

Workforce Investment Act (WIA) Waiver Summary Report

WIA Inception – September 15, 2009

This report summarizes WIA waiver and work-flex activity. To date, 50 states and Guam, Puerto Rico, the Virgin Islands, and the District of Columbia, have submitted requests. Some of the waivers listed here have expired or have not been requested for extension.

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 (42 States): AK, AL, AZ, CA, CO, DC, DE, FL, GA, GU, HI, IA, IN, KS, KY, LA, MD, MN, MO, MS, NC, NE, NJ, NM, NV, PA, PR, SD, TX, UT, VA, WI, WY (100%), MA, NH, OH, SC, TN, WV (50%), AR, NY, VI (40%).
- Waiver to permit the use of a portion of local area formula allocation funds to provide incumbent worker training, and other Statewide employment and training activities (35 States): AL, AR, CA, CO, CT, DC, FL, ID, IL, IN, KS, KY, LA, MA, MD, MI, MN, MO, MS, MT, NC, NE, NJ, NM, NY, OH, OK, OR, PA, PR, SC, TX, UT, VA, WI
- Waiver to permit the State to use a portion of rapid response funds to conduct incumbent worker training (22 States): AL, FL, ID, IN, KS, KY, LA, MA, MI, MN, MO, NC, NY, OH, OR, PA, PR, SC, TN, TX, VA, VI.
- Waiver of the provisions for reallocation of local area funds, to provide the State additional flexibility (15 States): AL, CO, FL, KS, LA, MI, MN, MO, MS, NC, OH, PA, TN, TX, VA.
- Waiver of the requirement for a 50 percent employer match for customized training, to permit a sliding scale match to increase employer connections with the one-stop system (22 States): AK, AL, AR, AZ, CA, CT, GU, HI, IA, KY, LA, MN, MO, MS, NJ, OH, OK, PA, PR, RI, SC, TX, VI, WV.
- Waiver of WIA section 101(31)(B) to increase the employer reimbursement for on-the-job training for small- and medium-sized businesses (13 States): AK, AL, AR, CT, KS, IA, IL, LA, MO, MS, PA, PR, SC, TX, VI, WV.

YOUTH

- Waiver of the prohibition on use of Individual Training Accounts for youth to allow flexibility in provision of training services to youth (34 States): AK, AR, CA, CO, CT, FL, GA, ID, IL, IN, KS, KY, LA, MA, MD, MN, MO, MS, ND, NJ, NM, NY, OH, OK, OR, PA, PR, RI, TN, TX, UT, VA, VI, WV.
- Waiver of the requirement for competitive procurement of service providers for certain youth elements, and under certain conditions, to address barriers related to the lack of training providers and to ensure continuity of youth services (20 States): AR, CO, CT, GU, KS, ID, IL, LA, MA, MO, MS, ND, NY, OH, PR, RI, TN, VT, WA, WI
- Waiver of the local elements and requirements for the Youth Program at WIA 129(c)(4)(A), to allow any in-school youth who is transferred to an alternative school and is already enrolled in an alternative school at the time of WIA enrollment, to count toward the 30 percent out-of-school youth expenditure requirement, under certain conditions (2 States): DE, NE.

PERFORMANCE

- Waiver to permit implementation of (and reporting only) common measures in place of current measures (34 States): AR, CA, CO, DC, DE, FL, ID, IL, IN, LA, KS, KY, MD, MO, MS, MT, NC, NE, NM, NV, NY, ND, OH, OR, OK, PA, PR, SC, TN, TX, UT, VI, WI, WV.

- Waiver to permit the State to discontinue the collection of seven of the data elements in Section 1 of the WIASRD for incumbent workers trained with local area WIA formula funds. Under the waiver, the 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) (8 States): FL, KS, KY, LA, MO, OH, SC, VI.
- Waiver of the requirement at WIA section 134(a)(2)(B)(iii) that States provide incentive grants to local areas for exemplary performance (2 States): HI, MT.
- Waiver to permit State to report only statewide data as a designated statewide region (2 States): AK, MT

GOVERNANCE

- Waiver to apply 20 CFR 661.300(f) to support streamlining of governance structure. This waiver permits the governor to designate the State board to carry out the roles and responsibilities of the local board. (5 States): AK, IA, ID, IN, MT.
- Waiver of certain State WIB membership requirements, to support State efforts to streamline boards and increase their effectiveness (2 States): AL, RI.
- Four related waivers to permit six local workforce investment areas to operate as a consortium for the purpose of providing dislocated worker activities: AZ.

ELIGIBLE TRAINING PROVIDERS / OTHER

- Waiver of the time limit on the period of initial eligibility for training providers, to address data collection barriers (40 States): AL, AR, AZ, CA, CO, CT, DC, DE, FL, HI, ID, IN, IA, KS, KY, LA, MA, MD, ME, MI, MN, MS, MT, NC, ND, NE, NJ, NM, OH, OK, OR, RI, SC, TN, VT, TX, UT, VT, WI, WV.
- Waiver to permit one-stop career center staff to perform intake and eligibility determination for additional programs: FL

LIMITED WAIVERS

The Department of Labor has approved some waivers in limited circumstances and frequently on a temporary basis, either to narrowly pilot a new approach, or to respond to a limited or extraordinary circumstance. States may request these waivers, but the Department will expect a detailed application and will carefully review and consider the policy implications. The Department will not routinely grant these waivers. These waivers include but are not limited to:

- Waiver of the limitation on the use of funds for capitalization of businesses at WIA section 181(e) to permit WIA funds to be used to capitalize a small business up to \$5,000 in concert with entrepreneurial or microenterprise training (11 States): AL, FL, IA, KS, LA, MN, MO, MS, OH, PR, TX.
- Waiver of 20 CFR 664.450(b) under WIA section 129(c)(2)(I) that requires all youth participants to receive some form of follow-up services for a minimum duration of 12 months. (7 States): AR, GA, IL, KS, MO, MS, TX
- Waiver of the requirement that local programs provide each of the ten youth program elements at WIA section 129(c)(2) as options available to youth participants (8 States): AL, AR, GA, KS, LA, MO, MS, TX.
- Waiver to account for seasonal employment in performance measures: AK
- Waiver of the administrative cost limitation: OH, IN, MT, and UT (expired, 2000 pilot); AL, LA, and MS (expired, hurricane response).

WORK-FLEX DESIGNATION

- Six (6) work-flex approvals: AL (expired), LA (expired), MI, MO (expired), MS, OK

WAIVERS TO ASSIST IN DISASTER RECOVERY

The Department of Labor approved a number of waivers in response to the unprecedented devastation wrought by Hurricanes Katrina and Rita in 2005, and has offered similar flexibility in response to subsequent disasters. In addition to applying some of the previously listed waivers to disaster situations, the Department has also approved a few waivers solely for disaster response. These include, but are not limited to:

- Waiver of the prohibition on the use of funds for public service employment at WIA section 195(10) for a period of six months (4 States): AL, IA, LA, MO.
- Waiver to permit the State to exclude individuals affected by disaster from the calculation of State and local performance measures identified at WIA sections 136(b) and (c). This waiver applies to those participants who have been displaced from their local area or State as a result of a disaster or who are unable to participate in planned WIA activities due to damage to a facility or entity such as a training provider or on-the-job training employer (7 States): AL, AR, GA, IA, IL, LA, MS.

WAIVERS FOR YOUTH RECOVERY ACT FUNDS

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

- Waiver of the requirement for competitive selection of youth service providers to provide flexibility in selecting providers for summer youth employment opportunities.
- 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.
- 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.

Forty-six states have been approved for one these waivers: AL, AK, AR, CA, CO, CT, FL, GA, HI, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, MT, NC, NE, NJ, NM, NV, NY, OH, OK, OR, SC, SD, TN, TX, UT, VT, VA, VI, WA, WI, WV, WY.