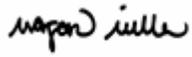


**TEXAS WORKFORCE COMMISSION LETTER**

<b>ID/No:</b>	WD 32-14
<b>Date:</b>	November 25, 2014
<b>Keyword:</b>	WIA
<b>Effective:</b>	Immediately

**To:** Local Workforce Development Board Executive Directors  
Commission Executive Offices  
Integrated Service Area Managers



**From:** Reagan Miller, Director, Workforce Development Division

**Subject:** **Guidelines for Implementing Workforce Investment Act Waivers—  
Update**

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**PURPOSE:**

To provide Local Workforce Development Boards (Boards) with information on the implementation of Workforce Investment Act (WIA) waivers for Program Year **2014 (PY'14)**, specifically:

- extension of waivers;
- **waiver modifications; and**
- **additional** waiver guidance.

**This updated WD Letter clarifies previous guidance on WIA waivers for PY'14 in WD Letter 11-13.**

**CHANGES TO WD LETTER 11-13:**

New information in this WD Letter is indicated by:

- A ~~strikethrough~~ of the original language, which indicates that language has been deleted; and
- **Bold** typeface, which indicates new or clarifying language.

**BACKGROUND:**

The Secretary of Labor has authority to waive certain requirements of WIA, Title I, Subtitles B and E, and §§8–10 of the Wagner-Peyser Act. This authority is granted to the Secretary under §189 of WIA and in the implementing regulations at 20 CFR §661.420.

To best use resources, the Commission continues to take advantage of federal waiver opportunities to provide Boards the greatest possible flexibility to design and deliver services that meet the needs of employers and job seekers.

The Commission submitted a request for extension of the state's existing Commission-specific and Board-specific waivers. The US Department of Labor Employment and Training Administration (DOLETA) issued a decision letter approving the Commission's request on December 11, 2012.

**In 2014, the Commission submitted requests for an extension of two of the state's existing Commission-specific waivers and the modification of one Board-specific waiver. DOLETA issued decision letters approving the Commission's request for extension and modification of these waivers on July 14, 2014, and September 2, 2014, respectively.**

**PROCEDURES:**

Boards must be aware that the following waivers are available through June 30, 2017:

NLF

*Commission-Specific Waivers*

- Common Measures and Integrated Performance
- Rapid Response/Incumbent Worker Training
- Contracting for Board Performance Measures
- Extension of Certification Period for Currently Certified Training Providers
- Reallocation of Recaptured WIA Funds

*Board-Specific Waivers*

- Employer Contribution for Customized Training
- Transferring Funds between Adult and Dislocated Worker Programs
- Older and Out-of-School Youth Use of Eligible Training Provider List
- ~~WIA Formula Funds Used as Local Activity Funds~~
- Employer Reimbursement for On-the-Job Training

**Boards must be aware that the following waiver is available through June 30, 2016:**

NLF

*Board-Specific Waiver*

- **WIA Adult and Dislocated Worker Formula Funds Used as Local Activity Funds for Incumbent Worker Training Purposes**

Boards must be aware that the following waivers are available through June 30, 2015:

NLF

*Commission-Specific Waivers*

- Exemption of Incentive Grants
- Exemption of Additional Assistance for Areas with High Concentrations of Eligible Youth

## Waiver Guidance

Boards choosing to implement the Board-specific approved waivers must adhere to the procedural guidance and requirements set forth in the *Guidelines for Implementing Workforce Investment Act Waivers*. The updated guidelines are available at [http://www.twc.state.tx.us/boards/wia/waiver\\_guidelines.pdf](http://www.twc.state.tx.us/boards/wia/waiver_guidelines.pdf).

**NLF**

The WIA waiver requests and approval letters are available at <http://www.texasworkforce.org/boards/wia/wiawaivers.html>.

## INQUIRIES:

Direct inquiries regarding this WD Letter to [wfpolicy.clarifications@twc.state.tx.us](mailto:wfpolicy.clarifications@twc.state.tx.us).

## RESCISSIONS:

WD Letter 11-13

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## REFERENCE:

Wagner-Peyser Act of 1933, as amended

Workforce Investment Act §189

Workforce Investment Act, Final Rule, Part 663, Subpart A, §663.145

Workforce Investment Act, Final Rule, 20 CFR §661.420

US Department of Labor Training and Employment Guidance Letter 30-09, issued June 8, 2010, and entitled "Layoff Aversion Definition and the Appropriate Use of Workforce Investment Act Funds for Incumbent Worker Training for Layoff Aversion Using a Waiver"

WD Letter 10-07, issued February 2, 2007, and entitled "Adoption of Local Workforce Development Board Policies in Open Meetings"

## FLEXIBILITY RATINGS:

**No Local Flexibility (NLF)**: This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by "must" or "shall."

**Local Flexibility (LF)**: This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by "may" or "recommend."