

# Summary of WIA Waiver Policy

- ❖ The Workforce Investment Act (WIA) codified broad waiver and work-flex authority
  - ❖ Waivers support key reform principle of “state and local flexibility”
- ❖ Requirements located in WIA Statute at Section 189 and WIA Regulations at 20 CFR Part 661

## Waivers Under WIA

- ✓ Provide flexibility and enhance state/local area ability to improve workforce investment systems
- ✓ May be requested to address impediments to the implementation of state and local WIA plans
- ✓ Must be consistent with seven key reform principles of WIA
- ✓ Many waivers needed under JTPA no longer needed
- ✓ No authority to grant “blanket” waivers to all states
- ✓ Assistant Secretary letter to Governors sent 2/02 to encourage use of waiver process

## What Can Be Waived

- ✓ Provisions of Title I, Subtitles B and E, with exception of:
  - Eligibility of participants/providers
  - Review and approval of local plans
  - Nondiscrimination
  - Local areas and local boards
  - Allocation of funds
  - Non-displacement provisions
  - Worker rights
  - Wage and labor standards
  - Protection of workers and participants
  - Grievance procedures
- ✓ Provisions of Title III – Wagner-Peyser (Employment Service), Sections 8-10, with exception of:
  - Provision of services to UI claimants and veterans
  - Universal access to basic labor exchange services without cost to job seekers

## The Waiver Process

- ✓ Governor submits request in form of “waiver plan” consistent with Section 189
  - Identifies statutory and/or regulatory requirements to be waived
  - Specifies intended goals and programmatic outcomes
  - Details state and local actions taken to remove barriers
  - Contains assurance of public comment process
  - Includes plan and process for monitoring

## **The Waiver Process (cont'd)**

- ✓ Must consult with Chief Local Elected Officials
- ✓ Request can cover entire state or one or more local areas
- ✓ Secretary issues decision within 90 days
- ✓ State must execute an MOU with the Secretary
- ✓ Approved waiver becomes part of State plan

## **Examples of Current Waivers (as of 9/02)**

- ✓ Delay subsequent eligibility provisions of Eligible Training Provider system
- ✓ Provide Governor with authority to waive 10% administrative cost limit
- ✓ Waive prohibition of using ITAs for youth program participants
- ✓ Increase allowable transfer amount between adult and dislocated worker programs

## **Work-Flex Authority & Process**

- ✓ WIA authorizes all states to obtain Work-Flex authority (expanded from 6-state demo in late 1990's)
- ✓ Under Work-Flex, the Secretary delegates portions of waiver authority to the Governor
- ✓ States must submit a Work-Flex plan to the Secretary
- ✓ Work-Flex plan requirements similar to those for general waiver requests
- ✓ Certain provisions of WIA, Wagner-Peyser, and Title V (Older Americans Act) subject to waivers