

Workforce Investment Act (WIA) Waiver Summary Report Program Year 2010 (July 1, 2010-June 30, 2011)

Last Updated January 25, 2011

This report summarizes currently active WIA waivers. At present, 50 states and American Samoa, Guam, the Commonwealth of Northern Marianas Islands, the Virgin Islands, Puerto Rico, and the District of Columbia have submitted and been approved for waiver requests.

FUNDS FLEXIBILITY

- Waiver of the funds transfer limit between Adult and Dislocated Worker Programs, to allow local areas to respond to the particular needs of their customers and labor markets (41 States): *Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, District of Columbia, Florida, Georgia, Guam, Hawaii, Indiana, Iowa, Kansas, Kentucky, Louisiana, Marianas Islands, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virgin Islands, Virginia, West Virginia, Wisconsin, and Wyoming*
- Waiver of the requirement for a 50 percent employer contribution for customized training, to permit a sliding scale contribution for small- and medium-sized businesses (27 states): *Alaska, Arizona, California, Colorado, Connecticut, Florida, Guam, Hawaii, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Texas, Virgin Islands, West Virginia, and Wisconsin*
- Waiver to increase the employer reimbursement for on-the-job training for small- and medium-sized businesses (32 states): *Alaska, American Samoa, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Virgin Islands, West Virginia, and Wisconsin*
- Waiver to permit the use of a portion of local area formula allocation funds to provide incumbent worker training (30 states): *Alabama, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Illinois, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Mississippi, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, South Carolina, Tennessee, Texas, Virgin Islands, Virginia, and Wisconsin*
- Waiver to permit a state to use a portion of rapid response funds to conduct incumbent worker training (25 states): *Alabama, California, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Virgin Islands, and Virginia*
- Waiver to permit a state to use a portion of rapid response funds for other statewide activities that support services to dislocated workers (2 states): *Pennsylvania and Virginia*
- Waiver to permit a state flexibility in criteria for reallocation of local funds (1 state): *Texas*
- Waiver to allow local areas to contract for training outside the ITA process (1 state): *Illinois*
**Note that this flexibility is available to all states with ARRA funds under the American Recovery and Reinvestment Act of 2009, and with FY 2010 funds, under the FY 10 DOL Appropriations Act.*

YOUTH

- Waiver of the prohibition on use of Individual Training Accounts for youth to allow flexibility in provision of training services to youth (39 states): *Alaska, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virgin Islands, Virginia, Washington, and West Virginia*
- Waiver of the requirement for competitive procurement of service providers for up to three youth elements (work experience, support services, and follow-up services) to ensure continuity of youth services (20 states): *Arizona, Colorado, Connecticut, Guam, Hawaii, Idaho, Illinois, Kansas, Louisiana, Massachusetts, New York, Ohio, Oklahoma, Puerto Rico, Rhode Island, Tennessee, Utah, Vermont, Washington, and Wisconsin*
- Waiver to allow a state to use the work readiness indicator as the only indicator of performance for youth co-enrolled in PY 2010 summer employment programs under TANF and WIA participating in work experience only (8 states): *California, Kansas, Minnesota, Missouri, Montana, Oklahoma, Pennsylvania, and Texas*
- Waiver of program design requirements for youth co-enrolled in TANF and WIA PY 2010 summer employment programs to allow local areas flexibility to provide follow services and/or assessment as deemed appropriate for each youth. (7 states): *California, Minnesota, Missouri, Montana, Oklahoma, Pennsylvania, and Texas*

PERFORMANCE

- Waiver to permit implementation of (and reporting only) common measures in place of current measures (42 states): *Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virgin Islands, Virginia, Washington, West Virginia, Wisconsin, and Wyoming*
- Waiver to permit a state to discontinue the collection of seven of the data elements in Section 1 of the WIASRD for incumbent workers. Under the waiver, a state will not need to collect from these participants the following WIASRD data 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) (10 states): *Florida, Kansas, Kentucky, Louisiana, Michigan, New York, Ohio, Rhode Island, South Carolina, Virgin Islands*
- Waiver of the requirement that a state provide incentive grants to local areas for exemplary performance (2 states): *Hawaii and Montana*
- Waiver to exempt a state from including OJT participants in credential attainment measures (4 states): *Georgia, Michigan, New Jersey, Rhode Island*
- Waiver to account for seasonal employment in performance measures (1 state): *Alaska*
- Waiver to allow a state to negotiate alternative measures in contracts and performance negotiations with local boards (1 state): *Texas*
- Two waivers to allow a uniform set of performance measures and collective sanctioning for several local workforce investment areas operating as a consortium for the purpose of providing dislocated worker activities (1 state): *Arizona*

GOVERNANCE

- Waiver to support streamlining of governance structure, which permits the governor to designate the state board to carry out the roles and responsibilities of the local board (3 states): *Alaska, Idaho, and Montana*
- Waiver of certain state board membership requirements, to support efforts to streamline the board (1 state): *Rhode Island*

ELIGIBLE TRAINING PROVIDERS / OTHER

- Waiver of the time limit on the period of initial eligibility for training providers, to address data collection barriers (27 states): *Alaska, Connecticut, Delaware, District of Columbia, Indiana, Iowa, Idaho, Kansas, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Utah, Vermont, Virginia, West Virginia, and Wisconsin*
- Waiver to permit One-Stop Career Center staff to perform intake and eligibility determination for additional programs (1 state): *Florida*

WAIVERS FOR RECOVERY ACT YOUTH FUNDS

In order to facilitate the implementation of summer youth activities under the American Recovery and Reinvestment Act of 2009, ETA offered states the opportunity to apply for three time-limited waivers in 2009 and 2010:

- Waiver of the requirement for competitive selection of youth service providers to provide flexibility in selecting providers for summer youth employment opportunities (34 states): *Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Florida, Georgia, Hawaii, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia*
- Waiver of performance measures for older, out-of-school youth who participate in work experience only to allow the use of the work readiness indicator as the only indicator of performance for such youth (44 states): *Alabama (incl. 2010), Arizona, Arkansas, California, Colorado, Connecticut, District of Columbia, Florida, Hawaii, Illinois, Indiana (incl. 2010), Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee (incl. 2010), Texas, Utah, Vermont, Virginia, Virgin Islands, Washington, West Virginia, Wisconsin, and Wyoming*
- Waiver of required youth program elements for older, out-of-school youth who participate in work experience only to allow local areas flexibility to provide follow-up services and the type of assessment deemed appropriate for such youth (31 states): *Arizona, Arkansas, California, Colorado, District of Columbia, Illinois, Indiana (incl. 2010), Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Virgin Islands, West Virginia, and Wyoming*

WAIVERS TO ASSIST IN DISASTER RECOVERY

The Department of Labor occasionally approves waivers solely for disaster response. Current active disaster response waivers include:

- Waiver 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, for a limited percentage of National Emergency Grant funds awarded in response to the Gulf oil spill (1 state): *Louisiana*