

Attachment A: Waiver Decisions for PY 2009

Waiver Name	Waiver Description	PY09 Policy Decision
Funds Flexibility		
Adult-Dislocated Worker Transfer	Waiver of WIA Section 133(b)(4) to increase the funds transfer limit between the Adult and Dislocated Worker programs	ETA approved this waiver, but with more limited parameters. The transfer authority may now be increased to 50%.
Customized Training-Employer Contribution	Waiver of WIA Section 101(8)(C) of the requirement for a 50% employer contribution for customized training to permit local areas to use a sliding scale to reduce the contribution based on the size of the business	ETA approved this waiver.
On-the-Job Training-Employer Reimbursement	Waiver of WIA Section 101(31)(B) of the 50% limit on reimbursement to employers for OJT to permit local areas to use a sliding scale to increase the reimbursement based on the size of the business	ETA approved this waiver.
Local Funds for Incumbent Worker Training as a Statewide Activity	Waiver of WIA Section 134(a) to permit local areas to use a portion of local Adult, Dislocated Worker, and Youth funds for statewide activities, specifically IWT	<p>ETA approved this waiver, but with more limited parameters.</p> <ul style="list-style-type: none"> ▪ Local Adult and Dislocated Worker funds may only be used for IWT as part of layoff aversion and are limited to: <ul style="list-style-type: none"> ○ 20% of local Dislocated Worker funds for IWT OR ○ 10% of Dislocated Worker funds and 10% of Adult funds for IWT OR ○ 10% of Adult funds for IWT ▪ Youth funds may not be used for IWT. ▪ Local funds may not be used for any other statewide activities.
Rapid Response Funds for Incumbent Worker Training and Other Statewide Activities	Waiver of WIA Section 134(a)(1)(A) to permit states to use a portion of rapid response funds for IWT and other statewide activities	<p>ETA approved this waiver, but with more limited parameters.</p> <ul style="list-style-type: none"> ▪ Waiver granted for purpose of using 20% of rapid response funds for IWT as part of lay-off aversion only. ▪ ETA will still consider waiver requests to use rapid response funds for other statewide activities for the purpose of innovative training and service delivery approaches that enhance services to dislocated workers.

Waiver Name	Waiver Description	PY09 Policy Decision
Recapture and Reallocation	Waiver of WIA Sections 128(c)(2) and 133(c)(2), and 20 CFR 667.160, to permit states to recapture local funds midway through the year, recapture of unexpended funds instead of unobligated funds, and reallocation based on local area expenditure rates. If requested, the waiver allowed for reallocation based on a variety of factors.	ETA did <u>not</u> grant this waiver for any state in PY 2009.
Performance		
Alternative Seasonal Performance Measure	Waiver of WIA section 136(b)(2)(A)(i)(II) and 20 CFR 666.140 to permit an alternate measure of employment retention for areas of the state where the majority of employment is seasonal	ETA approved this waiver on a case by case basis in PY 2009.
Common Measures	Waiver of WIA Section 136(b) to permit implementation of, and reporting only for, the common measures in lieu of the current WIA statutory measures	ETA approved this waiver.
Incentive Grants to Local Areas	Waiver of WIA Section 134(a)(2)(B)(iii) and 20 CFR 665.200(e) to exempt the state from providing local incentive grants	ETA approved this waiver on a case by case basis in PY 2009.
Reports as a Statewide Region	Waiver of WIA Section 136(c) and 136(d) to permit the state to report only statewide data	ETA did <u>not</u> grant this waiver for any state in PY 2009.
WIASRD Elements for Incumbent Worker Training	Waiver of regulations at 20 CFR 666 and 667.300(a) to allow states to discontinue collection of 7 WIASRD data elements for incumbent workers	ETA approved this waiver.
Local Performance Exemption for Entrepreneurship Training	Waiver of regulations at 20 CFR 666.300 to exclude entrepreneurship training from local performance measures	ETA did <u>not</u> grant this waiver for any state in PY 2009.
OJT Credential Performance	Waiver of regulations at 20 CFR 666.100 to exempt state from including credential attainment outcomes for participants enrolled in OJT in the credential performance measure calculations. All participants served and outcomes should be reported in the WIASRD.	ETA approved this waiver.
Performance Sanctions Applied to a Consortium	Waiver of WIA Section 136(h) and 20 CFR 666.420 to permit sanctions for poor performance to be applied to a consortium of multiple local areas, rather than to the individual local areas	ETA approved this waiver.
Performance Negotiations as a Consortium	Waiver of regulations at 20 CFR 666.300 and 666.310 to permit a consortium of multiple local areas to negotiate performance goals with the State as one entity	ETA approved this waiver.
Youth		
Youth Individual Training Accounts	Waiver of regulations at 20 CFR 664.510 of the prohibition on the use of ITAs for youth	ETA approved this waiver.

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Competitive Procurement for Youth Program Elements	Waiver of WIA Section 123 of the requirement for competitive procurement of service providers for some or all youth program elements	ETA approved this waiver, but with more limited parameters. <ul style="list-style-type: none"> ▪ ETA will allow One-Stop Operators to directly provide the following 3 elements: supportive services, follow-up, and work experience. ETA did <u>not</u> grant this waiver for other elements except in very limited circumstances in PY 2009.
Alternative School for Out-of-School Youth	Waiver of WIA Section 129(c)(4)(A) to allow certain alternative school enrollees to count toward the 30% out-of-school youth expenditure requirement	ETA considered this waiver on a case by case basis, but did not approve for any state in PY 2009.
Youth Program Elements	Waiver of WIA Section 129(c)(2) to allow local areas to choose which of the 10 youth program elements to make available to youth participants	ETA did <u>not</u> grant this waiver for any state in PY 2009.
Youth Follow-up Services	Waiver of regulations at 20 CFR 664.450(b) of the requirement that all youth participants receive follow-up services for a minimum duration of 12 months	ETA did <u>not</u> grant this waiver for any state in PY 2009.
Youth Eligibility	Waiver of WIA Section 101(13) to grant eligibility to children of parents who are WIA Adult participants	ETA will <u>not</u> grant this waiver as it lies outside the waiver authority.
Governance		
State Board Acting as Local Board	Waiver of regulations at 20 CFR 661.300(f) to allow the State Board to carry out the roles and responsibilities of the Local Board	ETA approved this waiver on a case-by-case basis in PY 2009.
State WIB Membership Requirements	Waiver of WIA Section 111(b) to streamline the membership of the State Workforce Board	ETA approved this waiver on a case-by-case basis in PY 2009.
Other		
ETPL Initial Eligibility	Waiver of regulations at 20 CFR 663.530 of the time limit on the period of initial eligibility for training providers	ETA approved this waiver.
ETPL for Providers Adding Programs	Waiver of the ETPL process for eligible providers adding programs	ETA will <u>not</u> grant this waiver as it lies outside the waiver authority.
Public Service Employment	Waiver of WIA Section 195(10) and 20 CFR 667.264(a)(2) of the prohibition on the use of funds for public service employment	ETA did <u>not</u> grant this waiver for any state in PY 2009.
Contracting for Training Outside of ITA's	Waiver of WIA Section 134(d)(4)(G) to allow local areas to contract for training outside the ITA process	ETA approved one state for this waiver for FY 09 funds on a case-by-case basis. The FY 2010 DOL Appropriations Act allows local areas to contract with providers for class-size training in high-demand occupations, if it does not limit customer choice. A waiver is therefore not necessary for FY 2010 WIA funds.

Waiver Name	Waiver Description	PY09 Policy Decision
One-Stop Intake	Waiver of regulations at 20 CFR 662.240(b)(10) to allow WIA and W-P funded staff to perform intake for other programs	ETA approved this waiver on a case-by-case basis in PY 2009.
Work-Flex	Waiver at WIA Section 192 to provide State authority to waive certain elements of WIA for local areas, based on submitted plan	ETA approved this waiver on a case-by-case basis in PY 2009.
Business Capitalization	Waiver of WIA Section 181(e) to permit the use of a limited amount of WIA funds to capitalize a small business in concert with entrepreneurial or small business training	ETA did <u>not</u> grant this waiver for any state in PY 2009.
Needs Related Payments for Dislocated Workers	Waiver of regulations at 20 CFR 663.820 of the requirement that dislocated workers must be enrolled in training by end of 13 th week after lay-off to receive needs-related payments	ETA will <u>not</u> grant this waiver as it lies outside the waiver authority.
Sequence of Service	Waiver to streamline sequence of service	Waiver not needed; refer to TEGL 14-08, section 13.