

WIA Waiver Overview

Effective November 13, 2009

Three waivers were automatically approved:

- A. Waiver of the provision at 20 CFR 663.530 that prescribes a time limit on the period of initial eligibility for training providers;
- B. Waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts for older and out-of-school youth;
- C. Waiver to permit the State to replace the performance measures at WIA section 136(b) with common measures.

The remaining 13 waiver requests and USDOL action on the requests are as follows:

- (1) *Requested waiver to increase the allowable transfer amount between Adult and Dislocated Worker funding streams allocated to a local area. Prior to November 13th, locals were permitted to transfer up to 100% between the Adult and Dislocated Worker fund streams.*

This waiver was granted, however, effective November 13th, the transfer authority is limited to 50%. State **policy 3-03-00 will be revised to reflect this change from 100% to 50%.**

- (2) *Requested waiver to increase the employer reimbursement for on-the-job training through a sliding scale based on the size of the business.*

This waiver was approved and extended through June 30, 2010. The following OJT reimbursement amounts will be permitted through this time period:

- a. Up to 90% for employers with 50 or fewer employees, and
- b. Up to 75% for employers with 51-250 employees;
- c. For employers with more than 250 employees, the current statutory requirements of up to 50% reimbursement will continue to apply.

Policy #3-15-01 (OJT and Customized Training) will be amended to include this waiver.

- (3) *Requested Waiver to permit local areas to use a portion of local funds (10%) for incumbent worker training.*

This waiver request was denied, however, USDOL indicated they would reconsider the waiver should the State wish to submit additional information. Additional information was received that would establish the parameters by which an incumbent worker/layoff aversion waiver would be considered. If we chose to pursue this waiver it may be possible to revise our current request and resubmit utilizing the layoff aversion criteria. It may also be possible to increase the current waiver from 10% to 20% however it is limited to no more than 20% if approved.

Effective November 13th, Policy #3-01-00 (Local Area Incumbent Worker Training Program) will no longer be in effect.

- (4) Requested waiver to permit a portion of the funds reserved for rapid response activities to be used for incumbent worker training and other statewide activities.

This waiver request was denied; however, once again it is possible for it to be approved if the State directs the use of Rapid Response funds to layoff aversion strategies. Additional information will need to be submitted on the state's layoff aversion approach and how incumbent worker training under this waiver fits into that approach.

- (5) Requested waiver to reduce the collection of participant data for incumbent workers.

This waiver was approved thereby permitting the State to discontinue the collection of the following Workforce Investment Act Standardized Record Data (WIASRD) elements: single parent (117), unemployment compensation eligible status at participation (118), low income (119), TANF (120), other public assistance (121), homeless individual and/or runaway (125), and offender (126).

- (6) Requested waiver of the reallocation provisions at WIA Sections 128 (c)(2) and 133 (c)(2) and 20 CFR 667.160. Under this waiver, WIA funds were subject to recapture and redistribution based on a local areas expenditure level of 70% for each fund source.

This waiver was denied. Effective November 13th, policy number 3-09-00 will no longer be in effect.

- (7) Requested waiver of WIA Section 123 that requires that providers of Youth program elements be selected on a competitive basis.

This waiver was partially granted by allowing One-Stop Career Centers or partner agencies to directly provide the youth program elements of:

- a. Supportive services
- b. Follow up services and
- c. Work Experience.

ETA will require however the following elements be competitively procured:

- a. Tutoring
- b. Study skills training and instruction
- c. Alternative secondary school services
- d. Summer employment
- e. Occupational skills training
- f. Leadership development
- g. Mentoring
- h. Guidance and counseling

Obligations made while the waiver was in effect (prior to November 13th) may be fulfilled. No new non-competitive obligations may be made for the denied elements effective November 13th and a competitive procurement process must be initiated within 60 days of the date of this letter. **Exceptions to this timeframe may be negotiated with ETA Regional Office.**

(8) *Waiver request of Wagner-Peyser Act Section 7 to allow the state to increase the amount of Wagner-Peyser funds available for discretionary activities.*

This waiver was denied.

(9) *Requested waiver of WIA regulations at 20 CFR 666.300 to allow entrepreneurial training to be provided through state-level grants and local formula dollars with performance tracked and aggregated at the state level, but not included in local performance calculations.*

Waiver was withdrawn.

(10) *Requested waiver of Wagner-Peyser Act Section 7 to allow the state to increase the amount of Wagner-Peyser funds available for discretionary activities.*

Waiver was denied.

(11) *Requested waiver of WIA Section 181(e) to permit the use of WIA funds of up to \$5,000 to capitalize a small business in concert with entrepreneurial or small business training.*

This waiver was denied.

(12) *Requested waiver of WIA Section 129(c)(2) that requires local areas to make available ten youth program elements.*

This waiver was denied and will require a competitive procurement process be initiated within 60 days of the date of this letter (November 13th) in local areas that are not providing all youth program elements. **Exceptions to this timeframe may be negotiated with the ETA Regional Office.**

(13) *Requested waiver of WIA regulations at 20 CFR 664.450(b) that require local areas to provide youth follow-up services for a minimum duration of twelve months.*

This waiver was denied.