrals made for UI claimants as part of the work test requirements. Because of the size of most offices, ES and UI functions may be performed by the same staff. Automated systems are available on all staff workstations that allow for instantaneous reporting for ES registration of those claimants who are not employer or industry attached.

- f. *Describe how the Wagner-Peyser Act staff participate (if applicable) in the conduct of the Eligibility Review Program reviews. Describe the follow-up that occurs to ensure that UI eligibility issues are resolved in accordance with section 5(b)(2) of the Wagner-Peyser Act. (§112(b)(7).)*

The IDOL is the administrative entity for Unemployment Insurance and employment services provided by Wagner-Peyser block grant funds. The Department has historically directed special emphasis to UI claimants to assist them in obtaining employment. To accomplish the objective, special efforts at the time of application for unemployment benefits and during periodic eligibility reviews will focus on the claimant needs for reemployment services or training for those claimants who are not employer or industry attached. Eligibility reviews are conducted by IDOL staff to resolve barriers or restrictions for reemployment, and to provide active assistance in developing a reemployment plan and to ensure the claimants understanding of the requirements and their responsibilities for continued eligibility for UI benefits.

For those identified who lack skills or are in need of retraining, Section 72-1366(f) of the Employment Security Act describes a process which allows UI claimants to be relieved of the work search requirement. Claimants who have been unemployed for four or more weeks and are expected to experience continued unemployment due to lack of skills or a need for retraining

may be enrolled in a training program which can be completed in one year or less provided that the training is designed to lead to immediate employment in a demand occupation.

Labor market information and Wagner-Peyser labor exchange services available through the *Idaho Works* will support the ERP reemployment plan activities. Claimants will have access to all Wagner-Peyser core services and if appropriate, will be assessed for intensive and/or training services available under WIA Title I for adults or dislocated workers.

Follow-up processes used to monitor UI claimants' work search activities and eligibility issues vary among the offices due to staffing size and internal operational procedures. In some, ES and UI functions are provided by the same staff, while in others reemployment plans are shared between the respective service units. The Department will maintain its automated reporting system to track UI claimants who have refused a job referral or have had a negative referral result.

C. *Assessment of Strengths and Improvement Opportunities*

1. *In sum, how closely aligned is your current system to your vision? Assess your current system's ability to meet the customer and economic needs identified above. What are your key strengths? What weaknesses will you need to address to move forward? Describe any opportunities or challenges to achieving your vision, including any economic development, legislative or reorganization initiatives anticipated that could impact on the performance and effectiveness of your State's workforce investment system. (§§111(d)(2), 112(a).)*

The State of Idaho is ideally positioned to make the vision for the workforce development system a reality. The Workforce Development Council, our former HRIC, was instrumental in the development of Idaho's One Stop system under the national discretionary grant. Their commitment to the principles of WIA is apparent in their own goals and objectives and in the policies they developed for the statewide system. The Board's commitment is supported by strong leadership from the Governor's office and long standing partnerships among Idaho's workforce development agencies at both the state and local level. These organizations, comprising both mandatory and optional partners, have a history of collaboration for effective system building that predates the One Stop effort that helped to strengthen these relationships. The newest partners in the system (HUD, offering services in one location in the state and the Client Assistance Program) are currently participating in planning efforts for the local One Stop system. These "foundation" pieces, coupled with the strong private sector leadership of the newly established IWBs, will assure our success.

Our automated infrastructure serves as one of our greatest strengths and provides significant opportunity for future system building. Under our One Stop Discretionary Grant, significant progress was made in software development and hardware deployment to bring the *Idaho Works* system to the citizens and businesses of Idaho. Over the life of the grant, an extensive network of computers was installed in the lobbies and Employment Resource Centers of Career Centers, at Affiliate locations and direct access sites. This extensive communications network will be completed with the installation of stand-alone kiosks. While enhancements will be made to this

system as technology improves, the basic infrastructure is in place to facilitate communication and information sharing among partners as we begin the WIA system.

Extensive efforts were devoted under the One Stop grant towards the creation of the software to support the workforce development system. The State was one of the first to create a Home Page and provide access to its job listing and other Department of Labor services. An *Idaho Works* Home Page was created slightly later to help guide customers to services through out Idaho's workforce system. Although the *Idaho Works* Home Page is operational, partners have targeted the Home Page for an improvement effort under WIA to better serve system customers. This *Idaho Works* Home Page is the primary link among system partners including those in the One Stop Centers and Affiliate sites. Because most partners in the system have chosen to offer their services in Centers using this mechanism, accurate and complete information must be available for all partners through this site.

The *Idaho Works* self-registration system has been one of the most highly prized of all One Stop products. The system is in a touch screen version in the lobbies of all Job Service Offices (six of which have been designated as the new WIA Career Centers), in partner locations and on the Internet. It is available in both Spanish and English and the Internet version was designed so that it could be "read" via voice translation. The system has dramatically changed how customers register for work, where customers register for work and how they look for work. A new job matching system is nearing completion as is a new employer portfolio designed to assist staff in offering enhanced services to employer customers.

In spite of the significant progress, much work needs to be done in the area of automation and data sharing before we reach our vision. The *Idaho Works* self-registration system was designed as the foundation piece for an integrated or shared information system. The WIA MIS and Unemployment Insurance System are being "linked" to this system and will share a common database. Other partner programs continue to be supported by independent information systems. State partners have agreed to explore opportunities for data sharing and to address related issues, particularly those related to technology and confidentiality. The effort will be initiated during the initial year of WIA with a survey to system users to determine the specific needs for information sharing at the local level.

Under the current system, 24 full service One Stop Centers (all in Job Service offices) were established and provide the foundation for more comprehensive service centers and Affiliate locations under WIA. These redesigned and upgraded facilities have a wealth of resources available to consumers, including comprehensive resource centers. A primary goal will be to expand the service presence of additional partners in the system through expanded co-location, enhanced electronic communications and more frequent customer contacts at the six IWB designated *Idaho Works* Career Centers in the Workforce Investment Areas. A multitude of "affiliate" locations serve as *Idaho Works* Career Connection points. Under the One Stop grant, these sites agreed to make the *Idaho Works* system available to their system customers, to offer assisted services to those who required or desired alternative delivery formats and to assure that their own services were described in the system. This assures a network of provider points where partners in the system can provide information about all services available in the system and make referrals among the partners. Current affiliates include the Department of Health and

Welfare, Vocational Rehabilitation, Commission for the Blind, Commission on Aging and their local delivery agents, the Division of Professional-Technical Education, Adult Basic Education, universities and technical colleges, Native American Tribal grantees, Idaho Migrant Council, Job Corps, community action agencies and a variety of non-profit organizations. While the Council has not mandated affiliate participation, they have encouraged partners and IWBs to continue making these supported access points available to consumers in all service delivery points.

Staff of the workforce system were recipients of extensive training to enhance their capacity for delivering services in the One Stop system. The partners in the workforce system, under the auspices of Regional Collaborative Teams embarked on a series of cross training efforts to better familiarize staff of the programs with the offerings of their partners. All agencies were also trained in the use of the *Idaho Works* system. The Department of Labor has invested heavily in Career Development Facilitation (CDF) skills training for staff of its Job Service One Stop Centers with more than half of the frontline staff certified. Staff capacity building will continue to be a major focus under WIA. The expectation is a continuation of training in automation, partnering and CDF. New skill building is likely to be in areas of WIA requirements, continuous improvement processes, mentoring and other topics identified locally. The state will also fund pilots in each area designed to better integrate services to seniors within the One Stop system.

Although the state has a number of customer data gathering processes in place, more can be done in this area to assure that the systems are truly customer focused. The state will work to enhance its efforts on gathering and utilizing customer information to design services and processes. A key effort during the first year of WIA will be to conduct a comprehensive study of employer expectations for the system. The Department of Labor, utilizing Wagner-Peyser funds, is also planning a concentrated effort to systematize its focus on the employer customer and enhance service delivery to this customer segment.

Idaho has operated an incumbent worker training project utilizing state funds to encourage business expansion in the state. The Workforce Development Training Fund has been quite successful in creating new jobs with good wages and benefits and in increasing the skill levels of Idaho workers. This opportunity has not been accessible to our smallest employers with five or fewer employees. Under the WIA, the state will explore options for extending these training options to workers in smaller businesses and those in more isolated areas.

Finally, a major effort will be required during the first year of WIA to build systems to support the eligible training provider list. The state will be exploring processes to make data collection less burdensome to these providers with a goal of maintaining vital training opportunities for system customers.

No legislative, economic development or reorganization initiatives are under consideration which would specifically impact service offerings under Title I of the WIA. Many initiatives are underway in the public and higher education system which will improve access to education and educational services through the use of technology, increase capacity to deliver training in high demand occupations, improve the skill levels of Idaho's high school graduates and address high school graduation rates of Native American and Hispanic youth.

2. *In moving your current system towards your vision, what are your State's priorities? (§§111(d)(2), 112(a).)*

System priorities are to further the goal of universal access, customer choice, service integration, improved youth programs and continuous improvement of programs and services. To that end, the state has established the following priorities:

- Expand and enhance partnerships to ensure that all individuals, businesses and communities receive the services needed to support a healthy economy and productive workforce;
- Assess the needs of business and industries to enhance economic development and improve delivery of workforce services;
- Explore options for incumbent worker training in small and/or rural businesses to complement the Workforce Development Training Fund;
- Enhance customer access to the workforce system by expanding partner participation in the One Stop system, improving the *Idaho Works* information system and offering continuing cross training and information sharing among frontline staff;
- Improve youth program services by expanding collaborative efforts among youth councils, service providers and community based organizations and by offering training designed to enhance the skills and knowledge of frontline staff;
- Streamline services by identifying specific needs for shared information, resolving barriers to sharing consented information, developing a common consent form and taking other steps necessary to facilitate information sharing at the point of customer contact;
- Create efficiency in data collection by exploring opportunities for use of administrative records to ease the costs and burden on providers, particularly those being encouraged to participate in the eligible providers list;
- Provide ongoing capacity building and training to enhance the capacity of workforce boards and their staff, program operators and frontline staff; and
- Enhance the capacity of the system to continuously improve organizational and program performance.

IV. STRATEGIES FOR IMPROVEMENT

- A. *Leadership: How will you overcome challenges to align your current system with your vision? How will the State implement WIA's key principles of local flexibility and a strong role for local Boards and for businesses? In your discussion, you must address the following required elements:*
1. *Describe the steps the State will take to improve operational collaboration of the workforce investment activities and other related activities and programs outlined in section 112(b)(8)(A), at both the state and local level (e.g., joint activities, memoranda of understanding, planned mergers, coordinated policies, etc.). How will the State Board and Agencies eliminate any existing State-level barriers to coordination? (§§111(d)(2), 112(b)(8)(A).)*

As described earlier in this plan, the state has several strategies to improve operational collaboration of workforce investment services and activities. At the State level, partners representing programs listed in WIA §112(b)(8)(A) have entered into a Cooperative Agreement to further collaborative efforts. Partners include the Department of Labor (WIA Title I, Wagner-Peyser, Trade Adjustment Assistance, Unemployment Insurance, Veterans Services), Department of Health and Welfare (TANF, Food Stamps E&T, CDBG), Office of the State Superintendent (ABE), Division of Vocational Rehabilitation, Commission for the Blind and Visually Impaired, Division of Professional-Technical Education (Carl Perkins) and Idaho Migrant Council (Title ID). For HUD (which operates one small program in the state), Native American programs and VR Client Assistance programs, no state level agreements were sought because of the delivery structure and size. They are, however, participating at the local level. Because our initial efforts centered on required One Stop partner agencies, representatives from the National Community Services Act have not been included here although the programs cooperate both at a state and local level.

The State Cooperative Agreement is included as Attachment 8 and reflects an ongoing commitment to improve state level systems and provide support to local programs. The partners have also agreed to develop an annual action plan. The first year action plan addresses those items identified as most important to improved services at the local level. These focus on an upgrade of the *Idaho Works* information system, an effort to address barriers to sharing of information, a renewed effort to explore data sharing at point of intake, and identification of opportunities to utilize administrative records to capture status and outcome information. State agencies will review this plan on an annual basis to assess our progress and identify additional customer requests where we can mutually assist in improving collaborative efforts.

As at the State level, all required and a number of optional programs are represented on the local Workforce Investment Boards. These boards have elected to name One Stop Committees to focus on this area and many have retained, in a somewhat altered form, their former Regional Collaborative Teams comprised of the broadest range of One Stop partners. These groups provide opportunities for communication and system improvement where it is often most effective. These are the groups that have generated such efforts as cross program training and

staff capacity building in a variety of topics (mentoring, retention, customer satisfaction, One Stop development, etc.).

2. *Describe how the State will assist local areas in the evolution of existing local One-Stop delivery systems. Include any statewide requirements for One-Stop systems, how the State will help local areas identify areas needing improvement, how technical assistance will be provided, and the availability of state funding for One-Stop development. Be sure to address any system weaknesses identified earlier in the plan. Include any state level activities that will assist local areas in coordinating programs. (§112(b)(14).)*

In planning for WIA, the State shifted from a state-based to a locally based One Stop system. This shift prompted the Council to encourage, rather than require, certain approaches in place under the existing service system. To a large extent, the Act and Regulations were deemed adequate to set the framework for the One Stop system. A brief explanation of the policies follows:

- The LEO-IWB partnerships are encouraged to seek additional voluntary partners beyond those listed at 121(b)(1);
- Only those partners designated at 121(b)(1) will be deemed required partners;
- No additional services beyond those specified in the Act will be required, although additional service elements appearing in the existing system are encouraged to continue;
- Required One Stop partners must make their applicable core services available and provide access to other services in at least one physical One Stop Center within each workforce region;
- Required partners may utilize any authorized methodology contained in the WIA to deliver core services in the One Stop Center provided that it is
 - Consistent with the WIA and the authorizing legislation;
 - Does not require the partner to travel to another location; and
 - Meets minimum standards of accessibility as defined in WIA §188(a)(1);
- Partners are encouraged to offer access to services by ensuring awareness of system services at all points of entry;
- Partners are encouraged to become Affiliates by entering into MOUs with the IWBs and maintaining access to the *Idaho Works* systems, offering assisted service to those who require it and maintaining current and accurate information for access through the *Idaho Works* information system.

The WDC also developed procedures for use in selecting the OS operator and for resolving any impasse arising from the negotiations of the MOU. These are contained elsewhere in this document.

While the State has used restraint in setting a policy framework, extensive technical assistance and support activities have been planned to help support the One Stop system. The technical assistance activities listed below, together with the activities discussed in part *A.1.* of this section, are intended to further integration of services among partners in the One Stop system. These initial activities were identified by state and local partners as priorities for improving service

delivery among One Stop partner programs. Partners at both the state and local level have agreed in the cooperative agreements and memoranda of understanding to engage in a regular system of program review and continuous improvement to identify specific areas needing further attention.

- The State has reserved approximately \$500,000 per year to fund the ongoing operating costs of a financial and management information system. This was done to provide a platform for further integration of systems beyond the Department of Labor's family of programs and assure consistency among the service areas.
- The State has also proposed to set aside 15% each year (estimated at \$272,000) to offer direct assistance to the One Stop system. Initially, this funding will be used to support the operating costs of kiosks and provide software enhancements to improve customer access to services and information through the *Idaho Works* system. As the system matures, these funds can be directed toward other system building needs identified at the local level.
- Approximately \$40,000 has been set aside to examine the use of UI records as a way to ease the reporting burden on training institutions and encourage their participation as eligible training providers at the local level.
- At the Council's recommendation, approximately \$50,000 is being set aside to conduct a market study of employers' needs from the workforce system. This will be conducted at a level that allows for translation of findings into action at the local level.
- An additional \$40,000 has been reserved to procure the services of a third party contractor to conduct surveys of customer satisfaction and to collect other pertinent information to help improve the offerings of the One Stop system.
- Approximately \$50,000 will be set aside on an annual basis to finance capacity building using contracts with consultants, training conferences or other methods identified by local boards and their staff. A portion of this fund will be directed to the One Stop system and may be used for frontline staff, administrative staff and IWB members.
- During the first year of WIA, the State is utilizing an equivalent amount to the JTPA 5% grant to fund transitional pilot projects for Older Workers in each area. The purpose of these pilots is to create models for serving senior citizens in the One Stop system.

3. *How will your State build the capacity of Local Boards and youth councils to develop and manage effective programs? (§§111(d)(2), 112(b)(14).)*

The State has been working collaboratively with local areas and other State partners to identify training needs among local boards, Youth Councils, and staff since the passage of WIA. As a result, training has been provided to date on the development of MOUs and on developing effective mentoring programs, both of which were attended by local board and Youth Council members and staff, as well as State-level partners. In addition, invitations were extended to local board and Youth Council members to attend the Rural Workforce Development Council held in Coeur d' Alene in January 2000, which offered a number of sessions designed to assist local board members in becoming acquainted with their roles and responsibilities.

Training and orientation for local boards and Youth Councils about their roles and responsibilities is provided locally by State staff, upon request from local areas. State staff are assigned to each of the six Idaho Works Boards to attend meetings, serve as liaisons with the

State, provide training and technical assistance as needed and to work with local staff to identify needs for such training and technical assistance that could be provided on a statewide basis. In addition, the State forwards information to local board staff regarding state and national conferences and training sessions that might be of value to local board members.

The State has committed to continue working collaboratively with local areas to bring in the necessary training for local boards and Youth Councils through the creation of a WIA Training Team that will consist of State and local level partners.

4. *Describe how any waivers or workflex authority (both existing and planned) will assist the State in developing its workforce investment system. (§§189(i)(1), 189(i)(4)(A), 192(a).)*

The possibility of seeking waivers from selected portions of WIA and Wagner-Peyser has been discussed at length by the Workforce Development Council and local partners. No action is being taken with regard to specific requests for waivers at this time, as we believe that meaningful pursuit of this option requires completion of additional system design work, and the identification of barriers and legislative provisions which would warrant waiver requests. However, in order to effectively manage the process for submitting future waiver requests, a process has been set in place that requires review of waiver requests by the Workforce Development Council prior to consideration by the Governor.

We consider this an ongoing discussion and as needs arise, we will consider the possibility of requesting waivers or workflex authority.

- B. *Services: How will you meet the needs of each of the major customer groups identified in Section III? How will the State implement WIA's key principles of streamlined services, empowered individuals, universal access and improved youth services? In your discussion, you must address the following required elements: (§§111(d)(2), 112(b)(10), 112(b)(17)(A)(iv), 112(b)(17)(B)), 112(b)(18).)*

1. *Describe the types of employment and training activities that will be carried out with the adult and dislocated worker funds received by the State through the allotments under section 132. How will the State maximize customer choice in the selection of training activities? (§§112(b)(17)(A)(i), 132, 134.)*

Development of the One Stop system has focused on designing the system to meet the needs of customers from various populations groups, provide access to the system and allow for the delivery of comprehensive services.

System Features

In designing Idaho's One Stop system, the needs of a broad spectrum of employment and training customers were taken into account. These include the job-seeking population at-large and those with special needs--students, migrant/seasonal farmworkers, veterans, dislocated workers, older individuals, people with disabilities, welfare recipients, dropouts, people with limited English proficiency, economically disadvantaged individuals, as well as the employer

community, both current and prospective. Through the active participation of partner agencies/programs and interest groups in system design, the concerns identified by these groups carried forward into program features.

Access

Idaho Works is an automated service delivery system, an interactive, customer-focused electronic environment through which customers can access services and information. *Idaho Works* is the cornerstone of the One Stop system because it provides the mechanism to unify workforce development efforts. To ensure that *Idaho Works* meets Idaho's needs, system access is available in a variety of locations and access modes. Each One Stop Career Center in the state has multiple workstations in its electronic lobbies. Customers can come to the Center during office hours and access all Center programs and information sources. Staff are available to help individuals use *Idaho Works* and provide personalized intervention services at the customer's request.

Other entrance points into *Idaho Works* are available from the Affiliate Partner sites, kiosks in remote or high pedestrian traffic areas and direct access from personal computer modems. *Idaho Works* is also available through the Internet and is available 24 hours a day, seven days a week, to meet the needs of our customers.

Partner agencies will be able to assist their clients in registering for work, screening available job openings, reviewing eligibility criteria for training or other services and obtaining labor market, customer satisfaction and performance data from their delivery locations.

Because Idaho is a rural state, providing services in remote locations has always posed many problems. Through kiosks in city halls, libraries, supermarkets and grange halls, our isolated communities will have access for the first time to a full range of services and information. Internet access has also helped to overcome the barriers of a rural state. Not limited to our remote customers, Internet has allowed anyone worldwide to access *Idaho Works*.

Comprehensiveness of Services

Idaho's One Stop system will include all mandatory partners along with some voluntary agencies and organizations identified locally by the local Workforce Investment Boards. The minimum menu of core services required by the Act will be made available in the state's One Stop system and may be expanded locally for additional service elements as agreed upon by local boards.

MOUs are being developed in each of the six Workforce Investment Areas with the mandatory and voluntary partners identified in the local One Stop system. Wagner-Peyser funded labor exchange services will be coordinated with other One Stop system partners in the delivery of core services to avoid duplication of services. Wagner-Peyser service will be provided in all designated One Stop Centers in each of the six areas. The remaining Job Service offices will serve as Affiliate sites and offer the full array of Wagner-Peyser services as well as Unemployment Insurance, Veterans employment and training programs and NAFTA/TAA. Depending upon agreements made with other mandatory and/or voluntary One Stop partners, additional services may be made available in the Job Service Affiliate sites that will include WIA Title I services for Adults, Dislocated Workers and Youth.

The full array of core services will be made available through at least one full service One Stop Center in each of the six Workforce Investment Areas. One Stop services will also be provided through additional Affiliate sites and through Direct System Users via the Internet or self-standing Kiosks sites.

One Stop Centers

State policy requires the participation of all mandatory One Stop partners listed at WIA §121(b)1 and encourages local elected officials and Workforce Investment Boards to seek out the voluntary participation of other employment and training entities within the local areas.

Each Workforce Investment Area is required to have at least one physical comprehensive One Stop Center. All required partners must make their applicable core service available in the One Stop Center and provide access to their other activities and programs. Partners must use a portion of their funds to create, maintain and participate in the One Stop delivery system, and provide their core services

One Stop Affiliates

One Stop Affiliates are partners in the One Stop system. Affiliate Partners will provide access to information and services, but will not be required to offer universal access. Instead, they may limit services to particular customer groups; e.g., the disabled, students, migrant/seasonal farmworkers, economically disadvantaged, etc. State policy requires Affiliate Partners to enter into an MOU with the local WIB describing their specific participation in the One Stop system; maintain access to the *Idaho Works* automated system; offer assisted services to those who prefer such services over automated services; and make accurate and up to date information on their services available for access through *Idaho Works*. They will also be full partners in the regional planning and continuous improvement management processes.

Direct Access Systems (Self Service Systems)

Self-service access will be available in a variety of locations and from classrooms, homes and offices across the state. Self service access points will provide access via the Internet *Idaho Works* version which will provide information, registration for work, and services planned for the Internet, such as application for Idaho postsecondary schools and Financial Aid services.

Customer Choice

Customer choice will be achieved through the partnering of Idaho's employment and training service providers at the state and local level, bringing information and services together in the One Stop system. All One Stop Centers will offer the full range of comprehensive services to our citizens, with multiple remote and Affiliate Partner locations providing access through linkages to the automated system.

Customers will have choices in the way they access information in the One Stop system through self-service, staff assisted self-service, or one-on-one individualized assistance. Information will be made available through electronic lobbies in One Stop Centers and Affiliate sites, printed and automated information in One Stop Center Resource Centers' as well as Internet access to *Idaho Works*.

The communications network available to the system's customers affords the highest degree of choice in location of services. For remote areas, access is provided by the placement of kiosks and via the Internet. The *Idaho Works* system will also afford access in One Stop Partner locations and most secondary schools throughout Idaho. Although not all services will be available, core services, such as, registration for work, filing a job order, access to information on employment and training services, labor market information, job listings, and filing of UI initial -will be widely available on *Idaho Works*.

One of the primary goals of the One Stop system under WIA is to enable customers to make informed choices about employment and training opportunities. This effort includes making available a wide variety of information on labor market conditions, educational opportunities and performance and outcome data on training providers. Currently, *Idaho Works* provides numerous links with employment and training institutions as well as information made available through the Idaho Career Information System. Idaho will utilize Individual Training Accounts as an opportunity to improve customer choice in selecting training providers. As the state develops the Individual Training Accounts and the Eligible Training Provider system, the information developed on training providers will assist customers in making informed decisions regarding their training options.

Core, Intensive and Training Services

Adult and dislocated worker customers, including those with special needs, will have access to employment and training services delivered in progressively higher stages of intervention from core, intensive and training, as appropriate, to meet their individual needs. A description of core, intensive and training services to be provided with allotments received under WIA §132 is attached as Attachment 9.

Statewide Services

The State will offer a number of services directly in support of local level activities. State plans for the use of the 15% funds are included in Attachment 10.

2. *How will the services provided by each of the required and optional One-Stop partners be coordinated and made available through the One-Stop system? Be sure to address how your State will coordinate Wagner-Peyser Act funds to avoid duplication of labor exchange services. (§112(b)(8)(A).)*

As described in Section III.C.1, State partners have entered into a cooperative agreement to assist the local service delivery system in the delivery of coordinated services. Each of these entities also identified their "applicable core services" and identified their "preferred" method of service delivery. These are included as Attachments 11 and 12. The purpose of these documents was to identify for the IWBs and local counterparts the minimum level of services that could be expected in the One Stop system from partner organizations. Local negotiations are likely to yield service offerings beyond this minimal level.

The remaining partners listed at WIA §121 are participating via the local IWBs and the more informal planning committees established by those boards. Native American grantees, Job

Corps, HUD and VR client advocacy programs are required to sit on local boards in areas where they have a physical presence and enter into MOUs articulating how they will offer their applicable core services in the One Stop system in a manner that is consistent with state policy.

While state programs funded by the USDOL have agreed to a physical presence in the One Stop Centers, the preferred methodology selected by most partners is an electronic rather than a physical presence. State policy requires those identified as mandatory partners in WIA §121 to offer their services via a physical presence in the Center if all of their applicable core services cannot be delivered electronically or if it is required to meet the non-discrimination provisions of WIA §188. Each of these partners has been encouraged and is expected to continue offering services via the affiliate network so that this expansive information and referral network can carry forward into the WIA. The *Idaho Works* home page discussed throughout this plan is the mechanism that will be used to provide eligibility, program and referral information for all partner programs in the One Stop system. The MOUs under development in each workforce area will describe the specific processes for referring customers among partner programs.

A summary by organization follows.

- Department of Labor – The Idaho Department of Labor has fully committed to the development of the One Stop system in Idaho and will offer all of its programs through the system. These include Wagner-Peyser, Unemployment Insurance, Trade Adjustment Assistance, Veterans DVOP/LVER and employment and training assistance, and a host of cost reimbursable grants including WOTC and W2W Tax Credits, LMI, H2A, and other special grants as well as a state funded training program.

The WIA Title I funding stream is also under the administrative arm of the IDOL and the local Job Service offices are recipients of WIA funds in the local area. The Job Service has been named as the One Stop Operator as a sole provider or as part of a consortium of operators in all six workforce regions. Five Job Service offices in Idaho's major cities will serve as the State's One Stop Centers, while the remaining nineteen offices will be Affiliate sites offering the full range of USDOL funded services.

An extremely successful partnership was developed with senior programs operated by the Idaho Commission on Aging and JTPA programs operated by Private Industry Councils. The Department of Labor, Idaho Commission on Aging and local Private Industry Councils took the lead in expanding partnerships and in moving towards greater co-location of staff. These relationships will continue to grow under the WIA.

The Department of Labor has utilized Wagner-Peyser funds to operate the state's primary labor exchange for a number of years. While partners often do their own job development, the Wagner-Peyser Employment Service System has been a referral point for all work ready participants about to exit program services. One Stop funds were used to make job registration and job listing services more accessible to partners and their clients. Now, customers can utilize this service at any partner location or over the Internet. This assures broad use of the system by all partners and eliminates the need to create alternative systems.

The labor exchange self-registration and job search systems are being made available to all partners and will not be duplicated.

- Department of Health and Welfare – This agency oversees a wide range of programs geared towards assisting families achieve self-sufficiency. While only the CDBG program is mandatory, the DHW plans to provide access to information about its other services offered under TANF, Food Stamps E&T and the Child Care Assistance program. Information and applications for services will be available via the *Idaho Works* Home Page. Brochures will also be made available.
- State Superintendent of Public Instruction – The Department of Education oversees the State’s ABE program. Services are generally contracted to the States six post secondary schools and community colleges. The ABE program will entertain a wide range of options for delivering ABE through the One Stop system. ABE will also make the *Idaho Works* System available to their customers and have incorporated a curriculum that includes training students on the use of the system to find work and job training assistance.
- Division of Professional-Technical Education – The Division has been a long time partner with Department of Labor workforce programs. In Idaho, the Carl Perkins funds are typically not used to fund programs and are therefore not subject to participation requirements for required partners in the One Stop system. However, the Division and local education institutions are continuing to participate in joint efforts at both the state and local levels. Local educational institutions will serve as host sites for the *Idaho Works* system to bring information and services to the campus. Naturally, we expect the public education system to remain a primary provider of education services in the state.
- Division of Vocational Rehabilitation – The Division has indicated its preference for delivering services in an electronic format in the One Stop Centers and has pledged to make personal services available on a scheduled basis if that is preferred by the customers. They intend to develop an electronic application form for those seeking services. The Division also has *Idaho Works* computers available for customers who will access services at its primary location. State and local staff have participated in One Stop system design efforts and will continue to do so under the WIA. The Division has offered to provide partner agencies information on ADA and assist in addressing accommodation issues.
- Idaho Commission for the Blind and Visually Impaired – The ICBVI also has indicated a preference for an electronic presence in the One Stop Centers and has committed to make staff available in the Center on an appointment basis to meet a customer request. The ICBVI frequently takes its services to its customers. They have pledged to make the *Idaho Works* system available to consumers and to assist them with its use during visitations. The ICBVI has been a long time One Stop partner and has been very helpful in assuring that the Internet *Idaho Works* version is capable of being read by “voice”.
- Idaho Migrant Council – The IMC, the recipient of the Title I MSFW grant, is the only private non-profit serving on the state partners’ group. As indicated on the charts, the IMC has entertained a wide range of options for coordinating services in the One Stop Centers.

The IMC has also pledged to serve as an Affiliate site, bringing the services on the *Idaho Works* system to its MSFW customers.

- Local level programs – Native American Programs are represented on the Workforce Development Councils but are sovereign entities that negotiate independently of each other when determining their role in the WIA. Client Assistance Programs, HUD employment and Training and Job Corps services are offered at the local level and do not have a state level presence. These programs are represented on IWBs and One Stop committees or planning groups in the locales where they have a physical presence. Their level of participation will be determined by the MOU but must meet state standards for required partners. Other voluntary organizations participate locally at the option of the IWB/LEO partnership. Because the participation of these entities is negotiated locally, their core services have not been included in Attachments 11 and 12.

3. *Describe how the funds will be used to leverage other federal, State, local and private resources (e.g., shared One-Stop administration costs). Specify how the State will use its 10 percent funds under section 7(b) of the Wagner-Peyser Act. Describe and provide examples of how these coordinated and leveraged funds will lead to a more effective program that expands the involvement of businesses, employees and individuals. (§112(b)(10).)*

The costs of operating and maintaining Idaho's One Stop system will be shared proportionately by the partners. Agreements describing the sharing and allocation of costs among the partners have been developed at the state level as well as in each of the six local Workforce Investment Areas. Costs will be shared for the operation of the One Stop Centers identified in each of the six areas as well as the statewide systems embodied by the electronic *Idaho Works*. Cost savings are expected as other system wide activities such as capacity building of frontline staff, marketing strategies, continuous improvement and customer surveys are coordinated with partner agencies at both the state and local level.

Partners will continue to explore opportunities for additional funds from the private and public sectors. State and local entities have collaborated on a number of initiatives and efforts to raise funds to improve the service system. These collaborative efforts will continue in the future.

The Governor's Wagner-Peyser 10% funds will be allocated to the six Idaho Department of Labor planning areas using a formula based upon the area's share of the state's civilian labor force (1/3), average number unemployed (1/3) and the average number of youth age 16-21 (1/3) for the previous calendar year. The IDOL planning areas mirror the six substate Workforce Investment Areas. The funds will be used by the Idaho Department of Labor to deliver employment services provided through the Employment Resource Centers housed in Job Service offices and targeted services for youth.

4. *Describe how the needs of dislocated workers, displaced homemakers, low-income individuals such as public assistance recipients, individuals training for non-traditional employment, and individuals with multiple barriers to employment (including older individuals, people with limited English-speaking ability, and people with disabilities) will be met.*

The One Stop system has been developed to address the needs of customers with special needs. The electronic *Idaho Works* continues to expand the array of employment and training opportunities available to customers. Self-accessed services are available to customers in homes via the Internet, through the One Stop Centers, Affiliate sites and at remote locations throughout the state. Staff assisted services will be made available to those customers with disabilities, older workers, non-English proficient and other special populations who are not able to utilize the self-help systems or prefer individualized one-on-one assistance. The One Stop system will improve the delivery of information regarding services available to special populations and streamline referrals to Partner agencies for services.

The State Partners along with local boards will continue to identify and expand the delivery of information disseminated in Spanish for that segment of customers from our migrant and seasonal workforce as well as other customers with limited English language skills. Local procedures will be developed to offer interpretive services whenever feasible for other non-English speaking customers.

Close working partnerships with the Department of Health and Welfare at both the state and local level will ensure that the full range of services available in the One Stop system is offered to public assistance recipients. DHW is represented on both the State and local Idaho Works Boards and is an active partner in coordinating the delivery of Temporary Assistance for Families in Idaho (TAFI) with WIA Title I services. Although the state has determined that sufficient TAFI funds exist and that public assistance recipients will not constitute a priority group under WIA, services to TAFI participants may be provided under Title I, if needed and as appropriate to enable the move to self-sufficiency and employment.

Information regarding non-traditional training opportunities will be made available through the *Idaho Works* system. In addition, One Stop Operators will utilize various approaches offered via core and intensive services to inform and refer customers to non-traditional career opportunities. IWBs and One Stop Operators will coordinate with the regional Partners representing the local Workforce Training Network (WTN) institution to increase awareness and participation in non-traditional training programs. Idaho's Centers for New Direction provide employment and training services for displaced homemakers and single parents through the WTN institutions. The centers, which promote non-traditional training and employment for this population, have participated on the One Stop Regional Collaborative Teams and serve as part of the service provider network in each workforce area in the state.

Services to low income individuals, dislocated workers and displaced homemakers will be available throughout the One Stop system to offer core, intensive and training services as needed to obtain or retain employment. Efforts to assist dislocated workers will be coordinated with

Rapid Response activities conducted by the State Dislocated Worker Unit to address the needs of workers impacted by mass layoffs and closures. Reemployment service through the One Stop system will be made available to small businesses operators, farmers and ranchers who have been determined eligible for Dislocated Worker services.

The State has established policies and procedures to ensure compliance with the non-discrimination and equal opportunity provisions of all applicable laws. Provisions will be included in each subrecipient agreement under the Workforce Investment that require compliance with non-discrimination and equal opportunity statutes. Appropriate notice will be provided to system customers of their rights under these laws and that a complaint process, including alternative resolution procedures, is available. The State will include a review of compliance with said statutes in its oversight and monitoring activities. The State will ensure facilities are accessible, that reasonable accommodations are available to customers with disabilities, that communication with customers with disabilities is as effective as communications with others, auxiliary aids and services are available, and that translation assistance will be provided to significant populations of Limited English Speaking People.

5. *Describe the criteria developed by the State for local boards to use in determining that adult funds are limited and that priority of service apply. Describe the guidelines, if any, the State has established for local boards regarding priority when adult funds have been determined to be limited. (§§112(b)(17)(A)(iv), 134(d)(4)(E).)*

With the implementation of the Temporary Assistance for Families in Idaho (TAFI) in July, 1997, Idaho's public assistance caseload has seen a dramatic decline. Caseloads for public assistance have dropped from 8,689 in July, 1996 to 1,229 as of June, 1999. Federal fiscal year 1999 appropriations for Idaho's TAFI program are \$33 million and require an additional \$13.4 million in state match. Of those funds, twenty percent or \$6.6 million have been transferred to the Idaho Child Care program which provides child care help to parents who are working, looking for work or participating in education or training that leads to employment.

Due to the success in moving public assistance recipients into employment, the TAFI program has expanded services to assist families who are at risk of becoming TAFI eligible as a preventive measure. Families with incomes less than 200% of the Federal poverty guidelines and who are at risk of becoming eligible for TAFI without intervention can get help with work-related needs. This program enables families who qualify to get help with training costs for up to twelve months from the date they first need help. Additionally, effective January 1, 2000, the Department of Health and Welfare (DHW) will begin providing families receiving Medicaid and Food Stamps as well as some non-custodial parents with the same employment and training services offered TAFI participants.

Therefore, the State determined that sufficient TAFI funds exist statewide to serve public assistance recipients and that local areas be relieved of the requirement of providing priority to this population.

Local boards were given the opportunity to analyze the customer need in relation to resource availability, in order to determine whether there are sufficient funds available in the local area to serve all adults appropriate for intensive and training services. If the analysis demonstrated that sufficient funds are available, no priority of service would be required.

If the local boards cannot adequately demonstrate that sufficient funds are available in the local area to serve all appropriate adults, local boards are required to describe in their plans the procedures that will be used to ensure that priority for intensive and training services is given to low income groups other than public assistance recipients.

Plans from each of the six Workforce Investment Areas indicate that sufficient funds did not exist and that priority for intensive and training services will be provided to low income groups.

6. *Describe how the needs of employers will be determined in the local areas as well as on a statewide basis. Describe how services (e.g., systems to determine general job requirements and list jobs), including Wagner-Peyser Act services, will be delivered to employers through the One-Stop system. How will the system streamline administration of federal tax credit programs within the One-Stop system to maximize employer participation? (20 CFR part 652.3(b), §112(b)(17)(A)(i).)*

The employer community is a valued and important customer of the One Stop system. As such, input in the design and delivery system was solicited throughout the development of Idaho's One Stop implementation grant. In addition, employer surveys conducted by the Idaho Department of Labor under Wagner-Peyser have helped to direct the design of new services to meet the needs of the employer community. Plans for more employer surveys are under consideration using WIA State 15% funds as alluded to above. Employer input was also sought from members of both the State Workforce Development Council and local Workforce Investment Boards, members of local Chambers and other business associations throughout the state. All Wagner-Peyser labor exchange services directed to employers for the recruitment of workers, labor market information and customized services will be provided through the One Stop Centers and system.

Services provided to the employer community will continue to improve as the capabilities of the electronic *Idaho Works* system evolves. Through *Idaho Works*, employers currently have electronic access to America's Job Bank and Talent Bank to list job openings nationally or search the nationwide database of electronic resumes. Employers presently use the *Idaho Works* home page to e-mail job listings to local Job Service offices. A pilot project will be implemented in early 2000 to refine that system to allow employers to directly enter job order information via the Internet.

Although the electronic accessibility of services will provide more customer choices for the employer community, it is through contact with One Stop Career Center professional staff that specialized services will be provided to employers. Specialized labor market information is provided by staff to employers on a continuing basis to assure their job listings are competitive

for the specific labor market. Job Service Employer Committees continue to provide accurate and timely human relations information of value to the employer community.

To assure staff is viewed as an asset by the employer community, statewide staff training will be provided during the fall of 2000 to increase staff capacity to meet employer needs. This training will provide line staff a mechanism to focus efforts to improve services to both employer and job seeking customers, thereby enhancing the quality of job listings and improving customer satisfaction.

The electronic evolution of tools to assist staff to better serve employer needs will continue to be a priority item in the One Stop Career Center delivery system. A server based employer portfolio will be implemented statewide to provide staff with specialized information to improve employer services. These enhancements will include a data base of services provided to employers and a much improved integration of data at the state level. Other enhancements to this system will provide the opportunity to better describe job requirements to improve recruitment effectiveness, the use of the Standard Occupational Classification system to replace the antiquated Dictionary of Occupational Titles coding structure, and improved capabilities to match employer needs with qualified applicants.

The Work Opportunity Tax Credit (WOTC) program is administered by the IDOL. Program information is made available to employers and eligible clients through direct marketing, brochures, and electronically via the *Idaho Works* Internet Home Page. Promotional handouts and application packets are made available through the One Stop Career Centers and system partners for direct marketing purposes during job development and placement activity by service delivery staff. The Department has agreements with the Idaho Division of Vocational Rehabilitation, the State of Idaho Industrial Commission, the Idaho Department of Health and Welfare, the Idaho Commission for the Blind and Visually Impaired, and the Department of Veteran Affairs Vocational Rehabilitation and Counseling Division to assist in the marketing efforts. The WOTC staff routinely provides training for staff of partner agencies and organizations to expand the utilization of the tax credit. Applications submitted by employers are processed in the IDOL Central Office.

7. *Describe the reemployment services you will provide to Worker Profiling and Reemployment Services claimants in accordance with section 3(c)(3) of the revised Wagner-Peyser Act. (§112(b)(7).) The extent to which claimant participation in services will be reviewed during the claims cycle; consequences for claimants who do not report for services or cooperate with their individual service plan; and strategies the State will use to increase the number of WPRS claimants who receive services.*

With the passage of the Unemployment Compensation Amendments of 1993 which amended the Social Security Act, a new system was initiated which established procedures to profile UI claimants and identify those who are likely to exhaust their unemployment insurance. The amendments require that those workers who need job search assistance to find new employment be referred to reemployment services. Reemployment services are provided with ES and WIA resources.

To maximize the coordination and efficiency of the Worker Profiling and Reemployment Services program, Reemployment Services staff will provide documentation, including case management reports, if appropriate, to Unemployment Insurance funded staff for those Reemployment Services customers who do not report for services or cooperate with their individual service plan. This documentation, and additional information as appropriate, will serve as the basis for denying Unemployment Insurance benefits to claimants who fail to comply with the provisions of the law. Additionally, Reemployment Services staff will coordinate with Unemployment Insurance staff to correlate the continued receipt of Unemployment Insurance benefits with successful progress towards completion of the individual service plan.

Reemployment services for those referred include at a minimum:

Orientation - the process of informing claimants why they have been selected for reemployment services, the variety of comprehensive and beneficial services available and the mandatory nature of profiling program participation.

Assessment - the process of collecting and analyzing information from the claimant to determine the best mix of services necessary to obtain employment. Information areas may include an applicant's needs, strengths, support systems, education, job skills, interests and career objectives and current work search activities. Information may be gathered informally, via interviews or observations, or formally via assessment tools such as aptitude tests, computer assisted programs and interest inventories.

Profiled claimants who are determined during the orientation and assessment process to meet other conditions for exemption status will not be required to participate in further reemployment services. Those not exempted will be required to participate in at least one reemployment service.

8. *Specifically describe the Wagner-Peyser Act-funded strategies you will use to serve persons with disabilities. (Wagner-Peyser Act §8(b), WIA §112(b)(7).)*

Wagner-Peyser funds are used to provide services to disabled applicants to promote them for equal opportunity for employment. Employment services include the determination of occupational qualifications of the applicant, obtaining information regarding the disability as is significant for counseling and placement purposes, and referral to jobs appropriate to their needs, safety and abilities.

Each Job Service office within the One Stop system has an individual designated as a specialist for persons with disabilities. Local offices are actively represented on a Mayor's Committee on Employment of Individuals with Disabilities in those communities where such committees exist. Both formal and informal working arrangements with other community resources serving persons with disabilities, including but not limited to the One Stop Partners such as the Department of Vocational Rehabilitation and Idaho Commission for the Blind and Visually Impaired, are maintained to assure appropriate referral and placement of persons with disabilities.

9. *How will Wagner-Peyser Act funds be used to serve veterans? How will your State ensure that veterans receive priority in the One-Stop system for labor exchange services? (§112(b)(7).)*

The Idaho Department of Labor will ensure that all ES staff provide veterans with priority in direct employment and training-related services and supportive services at any One Stop Career Center receiving Wagner-Peyser funds or housing Wagner-Peyser staff as required by 20 CFR, Chapter IX, Subsection 1001.120, title 38 of US Code Chapter 41 and as set forth in the General and Special Grant Provisions of the current grant. In making referrals of qualified applicants to job openings and training opportunities, the Department shall observe the following order of priority: special disabled veterans, Vietnam-era veterans, disabled veterans other than special disabled, other eligible veterans and persons and non-veterans.

While veterans, as with all applicants, are ensured maximum customer choice in the provision of services, veterans who choose to self-register are identified during the registration process, and through the automated Client Queuing system, LVER and/or DVOP staff are notified of their presence at the registration computers. Veterans are then offered the opportunity for a private interview and enhanced assistance in exploring the labor market, job or training opportunities or other requested services. The State will continue to provide veterans with priority notification of job openings for which they are qualified, either at daily "Vet-Calls," by telephone or by electronic mail.

10. *What role will LVER/DVOPS staff have in the One-Stop system? How will your State ensure adherence to the legislative requirements for veterans staff? How will services under this plan take into consideration the agreement reached between the Secretary and the State regarding veterans' employment programs? (§§112(b)(7), 322, 38 U.S.C. Chapter 41 and 20 CFR part 1001-120).*

One Stop system veteran customers will be provided the full array of services available within the system, empowered with customer choice and customized access to those services which satisfy their individual needs for career development. Access to the system will be provided universally to assure customers that there is no wrong door. In the provision of these services veterans' priority will be followed in accordance with 38 USC Chapter 41 and 20 CFR 1001.100 *et seq.* and the provision of the DVOP and LVER grants. The DVOP and LVER will facilitate veteran access to all WIA employment and training programs.

Since the One Stops in each of the six regions in Idaho are operated by the State's Wagner-Peyser, DVOP and LVER grantee, historical operating procedures to ensure adherence to the legislative requirements for veterans' staff will remain in effect. These existing processes will not negatively impact customer choice, but ensure that veteran funded staff will provide service only to veterans or eligible persons; that they will not supplant Wagner-Peyser funded staff; and that veterans will receive priority service in employment and training opportunities in accordance with 20 CFR 1001.100 *et seq.*

11. *Describe how the State will provide Wagner-Peyser Act-funded services to the agricultural community--specifically, outreach, assessment and other services to*

migrant and seasonal farmworkers, and services to agricultural employers. How will you provide equitable services to this population in the One-Stop system? (20 CFR part 653, §112(b)(7)).

The Idaho Department of Labor through its network of 24 Job Service offices in the State's One Stop system will fully comply with provisions of 20 CFR, Part 653, Subpart B and Part 658, Subpart E. The operational objective of the Department is to provide qualitatively equivalent and quantitatively proportionate service to MSFWs compared to non-MSFWs in all ES compliance indicators. See Attachment 13 for the "State Plan for Agricultural Services".

12. *Describe how Wagner-Peyser Act funds will provide a statewide capacity for a three-tiered labor exchange service strategy that includes (1) self-service, (2) facilitated self-help service, and (3) staff-assisted service. Describe your State's strategies to ensure that Wagner-Peyser Act-funded services will be delivered by public merit staff employees. (§112(b)(7), §§3(a) and 5(b) of the Wagner-Peyser Act.)*

Wagner-Peyser labor exchange services will be delivered as part of the One Stop system in the Centers, Affiliate sites and via Direct Access through the electronic *Idaho Works*. *Idaho Works* will provide job seekers, employers and students self-service access to all local, state, and national job listings, labor market information, career information, registration for work and other services that are available through the One Stop system for their respective needs. As described previously, *Idaho Works* will be available via the Internet, throughout the participating Centers and Affiliate sites. Other labor exchange materials for self-service will be made available in Employment Resource Centers in each of the Job Service offices to assist customers in obtaining employment or training services that may include but are not limited to career exploration, LMI, resume writing, fax machines, copy machines, and job search techniques.

Facilitated self help will be made available to any customers who request help or for those with special needs due to disabilities, limited language or reading skills. Utilizing the electronic capabilities of the Department's labor exchange system, Job Service and Partner staff can identify priority or other targeted populations who are registering for work and offer facilitated self help or additional staff assisted services. ES priority populations would include veterans and migrant and seasonal farmworkers while other locally targeted populations may include those with disabilities, unemployment insurance claimants, members of low income families, public assistance recipients, dislocated workers, displaced homemakers, minorities, youth, or other groups targeted by the local Idaho Works Board.

Staff assisted services will be available in all Job Service offices for those customers who request or require such services to obtain basic labor exchange services concerning labor market or career information, registering for work and job referrals. Staff assistance will also be provided to customers for other intensive services as Job Search workshops, vocational guidance, resume writing, and referral to other One Stop Partners for services to meet their individual needs.

All Wagner-Peyser services will be provided by public merit staff employees of the Idaho Department of Labor.

13. *Describe how your State will provide rapid response activities with funds reserved under section 133(a)(2), including how the State will use information provided through the WARN Act to determine when to provide such activities.*

The Idaho Department of Labor will continue in its lead role for deploying rapid response assistance to worker dislocations. Notices of plant closures and mass layoffs, as required by the Worker Adjustment and Retraining Notification Act (WARN), will be submitted to Department of Labor. The Workforce Systems Bureau will provide copies of the notice to the Department's Division Administrators and state agencies participating in the One Stop system. Copies of the notice will also be sent to the local Workforce Investment Board staff and the Chair of the local Council of Governments of the area impacted by the announced closure or mass layoff.

All dislocation notices received due to WARN Act will be reviewed by the DWU and the appropriate response will be developed in close coordination with the Department's Field Services Division and the local Workforce Investment staff. The State AFL-CIO will be consulted on dislocations involving organized labor. If it is determined that there will be significant dislocation which warrants state rapid response, the Workforce Systems Bureau will initiate on-site contact with the employer and the appropriate employee representatives to assist in arranging the most effective reemployment activities. These contacts will take place as soon as possible. In addition, the DWU will respond to publicly announced large layoffs in the same manner as described above. The local area will take the lead in responding to smaller dislocations.

- a. *Identify the entity responsible to provide rapid response services.*

The Idaho Department of Labor's Workforce Systems Bureau will serve as the State Dislocated Worker Unit (DWU) and will have chief responsibility for the coordination of dislocated worker services within the Department and with other entities. The Department offers a comprehensive array of services including Wagner-Peyser, Unemployment Insurance, Trade Adjustment Assistance and Veterans services. Dislocated Worker interventions involve these programs and benefits from their services and resources. The Department's Field Services Division administers these programs. All rapid response services will be coordinated closely with the Field Services Division and the local Workforce Investment Board staff and programs. The Department will also coordinate closely with the State AFL-CIO in arranging services for dislocations involving organized labor.

- b. *How will your State's rapid response unit's activities involve local Boards and local Chief Elected Officials? If rapid response functions are shared between the State unit and the local areas, identify the functions of each and describe how rapid response funds are allocated to local areas.*

The Department's Workforce Systems Bureau will be responsible for coordinating the rapid response activities including the initial employer/employee contacts, promoting and establishing Labor/Management Committees, collecting information on dislocations and available resources, providing and arranging technical assistance for the response effort, disseminating information

on available program services and assisting local efforts. At the State level, these efforts will be coordinated with the Division of Professional-Technical Education, Idaho Commission on Aging, Health and Welfare and the Department of Commerce.

Within the Department, the rapid response activities will involve and be closely coordinated with the Field Services Division, Benefits Bureau, Research and Analysis Bureau, Marketing, and Job Service offices. The Field Services Division will assist in the initial contacts with the employer and in organizing and participating in the appropriate method of response to the dislocations. The Benefits Bureau will assist in coordinating the Unemployment Insurance and Trade Adjustment Assistance Act with the reemployment effort. The Research and Analysis Bureau will provide labor market data and information on unemployment insurance claimants. The Workforce Systems Bureau will also collect information on available resources and provide technical assistance to the response effort. The Department's Information Officer will disseminate information on the available services as well as information on specific rapid response efforts. Job Service will provide assistance with the Unemployment Insurance, Employment Service, Veterans Services, Trade Adjustment Assistance and WIA Title I in the areas they provide those services.

The Workforce Systems Bureau will be responsible for contacting the employer and employees to obtain agreement to participate in the joint committee and for scheduling the initial meeting. In addition, the Bureau will be responsible for assisting the committee in selecting a neutral chair; providing the committee with training on their roles, goals, and procedures; arranging financial support for the committee; arranging state and local coordination and providing technical assistance. The Bureau will also assure that rapid response services are well coordinated with the appropriate local elected officials.

The Idaho State AFL-CIO will participate in rapid response activities for dislocations involving organized labor. The AFL-CIO will assist in obtaining labor's participation in the reemployment effort and will participate in disseminating information on program services. The AFL-CIO will assist in identifying Labor/Management Committee chairs acceptable to the employees and will assist in identifying the employees' representatives for the committees. When appropriate, the AFL-CIO will assist the committee in organizing informational workshops for the displaced workers and in promoting service utilization. Also, the AFL-CIO will assist in identifying appropriate layoff prevention strategies. Organized labor coordination will be supported with \$38,500 of rapid response funds.

The Workforce Investment Board staff will be responsible for coordinating local workforce investment activities with the State's rapid response efforts. This effort includes making WIA Title I resources available to support services for dislocated workers targeted by rapid response efforts. The IWB staff will assist in the State in promoting rapid response, early interventions services and Labor/Management Committees. The IWB staff will participate in rapid response informational meetings, Labor /Management Committee meetings and will assist in helping develop response plans to worker dislocations. The IWB staff also will assist in coordinating services with local economic development efforts and the appropriate local elected officials. Each area will receive \$15, 000 to assist in the rapid response efforts.

- c. *Describe the assistance available to employers and dislocated workers, particularly how your State determines what assistance is required based on the type of lay-off, and the early intervention strategies to ensure that dislocated workers who need intensive or training services (including those with multiple barriers to employment and training) are identified as early as possible.*

The Rapid Response Team will promote early intervention to worker dislocations. Based on information from the company, the Rapid Response Team will develop the appropriate service delivery strategy. The response will take into account the skills of the impacted workers, the potential for direct job placement, and the availability of resources to address the short and long-term needs of the workers. Services will include on-site information meetings on available employment and training programs, employee surveys, aggressive promotion of services and coordination with training providers. The State DWU and local IWB staff will coordinate to ensure that the employees receive information on the services available through the workforce system programs including the One Stop Center, Job Service, the post secondary school(s) in the area and the WIA programs. Based on the availability of resources and the company's receptiveness, the Rapid Response Team will determine what services to offer on-site. This will include financial management, job search assistance and other workshops as requested. If appropriate, fully automated on-site reemployment centers will be established and staffed.

In addition to promoting core services, the Rapid Response Team will encourage the use of intensive and training services for appropriate individuals. The WIA Title I Dislocated Worker service provider will conduct an individual assessment of the impacted worker to determine the appropriate services. The in-depth assessment will determine the appropriate service delivery plan for all customers including those with multiple barriers to reemployment.

Labor/Management Committees will be the preferred method of assistance in responding to large closures and layoffs. In PY 2000, the State has set aside \$200,000 of the Title I Dislocated Worker 25% funds to support rapid response. The first priority for these will be to encourage companies to participate in Labor/Management Committees. These funds will be utilized to supplement the local areas' WIA Title I services and will support core, intensive and training services for the employees of the company. The Department will consider utilizing the committee approach and providing rapid response assistance for closures involving 50 or more employees. The DWU's decision will be guided by such factors as:

- 1) whether dislocations are permanent and the employees have no bona fide offer of reemployment;
- 2) the impact of the dislocation on the community;
- 3) potential benefits of state intervention on the reemployment effort; and
- 4) willingness of the company and the employees to participate in the effort.

Second priority for funding will be to support services for dislocations where the DWU and the local IWB staff have agreed that it is appropriate for the local area to take the lead in organizing the response. This is a typical response to smaller dislocations. Funds will be made available when the local area lacks resources to meet the demand for services.

The Rapid Response Team will also review and evaluate the potential for layoff prevention services. The goal of these efforts will be to retain the business and to minimize any downsizing effort. If appropriate, the DWU and local IWB staff will work with the Department of Commerce and local economic development programs in identifying layoff prevention options. These efforts will include determining appropriateness of requesting assistance from the State's Workforce Development Training Fund.

The balance of Rapid Response funds not required to support the above activities will be allocated to the local areas to supplement their Dislocated Worker substate allocations. Priority for funding will include support for carry-in participants and areas experiencing increases in dislocations. Funds will be allocated based on these needs and/or through the Dislocated Worker substate funding formula.

14. *Describe your State's strategy for providing comprehensive services to eligible youth, including any coordination with foster care, education, welfare and other relevant resources. Include any State requirements and activities to assist youth who have special needs or barriers to employment, including those who are pregnant, parenting, or have disabilities. Describe how coordination with Job Corps, youth opportunity grants, and other youth programs will occur. (§112(b)(18).)*

As indicated earlier in the plan, youth programs operated under the WIA, will be integrated with Governor Kempthorne's Generation of the Child initiative. Through this, the workforce system will participate as part of a highly coordinated, continuum of services designed to assure that healthy, well-nurtured, and well-educated children enter adulthood as productive members of the workforce.

Among the youth services available on a statewide basis are the employment and training services offered under the Workforce Investment Act, labor exchange services offered through Wagner-Peyser, services for youth who have entered the juvenile justice system through the Department of Juvenile Corrections and county probation offices, services to youth in families receiving, at risk of needing, or transitioning from public assistance through the Idaho Department of Health and Welfare, vocational training opportunities at the secondary and postsecondary level provided through the public school system and postsecondary technical colleges, services to youth with disabilities through the Idaho Division of Vocational Rehabilitation, and elementary and secondary educational services offered through the Department of Education and local secondary school districts. In addition, the Idaho Migrant Council offers employment and training services to migrant and seasonal farmworker youth at various sites across the state. Although federal School To Work funding is ending, local efforts continue across the state to provide opportunities to youth as they transition from the world of learning to the world of earning. These statewide services are augmented by a network of local providers and community based organizations throughout the state, including five Native American grantees within the state who provide employment and training services to Native American youth.

A number of highly effective partnerships have been developed among the agencies listed above in the delivery of youth services on a statewide level and through local youth efforts. Representatives from most of these agencies and efforts serve on the Idaho Workforce Development Council and are thereby able to promote effective coordination of service delivery.

Although the law allows Governors considerable latitude in establishing state policy regarding youth activities, the State believes that local determination is an important principle in system design. Each local area needs to identify the "problems" that need to be solved within the youth population and to develop program strategies that reflect local priorities and concerns and that best engage the interests and commitment of community members. In keeping with this, the State's strategy for ensuring that comprehensive services are provided to eligible youth will be limited to establishing the broad policy framework and guiding principles within which local efforts can be designed.

Considerable research has been conducted in recent years regarding the effectiveness of various strategies for serving at-risk youth (both in-school youth and dropouts) in an effort to identify factors contributing to the success of the effective models and the demise of ineffective ones. As a result of these studies, researchers and practitioners have concluded that six design features form the foundation for effective youth programs.

As such, the State has adopted these key design features as the basic framework for WIA youth programs in Idaho and transmitted them to local areas for use in developing local youth strategies:

- **Adult support, structure, and expectations** - advisors, mentors, role models, teachers, setting clear and high expectations;
- **Creative forms of learning**, including SCANS competencies, work-based learning, project-based learning, and other environments that make learning engaging and relevant;
- **A combination of guidance and rich connections to the workplace**, including matching youth with suitable employers, job coaching, and structured learning opportunities;
- **Support and follow-up**, including referral to or arrangement for needed ancillary services and opportunities to learn trust, as well as work ethics;
- **Using youth as resources**, allowing them to contribute to their own growth; and
- **Quality Implementation**, through well-managed programs, incorporating evaluation and continuous improvement, quality staff training and materials, and effective use of resources

The State also adopted the following Guiding Principles to be used by local Youth Councils to shape local youth policy and develop a comprehensive youth strategy.

- (a) Youth Councils will establish and oversee a system of youth development, education and training that promotes and enhances academic achievement, high school graduation, work-readiness skills, postsecondary readiness, occupational skill achievement and employment readiness.
- (b) Locally-identified needs of both dropouts and in-school youth, particularly those at risk of dropping out, will guide the design of local youth programs.
- (c) Individual, in-depth, comprehensive assessments will allow services to be tailored to each youth's specific needs.
- (d) Services will be tied to the age and maturity level of each youth.
- (e) Service strategies will be sequenced over time to maximize learning gains and assimilation of appropriate work behaviors.
- (f) Service strategies for dropouts will include efforts to assist youth in achieving high school credentials.
- (g) Service strategies will emphasize the use of SCANS skills through contextual learning opportunities that combine school-based learning opportunities and work-based opportunities.

Because WIA funds are limited, development of a comprehensive, community-wide approach to meeting the needs of youth will require collaboration among a variety of workforce, educational, and related agencies to develop program strategies that address the multiple needs of youth and establish the sequence of services needed to help youth move toward functioning as effective citizens, family members and employees.

In order to address the broadest spectrum of needs and program strategies, local Youth Councils are required to maintain/continue linkages with the organizations identified above if they are not represented on the Youth Council.

- (a) Idaho Department of Labor;
- (b) Idaho Division of Vocational Rehabilitation;
- (c) Idaho Commission for the Blind and Visually Impaired;
- (d) Idaho Department of Health and Welfare;
- (e) Idaho Department of Juvenile Corrections
- (f) Secondary and postsecondary institutions;
- (g) Job Corps;
- (h) Programs for the homeless; and,
- (i) Community Based Organizations serving youth with special barriers to employment, including minorities and people with disabilities

Coordination with foster care, education, welfare, and programs that serve youth with special barriers to employment, including youth with disabilities will take place locally through linkages described above. Most of these same organizations serve on the Workforce Development Council and participate at the state level in the consideration of strategies to serve youth with special needs.

Job Corps will have a voice in the design and delivery of local youth activities either through participation on local Youth Councils or through the linkages required above. Through these mechanisms, they will have opportunities to assure appropriate access to youth activities for Job Corps participants. Although Job Corps is not represented on the Workforce Development Council, organizational representatives attend Council meetings and participate as needed in discussions affecting the population they serve.

No Youth Opportunity Grants have been funded in Idaho.

15. *Describe how your State will, in general, meet the Act's provisions regarding youth program design, in particular:*
 - *preparation for postsecondary educational opportunities;*
 - *strong linkages between academic and occupational learning;*
 - *preparation for unsubsidized employment opportunities;*
 - *effective linkages with intermediaries with strong employer connections;*
 - *alternative secondary school services;*
 - *summer employment opportunities;*
 - *paid and unpaid work experiences;*
 - *occupational skill training;*

- *leadership development opportunities;*
- *comprehensive guidance and counseling;*
- *supportive services; and*
- *follow-up services. (§§112(b)(18), 129(c).)*

The State's approach to ensuring that the required design features are reflected in local program design is through the issuance of the State's comprehensive youth policy described in #14 above, which includes Guiding Principles to be used by local boards in developing local strategies. Planning Guidelines ask what each local area's strategy would be to make the ten required elements available; these will be reviewed by the State to ensure that the requirements of §129 of the Act are met.

Local areas generally work closely with secondary and alternative schools across the state in dropout prevention efforts with a goal toward high school completion and preparation for postsecondary opportunities. Tutoring, basic skill remediation, employability competency training, counseling, work opportunities and supportive services are among the most common services provided in conjunction with local schools. The State has brought in training on incorporation of SCANS skills into work-based learning activity under JTPA, which is expected to continue under WIA, to expand local capacity for reinforcing the connection between academic and occupational learning.

Employability training (pre-employment/work maturity skills training) is a staple among the menu of services by workforce development system partners. Linkages with the One Stop system and School-To-Work activities that have been sustained locally strengthen service provider efforts directed toward making connections for participants with the employer base across the state.

Work experience has been a mainstay of summer employment opportunities for at-risk youth throughout JTPA and will continue under WIA, with an increased emphasis on project-based learning integrating SCANS skills and competencies and leadership development opportunities on a year-round basis.

Vocational training is and will continue to be available at both the secondary and postsecondary level through public and private schools, as well as a variety of community based organizations across the state, all of whom are active partners in the workforce investment system.

Mentoring programs, previously available only on an intermittent basis, are being institutionalized into the WIA menu of services. Training has been brought in to expand the workforce development system's ability to offer this service. As indicated in Section III.B.1.h, the State is requiring that local areas take steps to ensure that mentoring efforts offer mentors and mentees maximum protection and quality experiences through appropriate screening and training of mentors and through the provision of ongoing support for mentoring activities.

Local areas will be relying heavily on WIA service providers and their coordination with other community resources to provide the necessary guidance and counseling, supportive services, and follow-up contacts to help participants sustain gains made during program participation.

Guidance and counseling is available through WIA providers, the Department of Health & Welfare Substance Abuse program, Wagner-Peyser programs, the Idaho Division of Vocational Rehabilitation, the Idaho Commission on Aging, secondary and post-secondary technical colleges, private providers and a host of community-based organizations. Individuals may receive this service in-house or be referred to a more appropriate source.

Follow-up services generally focus on continued contact with participants through both formal and informal channels designed to help participant sustain gains made during program participation. This may take the form of coaching and trouble-shooting on the job, coordinating with school staff to further participant goals in educational settings, and general support based on individual needs.

16. *Describe the State's strategies to provide additional assistance to local areas that have high concentrations of eligible youth.*

The State's strategy for supporting local efforts to serve youth are two-fold:

- (A) Information and guidance we have received to date from nationally-recognized trainers suggest that the labor intensity of developing and operating a mentoring program is considerable. As such, the State is making funds available to each of the regions to work through the developmental stages of making mentoring an ongoing element of the WIA menu of services. Funds will be allocated among the six regions to award to service providers to augment first-year efforts to offer mentoring services to help assist with the costs of developing the system's capability to recruit, train, and match mentors, conduct background checks appropriately, monitor mentor activity, create mentor support groups, and trouble-shoot developmental problems. Service providers will be required to use these funds for developmental purposes, rather than to support ongoing mentoring costs. The State has set aside \$100,000 for this purpose.
- (B) An additional \$100,000 is being made available in PY2000 to local areas for youth services in proportion to each local area's relative concentration of eligible youth. Rather than selecting a specific population within the overall eligible population, these funds will be awarded on the basis of the rate of incidence of poverty youth under 18 in each local area. The formula for distribution of these funds among the local areas will be as follows: Half of the funds (\$50,000) will be distributed equally among the six areas; the other \$50,000 will be distributed among the local areas whose incidence rates exceed the state's average, based on the most recent data available.

The above strategy for providing additional assistance to local areas with high concentrations of eligible is for PY2000 only and will be reexamined on an annual basis.

- C. *System Infrastructure: How will the State enhance the systems necessary to operate and manage your workforce investment system? (§§111(d)(2), 112(b)(1), 112(b)(8)(B).) In your discussion, you must address the following required elements:*

1. *How will the locally-operated ITA system be managed in the State to maximize usage and improve the performance information on training providers? How will the State ensure the quality and integrity of the performance data? (§§112(b)(14), 112(b)(17)(A)(iii), 122.)*

The Individual Training Account is established on behalf of a participant. All ITAs must be selected by the participant and approved by their WIA case manager. ITAs will be issued for a specific training program and to a specific provider. ITAs may not be transferred from one participant to another. All training must be linked to employment opportunities in the area or to another area the individual is willing to relocate. Training services may only be made available in accordance to federal and State policies on moving from core/intensive services to training.

Idaho will operate a statewide management information system and financial payment system. All WIA Adult and Dislocated Worker service providers will use these automated systems. These systems will offer capability to closely monitor and manage Individual Training Accounts usage. The automated MIS and financial system will allow for ongoing reporting on amount of expenditures by each training provider. This system will help ensure that payment and tracking methods are easily accessible at the local level and will encourage the utilization of ITAs. The statewide systems will also help ensure quality performance reporting.

Training providers will apply through the Idaho Works Boards. The Department of Labor will work closely with the local Idaho Works Boards in encouraging training providers to apply for initial eligibility. The Department and local boards will develop a statewide application form for initial eligibility. To have a program included on the list, the training providers will be required to list each training program and the training costs/fees. Training providers will also certify compliance with debarment and nondiscrimination policies. All applications for the Eligible Training Provider system must be submitted to the appropriate Idaho Works Board.

The Idaho Works Board will submit approved training programs to the Department of Labor. To maximize opportunities for training provider participation, the local boards will be encouraged to accept and review applications on an ongoing basis. The locally approved programs will be consolidated in a statewide list and included in the Department of Labor's *Idaho Works* system. The Department will update the list monthly. The Eligible Training Provider list will be available through the Department of Labor's *Idaho Works* Home Page. This process ensures that customers and other states will have access to the list through the Internet. The State is exploring options for creating an outcome reporting system including the processes for verifying the data. When consistent and verifiable outcome information is produced through the Eligible Training Provider system, this information will be made available in the One Stop Centers through the automated *Idaho Works* system.

2. *How will your State improve its technical and staff capacity to provide services to customers and improve entered employment outcomes in accordance with section 7(a)(3)(f) of the Wagner-Peyser Act? How will your State use technology such as Jobline, "swipe card" technology, a community voice mail system or other methods to build a mediated and electronic labor exchange network? How will*

the State use America's Job Bank/State Job Bank Internet linkages to encourage employers to enter their own job orders on the Internet? (§112(b)(7).)

Initiatives are under way in Idaho that are focused on improving technical and staff capacity to heighten services to both job seeking and employer customers. These initiatives enhance the One Stop system's role in the labor exchange arena and improve entered employment outcomes.

1. Career Development Facilitation (CDF) training delivers a nationally recognized curriculum for certification of permanent frontline staff, improving staff capacity to assist job seeking customers in acquiring life long skills to manage their career development. Composed of eight areas of professional expertise, the Idaho Department of Labor will offer CDF training as part of a regular training regimen.
 2. Employer Services Training ~ A newly developed module of CDF, this training will be conducted with national expert John Garofalo acting as a consultant. Training incorporates specific communication tools to enable staff to better communicate with employers, and also provides specific tools for improved targeting strategies to increase the quality of job orders in the One Stop system.
 3. Online Employer Entry of Job Orders ~ Idaho is continuing development and testing of enhanced employer access to our One Stop labor exchange system. Idaho's pilot project for employer entry of job order information via the Internet is scheduled for the first quarter of 2000, with statewide implementation occurring during the following 12 months. Employer access to search databases for qualified applicants is in the design phase. As these services are distributed to our employer customers, frontline staff will be trained to provide technical assistance and to participate in employer marketing campaigns. While these enhancements are being developed, AJB's Internet employer services are marketed by frontline staff and made available in the Employment Resource Centers of each One Stop Center.
 4. Off-site Kiosks ~ With the assistance of federal One Stop funds, Idaho is broadening access to labor exchange services beyond One Stop and Affiliate centers. Stand-alone kiosks will be installed in 30 rural/remote areas in calendar year 2000. These self-service Internet access points will provide job listings, allow the user to register for work, and provide access to employment and training information and options.
3. *How will the State improve its employment statistics system to ensure that One-Stop system customers receive timely, accurate and relevant information about local, State and national labor markets? (§§111(d)(2), 111(d)(8), 112(b)(1), 134(d)(2)(E).)*

The state will undertake the following efforts in the next several years to improve its employment statistics system:

STRATEGIES FOR IMPROVEMENT

- Department of Labor staff will meet with Workforce Investment Boards to discuss any special statistical needs they might have and to ensure that they know what information already exists and how it can be used in their programs.
- O*NET skills and descriptions will be incorporated into the state's Career Information System, *Idaho Works*, and publications.
- The *LMI Access* will be fully deployed in all customer service sites. The ALMIS data base will be continually updated with local, state, and national information.
- Internet access to employment statistics will be continued and enhanced. Local and regional directories and files will be available. An Internet version of *LMI Access* will be developed.
- Area occupational employment projections and wage rate information will be developed.
- More precise estimates of agricultural labor supply and demand will be developed.
- Employment Resource Center materials will be enhanced.

V. PERFORMANCE MANAGEMENT

- A. *For each of the core indicators identified in Section II of these instructions, the customer satisfaction indicator and additional state measures, explain how the State worked with local boards to determine the level of the performance goals. Include a discussion of how the levels compare with the State-adjusted levels of performance established for other States (if available), taking into account differences in economic conditions, the characteristics of participants when they entered the program and the services to be provided. Include a description of how the levels will help you achieve customer satisfaction and continuous improvement over the five years of the Plan. (§§112(b)(3), 136(b)(3).)*

Idaho will utilize the 17 WIA core measures to track performance; no additional State measures will be established. The State will follow USDOL guidance in establishing performance goals for each of the 17 core measures. The State will develop a database for the core measures in accordance with federal guidance. The database will reflect past State and area-level JTPA performance for the WIA measures. This database will be the primary basis for negotiations with the USDOL and the Idaho Works Boards. For measures, such as the Employment and Credential Rate, where data is not available to construct a valid database, the State will follow federal guidance in establishing appropriate performance standards. The seventeen measures and performance levels are attached. This table will be completed after final USDOL guidance is released.

Two time periods will be utilized for tracking performance. All measures using UI wage records and the younger youth retention rate will be based on JTPA experience from the last three quarters of PY 1999 and the WIA first quarter of PY 2000. The remaining core measures will be based on “real time” reporting- that is, WIA experience starting July 1, 2000.

The State will work closely with the Idaho Works Boards in establishing appropriate performance expectations. In developing the performance expectations, the State will consider factors such as economic conditions, the characteristics of participants and the services to be provided. However, for the first year of WIA, it will be difficult to project the impact of these factors on performance levels. This problem is compounded by the use of new performance measures, the lack of experience in utilizing UI wage records to measure performance, and the difficulty of projecting the impact of new WIA service delivery strategies. As it is difficult to predict the quantifiable impact of the above factors on performance, the State will be predisposed to utilize the state-level results of the database in negotiating local-levels of performance for the first year of WIA. However, as WIA implementation progresses, the State is committed to working closely with the local Idaho Works Boards in identifying significant changes in the factors used to develop the original performance levels and negotiating the appropriate revisions at both the federal and local levels.

During the first years of WIA implementation, Idaho believes that it is critical to closely monitor the appropriateness of the core measurement system to avoid unintended negative impacts on service delivery strategies. The Idaho Works Boards and their service providers need assurance that the WIA measures system will not inadvertently create barriers to quality services.

Accordingly, the State will work closely with the local areas to identify potential problems early and to make the appropriate adjustments in performance expectations.

As described above, Idaho will closely monitor the WIA performance system and performance expectations to ensure that they contribute to quality service delivery. Meeting and exceeding appropriate performance levels will require comprehensive quality services that will contribute to a high level of customer satisfaction. The emphasis on performance accountability will help promote continuous improvement.

B. Does your State have common data system and reporting processes in place to track progress? If so, describe what data will be collected from the various One-Stop partners (beyond that required by DOL), your use of quarterly wage records, and how the statewide system will have access to the information needed to continuously improve. If not, describe the State's timeframe and plans for transitioning from the JTPA to the WIA tracking system, your planned use of quarterly wage records, and the projected time frame for the system to be operational. (§112(b)(8)(B).)

The Workforce Investment Act's reporting requirements extend the scope and definition of information collected and reported under JTPA. Rather than modify Idaho's current JTPA mainframe system, the WIA case management and reporting MIS is a component of the *Idaho Works* Internet infrastructure. Development of this Internet application brings increased accessibility and enhanced communication within the One Stop arena.

The State of Idaho's WIA participant and financial data bases are currently in test, with final modifications anticipated upon receipt of final regulations and reporting requirements. Work history and common data fields are pulled from *Idaho Works*, the One Stop self-registration and labor exchange system. Further enhancements related to information exchange, online referral, and expansion of data base sharing will be prioritized by One Stop partner staff with development planned in 2001.

Based on draft instructions, Idaho has completed development and testing of programs required to extract appropriate quarterly wage records as well as the formulas to determine performance standards for each local IWB, and for each funding stream. Again, final modifications are anticipated upon receipt of final regulations and reporting requirements.

Continuous improvement endeavors require access to performance data as well as customer satisfaction information. Idaho's WIA MIS Internet system provides the online user with a number of ad hoc reporting options ~ demographic/programmatic/accounting data related to active participants or completers; data collected during follow-up; required federal reports, including performance data based on quarterly wage records. Ad hoc reporting allows the user to access data at all levels ~ State, local IWB, service provider, or participant. Customer satisfaction survey response data is also housed within the WIA MIS, and can be viewed at the participant level, or in the aggregate using the reporting system.

- C. *Describe the system(s) by which your State measures customer satisfaction for both job seekers and employers (beyond those elements required by the Department). How will customer satisfaction data be evaluated, disseminated locally, and used to improve services and customer satisfaction? Describe any targeted applicant groups under WIA Title I, the Wagner-Peyser Act or Title 38 (Veterans Employment and Training Programs) that your State will track. If no system is currently in place, describe your State's timeframe and plan to collect this information. (§§111(d)(2), 112(b)(3), 136(b)(2)(B).)*

Idaho is committed to obtaining customer input on service delivery and increasing customer satisfaction. All programs are encouraged to utilize a wide variety of methods to obtain customer feedback ranging from simply listening to customers to formal surveys.

The Department of Labor obtains employer feedback through Job Service Employer Committees, Small Business Information Fairs, employer input surveys and focus groups. For example, when the Department established Employer Resource Centers in each of the Job Service offices, 200 employers were surveyed to identify the resources they would find the most useful. Based on this feedback, informational materials have been developed and are available in printed version or on the Department's web site.

The Department also conducts employer surveys to determine satisfaction with placement services. The surveys are contracted to a third party and are statistically valid for each local office. The current statewide survey effort includes the three WIA employer satisfaction questions and rating scale. Based on previous survey results, the Department provided guidance to staff on how to improve applicant screening techniques. Also, a new job match system is being developed that will provide frontline staff with a better tool for identifying the most appropriate job seeker to fill the employer's job opening.

The Department also utilizes a variety of methods to obtain job seeker input. These methods include surveys, comment cards, direct feedback, Labor/Management Committees and Internet e-mail. The *Idaho Works* system also includes an automated user friendly survey that measures satisfaction with local office staff, services, self-registration process, the job search system and resource center services. Through the Internet e-mail customers have access to the Director, management staff and program experts. Recent comments received through this dynamic system have lead to improvements in the menu selections for accessing job order information and in the process for receiving applications for State employment.

Idaho's Veteran program has just completed a two-year pilot study on customer satisfaction. Respondents were asked to rate their satisfaction with local office services in three areas: computer accessed services, mediated services and personal assistance services. Responses were universally positive with satisfaction for individual personal assistance the highest. Overall, 87.3% of all respondents felt their expectations had been met and 96.8% of all respondents would recommend Job Service to a friend. The Department is committed to measuring satisfaction with veteran services and will implement the new USDOL requirements when they are issued.

The statewide WIA management information system will provide the capability of analyzing the WIA customer satisfaction surveys by participant groups. The WIA customer satisfaction survey will be enhanced to include employment related feedback. This will greatly increase the usefulness of the data for continuous improvement efforts. The statewide management information system allows broad local access to this information.

D. Describe any actions the Governor and State Board will take to ensure collaboration with key partners and continuous improvement of the statewide workforce investment system. (§§111(d)(2), 112(b)(1).)

The Governor and Workforce Development Council are leading the effort to ensure collaboration and continuous improvement in the statewide workforce investment system. The Governor's Office provides lead staff support for the State Council. The Governor's Office staff has organized a state team comprised of representatives of all the workforce investment agencies to provide assistance in this effort. Also, the Governor's staff leads the State Management Team established to facilitate agency level coordination in the statewide workforce system and to provide leadership for the State's One Stop effort. The State partners include the Department of Health and Welfare, Commission on Aging, Commission for the Blind and Visually Impaired, Department of Labor, Division of Professional-Technical Education, Division of Vocational Rehabilitation, Office of the State Superintendent and the Idaho Migrant Council. The above entities are entering into a cooperative agreement that addresses goals, planning, information sharing and confidentiality, technology, continuous improvement and accountability, service delivery support and cost sharing. Currently, the Team is developing an annual action plan that focuses efforts on removing barriers to information sharing, improving access to technology, increasing administrative data sharing, supporting a joint survey on employer workforce needs and providing assistance to the local areas in the development of the WIA Memorandum of Understanding.

The Workforce Development Council established the Vision, Goals and Guiding Principles for the State's One Stop Career Center Network. These goals emphasize collaboration, customer choice and customer satisfaction as the foundation of the system. The Council established a Performance Committee to accentuate the importance of accountability and continuous improvement in the workforce system. The Workforce Development Council has agreed to set aside \$60,000 of the WIA State 15% funds to encourage the local areas to address continuous improvement activities. For the first year of WIA, funds will be used to emphasize the importance of incorporating customer feedback into service delivery improvements. Each local area will be eligible for set-aside funds contingent on submitting to the Council evidence of successfully implementing this activity in their WIA service delivery.

The State Council has also approved utilizing \$50,000 of WIA State 10% funds to conduct a survey assessing employers' workforce needs. The survey will address cross program needs and will supplement program specific survey efforts.

E. How will the State and local Boards evaluate performance? What corrective actions (including sanctions and technical assistance) will the State take if performance falls short of expectations? How will the Boards use the review process to reinforce the strategic direction of the system? (§§111(d)(2), 112(b)(1), 112(b)(3).)

The State and local Boards will be involved in an ongoing evaluation of program performance. The State's management information system and the WIA customer satisfaction surveys will be the primary tools used to measure performance. The State's Incentive and Sanction policies will be based on the seventeen WIA core performance measures.

The Idaho Works Boards will review performance on at least a quarterly basis. Several Boards have appointed Performance or Oversight Committees to review performance and to oversee the corrective action process. Local staff will be involved in the technical assistance efforts to improve service delivery. Local board staff will meet regularly with service providers to assess opportunities for service improvements including program collaboration efforts and cross training of frontline staff. Possible local sanctions range from modifying service provider contracts to reductions of funding or terminations of contracts.

The State and local Boards performance system is based on a commitment to ongoing capacity building and the creation of a continuously improving quality delivery system. The State will utilize the WIA 15% resources to finance consultants, training conferences, or other activities to build the capacity of the workforce investment system. Local areas will be polled to determine specific needs for training and assistance and will be included in determining the specific use of the funds. The State will also direct capacity building and technical assistance to those local areas that are failing to meet performance standards. Capacity building efforts will be closely coordinated with the USDOL's technical assistance activities.

The State will allocate 10% of the WIA State-level budget to the local areas as incentive funds to reward exemplary local experience. The first allocation will be based on WIA performance for PY 2000 and will be supported with PY 2001 funds. We estimate that approximately \$180,000 will be available as incentive funds. Idaho will utilize the same process for determining local eligibility for incentive funds as the USDOL utilizes to determine State eligibility for incentives. Under the current USDOL policies, a State must obtain a 100% or higher cumulative average for each program area (adults/youth/dislocated worker) and the customer satisfaction measures. No individual program may have a cumulative average of less than 100%. In addition, an area may not have any of their 17 measures fall below 80% of their negotiated performance levels in order to be eligible to receive incentive funds. All local areas that meet these criteria will qualify for incentives based on exemplary performance. The incentive funds will be equally divided among all local areas that qualify. If the USDOL revises the current eligibility criteria for incentive funds, Idaho will make similar changes.

Idaho's sanction policies will also mirror federal strategies. Levels will be established for each separate program, as well as the customer satisfaction. The lowest acceptable level (*lower limit*) will be calculated as 80% of the local areas negotiated level. Local areas must attain 80% of the targeted performance level on each measure for performance to be determined acceptable. Those areas that fail to achieve this performance level will be subject to sanctions. For the first year,

PERFORMANCE MANAGEMENT

the local area will be required to submit a performance improvement plan addressing the areas of under-performance. The Idaho Department of Labor will provide technical assistance to the area in developing the plan. If a local area has unacceptable performance for two consecutive years, the Governor will take corrective action. The corrective action may include the appointment and certification of a new local Board, prohibiting the use of particular service providers or One Stop partners that have been identified as achieving poor levels of performance, or require other appropriate measures designed to improve performance of the local area. Appeal processes will be available in accordance with federal law and regulations.

VI. ASSURANCES

1. The State assures that it will establish, in accordance with WIA §184, fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State through the allotments made under WIA §§127 and 132. (§112(b)(11).)
2. The State assures that it will comply with WIA §184(a)(6), which requires the Governor to, every two years, certify to the Secretary, that:
 - (A) the State has implemented the uniform administrative requirements referred to in WIA §184(a)(3);
 - (B) the State has annually monitored local areas to ensure compliance with the uniform administrative requirements as required under WIA §184(a)(4); and
 - (C) the State has taken appropriate action to secure compliance pursuant to WIA §184(a)(5). (§184(a)(6).)
3. The State assures that the adult and youth funds received under the Workforce Investment Act will be distributed equitably throughout the State, and that no local areas will suffer significant shifts in funding from year to year during the period covered by this plan. (§112(b)(12)(B).)
4. The State assures that veterans will be afforded employment and training activities authorized in WIA §134, to the extent practicable. (§112(b)(17)(B).)
5. The State assures that the Governor shall, once every two years, certify one local board for each local area in the State. (§117(c)(2).)
6. The State assures that it will comply with the confidentiality requirements of WIA §136(f)(3).
7. The State assures that no funds received under the Workforce Investment Act will be used to assist, promote, or deter union organizing. (§181(b)(7).)
8. The State assures that it will comply with the nondiscrimination provisions of WIA §188, including an assurance that a Methods of Administration has been developed and implemented (§188.)
9. The State assures that it will collect and maintain data necessary to show compliance with the nondiscrimination provisions of WIA §188. (§185.).

10. The State assures that it will comply with the grant procedures prescribed by the Secretary (pursuant to the authority at WIA §189(c)) which are necessary to enter into grant agreements for the allocation and payment of funds under the Act. The procedures and agreements will be provided to the State by the ETA Office of Grants and Contract Management and will specify the required terms and conditions and assurances and certifications, including, but not limited to, the following:

- General Administrative Requirements

29 CFR part 97: Uniform Administrative Requirements for State and Local Governments
(as amended by the Act)

29 CFR part 96 (as amended by OMB Circular A-133): Single Audit Act

OMB Circular A-87: Cost Principles (as amended by the Act)

- Assurances and Certifications

SF 424 B: Assurances for Nonconstruction Programs

29 CFR part 31, 32: Nondiscrimination and Equal Opportunity Assurance (and regulation)

CFR part 93: Certification Regarding Lobbying (and regulation)

29 CFR part 98: Drug Free Workplace and Debarment and Suspension Certifications
(and regulation)

- Special Clauses/Provisions:

Other special assurances or provisions as may be required under Federal law or policy, including specific appropriations legislation, the Workforce Investment Act, or subsequent Executive or Congressional mandates.

11. The State certifies that the Wagner-Peyser Act Plan, which is part of this document, has been certified by the State Employment Security Administrator.

12. The State certifies that veterans' services provided with Wagner-Peyser Act funds will be in compliance with 38 U.S.C. Chapter 41 and 20 CFR part 1001.

13. The State certifies that Wagner-Peyser Act-funded labor exchange activities will be provided by merit-based public employees.

14. The State certifies that Workforce Investment Act section 167 grantees, advocacy groups as described in the Wagner-Peyser Act (e.g., veterans, migrant and seasonal farmworkers, people with disabilities, UI claimants), the State monitor advocate, agricultural organizations, and employers were given the opportunity to comment on the Wagner-Peyser Act grant document for agricultural services and local office affirmative action plans and that affirmative action plans have been included for designated offices.

15. The State assures that it will comply with the annual Migrant and Seasonal Farmworker significant office requirements in accordance with 20 CFR part 653.

16. The State has developed this Plan in consultation with local elected officials, local workforce boards, the business community, labor organizations and other partners.
17. The State assures that it will comply with section 504 of the Rehabilitation Act of 1973 (29 USC 794) and the American's with Disabilities Act of 1990 (42 USC 12101 et seq).
18. The State assures that funds will be spent in accordance with the Workforce Investment Act and the Wagner-Peyser Act legislation, regulations, written Department of Labor Guidance, and all other applicable Federal and State laws.
19. The State assures compliance with the Idaho Open Meeting Law to ensure public access to Council meetings and to solicit input from stakeholders and interested parties.

VII. Program Administration Designees and Plan Signature

Name of WIA Title I Grant Recipient Agency: Idaho Department of Labor
Address: 317 W. Main Street, Boise, ID 83735-0790
Telephone Number: (208) 334-6303 Facsimile Number: (208) 332-7417 E-mail Address: cbrush@labor.state.id.us

Name of WIA Title I Signatory Official: Roger B. Madsen, Director
Address: Idaho Department of Labor 317 W. Main Street, Boise, ID 83735-0500
Telephone Number: (208) 334-6110 Facsimile Number: (208) 334-6430 E-mail Address: rmadsen@labor.state.id.us

Name of WIA Title I Liaison: Tana Shillingstad, Human Services and Labor Policy Advisor
Address: Office of the Governor P. O. Box 83720 Boise, ID 83720-0034
Telephone Number: (208) 334-2100 Facsimile Number: (208) 334-3454 E-mail Address: tshillin@gov.state.id.us

Name of Wagner-Peyser Act Grant Recipient/State Employment Security Agency: Roger B. Madsen, Director
Address: Idaho Department of Labor 317 W. Main Street, Boise, ID 83735-0500
Telephone Number: (208) 334-6110 Facsimile Number: (208) 334-6430 E-mail Address: rmadsen@labor.state.id.us

PROGRAM ADMINISTRATION DESIGNEES AND PLAN SIGNATURE

Name and title of State Employment Security Administrator (Signatory Official): Roger B. Madsen, Director
Address: Idaho Department of Labor 317 W. Main Street, Boise, ID 83735-0500
Telephone Number: (208) 334-6110 Facsimile Number: (208) 334-6430 E-mail Address: rmadsen@labor.state.id.us

As the Governor, I certify that for the State of Idaho, the agencies and officials designated above have been duly designated to represent the State in the capacities indicated for the Workforce Investment Act, Title I, and Wagner-Peyser Act grant programs. Subsequent changes in the designation of officials will be provided to the U.S. Department of Labor as such changes occur.

I further certify that we will operate our Workforce Investment Act and Wagner-Peyser Act programs in accordance with this Plan and the assurances herein.

/s/ Dirk Kempthorne
Dirk Kempthorne, Governor

March 29, 2000
Date

WDC VISION, MISSION AND GOALS
Attachment 1

DIRK KEMPTHORNE
GOVERNOR



Karen McGee
Chair

Steve Ahrens
Vice Chair

WORKFORCE DEVELOPMENT COUNCIL

317 W. Main Street
Boise, ID 83735-0790

Vision

Idaho will deliver a highly trained, diverse work force through partnerships among business, labor, education, and government. This integrated workforce development system will meet the productivity needs of a market-driven economy -- improving profitability, increasing global competitiveness, and enhancing Idaho's quality of life.

Mission

The Governor's *Workforce Development Council*, understanding the unique needs of business, education, and labor, will develop policy and provide oversight for an integrated Idaho workforce development system, promoted and implemented within established constraints.

Goals

GOAL I Assess the needs of business and industry to enhance economic development, based on market sensitivity.

1. Develop and conduct a statewide assessment of training and employment needs of business and industry.
2. Develop a system for ongoing assessment and evaluation.

GOAL II Establish a comprehensive workforce development delivery system.

1. Establish partnerships with business, agencies, and education in the development of a workforce system.

WDC VISION, MISSION AND GOALS
Attachment 1

2. Promote a system with a comprehensive menu of quality information services.
 - Develop policy recommendations for a One-Stop Career system.
 - Oversee implementation of the One-Stop Career system.
3. Develop, recommend and support a substate governance structure.
 - Integrate planning, oversight and delivery systems at the state and local levels.
 - Approve initiatives, program plans and grant applications to ensure coordination and minimize duplication.
4. Develop and recommend performance and evaluation methods.
 - Support a system that regularly measures progress toward goals and determines customer satisfaction.
5. Support a coordinated marketing campaign for all users.
 - Develop and implement a statewide marketing/public awareness program.

GOAL III Support a comprehensive educational system for all students K-16+ that includes rigorous school-based learning and relevant work-based learning.

1. Promote access for all students to accurate and current information about careers, occupations, and available education and training programs.
 - Promote career information systems for common use throughout the state.
2. Expand opportunities and increase student participation in work-based learning.
 - Promote the development of a wide variety of work-based learning opportunities.
 - Encourage the educational system to recognize and support work-based learning.
 - Broaden the numbers of businesses providing work-based learning opportunities.

GOAL IV Provide opportunities for and encourage life-long skill development for Idaho's current and transitional workers.

1. Ensure access to employment and training services for diverse population groups.
 - Identify and eliminate barriers in the workforce development system.
 - Coordinate with representatives of minority populations to identify their needs.
 - Promote English language training to better prepare limited English speaking Idahoans for the workplace.
2. Facilitate transitions to or within the workforce.
 - Encourage businesses to partner with local instructional providers to offer training for current employees.
 - Support welfare reform efforts.

WDC VISION, MISSION AND GOALS
Attachment 1

- Encourage Idahoans in their efforts to attain economic independence and self-sufficiency.
3. Promote and recognize the interdependence of and need for balance between work and family life.
 - Support community services and employment practices that enable applicants to enter the workforce and continue providing quality family life.
 4. Promote use of the Workforce Development Training Fund to deliver customized training for new employees, and upgrade training for current workers who are at risk of being permanently laid off.

GOAL V To advance issues related to Idaho's Workforce Development system by providing recommendations and progress reports to the Governor, State Board of Education and policy makers.

Reaffirmed July 26, 1999

ONE STOP CAREER CENTER SYSTEM

Vision

The One Stop Career Center network will revolutionize the systems that support the American labor market. All customers – employers, job seekers and students – will have access to streamlined, state-of-the-art, user-friendly employment, education, and training information and services. The One Stop system will be customer driven, highly integrated, offer superior customer service and result in exceptional customer satisfaction and return on investment of public funds.

One Stop Career Center-Guiding Principles

Customers, whether students, job seekers or employers, will be regarded as capable and motivated to achieve success in the labor market

We will put our customers first, measuring our success by satisfaction of the customer and value added for the customer

Collaboration and consensus among partners will guide the truly successful One Stop system

Partners are committed to the concepts of universal access, customer choice, program quality and accountability, and integration of services to meet customer demands

Multiple federal, state and local programs will be integrated to create a seamless system for the customers

Our efforts are guided by full participation of stakeholders and customers, fact-based decision-making, customer satisfaction as a key measure of accountability and delivering what we promise

One Stop Career Center System-Goals

All customers, including those with special needs and barriers to employment, will have access to a core set of services designed to assist in managing career and labor market decisions

Customer choice will be increased via:

- access to information and services in at least one full-service One Stop Career Center in each region, at multiple off-site locations including kiosks, service provider, education provider, and access points that are convenient to the customer
- access to information on quality of education, training and One Stop performance
- access to customer friendly career information and new, local labor market information
- access to registration, referral and job order filing

- access to regional service directories with information on education, training and support services, including child care
- development of automated systems designed to perform eligibility screens for a wide variety of employment, training and financial aid services

Customer satisfaction will be increased by:

- collecting and including customer preference in program design and measuring their satisfaction
- expanding access to staff knowledgeable about the labor market and a range of service options
- increasing access to a broader range of job openings, a larger pool of job applicants and an improved system for matching the two
- eliminating duplicate collection of information among multiple service providers and providing access to a seamless service system
- increasing staff time available for intensive services for those who need them through the use of automation and self-access for those who prefer this option

Program quality will be improved through:

- greater availability and use of labor market information
- greater availability and wider distribution of program outcome information
- expanded use of quality and program improvement processes throughout the system

Programs will be integrated through:

- greater integration of program planning processes at the state and local levels for School-to-Work, Work-to-Work and Welfare-to-Work programs
- integration of data and information systems
- expanded co-location of partners

TABLE 1

STATE Performance Goals			
Performance Measurement	PY2000	PY2001	PY2002
<i>Adult Programs</i>			
1. Entry into unsubsidized employment;	69%	71%	72%
2. Retention in unsubsidized employment @ six months	79%	80%	81%
3. Earnings @ six months	\$3500	\$3600	\$3700
4. Attainment of a recognized credential relating to achievement of educational skills by participants who enter unsubsidized employment.	45	46	47
<i>Dislocated Worker Program</i>			
5. Entry into unsubsidized employment;	73%	75%	77%
6. Retention @ six months	88%	88%	88%
7. Earnings @ six months	92%	92%	92%
8. Attainment of a recognized credential relating to achievement of educational skills or occupational skills by participants who enter unsubsidized employment.	45	46	47
<i>Older Youth (aged 19-21)</i>			
9. Entry into unsubsidized employment;	68%	69%	70%
10. Retention @ six months	80%	81%	81%
11. Earnings @ six months	\$2353	\$2500	\$2800
12. Attainment of a recognized credential relating to achievement of educational skills by participants who enter unsubsidized employment or who enter postsecondary education, advanced training or unsubsidized employment.	35	36	37
<i>Younger Youth (aged 14-18)</i>			
13. Attainment of basic skills and, as appropriate, work readiness or occupational skills;	60%	72%	74%
14. Attainment of secondary school diplomas and their recognized equivalents; and	50%	55%	55%
15. Placement and retention in postsecondary education, advanced training, military service, employment, or qualified apprenticeships.	54%	55%	56%

<u>Customer Satisfaction</u>			
<i>16. Participant customer satisfaction</i>	68%	69%	70%
17. Employer customer satisfaction	66%	67%	68%

WIA CODE OF CONDUCT

In order to ensure that the citizens of Idaho have complete confidence in individuals appointed by the Governor to serve on the Idaho Workforce Development Council (Council), in members appointed to serve on local Idaho Works Boards and local Youth Councils (local boards), and in other public servants administering Workforce Investment Act (WIA) funds, the following Code of Conduct is adopted:

A. DEFINITIONS

1. “Immediate Family” shall refer to persons related by blood, marriage or decree of court, within the second degree, to a voting member of the Council or local boards; or to the employees, officers and agents of grantees and subgrantees. This includes the spouse, child, parent, sibling, grandparent, aunt, uncle, niece, nephew, cousin, stepparent, stepchild, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or any other persons related by decree of court within the second degree.

2. “Financial benefit” shall refer to any economic gain or entitlement that results from any relationship with any organization or individual participating in a workforce investment activity.

3. “Entity” shall refer to any association, organization, business, government entity or other legal entity, whether operated for profit or not, in which the voting member or immediate family of a voting member has a private financial relationship, employment relationship or ownership interest.

B. CONFLICT OF INTEREST RESTRICTIONS FOR COUNCIL AND LOCAL BOARD MEMBERS

1. Members of the Council or any local board shall not:

A) Vote on any matter under consideration;

- 1) regarding the provision of WIA Title I funded services by such member, or by an entity that such member represents; or
- 2) that would provide direct financial benefit to such member or the immediate family of such member.

B) Engage in any business transaction or private arrangement that could reasonably be expected to result in a conflict between the private interest of a member and his or her official Council or board responsibility.

C) Participate in:

- 1) the designation of any local workforce investment areas;
- 2) the negotiation of or decision to award contracts or grants;
- 3) the settlement of any claims or charges in any contracts or grants;
- 4) the certification of any eligible providers; or
- 5) the selection of One-Stop Operators;

for any entity in which they have a financial or personal interest.

D) Engage in any other activity determined by the Governor or by state law to constitute a conflict of interest.

2. Misuse of Information. Members of the Council or local boards shall not use, for their own private gain, for the gain of others, or for other than officially designated purposes, any information obtained as a result of their council or board membership and not available to the public at large, or divulge such information in advance of the time prescribed for its authorized release.

3. Misuse of Board Facilities and Equipment. Members of the Council or local boards shall not use any council or board equipment, supplies, or property for their own private gain, for the gain of others, or for other than officially designated purposes.

4. Duties of Council and Local Board Members. It shall be the duty of all Council and local board members to:

A) Seek legal advice from the Attorney General or from independent counsel if they have any doubts that a specific situation involves a real or potential conflict of interest.

B) If the legal advice is that a conflict may exist, they shall prepare a written statement describing the potential conflict of interest and the matter to be acted upon, and shall deliver the statement to their appointing authority.

C) Recuse themselves from their duties if it is determined that there is a conflict of interest.

5. Violations of the Conflict of Interest Policy. If the Council or a local board believes that this policy has been violated, a recommendation may be made to the Governor or to the chief elected officials of the local workforce investment area that the individual who has violated the policy be removed as a member. Even if no recommendation is made for removal, the Governor or the chief elected officials of the local workforce investment area may remove a member of the Council or a local board for a violation of this policy.

C. CONFLICT OF INTEREST RESTRICTIONS FOR GRANTEEES AND SUBGRANTEEES

No employee, officer or agent of the grantee or subgrantee shall participate in the selection, award or administration of a contract supported by WIA funds if a conflict of interest, real or apparent, would occur. Such a conflict would occur when the employee, officer or agent; any member of his immediate family; his or her partner; or an organization which employs, or is about to employ, any of the above; has a financial or other interest in the firm selected for award.

D. NEPOTISM

No individual may be placed in a WIA employment activity if a member of that individual's immediate family is directly supervised by or directly supervises that individual.

E. KICKBACKS, GIFTS, FAVORS, AND GRATUITIES

No member of any Council or local board, or employee, officer or agent of any grantee or subgrantee under WIA shall solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors or parties to subagreements. This prohibition shall not apply to unsolicited trivial benefits, not to exceed a value of fifty dollars (\$50.00), that are incidental to personal, professional, or business contacts and that do not involve a substantial risk of undermining official impartiality.

*Guidelines
for
Certification
of
Local Idaho Works Boards
under the
Workforce Investment Act
of 1998*

April, 1999

Criteria for Appointment/Certification of Local Idaho Works Boards

Introduction

Section 117 of the Workforce Investment Act (WIA) authorizes Local Elected Officials in designated Workforce Investment Areas to appoint local workforce investment boards, in accordance with criteria established by the Governor of each state. The primary function of these boards will be to set policy for the local workforce investment system.

The material that follows describes certification criteria established by the Governor, through the Idaho Workforce Development Council, and is divided into the following sections:

- I. Roles and responsibilities of Local Idaho Works Boards
- II. Composition requirements for local boards
- III. The certification process
- IV. Certification timelines
- V. Recertification/Decertification of local boards

I. Roles and Responsibilities

Each local board, in partnership with the Local Elected Officials, is responsible for the following:

- A. Developing a five-year workforce investment plan and conducting oversight of the One Stop system, youth activities and employment and training activities under Title I of WIA;
- B. Selecting One Stop operators;
- C. Selecting eligible youth service providers based on the recommendations of the Youth Council, identifying eligible providers of adult and dislocated worker intensive services and training services, and maintaining a list of eligible training providers with appropriate performance and cost information;
- D. Developing a budget for the purpose of carrying out the duties of the local board;
- E. Negotiating and reaching agreement on local performance measures with the Governor;
- F. Assisting the Governor in developing the statewide employment statistics system under the Wagner-Peyser Act;
- G. Coordinating workforce investment activities with economic development;
- H. Promoting private sector involvement in the statewide workforce investment system through effective connecting, brokering, and coaching activities through intermediaries such as the One Stop operator in the local area or through other organizations, to assist such employers in meeting hiring needs; and
- I. Appointing a Youth Council as a subgroup of the local board in accordance with Section 117 (h) of the Act and coordinating workforce and youth plans and activities with that body.

II. *Composition*

A. Each Local Idaho Works Board must consist of the following, at a minimum:

- (1) Representatives of business in the local area;
- (2) Representatives of local educational entities;
- (3) Representatives of labor organizations;
- (4) Representatives of Community-Based Organizations;
- (5) Representatives of Economic Development Agencies;
- (6) Representatives of each of the Required One-Stop partners; and
- (7) Representatives of minority populations and people with disabilities

(1) Representatives of business in the local area

Individuals appointed to represent the business sector must:

- o be owners of businesses, chief executives or operating officers of businesses, and other business executives with optimum policy-making or hiring authority;
- o represent businesses with employment opportunities that reflect the employment trends in the area;
- o be nominated by local business organizations and business trade associations; and,
- o constitute at least 51% of the Local Idaho Works Board membership.

The Chair of the Local Idaho Works Board must be elected from among the business sector representatives.

(2) Representatives of local educational entities

Special consideration must be given to representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist).

Appointments in this category must be made from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities.

(3) Representatives of labor organizations

In areas in which employees are represented by labor organizations, individuals appointed in this category must be selected from among those nominated by local labor federations. In an area in which no employees are represented by such organizations, employees may be represented by other organizations.

(4) Representatives of Community-Based Organizations

Special consideration in appointing members in this category must be given to organizations representing individuals with disabilities and veterans, in local areas in which such organizations are present.

(5) Representatives of Economic Development Agencies

In the appointment of individuals in this category, special consideration must be given to private sector economic development entities.

AT LEAST TWO INDIVIDUALS ARE REQUIRED FOR EACH OF CATEGORIES (2) THROUGH (5) ABOVE.

(6) Representatives of each of the Required One Stop partners

Required One Stop partners are identified in Section 121 of the Act as the entities that carry out the following:

- o Programs authorized under Title I of WIA, serving:
 - Adults
 - Dislocated Workers
 - Youth
 - Job Corps
 - Native American programs
 - Migrant and seasonal farmworker programs
 - Veterans' workforce programs
- o Wagner-Peyser programs
- o Trade Adjustment Act
- o Veterans' Employment Services
- o Unemployment Insurance programs
- o Adult Education and Literacy programs
- o Programs authorized under Title I of the Rehabilitation Act of 1973 – Vocational Rehabilitation, Commission for the Blind and Visually Impaired, and the client assistance program
- o Senior community service employment activities authorized under Title V of the Older Americans Act

- o Vocational education programs
- o Community Services Block Grant employment & training programs
- o Housing and Urban Development employment & training programs
- o Welfare To Work programs (not applicable in Idaho at this time)

An "entity", as used here, is the grant recipient, administrative entity, or organization responsible for administering the funds of the specified program in the local area, not the service providers under contract with the local administrative entity. For programs that do not include local administrative entities (i.e., programs operated by the Idaho Department of Labor and Idaho Division of Vocational Rehabilitation, Adult Education programs, and programs funded through Title V of the Older Americans Act), the responsible state agency should be the partner. The eligible state entity may then designate an eligible local provider as the "entity" for this purpose. Local Elected Officials will need to contact appropriate state agency partners for designation of local representatives on local boards.

In those areas with both national and state programs funded through Title V of the Older Americans Act, Local Elected Officials will need to consult with the Idaho Commission on Aging regarding selection of the most appropriate representative(s) to serve on the local board.

A single agency or organization that administers multiple required programs may represent more than one One Stop partner, as appropriate. One Stop partners should include, but are not limited to, the Idaho Department of Labor, Adult Basic Education, the Idaho Division of Vocational Rehabilitation, the Area Agency on Aging, and Vocational Education.

If a required program is operational at more than one site (e.g., Community Services Block Grant activities), only one representative is required on the local board.

Local boards must also include national programs funded under Title I of WIA (Job Corps, Native American and Migrant Seasonal Farm Worker programs, and the Veterans Workforce Investment program), if they are present in the local area. In local areas where the national programs are not present, local boards should take steps to ensure that customer groups served by these programs have access to services through the One Stop delivery system.

One Stop partners not mandated for representation on local boards may be appointed to such boards at the discretion of the Local Elected Officials.

(7) Representatives of people with disabilities and minorities

In making appointments to Local Idaho Works Boards, Local Elected Officials must include individuals who represent minority populations and people with disabilities.

- B. Local Elected Officials may appoint other individuals or representatives of other appropriate entities, including entities representing individuals with multiple barriers to employment and other special populations, as deemed appropriate.

- C. Members that represent organizations, agencies or other entities shall be individuals with optimum policy-making authority within the entities they represent.
- D. Statutorily-required Idaho Works Board members (Categories 1-6) must be appointed as full voting members.
- E. "Double-counting" - Under limited circumstances, individuals may be appointed to represent more than one membership category. Such appointments must meet nomination requirements for both categories and nominating authorities in both categories must agree to such a dual role. In these situations, boards must include in their bylaws a prohibition against individuals in dual roles from voting on any issue that would involve a conflict of interest for either role.
- F. "Special Consideration" – “Giving special consideration” to organizations specified in membership categories (2), (4), and (5) above requires that Local Elected Officials take affirmative steps to identify any such organizations present in the local area and ensure that they are afforded an opportunity to submit nominations for appointments to local boards.

III. Certification Process

A. Applications

Applications for certification of Local Idaho Works Boards must contain the following information:

- (1) Name, address, title, organizational affiliation/place of business, membership category, and term of appointment of proposed Local Idaho Works Board appointees. For those business sector representatives that are not chief executive officers or chief operating officers, the application must describe the “optimum policy-making or hiring authority” of the proposed appointee(s).
- (2) Documentation that the proposed business sector appointments represent businesses with employment opportunities that reflect the employment trends of the local area;
- (3) Documentation that all nomination requirements in each category have been met; Nomination letters should be provided on the letterhead of the nominating authority.
- (4) Justification for any instances in which an individual will be appointed to represent more than one category; that is, a description of the circumstances which render the “dual role” appropriate. When individuals are appointed to represent more than one category, nominations are required in each category, as well as documentation that the dual role is acceptable to both nominating authorities.
- (5) Documentation that organizations specified in II.A(2), (4), and (5) have been identified for the local area and afforded special consideration in appointing members to local boards;

- (6) Assurances that the Local Idaho Works Board will:
- a. elect a Chair from among the business sector representatives on the local board;
 - b. appoint a Youth Council in accordance with Section 117(h) of the WIA and related regulations to develop portions of the local plan related to youth activities and to coordinate youth activities within the region (See Attachment A), subject to review by the State; and,
 - c. adopt bylaws which comply with conflict of interest provisions described in Section 117(g) of the WIA as well as any conflict of interest policies established by the State and which prohibit individuals representing more than one category from voting on any issue that would involve a conflict of interest in either category.
 - d. conduct business in an open manner, in accordance with Section 117(e) of the WIA, by making available to the public, on a regular basis through open meetings, information about the activities of the local board, including information about the local plan before submission of the plan, about membership, the designation of One Stop operators, and the award of grants or contracts to eligible providers of youth activities, and on request, minutes of formal meetings of the local board.
- (7) Signature(s) of Chief Elected Official(s) authorized to act on behalf of the Local Elected Officials requesting certification.

B. Failure to reach agreement

If, after reasonable effort, Local Elected Officials are unable to reach agreement regarding appointment of local board members, the Governor may appoint the members of the local board from individuals nominated or recommended.

*Submit applications to: Pat Debban, Administrator
Field Services Division
Idaho Department of Labor
317 Main
Boise, Idaho 83735*

PLEASE SUBMIT AN ORIGINAL AND TWO COPIES OF THE APPLICATION.

IV. Timelines

Local Elected Officials may submit certification applications anytime after receipt of this application package and should allow 45 days for review/approval of applications by the Governor. The state's WIA implementation timetable calls for consultation with local boards on a number of policy issues that are scheduled for completion in draft form by August. Local Elected Officials wishing their local boards to

participate in this consultation process should therefore have certification applications to the State by June 15, 1999. In any event, applications should be received by the State no later than August 15, so that all local boards are in place at the point the State issues WIA local planning guidance.

V. Recertification/Decertification

A. Recertification

Recertification of Local Idaho Works Boards will be based upon compliance with membership and nomination requirements (in filling board vacancies), the extent to which the local board has ensured that workforce investment activities have enabled the local area to meet local performance measures, and fiscal integrity.

Failure of a local board to meet recertification requirements will result in appointment and certification of another local board.

More specific information on recertification procedures will be provided as they are developed by the Workforce Development Council.

B. Decertification

Local boards may be decertified by the Governor at any time (after notice has been provided, along with an opportunity for comment) for fraud or abuse, failure to carry out the roles and responsibilities described in Section I above, or failure to meet local performance measures for two consecutive program years (in accordance with WIA Section 136).

If a local board is decertified, the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor, in consultation with Local Elected Officials in the local area.

More specific information will be provided regarding decertification procedures as they are developed by the Workforce Development Council.

Any questions about this material or other information regarding the process for certifying Local Idaho Works Boards should be directed to Laura Gleason, lgleason@labor.state.id.us, 334-6299.

Attachment A

The local Youth Council shall be appointed by the Local Idaho Works Board, in cooperation with Local Elected Officials, and will function as a subgroup within each local board.

Membership

Each Youth Council shall include:

- Members of the local board with special interest or expertise in youth policy;
- Representatives of youth service agencies, including juvenile justice and local law enforcement agencies;
- Representatives of local public housing authorities;
- Parents of eligible youth seeking assistance;
- Individuals, including former participants, and representatives of organizations that have experience relating to youth activities;
- Representatives of the Job Corps, as appropriate.

The Youth Council may include such other individuals as the chairperson of the local board, in cooperation with Local Elected Officials, deems appropriate.

Members of the Youth Council who are not voting members of the local board shall be voting members of the Youth Council and nonvoting members of the board.

Duties

The duties of the Youth Council shall be to:

Develop the portions of the local plan relating to eligible youth, as determined by the chairperson of the local board;

Subject to the approval of the local board--

Recommend eligible providers of youth activities, to be awarded grants or contracts on a competitive basis by the local board to carry out WIA youth activities;

Conduct oversight with respect to the eligible providers of youth activities in the local area;

Coordinate youth activities authorized under the WIA in the area; and

Perform other duties, as determined by the chairperson of the local board.

Memorandum of Understanding

Purchase of goods and services under the Workforce Investment Act (WIA) will comply with Uniform Administrative Requirements applicable the nature of the organization expending WIA funds. Units of state and local government will comply with OMB Circular A102, codified at 29CFR Part 97.

In order to meet these requirements, and in accordance with the general WIA procurement policies approved by the Governor (Attachment A), IDOL, as the State WIA Administrative Entity, proposes the following:

- I. State agencies expending WIA funds will follow policies and procedures established by the Department of Administration for all purchase of professional services and all other administrative purchases.
- II. When purchasing program services, state agencies expending WIA funds will be exempt from the specific procedural requirements of the Department of Administration, but will ensure compliance with all requirements contained in A102 as reflected in Attachment B and summarized below:
 - formal bidding for purchase of program services exceeding \$25,000;
 - maximum open and free competition;
 - maintenance of a bidders' list;
 - public notification of fund availability;
 - minimum of 30 days between issuance of RFP and submission deadline;
 - procedures that afford all applicants equal opportunity to be considered for funding;
 - objective selection of successful bidder, according to predetermined criteria and process, to be included in Requests-For-Proposals;
 - appeal procedures regarding selection of successful bidders, to be included in Requests-for-Proposals;
 - avoidance of any conflict of interest in selecting providers;
 - inclusion in RFP of applicable laws and regulations, and State policies or provision of these to potential applicants at a bidder's conference or upon request.

III. Noncompetitive practices

Use of noncompetitive practices will follow requirements established in OMB Circular A-102, except as follows.

- (A) State agencies will be allowed to purchase goods and services from other state agencies without competition.
- (B) Funds may be passed through from the State to local Idaho Works Boards without competition in accordance with established formulae to meet purposes specified in the Workforce Investment Act.
- (C) Funds may be passed through from the State to local Idaho Works Boards without competition to provide additional assistance for dislocated workers to local areas that experience disasters, mass layoffs or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals.

A Procurement Guide reflecting these requirements will be developed and maintained by IDOL and provided to other state agencies purchasing WIA program services

Signed:

Director, Idaho Department of Labor

DATE

Director, Idaho Department of Administration
(or Administrator, Division of Purchasing)

DATE

Attachments (2)

TRANSMITTAL

MEMORANDUM

September 21, 1999

TO: Workforce Development Council

FROM: Roger B. Madsen, Director

SUBJECT: Procurement Issues under WIA

ACTION REQUESTED: Approval of proposed procurement policies for purchase of goods and services under the Workforce Investment Act

BACKGROUND:

WIA federal regulations require that state and local governments and other entities comply with federal Uniform Administrative Requirements applicable to their organizations in administration of WIA activities. For state and local government, this is OMB Circular A102; for private nonprofits, hospitals, educational institutions, commercial organizations and others, OMB Circular A110 applies. Among the required administrative systems is procurement of goods and services under WIA.

Overall, both sets of regulations provide for full and open competition for purchase of WIA goods and services, with limited opportunities for making purchases through noncompetitive mechanisms. They require written procurement procedures that include identification of all technical requirements and factors that will be used to evaluate bids. They also require contract awards to be made on the basis of a bidder's demonstrated ability to perform activities and results specified by the funding organization. Both sets of regulations recognize the four standard purchasing methods---small purchases, sealed bids, competitive proposals, and noncompetitive (or sole source) procedures.

States are generally bound to the State's procedures used for purchases made with non-federal funds. Other governmental entities are directed to use their own procurement policies as long as they reflect applicable State and local laws and regulations and those contained in WIA. While procurement procedures for nonprofit and commercial organizations are established in regulations specific to their organizations, these entities are also subject to State requirements if they are operating a federal program for the State.

One of the procurement options --- procurement by small purchase methods---warrants special attention. "Small purchases" are those relatively simple and informal procurement methods used for securing goods and services that do not cost more than the "simplified acquisition threshold" established in U.S. Code. Although this threshold is set in U.S. Code at \$100,000, this amount is set in the context of much larger funding scenarios than is the case in Idaho. The Idaho Division of Purchasing limits this level to \$25,000 for state agencies; for purchases over that amount one of the more formal methods of procurement must be used. Staff believe that limiting informal purchasing to \$25,000 reflects sound and prudent business practice, given the WIA funding levels within the State, and should be a common threshold for all entities expending WIA funds.

Further research reveals that a number of other provisions that reflecting sound business practice are not addressed in detail in the regulations governing nonprofit and commercial organizations.

- Governmental entities are required to obtain price or rate quotations from "an adequate number of qualified sources" for purchases under the simplified acquisition threshold; nonprofit and commercial organizations are not.
- While regulations governing governmental entities require that all procurement files document the basis for selecting procurement method, successful bidder(s), and price, regulations for nonprofit and commercial organizations only require this for purchases over the simplified acquisition threshold.
- Nonprofit and commercial organizations are only required to authorize access to contract documents for appropriate governmental officials for purchases over the simplified acquisition threshold.
- Regulations specify the terms under which noncompetitive practices may be used for governmental entities but these are not addressed for nonprofit and commercial organizations.

Staff believe that these requirements are fundamental to sound accountability principles for expenditure of public monies in general and should be requirements for purchases by all entities under WIA. It would, however, be appropriate to exempt "very small" purchases, such as office supplies and materials from these requirements.

Staff Recommendation:

That the Council recommend the following procurement policy for purchases of goods and services under WIA:

In addition to the requirements established in the Uniform Administrative Requirements applicable to the organizations purchasing goods and services under WIA, found in OMB Circulars A102, A110, and WIA regulations, the following will apply:

- 1. The “simplified acquisition threshold”, over which formal bidding is required, will be \$25,000 for all entities utilizing WIA funds.**
- 2. When small purchase procedures are used by an entity purchasing WIA goods and services over \$1500, price or rate quotations shall be obtained from an adequate number of qualified sources.**
- 3. Procurement records for purchases of WIA goods and services over \$1500 shall include, at a minimum:**
 - (a) the rationale for the method of procurement (including justification for any noncompetitive practices) and contract type;**
 - (b) basis for contractor selection; and,**
 - (c) basis for contract price.**
- 4. All negotiated contracts awarded by recipients and subrecipients shall provide that the funding organization, USDOL, the U.S. Comptroller General of the United States, or any of their duly authorized representatives shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to the program for purpose of making audits, examinations, excerpts, and transcriptions.**
- 5. Procurement by noncompetitive methods may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids, or competitive proposals and one or more of the following circumstances applies:**
 - (a) The item is available only from a single source;**
 - (b) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;**
 - (c) The awarding agency authorizes noncompetitive proposals; or**
 - (d) After solicitation of a number of sources, competition is determined inadequate.**

Attachment B

<p>PROCUREMENT REQUIREMENTS FOR STATE AND LOCAL GOVERNMENT</p>	<p>REQUIREMENTS FOR EDUCATIONAL INSTITUTIONS, HOSPITALS AND OTHER PRIVATE NONPROFITS (PNPs)</p>
<p>(a) State must use same policies and procedures it uses for procurements from its non-federal funds; every contract/purchase order must contain all federally-required clauses. Other grantees and subgrantees use (b) through (i)</p> <p>(b) Procurement Standards</p> <ol style="list-style-type: none"> 1. Grantees and subgrantees are to use their own procurement procedures which reflect applicable State and local laws, provided they comply with federal requirements: 2. Requires Contract Administration system that ensures that contractors perform in accordance with contractual terms 3. Requires Code of Conduct 4. Consolidation of procurements to avoid duplication or purchase of unnecessary items; Analysis of lease vs. purchase alternatives req. 5. Intergovernmental agreements to procure common goods 6. Use surplus property first 	<p>Section 95.1 states that no additional procurement standards or requirements shall be imposed by USDOL unless required by federal statute, but that PNPs that implement federal programs for states are subject to State requirements in addition to the requirements in these regulations.</p> <p>Requires contract administration system to ensure contractor conformance with terms of contracts and to ensure adequate and timely followup on all purchases. Recipients shall followup on all contracts and document contractor performance</p> <p>Requires code of conduct</p> <p>Recipients shall avoid purchasing unnecessary items.</p> <p>Requires analysis of lease vs. purchase options</p>

<p>7. Use value engineering on construction projects</p> <p>8. Awards to be made to responsible bidder who can demonstrate ability to do the work, taking into account contractor integrity, compliance with public policy, record of past performance, and financial and technical resources</p> <p>9. Maintain sufficient records to detail history of a procurement: rationale for procurement method, selection of contract type, contractor selection and basis for price</p> <p>10. Limited use of "time and materials" contracts</p> <p>11. Grantees and subgrantees are responsible for resolving contractual and administrative issues arising out procurements ---proposal evaluations, protests, disputes, and claims</p> <p>12. Must have protest/appeal procedures; establishes limits of federal involvement in disputes to violation of federal law/procurement requirements, violation of the grantee/subgrantees</p>	<p>Contracts shall be made with responsible contractors who possess ability to perform successfully under the terms of the contract, giving consideration to contractor integrity, record of past performance, financial and technical resources or accessibility to other necessary resources</p> <p>Procurement records and files for purchases in excess of small purchase thresholds shall include, at a minimum</p> <p style="padding-left: 20px;">Basis for selection</p> <p style="padding-left: 20px;">Justification for sole source</p> <p style="padding-left: 20px;">Basis for award price or cost</p> <p>Recipients are responsible for disputes, claims, protests, source evaluation problems; matters concerning violations of statute are to be referred to federal state or local authorities that have jurisdiction.</p> <p>Matters concerning violation of statute are to be referred to such federal, state, or local authority as may have proper jurisdiction.</p>
<p>(c) Competition –</p> <p>1. Must ensure full and open competition. Examples of restriction of competition – placing unreasonable requirements on bidders, requiring unnecessary experience, noncompetitive pricing practices, noncompetitive awards to individuals on retainer contracts, organizational conflicts of</p>	<p>Competition-</p> <p>Requires full and open competition, to the extent practicable.</p> <p>Requires recipients to be alert to organizational conflicts of interest and noncompetitive practices that restrict trade.</p> <p>Contractors that develop or draft specifications, requirements,</p>

<p>interests, specifying brand names, any arbitrary actions</p> <p>2. No administratively imposed local geographic preferences</p> <p>3. Must have written selection procedures for procurement transactions, ensuring:</p> <ul style="list-style-type: none"> (i) incorporation of all technical requirements for item being procured, including any applicable standards (ii) identification of all evaluation factors and other requirements that bidders must fulfill <p>4. Requires use of bidders' lists</p>	<p>statements of work, IFBs, & RFPs shall be excluded from competing for such procurements.</p> <p>Recipients must establish written procurement procedures.</p> <p>Solicitations must provide for the following</p> <p>Clear and accurate description of technical requirements for material, product or service to be procured. Shall not contain features that unduly restrict competition.</p> <p>All Requirements that the bidder must fulfill and all other factors to be used in evaluating bids</p> <p>Description of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or acceptable standards</p> <p>The specific features of "brand name or equal" descriptions that bidders are required to meet, if such items are used</p> <p>Acceptance of products dimensioned in the metric system.</p> <p>Preference for products that conserve energy</p>
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<p>(d)Methods of procurement</p> <ol style="list-style-type: none"> 1. <i>Small purchase methods</i> – up to \$100,000; Requires quotes from “an adequate number of qualified sources” 2. <i>Sealed bids</i> (formal advertising)— usually used when selection will be based principally on low bid; requires public advertisement, use of IFB public opening; firm fixed price contract award; any or all bids may be rejected with a sound documented reason 3. <i>Competitive proposals</i> – solicitation when specification are not as specific as in sealed bids, requires: <ol style="list-style-type: none"> (i) public advertising of RFPs, identification of all evaluative criteria and their relative importance (ii) solicitation from an adequate of sources (iii) established method for evaluating proposals and selecting awardees (iv) awards to be made to the bidder whose proposal is most advantageous to the program 4. <i>sole source contracting</i> (noncompetitive proposals) – to be used only when the award of a contract is infeasible under #1-3 above and one of the following apply: <ol style="list-style-type: none"> (i) item only available from one source (ii) public emergency exists (iii) awarding agency authorizes sole source contracting (iv) after solicitation, competition is determined inadequate requires cost analysis and may require pre-approval 	<p>There is no requirement that PNPs obtain bids from qualified sources for amounts below the small purchase threshold.</p> <p>Type of procuring instrument – fixed price contracts, cost reimbursable contracts, purchase orders, and incentive contracts – shall be determined by recipient, but shall be appropriate for the particular procurement and in the best interests of the recipient.</p> <p>(No specific discussion of these procurement methods in 29CFR95, although reference is made to the small purchase threshold set in 41USC, which is \$100,000 – though 29CFR95 identifies the 41USC limit as \$25,000. Reference is also made in 29CFR95 to “sealed bids”, also not defined; in looking at this in 41USC, it appears that sealed bids and competitive proposals are all substantially similar in most contexts.)</p> <p>Awards shall be made to the responsible bidder whose bid is most advantageous to the recipient, based on price, quality and other factors set forth.</p>
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<p>from awarding agency</p> <p>41USC allows grantees to reject any and all offers if it is in the best interest of the grantee to do so, although this language is not in 29CFR97.</p> <p>(e) Requires that grantees and subgrantees take affirmative steps to ensure that small, women- and minority owned businesses and “large surplus area firms” have an opportunity to submit proposals, including:</p> <ul style="list-style-type: none"> (i) Inclusion on bidders’ lists (ii) Ensuring these firms are solicited whenever they are potential sources (iii) Dividing total requirements into smaller tasks to maximize participation by these firms (iv) Establishing delivery schedules that encourage participation by these firms (v) Using SBA & Minority Business Dev. Agency of Dept. of Commerce (vi) Requiring prime contractor to take affirmative steps to use these firms for subcontracts <p>(f) Cost and price analyses are required – independent cost estimates are required before receiving bids; cost analyses are required when price competition is lacking and for sole source procurements, unless price can be established based on published</p>	<p>Any or all bids may be rejected when it is in the recipient’s interest to do so.</p> <p>Requires that recipients make positive efforts to use small businesses, minority-owned firms, and women’s business</p> <p>Must ensure that these firms are used to the fullest extent practicable</p> <p>Make information on forthcoming opportunities available and arrange timeframes for purchases to encourage participation by these firms</p> <p>Consider in the contracting process whether contractors intend to subcontract using these firms</p> <p>Encouraging contracting with consortia of these firms</p> <p>Use SBA and the Minority Business Dev. Agency of the Dept. of Commerce and USDOL’s Small Bs. and Minority Affairs in the solicitation and utilization of these firms</p> <p>Some form of cost or price analysis shall be made and documented in procurement files in connection with every procurement action</p>
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<p>catalog price; profit is negotiated separately, "cost plus a %age of cost" is not allowable</p> <p>(g) Awarding agency review --</p> <ol style="list-style-type: none"> 1. must make technical specs available to awarding agency under certain conditions 2. must make procurement documents available for review by awarding agency <ol style="list-style-type: none"> (i) if grantee's procurement requirements are not certifiable, (ii) the procurement is expected to exceed the small purchase threshold and is to be awarded without competition or after only one bid is received; (iii) the procurement exceeds small purchase threshold and uses a brand name requirement, (iv) the procurement exceeds the small purchase threshold and is awarded to other than low bidder under a sealed bid procurement; (v) a contract mod increases a contract amount by more than the small purchase threshold 3. Grantee or subgrant is exempt from pre-award review if the awarding agency determines that its procurement systems comply with federal requirements. <ol style="list-style-type: none"> (i) Grantee or subgrantee may request that its procurement system be reviewed by the awarding agency (ii) Grantee or subgrantee can self-certify its system; subject to later review, through written assurances 	<p>USDOL (or awarding agency?) review --</p> <p>Must make procurements documents available for review by (USDOL/awarding agency?) when</p> <p>Recipients procurements or operation fails to comply with procurements standards in regulations</p> <p><u>Procurement will exceed small purchase threshold and is to be awarded without competition or after only one bid is received</u></p> <p><u>Procurement will exceed small purchase threshold and specified brand name</u></p> <p>Award is <u>over small purchase threshold and is to be awarded to other than low bidder under a sealed bid</u></p> <p>A proposed contract modification changes the scope of a contract or increases the contract amount by <u>more than small purchase threshold amount</u></p>
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<p>(h) Bonding requirements – there are a series of these (constr/)</p> <p>(i) Contract provisions, required in addition to anything in WIA</p> <ul style="list-style-type: none"> (i) Administrative, contractual or legal remedies for breach of contract, including sanctions (ii) Termination for cause and for convenience <ul style="list-style-type: none"> (iii) EEO Compliance (iv) “Anti-kickback” requirements,(constr/repair) (v) Davis-Bacon requirements (construction) (vi) Contract Work Hours and Safety Standards Act, as approp. (vii) Reporting requirements (viii) Requirements relating to patents and copyrights (ix) Requirements guaranteeing access to records by awarding agency 	<p>Bonding requirements – there are a series of these</p> <p>Contract provisions, required in addition to WIA and sound business practices</p> <p>Contracts in excess of small purchase threshold amounts shall contain contractual provisions that allow for administrative, contractual, or legal remedies in instances in which a contractor violates or breaches contract terms and provides for corrective action</p> <p>Contracts in excess of small purchase threshold amounts shall contain termination clauses</p> <p>Special clauses for construction projects</p> <p>All negotiated contracts exceeding small purchase thresholds awarded by recipients shall contain clauses which authorize access by the recipient, USDOL, the Comptroller General of the U.S. or their duly representatives to records pertinent to the performance of the contract</p> <p>All contracts shall contain provision for (from Appendix A)</p> <p>EEO Compliance</p> <p>Antikickback prohibitions (construction/repair)</p> <p>Davis-Bacon Act compliance (construction)</p> <p>Contract Work Hours and Safety Standards (construction and employment of mechanics and laborers</p> <p>Rights to inventions made under a contract</p>
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- (x) Records retention requirements – 3 years
- (xi) Requirements relating to Clean Air Act
- (xii) Requirements relating to energy efficiency

Clean Air Act compliance
Compliance with Byrd Anti-Lobbying Amendment – for awards exceeding \$100,000. Each tier must certify to the tier above that it has not and will not use any federally appropriated funds to pay any person or organization for influencing officers or employees of any agency, members of Congress, employees of Congress in connection with the obtaining of any federal contract, grant or any other award and must disclose any non-federally funded lobbying that takes place in connection with obtaining any federal award.
Debarment and Suspension requirements

MAP OF WORKFORCE INVESTMENT AREAS
Attachment 7

Attachment 7



Map created by Idaho Department of Labor, Research and Analysis Bureau

STATE COOPERATIVE AGREEMENT

PURPOSE

The purpose of this Agreement is to describe commitments of State level partners to Idaho's workforce investment system.

PARTNERS

The parties to this Agreement, referred to as partners, are:

- Commission on Aging
- Commission for the Blind and Visually Impaired
- Department of Health and Welfare
- Department of Labor
- Division of Professional-Technical Education
- Division of Vocational Rehabilitation
- Office of the State Superintendent
- Idaho Migrant Council

COMMITMENT TO GOALS

The partners to this Agreement agree to support the goals of the Workforce Investment Act of 1998, hereinafter referred to as WIA, including:

- Streamlining customer services in the One Stop delivery system.
- Empowering individuals through access to information on programs, services, and outcomes available through the One Stop system.
- Universal access to core services for all individuals entering the workforce investment system.
- Accountability for performance and customer satisfaction
- Effective youth programs linked to local labor market needs with strong connections among academic and workplace services and programs.

The partners agree to share accountability for achievement of the Workforce Development Council goals in attachment #1 and commit to the Vision, Guiding Principles and Goals for the One Stop system in attachment #2 to this Agreement.

PLANNING

Partners will facilitate planning and implementation of workforce initiatives that promote achievement of the goals. Where appropriate, partners agree to:

- Fully participate on the State Partner Leadership Team;

- Continue to build strong working relationships and processes, design effective plans and strategies and take actions necessary to achieve plans agreed upon by the Team;
- Assign staff, as appropriate, to teams charged with recommending action on specific issues and processes identified for joint participation;
- Assume joint responsibility for the success of Team activities and agree to communicate decisions with local staff for whom they have a responsibility; and
- As appropriate, ensure partner participation on local Workforce Investment Boards and provide local representatives with the information and tools required for effective representation.

INFORMATION SHARING AND CONFIDENTIALITY

Partners agree to abide by confidentiality laws, including but not limited to the Idaho Public Records Act, rules, and policies designed to protect individuals and employers from unwarranted invasions of their privacy and, at the same time, allow the disclosure and use of some confidential information for specified program purposes. Partners agree that:

- Wherever possible, customer information should only be collected, entered, and reported once to reduce the time and resources spent on duplicative processes.
- Informed consent and the need to know are the underlying principles for sharing confidential information.
- Lawful sharing can remove barriers to efficient and effective client service delivery.
- Customers have the right to grant or withhold consent to have their confidential information shared among partners to this Agreement, without impacting the ability to receive services.
- Sharing of data among agencies will be determined by mutual consent of the partners involved and be described in an Agreement specifying the nature and extent of the information to be shared.

TECHNOLOGY

Where appropriate, partners will utilize technology to streamline access to information and services and to share information among partners. Information will be shared for the purpose of eliminating duplicate collection of data at the point of customer access, providing customer access to information about programs and services and allowing for collection of accountability information through access to administrative records. Where appropriate, partners agree to:

- Provide access to Idaho Works.
- Provide current information on the partner's programs for inclusion on Idaho Works.
- Identify opportunities to share administrative data to increase efficiency in the collection of outcome data among the agencies.

CONTINUOUS IMPROVEMENT AND ACCOUNTABILITY

Partners will participate in a continuous improvement process.

SERVICE DELIVERY SUPPORT

Partners agree to provide training and support to the local level. Where appropriate, partners will:

- Enter into an MOU or provide support to their local staff in the development of an MOU that complies with the WIA and the Partner's governing legislation.
- Provide core services and provide access to the partner's other services as required in the WIA and state policy, at a minimum those identified in attachment 3, and consistent with the methodologies identified in attachment 4;
- Seek out opportunities for joint training and capacity building of staff to enhance operations under the MOU.
- Communicate commitments to action and/or prohibited activities to staff of their organization and to partner organizations serving on the Team.
- Offer assistance in the resolution of any disputes arising from the development of the MOU which involve the partner and the local board and provide notice to the Governor's office and the IDOL of such disputes if the disputes cannot be successfully resolved.

COST SHARING

Where appropriate, partners are committed to sharing responsibility and resources, to the extent practical and consistent with applicable statutes and regulations, in a manner that maximizes the quality of services to our individual and joint customers but does not compromise funding prohibitions. Partners are not committing a specific type or amount of resources, but agree to pay for their own costs and compensation while participating in this Agreement. Partners agree to:

- Adhere to the cost principles contained in the WIA and other legislation, regulations and OMB circulars which impact the partners.
- Participate in developing acceptable and appropriate cost sharing methodologies for inclusion in local MOUs.
- Provide staff resources and time in projects involving the individual partner.
- Fund the operational costs of systems related specifically to the individual partner's operations.
- Fund the ongoing costs of making Idaho Works available to customers at the partner's primary location consistent with OMB cost principles.

ANNUAL ACTION PLAN

Partners agree to develop an annual action plan with specific steps which further the intent of the Agreement.

DURATION

This Agreement will become effective upon the signature of the Director or Administrator for each participating party. Unless terminated or extended, this Agreement shall expire on June 30, 2004.

AMENDMENT

Partners in this Agreement will meet on an agreed upon, regular basis, no less than annually, to review progress made and may agree to make revisions to the Agreement at that time. Partners may meet at other times to review the terms of the Agreement. The terms of this Agreement shall not be waived, altered, modified, supplemented or amended, in any manner whatsoever except by written Agreement signed by all partners.

TERMINATION/CONFLICT RESOLUTION

This Agreement may be terminated at any time by mutual written consent of all partners. Any partner may withdraw its participation in the Agreement, in whole or in part, upon 30 days notice to all partners, provided that a written explanation of the scope of withdrawal and the reasons for that withdrawal are included in the written notice. It is understood that the partners will seek to resolve all conflicts in order to avoid termination. It is further understood that this Agreement shall not bind the partner beyond the terms of any appropriation of Congress or the State Legislature. Partners reserve the right to terminate this Agreement if, in the sole judgment of a partner, appropriated funds are inadequate to continue participation. The designated representative of each partner will be responsible to coordinate all matters associated with this Agreement for their party, including all written notices.

STATE COOPERATIVE AGREEMENT
Attachment 8

Signatures:

/s/ Lupe Wissel
Lupe Wissel
Commission on Aging

February 28, 2000
Date

/s/ Michael Graham
Michael Graham
Commission for the Blind and Visually Impaired

March 15, 2000
Date

/s/ Karl B. Kurtz
Karl B. Kurtz
Department of Health and Welfare

March 7, 2000
Date

/s/ Roger B. Madsen
Roger B. Madsen
Department of Labor

March 29, 2000
Date

/s/ Mike Rush
Mike Rush
Division of Professional-Technical Education

March 3, 2000
Date

/s/ Pat Young
Pat Young
Division of Vocational Rehabilitation

March 8, 2000
Date

/s/ Marilyn Howard
Marilyn Howard
State Superintendent

March 7, 2000
Date

/s/ Humberto Fuentes
Humberto Fuentes
Idaho Migrant Council

March 23, 2000
Date

STATE COOPERATIVE AGREEMENT
ANNUAL ACTION PLAN

The partners agree to the following action steps which further the intent of the State Cooperative Agreement.

INFORMATION SHARING AND CONFIDENTIALITY

To address barriers to sharing information, partners will:

- Contact system user customers to identify specific needs for shared information;
- Jointly identify information to be shared in the service delivery, management, and reporting processes.
- Jointly focus on resolving barriers to sharing consented and released information.
- Agree upon a process and release form for gaining informed customer consent for sharing of information among partners in the system.
- Unless current agreements are adequate, negotiate formal information sharing agreements that will facilitate the sharing of consented information among partners.

TECHNOLOGY

Partners will:

- Provide access to Idaho Works to ensure customers have access to Idaho Works information and services at their point of entry.
 - ◆ Offer assisted services to those who prefer or require these services in lieu of automated service delivery.
 - ◆ Maintain current information about partner program services on Idaho Works.
 - ◆ During the first year of operation of WIA, participate in an effort to upgrade Idaho Works program and services information to assure greater usability for system customers.
 - ◆ Participate in the development of an automated “eligibility” screening system to assist customers in identifying programs for which they are potentially eligible.
 - ◆ At least annually, review the information provided on Idaho Works to ensure that it meets the needs of customers.
- Identify opportunities to share administrative data to increase efficiency in the collection of outcome data among the agencies.
 - ◆ Establish a schedule and process for examining the use of administrative records.
 - ◆ During year 1, the IDOL will coordinate with the Division of Professional-Technical Education and the Department of Education to examine the use of Unemployment Insurance Records to report outcomes for potential use in the consumer report system.

CONTINUOUS IMPROVEMENT

Partners will:

- Develop recommendations to the Workforce Development Council for a survey or other process to gather information on the needs of employer customers for workforce investment services in order to improve services to this customer group.
- Participate in an annual review of accomplishments under this agreement to identify action to improve the system.

SERVICE DELIVERY SUPPORT

The following contributions will be by the partners in support of the local workforce systems:

- Partners will agree upon a process to provide technical assistance to their local staff in the development of MOUs.

COST SHARING

- Partners will establish a methodology for sharing costs that is consistent with the WIA principle of proportionate responsibility for the payment of shared costs in the One Stop system and in the One Stop Centers, to be used locally in developing local Memoranda of Understanding.

CORE, INTENSIVE AND TRAINING SERVICES

Core Services

Determinations of eligibility - initial registration may occur electronically, by personal interview, or an individual application with verifying information obtained prior to determination;

Outreach, intake and orientation to the information and services available through the One Stop system including services targeted to special populations including migrant and seasonal farmworkers, veterans, older workers, Native Americans, minorities groups, and persons with disabilities;

Initial assessment - the process of gathering information about an individual's skill levels, aptitudes, abilities and supportive service needs to make an initial assessment of services or programs most appropriate for an individual;

Job search and placement assistance – activities to provide job seekers with specific and general information that are designed to help them carry out a successful job hunting strategy. Subjects may include labor market information, application/resume writing, interviewing techniques, skills identification, why you're hired, and other work search strategies;

Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including

1. job vacancy listings in the local labor market area;
2. information on job skills necessary to obtain the jobs listed; and
3. information relating to local occupations in demand and the earnings and skill requirements for such occupations;

Provision of performance information and program cost information on eligible providers of training services;

Provision of information regarding how the local area is performing on the local performance measures and any additional performance information with respect to the One Stop delivery system in the local area;

Provision of accurate information relating to the availability of supportive services, including child care and transportation, available in the local area, and referral to such services, as appropriate;

Provision of information regarding filing claims for unemployment compensation;

Assistance in establishing eligibility for welfare-to-work activities (not currently available in Idaho), programs of financial aid assistance for training and education programs (Pell grants) and other Federal, state or local resources that are not funded under WIA and are available in the local area. This assistance may include referrals to specific agencies; information relating to, or provision or, required applications or other forms; or specific on-site assistance; and

Follow-up services - the process of maintaining contact with participants in-person, by telephone or other procedures, to determine if additional services are required to maintain or obtain employment. Follow-up, for a minimum of 12 months after the first day of the employment, is required for participants who are placed in unsubsidized employment.

Intensive Services

Intensive Services are intended to identify obstacles and provide a higher degree of intervention to assist eligible unemployed adults and dislocated workers who are determined unable to obtain or retain employment through core services. Intensive services may also be provided to employed workers to obtain or retain employment that will lead to self-sufficiency as defined by State policy.

Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include

1. diagnostic testing and use of other assessment tools; and
2. in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;

Development of a written individual employment plan, to identify the employment goals, steps and timetables, and combination of services needed for the participant to achieve a specific occupational goal;

Group or individual career counseling: ongoing or one-time assistance from a qualified staff person to aid the participant in gaining a better understanding of themselves so that they can more realistically choose or change an occupation, or make a suitable job adjustment. Career counseling can be provided directly to an individual or through group services;

Case management for participants seeking training services; the provision of ongoing one-on-one personal assistance including, but not limited to, providing information and guidance pertaining to vocational choice, assistance in obtaining training and services to reach employability, and follow-up services over a period of time required to obtain employment;

Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance

skills, and professional conduct, to prepare individuals for unsubsidized employment or training;

Out-of-area job search assistance; financial assistance for travel expenses when traveling outside the normal commuting distance for job interviews or to make direct employer contacts where there is a strong potential for employment;

Literacy activities related to basic workforce readiness; includes training which will enhance the employability of the participant by upgrading basic skills. Participants may be enrolled in remedial education to enhance basic reading and math skills, English as a second language (ESL), GED preparation to obtain a high school equivalency diploma or basic computer skills commonly used in a variety of occupations and industries;

Relocation assistance - financial assistance for moving and relocation expenses when the participant receives a definite, permanent job offer which is contingent upon moving to within commuting distance of the job. Relocation assistance is prohibited to encourage or induce business relocation that would result in a loss of employment at the original site or 120 days after relocation and commencement of business if a loss of employment was encountered at the original site;

Internships - a short-term or part-time work assignment with a private for-profit employer for a participant who needs assistance in becoming accustomed to basic work requirements;

Work experience - a short-term or part-time work assignment with a public, private nonprofit or private-for-profit worksite for a participant who needs assistance in becoming accustomed to basic work requirements; it should promote the development of good work habits and basic work skills.

Training Services

Training Services includes classroom and other occupational training services designed to equip eligible adults and dislocated workers to enter the workforce and/or retain employment. Training services may be made available to employed and unemployed adults and dislocated workers who:

1. Have met the eligibility requirements for intensive services, have received at least one intensive service, and have been determined to be unable to obtain or retain employment through such services;
2. After an interview, evaluation, or assessment, and case management, have been determined by a One Stop operator or One Stop partner, to be in need of training services and to have the skills and qualifications to successfully complete the selected training program;

3. Select a program of training services that is directly linked to the employment opportunities either in the local area or in another area to which the individual is willing to relocate;
4. Are unable to obtain grant assistance from other sources to pay the costs of such training, including Federal Pell Grants established under title IV of the Higher Education Act of 1965, or require WIA assistance in addition to other sources of grant assistance, including Federal Pell Grants; and
5. For individuals whose services are provided through the adult funding stream, are determined eligible in accordance with the State and local priority system;

Occupational skills training - training conducted in a classroom setting and is designed to provide individuals with the technical skills necessary to perform a specific job or group of jobs. Participants may be enrolled in vocational technical skills training or academic skills training;

On-the-job training - training conducted by a private or public sector employer, that occurs while the participant is engaged in productive work, learning the skills and information necessary for full and adequate performance on the job;

Programs that combine workplace training with related instruction, which may include cooperative education programs;

Training programs operated by the private sector;

Skill upgrading and retraining - training provided to an individual already in the workforce, who is in need of additional training to advance in their current employment and attain self-sufficiency;

Entrepreneurial training - training provided to an individual for the purpose of providing the management skills required to start up and operate a business;

Job readiness training - defined as pre-employment/work maturity skills;

Adult education and literacy activities provided in combination with other training services;

Customized training – designed to train individuals for specific occupations in a new or expanding business or industry conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training;

Permissible Local Employment and Training Activities: Adult and dislocated worker funds provided to local areas may also be used to deliver the discretionary activities identified below and authorized in the Act:

CORE, INTENSIVE AND TRAINING SERVICES
Attachment 9

1. Customized screening and referral of qualified participants in training services to employment;
2. Customized employment-related services to employers on a fee-for-service basis that are in addition to labor exchange services available to employers under the Wagner-Peyser Act.

STATE 15% SET-ASIDE PLANS

WIA Title IB funds reserved for state level activities will be used to support the following:

- Rapid response activities for dislocated workers;
- Disseminating:
 - The State list of eligible providers of training services (including those providing non-traditional training services), for adults and dislocated workers;
 - Information identifying eligible providers of on-the-job training and customized training;
 - Performance and program cost information about these providers; and
 - A list of eligible providers of youth activities;
- Conducting evaluations of adults, dislocated workers and youth activities, to establish and promote methods for continuously improving such activities to achieve high-level performance within, and high-level outcomes from, the Statewide workforce investment system;
- Providing incentive grants to local areas for regional cooperation among local boards, for local coordination of activities carried out under WIA; and for exemplary performance by local areas on the performance measures;
- Providing technical assistance to local areas that fail to meet local performance measures;
- Assisting in the establishment and operation of One Stop delivery systems;
- Providing additional assistance to local areas that have high concentrations of eligible youth; and
- Operating a fiscal and management accountability information system.

Specifically, PY 2000 funds (estimated budgets) will be used to support the following activities and services:

Rapid Response (see Section IV B. 13)

The full 25% will be reserved for use in Rapid Response activities. Approximately \$200,000 per year will be used for direct Rapid Response activities with the remaining funds distributed to areas demonstrating a need for funds.

Reserve for Eligible Provider List

The State will reserve \$40,000 to explore the use of Unemployment Insurance and other administrative records to facilitate the verification of outcome data from eligible training providers and to explore alternative data sources to ease the burden on the providers of collecting and reporting this information.

Reserve for Evaluation Contracts

\$50,000 will be reserved for a contract to conduct an assessment of the workforce development needs of Idaho employers. An additional \$40,000 will be reserved to pay for costs of ongoing customer satisfaction surveys for all customer groups in the WIA.

Incentive Grants

The State Council has determined that no incentive funds will be awarded during the first year based on performance under JTPA. However, the Council will reserve 10% of the allocation available each year for this purpose to be distributed among the Workforce Investment Areas (see section V). In lieu of incentives, \$60,000 will be made available during the first year for areas engaging in continuous improvement activities.

Assisting in the operation of the One Stop system

The state will make available 15% of the state funds each year to assist in the operation of the One Stop system. This would equal \$272,000 using the estimated funding level for PY 2000. Up to one-half of these funds will be used to provide for the operating costs of the Idaho Works kiosks that are being placed in remote and high traffic locations. The balance of these funds will be made available during the first year to support software enhancements to improve customer access to information and services in the One Stop system. Local Workforce Investment Boards and state partners will help identify priorities for these enhancement activities. As the system matures, funds may be directed to other One Stop system-building needs identified at the local level.

Areas with high concentrations of eligible youth

The State will budget \$100,000 to support programs in areas with high concentrations of eligible youth (those in poverty experiencing other barriers). Section IV.B.16 contains a more complete description of the planned use of these funds which will be awarded to all workforce areas.

Capacity Building and Technical Assistance

The State is reserving \$50,000 to be used to finance consultants, training conferences or other activities to build the capacity of the workforce investment system under WIA. Early efforts will be directed towards building a continuous improvement system. Local areas will be polled to determine their specific needs for training and assistance and will be included in decisions about the specific use of these funds.

Fiscal and Program Management

The State is reserving approximately \$1 million to pay for the costs of state administration and program functions and to support the costs of the shared state-local systems including the statewide MIS and FMIS systems.

Optional activities

Assuming that sufficient funding is available to fund the activities identified above and that future funding remains fairly consistent additional support may be made for the optional activities describe below in the order of preference:

Older Worker Proposal

The State will continue to fund the Older Worker program that had formerly been funded under a JTPA 5% set aside which is no longer available for the first year of WIA. The Idaho Commission of Aging (ICOA) program has achieved exceptional results, has been an exemplary partner in the One Stop system, and has served as a national model for coordination between the JTPA program and the Title V program. With the loss of the set aside, the ICOA would lose access to the funds that have been used to provide the staff support necessary for the Title V program. Another concern was the potential loss of the network of trained Older Worker Specialists and that the growing population of seniors in need of services will not enjoy the same level of service that they have enjoyed under JTPA.

The State will fund an older worker pilot program for one year to allow for an orderly transition and to provide models that could be used at the local level to serve this population through the One Stop system. A detailed proposal has been submitted by the ICOA for a demonstration project aimed at ensuring high quality delivery of services through the One Stop system. The proposal is included as Attachment 10 A. The funding level (as projected) will be based upon the relative share of JTPA Older Worker funds, which is 5% of the adult allocation to the state.

Youth Mentoring

State funds of approximately \$100,000 will be reserved to provide technical assistance and training to local youth providers in the development and maintenance of a youth mentoring system. This would be a one-time expense to aid in developing a high quality mentoring program and is described in section IV.B.16 of this plan.

Incumbent Worker Training

The WIA authorizes the state to design and operate an incumbent worker training program which may include an employer loan program to assist in skill upgrading the current workforce. No specifications have been developed at this point. Depending upon available resources, State staff will coordinate the development of a proposal which supplements, but does not duplicate the State's Workforce Development Training Fund initiative.

WORKFORCE INVESTMENT ACT: SERVICES TO OLDER INDIVIDUALS

Background Information:

The Idaho Workforce Development Council recommended funding an older worker pilot program for one year to allow for an orderly transition from JTPA to the WIA and to provide models that could be used at the local level to serve this population through the WIA/One Stop framework. The demonstration project would be aimed at ensuring high quality delivery of services through the One Stop system. The Council recommended that the funding level be based upon the relative share of JTPA Older Worker funds which is 5% of the adult allocation to the state.

Purpose:

- Capture the “Best Practices” learned through the 5% JTPA Older Worker Program in order that they may be incorporated into the new WIA One-Stop Career system.
- Explore the most effective means of making such “best practice” techniques and services for older job seekers available through Core, Intensive, and Training services framework of WIA.
- Due to limited funding, emphasis will be placed on the 55+ population for the first year. However, next year, ICOA hopes to seek additional funding to extend services to the younger segment of older workers (50- 54 years of age) that previous federal constraints prevented us from serving.
- Identify new opportunities to enhance services for older individuals and employers by coupling Senior Community Service Employment Program and Workforce Investment Act resources.
- Coordinate efforts with the American Association of Retired Persons (AARP Foundation), Green Thumb, Inc., the United States Forest Service, and the National Indian Council on Aging to provide Senior Community Service Employment Program enrollees to function as One-Stop Career Center greeters and resource persons.

Project Design:

Basic Roles and Responsibilities of Idaho Commission on Aging:

ICOA will be the administrator for the demonstration project. ICOA will also assume the role of providing technical assistance and training re: effectively serving older individuals within the new Workforce Investment Act One-Stop framework. In concert with the existing older worker service providers, ICOA will take the lead in developing technical

assistance guides that capture what the aging network has learned works best in serving older job seekers. The technical assistance guides (or modules) may be used by themselves or paired with other training or customized to fit local workforce needs and conditions.

Sub-contracts with Local Workforce Investment Boards:

ICOA proposes to pass funds through to each Idaho Works Board (IWB). ICOA would require each IWB, in turn, to subcontract with the One Stop Operator organization with experience in offering Older Worker services in the respective Workforce Investment Area who will be required to maintain full partner status in the local One-Stop Career system.

Key elements of Sub-contracts:

At a minimum, sub-contract funds will be used for the salaries and fringe benefit costs for the Older Worker staff, pro-rata co-location costs, staff travel costs for in-service training provided by ICOA, service levels and reporting requirement, and occupational skill training for older individuals.

Eligibility Criteria:

While Core services are available to all individuals, ICOA proposes the following eligibility criteria for Intensive and Training Services available with Demonstration Project funds:

- 55 years of age and over
- Income Eligibility will be limited to 200% of HHS Poverty Criteria with priority to individuals who are economically disadvantaged.

Identification of Service Providers:

The service providers for the demonstration project will be:

Area I:	Coeur d'Alene Job Service Idaho Department of Labor
Area II:	Lewiston Job Service Idaho Department of Labor
Area III:	Area Agency on Aging Ida-Ore Planning and Development Association
Area IV:	Area Agency on Aging College of Southern Idaho

Area V: Pocatello Job Service
Idaho Department of Labor

Area VI: Area Agency on Aging
Eastern Idaho Special Services Agency

Allocation Strategy:

ICOA anticipates an estimated \$181,000 in funding for Program Year 2000. Once the actual funding is identified and cost category guidance is issued, ICOA will submit a budget for approval. ICOA will, however, apply the basic allocation strategy used in the past for the 5% JTPA Older Worker Program. That strategy consists of establishing a minimum funding floor for allocating the WIA Demonstration Project funds to the service areas because of the (1) our commitment to provide services on a statewide basis; and (2) in recognition of basic program operational costs. In the past, the base level was set at \$21,122 based on budgetary history and input from our smallest service providers who identified the minimum amount required to provide services in their respective areas. However, ICOA may raise the minimum funding floor in view of increased co-location and operational costs and staffing costs. Funds above the minimum floor will be formula allocated based on the following five factors:

1. Number of unemployed of all ages in area in excess of 4.5%*
2. Number of unemployed of all ages in areas of substantial unemployment (ASU = unemployment in excess of 6.5%).*
3. Area's economically disadvantaged population.
4. Area's population aged 55-plus.
5. Area's population aged 55+ below poverty.

*Unemployment rates for all ages are applied because these statistics are not available for the population aged 55-plus.

WIA CORE SERVICES TABLE
Attachment 11

	WIA Adults	Dislocated Workers	WIA Youth	Job Corps ¹	WIA Native American ¹	WIA MSFW	WIA Veterans ²	Wagner Peyster	UI	ABE	Vocational Rehabilitation	V.R. Blind	V.R. Client Assistance ³	SCSEP	Carl Perkins ⁴	Veterans DVOP/VERB	TAA NAFTA	CSBG E&T	HUD E&T ¹	TAR ⁵	Food Stamps E&T ⁵	
1. Eligibility for WIA - Title I	X	X	X			X								X								
2. Outreach, intake, orientation	X	X	X			X	X	X		X	X	X		X		X	X	X		X		X
3. Initial Assessment	X	X	X			X	X			X	X	X		X		X						
4. Job Search and Placement	X	X	X				X	X			X	X		X		X						
5. Provision of Employment Statistics (Job Vacancies, job skills, occupations in demand)								X			X	X										
6. Program Performance information																						
> Title I eligible providers	X	X																				
> WIA Youth			X																			
> ABE eligible providers									X													
> Carl Perkins (ps/do)										X					X							
> Vocational Rehabilitation										X	X											
7. Area and OS performance	X	X	X																			
8. Supportive Service Info	X	X	X			X								X		X						
9. Filing UI Claims (info)									X													
10. Assistance in establishing eligibility for financial aid	X	X	X											X								
11. Title I Client follow-up	X	X	X											X								

- 1 Local Program Only – Five autonomous Native American Grantees will independently negotiate services with the IWBs; Job Corps and HUD operate in single areas and will negotiate services with local IWB.
- 2 This is a competitive grant program currently operated by IDOL. Core services provided by Job Service Veterans' Representatives.
- 3 Local Program Only with offices in Boise, Pocatello, Moscow
- 4 Carl Perkins generally does not operate programs; therefore, core services apply only if local entity provides a program for non-traditional training or to target groups.
- 5 TANF and Food Stamps Employment and training are voluntary One Stop Partners.

**WIA CORE SERVICES
METHODOLOGIES TABLE
Attachment 12
Delivery Considerations**

	WIA Adults	Dislocated Workers	WIA Youth	Job Corps ¹	WIA Native American ¹	WIA MSFW	WIA Veterans ²	Wagner Peyser	UI	ABE	Vocational Rehabilitation	V.R. Blind	V.R. Client Assistance ³	SCSEP	Carl Perkins ⁴	Veterans DVOP/IVR	TAA NAFTA	CSBG E&T	HUD E&T ¹	TAFIT ⁵	Food Stamps E&T ⁵	
1 Population Served								X		X												
Universal	X							X														
Restricted		X	X			X	X		X		X	X		X	X	X	X	X		X		X
2. Preferred Delivery Process(es) – Minimum offered																						
Technology (Ideho Works, phone, video) and/or printed – Unassisted at the center	X	X	X			X	X	X	X	X	X	X			X	X	X	X		X		X
Cross-Training of staff										X												
By Appointment or Itinerant										X	X	X		X		X	X					
Co-location – Part time										X				X				X				
Co-location – Full time	X	X	X							X				X								
Cost Reimburse Center Partners	X	X	X							X				X								
3. Limitations																						
Services may be performed only by agency staff						X		X	X		X					X	X			X		X

¹ Local Program Only

² This is a competitive grant program currently operated by IDOL. Core services provided by Job Service Veterans' Representatives.

³ Local Program only with offices in Boise, Pocatello, Moscow

⁴ Carl Perkins generally does not operate "programs"; therefore, core services apply only if local entity provides a program for non-traditional training or to target groups.

⁵ TANF and Food Stamps Employment and Training are voluntary One Stop Partners.

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Wagner-Peyser
State Plan for Agricultural Services
Program Year 2000

Summary of State Plan Requirements

The Department's MSFW Plan parallels federal regulatory requirements at 20 CFR 653, Subpart B. Idaho, identified for PY 2000 as one of twenty "Significant Migrant and Seasonal Farmworker States" will provide migrant and seasonal farmworkers (MSFWs) with qualitatively equivalent and quantitatively proportionate services to those provided to the non-MSFW population. Full compliance with federal regulations is projected for PY 2000.

The plan contains the following sections:

- a. Assessment of Need
- b. Employment Services Provided to MSFWs
- c. Employment Services Provided to Agricultural Employers
- d. Outreach Plan
- e. State Monitor Advocate Statement

ASSESSMENT OF NEED

Idaho's primary need for migrant and seasonal farmworkers is for its potato, sugar beet, onion, and fruit crops. Beets and potatoes are found throughout southern Idaho along the Snake River Plain. Onions and fruit crops, along with other specialty crops, such as grapes and hops, are located primarily in the southwestern area.

The farm agricultural growing and harvesting season is from March through October for the southwestern area and parts of the south-central area. The higher elevations of the east and southeast have a shorter season that traditionally runs from April through October. Early season labor requirements for sugar beets and potatoes are the thinning of beets and weeding for both beets and potatoes, especially if moist (wet) weather conditions prevent early mechanical cultivation. Beginning in April, demand for migrant and seasonal labor remains high for sprinkler irrigation for all crops, especially in southcentral Idaho. Beet and potato harvest requires labor for truck drivers, general laborers, and equipment operators. Potato harvest occurs from late August until early November. Sugar beets are harvested from late September into November.

Labor for onions is primarily needed during the harvest in September and early October. Due to the increased use of mechanical harvesters for onions, labor needs are being reduced yearly.

Fruit crops require the greatest number of workers during harvest with smaller crews for pruning in the dormant stage. Cherry harvest begins in mid-June and ends in July, while

WAGNER-PEYSER STATE PLAN FOR AGRICULTURAL SERVICES
Attachment 13

prunes, plums, and peaches are harvested in August and September. Grapes, which represent a small portion of southwest Idaho's farming acreage, approximately 684 acres, require temporary workers for their short harvest period in October.

Hops are grown in two areas of Idaho. Southwest Idaho has approximately 2,800 acres while Boundary County in northern Idaho has 1,800 acres. This crop is also labor intensive for the planting and harvest period, which is March to August in the south and late March to September in the north.

The 2000 crop outlook is anticipated to be near average with sufficient water for irrigation. Although the U.S. Department of Agriculture Crop Intentions Report for 2000 will not be released until April 1, 2000 minimal changes are expected from last year's acreage's for spring wheat, barley, sugar beets, dry beans and potatoes. Idaho's biggest fruit crop, apples-which represent 62% of the total fruit acreage, continue to decline in the number of growers and acreage as a result of falling prices. Apple acreage has declined from 7,616 in 1993 to 5,705 in 1999 as the number of orchards decreased from 163 to 149 during this same period. The price of apples for the 1999 crop reached a low of 7.6 cents per pound compared to 13.9 cents for the 1998 crop. The labor tasks for some or all crops represented by the following table usually are Planting, Irrigating, Thinning, Hoeing, Topping and Harvesting. The presence of seasonal workers is known to peak at the harvest period for all agricultural areas in the state.

Crops	Planting	Harvesting			Production Areas
		(Begin)	(Most Active)	(End)	
Alfalfa	May			Oct	Statewide
Apples		Aug	Sep-Nov	Nov	SW
Barley (Spring)	Mar-May	Aug	Aug-Sep	Oct	Statewide
(Winter)	Sep-Oct	Jul	Jul-Aug	Sep	Statewide
Beans	May-Jun	Sep	Sep-Oct	Oct	SW, S.Central
Cherries		Jun	Jun-Jul	Jul	SW
Corn (Grain)	May	Oct	Oct-Nov	Dec	SW, S.Central, East
(Silage)	May	Sep	Sep-Oct	Oct	SW, S.Central, East
(Processing)	Apr-May	Aug	Aug-Sep	Sep	SW, S.Central
Hops	Mar	Aug	Aug-Sep	Sep	SW, North
Onions	Mar-Apr	Aug	Sep-Oct	Oct	SW
Peaches		Jul	Aug-Sep	Sep	SW
Peppermint and Spearmint	Oct-Nov	Jul	Jul-Aug	Aug	SW
Potatoes	Apr-Jun	Jul	Sep-Oct	Nov	SW, S.Central, East

WAGNER-PEYSER STATE PLAN FOR AGRICULTURAL SERVICES
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Prunes and Plums		Aug	Aug-Sep	Oct	SW
Sugar Beets	Mar-May	Oct	Oct-Nov	Nov	SW, S.Central, East
Wheat (Spring)	Mar-May	Aug	Aug-Sep	Sep	Statewide
(Winter)	Sep-Nov	Jul	Aug-Sep	Sep	Statewide
Oats (Other Small Grains)	Mar-May	Aug	Aug-Sep	Oct	Statewide

In January 2000, The Department of Labor has implemented newly developed statistical methodology for estimating agricultural employment. This model forecasts hired employment per county by month. The model is updated by the latest information available from employment and wage files (ES-202), Bureau of Labor Statistics, Census of Agriculture, Decennial Census, and quarterly Ag labor and crop reports from National Agriculture Statistics Service. Enhancements to this forecasting methodology is scheduled for completion by April 2000, which will produce estimates for MSFW at the SDA (Service Delivery Areas) level by month, and total migrant employment by quarter at SDA level. The following table illustrates the calendar of projections.

Month	Hired Workers	Operators	Unpaid Family Workers	MSFW Workers (by SDA)	Migrant Workers (by SDA)
Jan	X	X	X	X	X
Feb	X	X	X	X	
Mar	X	X	X	X	
Apr	X	X	X	X	X
May	X	X	X	X	
Jun	X	X	X	X	
Jul	X	X	X	X	X
Aug	X	X	X	X	
Sep	X	X	X	X	
Oct	X	X	X	X	X
Nov	X	X	X	X	
Dec	X	X	X	X	

Unless there are some unforeseen changes in the industry there may be year-to-year decreases in the number of agricultural jobs. However, growth in dairy production and an increase in irrigated land could provide enough growth to minimize job losses. The trend to higher technology continues for most all jobs and will require that workers will need increased education and skill levels. There is a good possibility jobs could remain stable or decrease slightly, but many of the jobs will be significantly different than they are today.

As of this date, the 2000 season may or may not be a good year depending upon farm commodity prices. Currently, with the exception of dairy sector, prices have been depressed causing family farms to be under economic stress. We believe sufficient workers will be available for this agricultural season. As such, it is anticipated that the number of MSFW required for the coming season will be around 4,600 in the winter months to 22,000 for the high demand months of July through October.

EMPLOYMENT SERVICES PROVIDED TO MSFWs

Idaho is one of twenty "significant MSFW" states for PY 2000 as designated by the U.S. Department of Labor. This designation requires the state to meet performance indicators established by the U.S. Department of Labor.

Equity indicators require that the Department provide services to MSFW registrants in at least the same proportion as provided to non-MSFW registrants. For example, if 50% of the non-MSFW registrants are referred to jobs, then at least 50% of the MSFW registrants must be referred to jobs. The equity indicators are:

- ◇ ratio of non-MSFWs to MSFWs referred to jobs,
- ◇ ratio of non-MSFWs to MSFWs for whom a service is provided,
- ◇ ratio of non-MSFWs to MSFWs referred to supportive services,
- ◇ ratio of non-MSFWs to MSFWs counseled, and
- ◇ ratio of non-MSFWs to MSFWs for whom a job development contact was made.

Minimum service levels are specific standards set for the state by the U.S. Department of Labor. Unlike equity indicators, the standard for service to MSFWs is established for the state at the beginning of the program year, and does not change according to services provided to non-MSFWs. Minimum service levels are:

- ◇ MSFW applicant pool placed in a job - 42.5%,
- ◇ placed in a job paying at least \$.50 above hourly minimum - 14%,
- ◇ placed on long-term, non-ag jobs - 7.3%,
- ◇ review of significant MSFWs Job Service offices - 100%,
- ◇ field checks on non-H-2A ag clearance orders on which ES placements have been made - 25%,
- ◇ ES outreach staff will contact a minimum of five MSFWs per staff day, and
- ◇ unresolved complaints, not more than 10% past 45 working days unless referred to enforcement agency or are awaiting a hearing.

As required by federal standards, for PY 2000 the Department intends to meet or exceed at least four of the five equity indicators, and at least four of the seven minimum service level indicators. The Department tracks its performance on each of the performance indicators on a monthly, quarterly, and annual basis. The Department's procedures require that local offices who have not met 85% of planned service levels for the quarter require written corrective action plans.

For PY 98 (ending June 30, 1999) the Department met four of the five equity indicators and five of the seven Minimum Service Levels. The one equity indicator that was not met was the "referrals to jobs" which was 59.31% for MSFWs compared to the 63.75% for non-MSFWs. The two Minimum Service Levels missed were the number of MSFWs placed (381 of 1,794 applicants) or 21.24% compared to the USDOL's standard of 42.5% and the number placed in long term non-ag jobs was at 7.08% compared to the standard of 7.3%.

Idaho's economy continued to expand during 1999 and is expected to maintain steady growth into PY 99. Most growth continues to be in the state's urbanized areas while the rural areas continue to have more difficulty in maintaining their share of the businesses and jobs. The non-agricultural job sector is expected to remain strong but competitive, with declines in agricultural jobs brought about by farm automation and greater utilization of chemicals and herbicides.

The characteristics of the MSFW population indicate a large percentage of MSFWs are Hispanic and predominantly Spanish speaking. As the Department continues to automate the delivery of services and integrate the delivery One Stop system new strategies are being designed to serve the MSFW customer. Currently, the Department's electronic self-registration system for labor exchange and the Customer Satisfaction Survey is available in English and Spanish in all 24 Job Service offices as well as our approximately 129 One Stop Idaho Works host sites. By July, 2000, we will also have available 30 kiosks located in our more rural and remote areas of the state. Plans to upgrade the Internet self-registration system are also under consideration. Similar to the veterans services, the Department is utilizing a queuing system to notify Job Service staff when a MSFW customer is using the facilities self-registering service in order to offer other staff assisted services. Additionally, some local offices have developed other handouts in Spanish based on local labor market conditions or information on services and procedures. The Department will continue to assess the need and availability for bilingual staff in areas with a high concentration of Spanish-speaking population.

With the implementation of the Workforce Investment Act, the Job Service offices are currently in the process of working with local Workforce Investment Boards and One Stop Partners in the development of service strategies for all customers. Depending upon the local area, plans for coordination of services, information dissemination, outreach efforts and referrals are being developed and incorporated in local Memorandums of Understanding to be included with the local area's Strategic Plans.

During 1999, the Department continued its participation on the Governor's Hispanic Initiative. In response to the "Report on the Governor's Hispanic Initiative" the Department has supported the efforts aimed at MSFW customers and students that included presentations on labor market information, job search skills and the importance of staying in school to Junior High and Senior High school students; networking with housing agencies and organizations to address MSFW housing issues; emphasis and training of staff and partner agency staff on cultural awareness and sensitivity via workshops and conferences; and efforts to inform and create awareness and use of computers for MSFW customers.

The Monitor Advocate Unit will continue to conduct ongoing monitoring of the service provided to Migrant and Seasonal farmworkers. Reviews will be conducted in each of the six significant offices to identify the needs and concerns that affect the provision of services for farmworkers, and providing technical assistance as appropriate. The issues identified will be brought to the attention of the Administrative and Executive personnel when necessary.

The Monitor Advocate is the Department's lead representative to ensure that ES services are coordinated with other MSFW service providers, to identify overall changes in agricultural employment, MSFW trends, employment rights, and to recommend new program approaches. The Monitor Advocate's position and a Complaints Investigator will be funded by Wagner-Peyser.

To protect the employment rights of MSFWs, federal regulations place the responsibility of administering the Job Service-related complaint system within the Department. MSFW complaints, including H-2A complaint investigations and informal resolution, will be handled through the local offices. Unresolved complaints will be referred to the Monitor Advocate's office for determination. The Monitor Advocate staff will also perform follow-up on complaints filed with local offices and referred to other agencies.

Planned service levels and equity indicators are displayed on ES-worksheet (Attachment D).

ES SERVICES PROVIDED TO AGRICULTURAL EMPLOYERS

Agricultural job openings listed with the Job Service during PY 98 increased 28% from the previous year as openings numbered 4,029 compared to 3,144 for PY 97. The number of agricultural openings filled was unchanged at 1,443 compared to 1,456 for PY 97. Although job listings increased during PY 98, the number was still below the 5,162 recorded during PY 96. These gradual declines may be due to more mechanization of agricultural jobs, and more employer attachment by the same MSFWs as more workers drop out of the migrant stream to take up permanent residence and other non-ag jobs. Additionally, declines in ag listing may also be impacted by the long-term effects of the Department's enforcement/compliance role for USDOL labor certification and housing programs on the labor exchange services for ag employers. Our estimate for agricultural

job openings listed with the Job Service for the 2000 season is projected to be similar to 1999.

Interstate clearance openings received by the Job Service during PY 98 numbered 40,640 with 15,265 filled. Both openings and openings filled increased from the previous year's number of 33,368 for openings and 11,905 filled. Of this number, 1,655 were openings listed under the job categories of "farming, fishing, and forestry" with 370 filled.

During the 1999 agricultural season, 89 employers listed 373 H-2A openings through the Job Service for irrigators. H-2A refers to a section in the Immigration and Nationality Act, under Immigration and Naturalization Service regulations. Regulations under this section address the hiring of alien workers for temporary agricultural labor positions. This was an increase of 31% in employers and 16% in openings from the 1998 season. These employers are members of the Snake River Farmers' Association (SRFA) which acts as a recruitment agency. The other major agricultural group using the H-2A program is the Western Range Association. Western Range is much smaller in scope and directs its need to sheepherders. The 2000 season is expected to see increases similar to 1999. As in past seasons, the majority of these requests for alien workers under the H-2A program have originated from the southcentral area around Burley and Twin Falls. The number of domestic workers referred to these H-2A job openings during 1999 was 93, with 52 confirmed as hired by SRFA and Departmental records.

Basic labor exchange services will be provided to the agricultural employer community through the automated process of matching job seekers to job orders received as well as recruitment and direct referral from outreach staff. The Department has developed videos to aid in the recruitment of U.S. farmworkers for hops, and irrigators. The Department will continue to provide information about ES services and assist ag employers through direct employer visits and outreach to grower organizations, county extension offices, and through special presentations and seminars to ag employers, farm labor contractors, and JSEC. Information may be provided through radio and TV, or other media in conjunction with other agencies and organizations involved with the agricultural employer community. These efforts will be coordinated with other marketing efforts that will be developed as part of the respective area's One Stop system.

To identify ag employers in need of labor, the Department will review prior year job orders and request input from grower organizations and local JSEC committees. Direct outreach activities, specialized surveys and other labor market information available through the Department and One Stop system will also be used to identify ag employer needs. Information from other agencies or organizations that represent or serve the agricultural community will also be solicited to identify areas of needed services.

The Department will continue to expand services to agricultural workers and employers by coordinating basic labor exchange services, outreach, information dissemination, and training workshops with other One Stop partner agencies, organizations and the employer community. Working relationships exist with the Idaho Migrant Council, Idaho Legal

Aid Services, Inc., and various ag producer organizations to provide services and information.

OUTREACH PLAN

The Department of Labor's network of 24 Job Service offices will be fully integrated with the One Stop system in the six Workforce Investment Areas. Six Job Service Offices have been designated by Local Workforce Investment Boards as One Stop Centers and will offer the full array of services of the One Stop system partners. The remaining 18 Job Service offices will be Affiliate offices in the One Stop system and will offer the full compliment of services provided by the Department along with other partner services as identified by the respective Local Boards. Six Job Service offices have been designated "significant bilingual" MSFW offices. The Emmett, Payette, and Canyon County offices are located in the southwestern area. Two offices, Burley and Twin Falls, are located in the southcentral area. The sixth, Rexburg, is located in the southeastern portion of the state. The southcentral offices were designated as "significant bilingual" primarily due to the high volume of H-2A activity, as a result of the Snake River Farmers' Association's need for irrigators.

In addition to the six "significant MSFW" offices, five offices will be allocated dedicated outreach resources due to MSFWs in the makeup of the local labor markets--Mountain Home in southwest Idaho, Bonners Ferry in northern Idaho, and Pocatello, Blackfoot and Idaho Falls in southeastern Idaho. Bonners Ferry MSFW services are primarily centered on the Elk Mountain Farms and tree nursery industry. Elk Mountain Farms is a hop grower under contract for the Anheuser-Busch Company and has approximately 1,800 acres in production.

Allocated staff for outreach will be locally driven with emphasis on services that are customer-driven and customized to specific labor markets, rather than focusing solely or primarily on the number of services provided. Outreach activities will be coordinated with other public and private community organizations, One Stop partners, where appropriate, and MSFW service providers in order to inform as many MSFWs as possible as to the services that are available through Job Service and other providers. Information concerning services for MSFWs is also available on the state's Idaho Works Internet system.

Although Wagner-Peyser allocations for PY 2000 have not yet been released by USDOL, the Department plans to fund a total of 2.62 FTEs for MSFW outreach in the six "significant bilingual" offices and five other offices for PY 2000. This level of support will maintain the same number of positions that have been allocated for the current year. Changes to this level of staffing may be made if significant reductions are experienced with final allocations.

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Local Office Outreach Staff (FTE)	PY 99	PY 2000
Bonnors Ferry	.06	.06
Payette	.58	.58
Emmett	.35	.35
Canyon County	.52	.52
Magic Valley	.23	.23
Burley	.43	.43
Mountain Home	.05	.05
Rexburg	.17	.17
Pocatello	.08	.08
Blackfoot	.06	.06
Idaho Falls	.09	.09
Total	2.62	2.62

All eleven offices with outreach staff have permanent and/or temporary staff who is bilingual in Spanish to conduct outreach. During the area's peak agricultural season, if resources permit, additional temporary bilingual staff will be used to support MSFW activities.

The goal for PY 2000 MSFW contacts through outreach activity by Job Service staff is 1,542. Federal requirements call for outreach staff to contact a minimum of five (5) MSFWs per staff day worked, on a statewide level. Outreach workers will keep daily logs on MSFW contacts with complete records of the services provided. During the 2000 agricultural season the Department will be implementing a new automated reporting system to meeting reporting requirements established at 20 CFR 653.107 and 653.108 for program monitoring.

Local Office	Staff Days	Contacts
Bonnors Ferry	10	50
Payette	68	341
Emmett	40	200
Canyon County	58	300

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Magic Valley	27	135
Burley	49	245
Mountain Home	9	45
Rexburg	20	100
Pocatello	9	45
Blackfoot	7	35
Idaho Falls	9	46

Staff assigned to outreach will contact MSFWs at their work sites, labor camps, living areas, and other places frequented by the migrant and seasonal farmworkers. Information regarding ES services, farmworker rights, unemployment insurance, Job Service complaint system, WIA employment and training services for Adults, Dislocated Workers and Youth along with other community services that may be needed will be provided. The information will be presented verbally and/or in writing in both English and Spanish.

Outreach workers will encourage MSFWs to come in to the local Job Service office to register for all available services. For those who choose not to or cannot visit the local office, the outreach worker will provide on-site assistance for services including: work registration, referrals to available job openings for which they qualify, prepare and accept complaints or apparent violations, provide information on local labor markets and training opportunities or refer workers to other service providers.

Public Service Announcements (PSAs) are also used by local offices to notify MSFW customers of available services. The PSAs were distributed to Spanish-speaking radio stations. PSAs will be used again to inform and educate farmworkers and their families about services and protection available in the state of Idaho. Several videos have been developed in both English and Spanish which encourage farm workers to, 1) participate in Spanish language job search workshops, and 2) utilize the job search capacities of the *Idaho Works* system. Special presentations are being made to ESL groups, Hispanic high school students and other groups of farm workers to encourage integration of the Idaho Works system and teach participants the basics of personal computing.

The State MSFW Monitor Advocate will continue to hold an annual statewide MSFW Training Conference for outreach workers, supervisors, managers, H-2A program staff and One Stop partners. The theme of the conference is "Partnerships" and will change from being Idaho Department of Labor specific to include topics of interest to all participating partners.

The Monitor Advocate Unit will continue to conduct training for reassigned and newly hired outreach workers on an "as-needed" basis or upon request and approval by Area Managers.

The Department will disseminate information on agricultural job openings directly to the Idaho Migrant Council, Idaho Legal Aid, various churches, and other community agencies throughout the state for assistance in recruitment. The Department's Research and Analysis Bureau will publish the "Farm Labor Bulletin" biweekly between April and October. The bulletin is printed in English and Spanish and contains a various information regarding the agriculture industry in Idaho.

Public radio announcements, through bilingual brochures, posters, and flyers will disseminate information about Job Service services. Job Service will also print bilingual flyers describing job openings regarding H-2A Clearance Orders for Irrigators for intrastate and interstate distribution.

STATE MONITOR ADVOCATE STATEMENT

During Program Year 1999, the Department will continue to provide agricultural employers and migrant and seasonal farmworkers (MSFWs) the full range of employment services, with an emphasis on true accessibility to services in an integrated service delivery. With the emergence of new employment and training initiatives being developed such as the "One Stop Career Center" and the upcoming implementation of the Workforce Investment Act in July 1, 2000, the Department continues the development of strategies to integrate services for farmworkers within these systems. In addition, the Department is focusing on identifying how the role of the MSFW Monitor Advocate, MSFW outreach staff, the complaint system and our current reporting mechanisms will transition into these new systems. We will continue to focus on achieving high standards of customer service and measuring our performance in providing these services to farmworkers and other customers.

The Monitor Advocate is involved in the planning of new and expanded service designs, participating in discussions on defining outcomes and developing performance measures for success and collaborates with other farmworker services providers on these measures. The Monitor Advocate Unit will continue to assist the local offices in meeting their goals and the required federal standards. The Monitor Advocate and the IT Systems personnel are working on an automated reporting system for outreach that will be implemented in March of 2000. The Monitor Advocate will continue to conduct ongoing monitoring of the services provided by the department to Migrant and Seasonal Farmworkers. MSFW local office reviews will be conducted on all six bilingual significant offices during the 2000 agricultural season. Reports of the reviews conducted during the 1999 agricultural season reflect the efforts that the significant offices are making in meeting the challenge of continuing to provide appropriate services to farmworkers within the automated environment. The advocacy efforts of the Monitor Advocate include not only identifying

problems or issues regarding services to farmworkers, but initiating leadership discussions with management to identify and work towards solutions.

The Monitor Advocate has been designated the Translations Coordinator for the Department of Labor. This assignment encompasses coordinating with cost center managers and the translator in contract as well as revisions of translated materials and translating. During PY 99, the Monitor Advocate Unit is continuing to assist in reviewing and finalizing IDOL translations to ensure that they are appropriate for the population served in Idaho. The Department will continue to translate various materials including unemployment insurance forms into Spanish. As deemed appropriate, the Monitor Advocate Unit will continue to improve the Spanish self-registration as input is received from customers, interested groups and IDOL personnel and will also continue to update the Spanish versions of the electronic tools available to the customers as the English versions are updated

The "New Directions for a New Century" products that were developed during PY 96-97 with a USDOL grant funding, continue to be used by the offices to assist farmworkers in obtaining and retaining long-term, ag and non-ag employment and to identify new approaches to enhance services to farmworkers so they can have full access to information and services in this new system. The marketing of the products has continued through the display of the products during national and in-state conferences. U.S. West grant monies were used to purchase a laptop for each outreach worker in an effort to continue to familiarize MSFWs with new technology. During 1999 some of the remaining funds from the U. S. West grant were used to purchase promotional materials to attract MSFWs to attend classes on basics of computer usage. In addition the Monitor Advocate Unit developed two Spanish brochures: "Computers and self registration" and "Computer terms"

Efforts to strengthen relationships between the Department and other MSFW service providers, employers and employer organizations, continued to be emphasized in PY 99. IDOL's 1999 MSFW conference included the participation of representatives of the different agencies and organizations. During the conference that will be held on March 15 and 16, 2000 the other agencies and organization's participation has been expanded to include participation in the planning process.

In order to develop a comprehensive outreach plan that addresses the actual service needs of the state's agricultural employers and workers and the conditions that exist in the state, the Department is refocusing the efforts of its MSFW outreach staff. Outreach staff will concentrate to a greater degree on assisting staff at MSFW significant offices in making information on employment opportunities, assessment of job skills, skills in demand in the job market, and training and referral services more accessible to farmworkers. In addition, local offices are developing strategies to use the most efficient way to contact, inform, and educate MSFW customers on the services available. These strategies include public media tools such as public service announcements (PSAs), posters, pamphlets and also coordinating with other MSFW service providers to contact farmworkers and distributing information regarding employment services available and joint outreach.

MSFW local offices continue to be committed to conducting outreach during evening hours. Outreach workers have been alert in observing the working and living conditions of MSFWs and documenting suspected employer violations while conducting outreach. Outreach workers continue to coordinate efforts and work closely with enforcement agencies to ensure that employers comply with federal requirements and assist in educating employers on employment-related laws and regulations.

Local offices need to continue assessing whether MSFWs are being fully informed of services available in the office including services under WIA, and ensuring that these services are fully accessible to the MSFW population in all offices. The Local offices also need to monitor their performance to ensure the accuracy and completeness of the self-registration and that follow-up services are provided to MSFWs who self-register to ensure that the customer needs and requirements are met. Efforts need to continue in familiarizing the MSFW population with new technology and automation available in the offices.

INPUT FROM OTHER AGENCIES AND ORGANIZATIONS

Development of the ES Plan for services to MSFWs included consideration of the Monitor Advocate's Annual Report for PY 98. The Monitor Advocate has been provided an opportunity to comment and provide input into the development of the plan.

The State Plan for Agricultural Services will be an attachment to Idaho's WIA Strategic Plan which will be made available to other agencies and organizations for review and comment. The State Plan will also be posted on the Department's Internet Home Page. The State Plan will be presented to the Idaho Workforce Development Council on March 27, 2000 for review and comment.

Wagner-Peyser MSFW Mailing List

The list of individuals and organizations below was provided copies of the State Plan for Agricultural Services for review and comment.

Mr. Humberto Fuentes
IMC Director
317 Happy Day Boulevard
Caldwell, ID 83605

Hugh Phillips
Valley Family Clinic
1441 N.E. 10th Ave.
Payette, ID 83661

Andrew Rodriguez
Director Employment and Training
317 Happy Day Boulevard
Caldwell, ID 83605

John Jensen, Ph.D.
Director
HEP/CAMP Program
Boise State University
1910 University Dr.
Boise, ID 83725

Mr. Eric Johnson
Director
Migrant Farmworkers Law Unit
Idaho Legal Aid Services, Inc.
P.O. Box 1116
Caldwell, ID 83605

Hector De Leon
Department of Health & Welfare
823 Park Center Way
Nampa, Id 83651

Rebecca Richesin
Job Corps
7253 Franklin Rd.
Boise, ID 83709

Ms. Guadalupe Wissel
Idaho Commission on Aging
3380 Americana Terrace
Suite 120
Boise, ID 83720

Don Peña
Idaho Commission on Hispanic Affairs
5460 W. Franklin, Ste B
Boise, ID 83705

Shirley Spencer, Ph.D.
Coordinator
Adult and Indian Education
Department of Education
Len B Jordan Bldg.
Boise, ID 83720

Irene Chavolla
Director
Chapter I, Migrant Education
State Department of Education
Len B. Jordan Bldg.
Boise, ID 83720

Shelley Cooper
Idaho Council on
Hispanic Employment and Educ.
3948 Development Ave.
Boise, ID 83705

WAGNER-PEYSER STATE PLAN FOR AGRICULTURAL SERVICES
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Ms. Gladys Esquivel
P.O. Box 835
Burley, ID 83318

Corrine Fisher
P.O. Box 1977
Boise, ID 83701

Arnold Cantu
Counselor
IDVR
1825 Hoops Ave.
Idaho Falls, ID 83404

Elena Rodriguez
Terry Reilly Health Services
211 16th Ave. North
Nampa, ID 83687

Steve Flemming
Counselor
IDVR
2nd Main
Payette, ID 83661

Luis Urias
11 11th Ave. S.
Nampa, ID 83651

Mike Mateer
Executive Director
WICAP
P.O. Box 608
Payette, ID 83661

**EMPLOYMENT SERVICES PROVIDED TO MSFWs
(Worksheet ES-4)**

U.S. Department of Labor Employment and Training Administration ES Services provided to Migrant and Seasonal Farmworkers	State: Idaho		Program 2000	Year:	
			Revisions		
	Date	Initial	No. 1	No. 2	No. 3

Part I. EQUITY RATION INDICATORS

Individuals	Migrants and Seasonal Farmworkers		Non-MSFWs		Equity *
	Individuals Recd Service	% of Apps Recd Service	Individuals Recd Service	% of Apps Recd Service	Col b/ Col d
	(a)	(b)	(c)	(d)	(e)
Total New and Renewal Applications	1,800		125,000		
1. Referred to Jobs (ES controlled)	1,152	64%	78,750	63%	101%
2. For whom some service is provided (ES controlled)	1,350	75%	87,500	70%	107%
3. Referred to Supportive Services (ES controlled)	450	25%	2,375	1.9%	1315%
COMPLETE APPLICATIONS NEW APPLICANTS AND RENEWALS	1,700		111,000		
4. Counseled (ES controlled)	35	1.9%	1,125	.9%	211%
5. For whom a Job Development Contact was made (ES controlled)	45	2.5%	1,625	1.3%	192%

Part IIA. MINIMUM SERVICE LEVEL INDICATORS

SAMS DATA ITEMS	INDICATOR	NUMBER	PERCENT
	(a)	(b)	(c)
1. MSFWs Placed	42.5%	765	42.5%
2. Placed on job with wage at least \$0.50 above hourly minimum	14%	252	14%
3. MSFWs placed on long-term non-agricultural jobs (150 + days)	7.3%	135	7.5%

Part IIB. MINIMUM SERVICE LEVEL INDICATORS

NON-SAMS ITEMS	CRITERIA	UNI-VERSE	NUMBER	PERCENT Col c/ Col b	PRODUCT-IVITY
	(a)	(b)	(c)	(d)	(e)
4. Significant MSFW Local Offices	100%	6	Reviewed 6	100%	
5. Agricultural-Clearance Orders	% Checked 25%	100	Checked 25	25%	
6. Complaints	% Unresolved 10%	400	Unresolved 20	5%	
7. Outreach Contacts	Productivity	1,542	Staff Years 1.31**		5

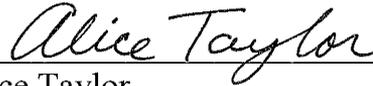
*Results of 1.0 or greater than 1.0 in Column (e) indicates equity of service to MSFWs.

**Represents "Field Activity" portion of dedicated MSFW staffing years (2.61 FTE).

CERTIFICATE OF RECORD

I, the undersigned Administrative Assistant for the Workforce Development Council, do hereby certify that the foregoing Record contains true and correct copies of all pleadings, documents and papers to be included in the Workforce Development Council's Record on appeal.

Dated this 24th day of October, 2005.



Alice Taylor
Administrative Assistant