

## **Attachment I: Waiver Authority and Limitations**

**Waiver Authority.** Under the Secretary of Labor’s waiver authority outlined in Section 189(i)(3)(A) of the Workforce Innovation and Opportunity Act (WIOA), the Secretary may waive certain provisions of WIOA Title I subtitles A, B, and E and provisions found in Sections 8 – 10 of the Wagner-Peyser Act. WIOA Section 189(i)(3)(B) and 20 CFR 679.620 identify elements that must be included in a waiver request. A governor may request waivers at any time by submitting a waiver plan with the State’s Unified or Combined Plan or Plan modification, or by submitting a separate waiver plan. In either scenario, waivers constitute a modification of the State Plan.

**Limitations to WIOA Waiver Authority.** WIOA Section 189(i)(3)(A)(i) establishes the limitations of the Secretary’s general waiver authority for WIOA title I, subtitles A, B, and E. As enumerated in this Section, the Secretary is statutorily prohibited from waiving any provisions related to the following:

- Wage and labor standards;
- Non-displacement 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 workforce development boards;
- Procedures for review and approval of state and local plans;
- The funding of infrastructure costs for one-stop centers; and
- Other requirements relating to the basic purposes of title I of WIOA, as identified in 20 CFR 675.100.

**Limitations to Wagner-Peyser Act Waiver Authority.** WIOA Section 189(i)(3)(A)(ii) establishes the limitations of the Secretary’s general waiver authority for the Sections 8 – 10 of the Wagner-Peyser Act. As enumerated in this Section, the Secretary is statutorily prohibited from waiving any provisions related to the following:

- Requirements relating to the provision of services to unemployment insurance claimants and veterans; and
- Requirements relating to universal access to basic labor exchange services without cost to jobseekers.