30 November 2012

The Honorable Hilda Solis, Secretary
U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

Dear Secretary Solis:

I recently reviewed a copy of a letter from your Assistant Secretary Jane Oates addressed to me dated November 16, 2012. Unfortunately, that letter came to me from the Maine Commissioner of Labor, who received it second-hand from the Executive Director of a Local Workforce Investment Board. To date, I have not received this letter through official or unofficial channels between my office and yours and, in fact, Ms. Oates’ letter falsely assumes Maine’s course of action. I have enclosed this letter for your reference and investigation.

Quite frankly, this is unacceptable. I would never send a letter addressed to an individual out to others without sending the letter first to the named recipient, especially when it pertains to official business. It appears to me that either a significant error was made or your Department is seeking to subvert the policy decisions of the State of Maine by working through back channels with Local Workforce Investment Boards. I sincerely hope it is not the case that this was direct subversion – the states maintain a strong, independent, and important role in our Federal system.

This is especially alarming because your recent decisions on Maine’s new workforce investment plan seem to be based entirely on the objections of the Local Workforce Investment Boards. They are objecting because we seek to better utilize taxpayer dollars through coordinated efforts with regional chambers of commerce, with the administrative support centralized at the State level. This may put certain administrative individuals out of a job and those funds redirected back to the core mission of workforce development and training in support of private sector job growth. The appearance of impropriety shown by this “leaking” of a letter addressed to me, but never actually received by me, demands a thorough investigation.
I trust you will look into this unfortunate incident and ensure that the lines of communication between the State of Maine and USDOL are open and clear. We look forward to working with you to improve Maine’s workforce investment system by reducing inefficiencies and ensuring each taxpayer dollar is well-spent. Our plan is modeled on the Montana system that you enthusiastically approved. We look forward to that same favorable consideration from your office.

Thank you for your efforts and please let me know if I can be of assistance. I look forward to hearing from you.

Sincerely,

Paul R. LePage
Governor

Enclosure

cc (w/ encl.): President Barack Obama
Maine Congressional Delegation
Assistant Secretary Jane Oates
Commissioner Jeanne Paquette
The Honorable Paul R. LePage
Governor of Maine
1 State House Station
Augusta, Maine 04333-0054

Dear Governor LePage:

The Employment and Training Administration (ETA) acknowledges receipt of Maine’s State Plan for Title I of the Workforce Investment Act (WIA), the Wagner-Peyser Act (W-P), including W-P Agricultural Outreach Plan, and plans for coordination with Trade Adjustment Assistance (TAA) on September 12, 2012, and also acknowledges receipt of Maine’s subsequent withdrawal of its State Plan and waivers on October 18, 2012. In its request for withdrawal of the State Plan and waivers, Maine also requested an extension of its existing State Plan and waivers to allow it adequate time to prepare a new five-year plan.

Extension of State Plan

Maine’s existing State Plan will expire on December 31, 2012. This letter constitutes a written determination under WIA Section 112 (29 USC 2822) that ETA is temporarily extending the approval of Maine’s State Plan for WIA Title I and the Wagner-Peyser Act, including the W-P Agricultural Outreach Plan, through June 30, 2013. Maine must submit a full State Plan to ETA for Program Years 2013-2016 no later than April 15, 2013 in accordance with guidance provided in Training and Employment Guidance Letter No. 21-11.

The State is eligible to receive WIA formula allotments for Adult, Dislocated Worker, and Youth programs, and W-P program allotments, effective July 1, 2012 through June 30, 2013.

Performance Levels

Each year, the Regional Administrator negotiates the Program Year’s WIA and W-P performance goals with each state. As required by TEGL No. 21-11, negotiations must be completed by December 31, 2012 for PY 2012. Once the final goals are established, the Regional Administrator will issue a letter advising the State of the PY 2012 WIA and W-P final performance goals which will constitute a modification to the existing State Plan.
Waivers

As part of the State’s request to extend its WIA/W-P State Plan, the State requested a temporary extension of its previously approved waivers of statutory and regulatory requirements under WIA for PY 2012. In a letter dated June 28, 2012 (copy enclosed), ETA provided the disposition of the State’s waivers. This letter extends approvals for those waivers under the same terms and conditions through June 30, 2013. This action is taken under the Secretary’s authority at WIA Section 189(i) to waive certain requirements of WIA Title I, Subtitles B and E, and Sections 8-10 of the Wagner-Peyser Act.

The approved waivers are incorporated by reference into the State’s WIA Grant Agreement, as provided for under paragraph 3 of the executed Agreement, and this constitutes a modification of the State Plan. A copy of this letter should be filed with the State’s WIA Grant Agreement and the approved State Plan. In addition, as described in TBGL No. 29-11, the State should address the impact these waivers have had on the State’s performance in the WIA annual performance report, due on October 1 of each year.

ETA’s Boston Regional Office will contact the State to provide technical assistance as it develops its State Plan. If you have any questions related to the issues discussed above, please contact Holly O’Brien, the Boston Regional Administrator, at (617) 788-0170 and O'Brien.Holly@dol.gov.

Sincerely,

Jane Oates
Assistant Secretary

Enclosure

cc: Holly O’Brien, Regional Administrator, ETA Boston Regional Office
Carmen Rodriguez, Federal Project Officer for Maine