

Waiver Plan Submission:

Development of Waiver Request. The Employment and Training Administration (ETA) Regional Offices and the National Office are available to provide guidance and assistance to states as they are developing their waiver requests and answer questions about ETA waiver policy. A state's waiver plan may accompany the Strategic WIA/Wagner-Peyser Act State Plan, or the Title I portion of the state's Unified Plan, as appropriate, or it may be submitted separately at any time. If submitted separately, the waiver plan should identify related strategies in the WIA/Wagner-Peyser Act State Plan. States may request waivers to any statutory or regulatory requirement of WIA title I except for those relating to wage and labor standards, including nondisplacement protections, worker rights, participation and protection of workers and participants, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility of providers or participants, the establishment and functions of local areas and local boards, and procedures for review and approval of plans

Minimum Requirements. WIA requires the Secretary to make a determination of how a state's request to waive certain statutory and regulatory requirements would remove impediments and improve the state's or local area's ability to achieve its goals. It also requires the state to include a summary description of the programmatic or administrative goals to be achieved in order to overcome the barrier.

Each submitted waiver request must describe the actions that the State or local area has undertaken to remove State or local statutory or regulatory barriers, the individuals impacted by the waiver; and the process to be used to monitor waiver implementation. Where documentation (e.g., statistical information, reports, focus groups, customer surveys) is available, it should be provided to corroborate the statements made in the waiver request. In the absence of such data, the state is expected to provide a substantive discussion and examples of barriers and proposed solutions which support the proposed removal of the requirements.

Public Comment Process. The state's waiver plan must provide notice and an opportunity to comment to any Local Board affected by a waiver request, and must ensure meaningful public comment on the waiver requests, including comment by business and organized labor. We expect that the state will involve these groups, as well as local public officials, community-based organizations and other stakeholders, in the process of developing the waiver plan. The proposed waiver plan must be made reasonably available to the general public through such means as public hearings, local news media, or Internet notices. Copies of all comments received on the requested waivers should be forwarded to the appropriate Regional Office with the waiver plan.

Submission. Upon completion of the waiver request, states must submit one copy of the waiver plan with an original signature to Janet Sten, the Federal Coordinator for Plan Review and Approval, and one copy to the appropriate ETA Regional Administrator. States may send their request through an e-mail attachment to WIA.PLAN@dol.gov or send a hardcopy to:

Division of Workforce System Support
Employment and Training Administration
U.S. Department of Labor
200 Constitution Ave., NW, Room S-4231
Washington, DC 20210
ATTN: Janet Sten