

## Attachment I

### Provisions of WIA That May be Waived and Work-flex Plan Options

#### Waivers:

States may want to consider using the language provided to request one or more of the following waivers:

1. Waiver of the funds transfer limitation at WIA section 133(b)(4) to permit the state to approve local area requests to transfer up to 100 percent of local area allocations between the WIA Adult and Dislocated Worker programs.
2. Waiver of the language that limits the authority to provide the activities identified in WIA section 134 to the state. This waiver permits local areas to request the use of up to 100 percent of local area formula allocation funds to provide statewide employment and training activities.
3. Waiver of the reallocation provisions at WIA sections 128(c)(2) and 133(c)(2), and 20 CFR 667.160, to permit the state to develop more flexible recapture and reallocation policies.
4. Waiver of the required 50 percent employer match for customized training at WIA section 101(8)(C). This allows local areas to offer a sliding scale match based on criteria developed by the state for businesses impacted by the hurricane and those training hurricane-impacted individuals.
5. Waiver of the employer reimbursement for on-the-job training at WIA section 101(31)(B) for hurricane-impacted businesses and businesses training hurricane-affected individuals.
6. Waiver of performance provisions in WIA Section 136(b) and (c) for those participants who were served in impacted state and local areas leading to the displacement of their WIA participants. Because the local areas on the Gulf Coast have lost their current WIA participants to other local areas, and in many cases, other states, ETA may consider exclusion from the performance measures of those participants who have been forced from their local area or state due to the hurricane, although this would not allow states to opt out of all reporting requirements.

7. Waiver of the limitation on 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.
8. 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. Such a waiver will allow affected local areas to focus on the youth services most needed.
9. Waiver of 20 CFR 664.510 under WIA section 129 to permit the use of Individual Training Accounts (ITAs) for youth.
10. 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. In anticipation of the transitive nature of youth participants displaced by the hurricane, many youth may receive services in temporary locations and return back to their homes or move to new locations and such youth could be included for a waiver of the 12 month minimum.
11. Waiver of WIA Section 123 requirement that eligible providers of youth activities shall be identified on a competitive basis. In those areas impacted by Hurricane Katrina, waivers can be considered where service providers have diminished capacity or where there is a dearth of offerors.

**Workflex:**

States may also want to consider using the following language to request designation as a work-flex state:

We are requesting designation as a work-flex state. Under this designation, we would like to provide waivers of provider eligibility provisions applicable to local areas under WIA section 122. We seek the flexibility to enable local areas to provide training for individuals by instructors and providers they deem most qualified, given the immediate demand for training and the loss of training providers. The state will ensure that training providers are helping individuals with skills in-demand that lead to sustainable employment. As other local level barriers are identified during the recovery process, we hope to provide additional waivers for local areas under the work-flex authority.