

Attachment

Waiver Decisions

Waiver Name	Waiver Description	Policy Decisions, Program Year (PY) 2012
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 will generally approve waivers to allow an increase in the transfer authority of up to 50 percent. States wishing to request a higher transfer level (up to 75 percent) must provide evidence that a 50 percent transfer level is inadequate, identify the specific local areas for which the transferred funding is needed, and provide supporting financial documentation.
Customized Training-Employer Contribution	Waiver of WIA Section 101(8)(C) of the requirement for a 50 percent 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 will generally approve this waiver.
On-the-Job Training (OJT)- Employer Reimbursement	Waiver of WIA Section 101(31)(B) of the 50 percent 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 will generally approve this waiver.

Waiver Name	Waiver Description	Policy Decisions, Program Year (PY) 2012
<p>Local Funds for Incumbent Worker Training (IWT) as a Statewide Activity</p>	<p>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>	<p>ETA will generally approve this waiver with the following 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"> ○ Not more than 20 percent of local Dislocated Worker funds for IWT ; ○ Not more than 10 percent of Dislocated Worker funds and 10 percent of Adult funds for IWT, or ○ Not more than 10 percent of Adult funds for IWT ▪ Youth funds may <u>not</u> be used for IWT. ▪ ETA will not approve waivers to allow local WIA funds to be used for any other statewide activities.

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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.	ETA will generally approve this waiver with the following parameters. <ul style="list-style-type: none"> ▪ Use of not more than 20 percent of Rapid Response funds for IWT as part of lay-off aversion only. ▪ ETA will 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.
Recapture	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 or recapture of unexpended funds instead of unobligated funds.	ETA will not approve waivers to allow states to recapture funds on a basis other than that prescribed by WIA.
Reallocation	Waiver of the reallocation provisions at WIA Section 128(c)(3) and 133(c)(3) and 20 CFR 667.160 to state to reallocate recaptured funds according to state-developed criteria.	ETA will consider requests for this waiver on a case-by-case basis.
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 will consider this waiver on a case-by-case basis.
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 will generally approve this waiver.

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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 will consider this waiver on a case-by-case basis.
Reports as a Statewide Region	Waiver of WIA Section 136(c) and 136(d) to permit the state to report only statewide data.	ETA will consider this waiver on a case-by-case basis.
Workforce Investment Act Standardized Record Data (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 will generally approve this waiver.
Local Performance Exemption for Entrepreneurship Training	Waiver of regulations at 20 CFR 666.300 to exclude entrepreneurship training from local performance measures.	Waiver not needed. See TEGL 26-09, Change 1 for further information.
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 will generally approve 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 will generally approve 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 will generally approve 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 will generally approve 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 will generally approve this waiver with the following parameters: ETA will allow American Job Center Operators or partner agencies to directly provide the following three elements: supportive services, follow-up, and work experience. ETA will <u>not</u> grant this waiver for other elements except in very limited circumstances.
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 percent Out-of-School Youth program expenditure requirement.	ETA will consider this waiver on a case-by-case basis.
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 program participants.	ETA will <u>not</u> grant this waiver for any state.
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 will <u>not</u> grant this waiver for any state.
Youth Eligibility	Waiver of WIA Section 101(13) to grant eligibility to children of parents who are WIA Adult program participants.	ETA will <u>not</u> grant this waiver as it lies outside the waiver authority.
Work Readiness Indicator Only for Youth Co-enrolled in WIA Title I and TANF or CSBG for Summer Youth Employment Activities	Waiver of regulations at 20 CFR 664.460 to use the work readiness indicator as the only performance measure for youth co-enrolled in WIA and other programs for Summer Youth Employment activities.	ETA will consider this waiver on a case-by-case basis.

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Waiver to Apply Program Design Flexibility for Youth Co-enrolled in WIA Title 1 and TANF or CSBG for Summer Youth Employment Activities	Waiver of WIA Section 129, 20 CFR 664.405(a), and 664.450(b) to apply the program design flexibility for youth co-enrolled in WIA and other programs for Summer Youth Employment activities, specifically to provide follow-up services and/or an assessment and Individual Service Strategy as deemed appropriate for such youth.	ETA will consider this waiver on a case-by-case basis.
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 will consider this waiver on a case-by-case basis.
State WIB Membership Requirements	Waiver of WIA Section 111(b) to streamline the membership of the State Workforce Board.	ETA will consider this waiver on a case-by-case basis.
Other		
Exemption from the requirement to conduct evaluations	Waiver of requirement at WIA Section 134(a)(2)(B)(ii) and 20 CFR 665.200(d) to conduct evaluations of workforce investment activities for adults, dislocated workers, and youth in order to establish and promote continuous improvement of the statewide workforce investment system.	ETA will consider this waiver on a case-by-case basis.
Exemption from the requirement to disseminate training provider performance and cost information	Waiver of the requirement at 20 CFR 665.200(b)(3) to disseminate training provider performance and cost information.	ETA will no longer approve this waiver. This waiver will remain in effect until June 30, 2013 for states that are currently granted approval.

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Exemption of the requirement to provide additional funding to areas with a high concentration of WIA-eligible youth	Waiver of WIA Section 129(b)(2)(C) and 20 CFR 665.200(h) to exempt the state from the requirement to provide additional assistance to local areas that have a high concentration of eligible youth.	ETA will consider this waiver on a case-by-case basis.
Eligible Training Provider List (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 will generally approve 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 will consider this waiver on a case-by-case basis.
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.	The FY 2011 and FY 2012 Department of Labor Appropriations Acts allow local areas to contract with providers for class-size training in high-demand occupations, if it does not limit customer choice, and remains in effect under the FY 2013 Continuing Resolution. A waiver is not necessary for PY 2011, 2012, or 2013 WIA funds.
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 will consider this waiver on a case-by-case basis.
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 will consider work-flex requests on a case-by-case basis.

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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 will <u>not</u> grant this waiver for any state for formula funds, but will consider this waiver for a National Emergency Grant for a disaster-related event on a case by case basis.
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 the end of the thirteenth 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.