

ETA Decisions on WIA Waivers for Program Year 2009
January 7, 2010

Waiver Name	Waiver Description	PY09 Policy Decision
Funds Flexibility		
Adult-Dislocated Worker Transfer	Waiver to increase the funds transfer limit between the Adult and Dislocated Worker programs	ETA approved this waiver for states with complete waiver requests, but with more limited parameters. The transfer authority may now be increased to 50%.
Customized Training-Employer Contribution	Waiver 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 for states with complete waiver requests.
On-the-Job Training-Employer Reimbursement	Waiver 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 for states with complete waiver requests.
Local Funds for Incumbent Worker Training as a Statewide Activity	Waiver 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 for states with complete waiver requests, 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 to permit states to use a portion of rapid response funds for IWT and other statewide activities	<p>ETA approved this waiver for states with complete waiver requests, 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

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Recapture and Reallocation	Waiver to permit states to recapture local funds midway through the year, recapture unexpended funds instead of just unobligated, and reallocate based on local area expenditure rates. If requested, the waiver may allow 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 to permit an alternate measure of employment retention for areas of the state where the majority of employment is seasonal	ETA will continue granting this waiver on a case by case basis.
Common Measures	Waiver to permit implementation of, and reporting only for, the common measures in place of the current WIA statutory measures	ETA approved this waiver for states with complete waiver requests.
Incentive Grants to Local Areas	Waiver to exempt the state from providing local incentive grants	ETA will approve on a case by case basis.
Reports as a Statewide Region	Waiver 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 to allow states to discontinue collection of 7 WIASRD data elements for incumbent workers	ETA approved this waiver for states with complete waiver requests.
Local Performance Exemption for Entrepreneurship Training	Waiver 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 to exempt state from reporting credential attainment outcome for participants enrolled in OJT	ETA approved this waiver for states with complete waiver requests.
Performance Sanctions Applied to a Consortium	Waiver 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 for states with complete waiver requests.

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Performance Negotiations as a Consortium	Waiver to permit a consortium of multiple local areas to negotiate performance goals with the State as one entity	ETA approved this waiver for states with complete waiver requests.
Youth		
Youth Individual Training Accounts	Waiver of the prohibition on the use of ITAs for youth	ETA approved this waiver for states with complete waiver requests.
Competitive Procurement for Youth Program Elements	Waiver of the requirement for competitive procurement of service providers for some or all youth program elements	ETA approved this waiver for states with complete waiver requests, 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 will <u>not</u> grant this waiver for other elements except in very limited circumstances.
Alternative School for Out-of-School Youth	Waiver to allow certain alternative school enrollees to count toward the 30% out-of-school youth expenditure requirement	ETA will consider this waiver on a case by case basis. Drop-out data within the state must be included in the request
Youth Program Elements	Waiver 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 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 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 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 to streamline the membership of the State Workforce Board	ETA will consider this waiver on a case-by-case basis.

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Other		
ETPL Initial Eligibility	Waiver of the time limit on the period of initial eligibility for training providers	ETA approved this waiver for states with complete waiver requests.
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 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 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 DOL Appropriations Act, 2010 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.
One-Stop Intake	Waiver 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 to provide State authority to waive certain elements of WIA for local areas, based on submitted plan	ETA will consider this waiver on a case-by-case basis.
Business Capitalization	Waiver 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 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.