

U.S. Department of Labor

Assistant Secretary for
Employment and Training
Washington, D.C. 20210



May 29, 2026

The Honorable Brian Kemp
Governor of Georgia
206 Washington St.
Suite 203
State Capitol
Atlanta, GA 30334

Dear Governor Kemp:

Thank you for your waiver request submission to the U.S. Department of Labor (Department) regarding certain statutory and regulatory provisions of the Workforce Innovation and Opportunity Act (WIOA) and the accompanying plan to improve the statewide workforce development system (enclosed). The waiver requests were received on March 3, 2026, as part of your recent WIOA State Plan modification submission. This letter provides the Employment and Training Administration's (ETA) official response to your request and memorializes that Georgia will meet the outcomes and implement the measures identified in its plan to ensure accountability agreed to by Georgia and ETA. This action is taken under the Secretary of Labor's authority to waive certain requirements of WIOA Title I, Subtitles A, B, and E, and Sections 8–10 of the Wagner-Peyser Act in WIOA Section 189(i).

Requested Waiver: Waiver associated with the requirement at WIOA Section 129(a)(4)(A) and 20 CFR 681.410 that the State and local areas expend 75 percent of Governor's reserve youth funds and local formula youth funds on out-of-school youth (OSY).

ETA Response: ETA approves for Program Years (PY) 2026 and 2027, which includes the entire time period for which states are authorized to spend each of those PY fund allotments, the State's request to waive the requirement that the State expend 75 percent of Governor's reserve youth funds on OSY. ETA reviewed the State's waiver request and plan and has determined that the requirements requested to be waived impede the ability of Georgia to implement its plan to improve the workforce development system. The State may lower the expenditure requirement of Governor's reserve funds to 50 percent for OSY.

In addition, ETA approves for PYs 2026 and 2027, which includes the entire time period for which states are authorized to spend each of those PY fund allotments, the State's request to waive the requirement that local areas expend 75 percent of local youth formula funds on OSY. The State may lower the local youth funds expenditure requirement to 50 percent for OSY. As a result of this waiver, ETA expects that the number of in-school youth (ISY) served will increase, and performance accountability outcomes for overall WIOA Youth (including both ISY and OSY) will remain steady or increase for the majority of the WIOA Youth performance indicators.

Requested Waiver: Waiver of the requirement that local youth programs make available each of the 14 youth programs elements required under WIOA Section 129(c)(2).

ETA Response: ETA approves, for PYs 2026 and 2027, the State's request to waive the requirement that local youth programs make available each of the 14 youth program elements listed in WIOA Section 129(c)(2) and 20 CFR 681.460. Under this approval, local areas are not required to make available all 14 program elements. ETA reviewed the State's request and plan and determined that the requirements requested to be waived impede the State's ability to implement its plan to improve youth workforce development service delivery.

Requested Waiver: Waiver associated with the requirement at WIOA Section 121(e) and 20 CFR 678.300(c) to establish and maintain a comprehensive American Job Center (AJC) in each of the State's local workforce development areas.

ETA Response: ETA approves, for PYs 2026 and 2027, the State's request to waive the requirement of WIOA Section 121(e), as described in 20 CFR 678.300(c), that a comprehensive AJC be established in each of the State's local workforce development areas. ETA reviewed the State's waiver request and plan and has determined that the requirements requested to be waived impede the ability of the State to implement its plan to improve the workforce development system. Implementation may begin upon the State's fulfillment of the following conditions:

- Specify the local workforce development area(s) that will not have a comprehensive AJC; and
- Provide the reasoning and anticipated benefits behind the use of the alternative service delivery models, such as hub-and-spoke, affiliate sites, mobile units, or remote service technology, in contrast to the current service delivery approach for the purpose of enhancing access to services.

Requested Waiver: Waiver associated with the requirement at WIOA Section 121(d) and 20 CFR 678.800 that require one-stop centers to be certified in order to be eligible to receive funds.

ETA Response: This request falls outside of the Secretary's waiver authority and, therefore, cannot be approved. WIOA Section 189(i)(3)(A)(i) prohibits the Secretary from waiving requirements related to the funding of infrastructure costs for one-stop centers. However, please note that WIOA Section 121(g) establishes the authority and responsibility of the State Board "in consultation with chief elected officials and local boards" to establish the objective criteria and procedures for use by local boards in assessing the effectiveness, physical and programmatic accessibility, and continuous improvement of one-stop centers. ETA encourages Georgia to review the certification criteria and procedures to identify areas for improving the overall process and ensuring a minimally burdensome certification process. ETA is available to provide technical assistance to support the State in identifying improvements to create a certification process that is minimally burdensome to the State and local partners.

Additionally, as noted in Training and Employment Guidance Letter No. 05-25: *Maximizing Innovation in Workforce Innovation and Opportunity Act Programs*, under an approved Workforce Flexibility (Workflex) plan, waivers related to infrastructure agreements are

allowable. If Georgia determines that State improvements to the one-stop center certification process are insufficient to address the issue, ETA can provide technical assistance regarding the potential benefits of Workflex and the requirements for developing a Workflex plan.

Requested Waiver: Waiver associated with the requirement at WIOA Section 121(h) and 20 CFR 678.700-678.755 that local workforce development areas establish, negotiate, and maintain infrastructure funding agreements with all required one-stop partners.

ETA Response: This request falls outside of the Secretary's waiver authority and, therefore, cannot be approved. WIOA Section 189(i)(3)(A)(i) prohibits the Secretary from waiving requirements related to the funding of infrastructure costs for one-stop centers, which would include requirements related to the infrastructure funding agreements that govern the sharing of infrastructure costs. However, as noted in Training and Employment Guidance Letter No. 05-25: *Maximizing Innovation in Workforce Innovation and Opportunity Act Programs*, under an approved Workforce Flexibility (Workflex) plan, waivers related to infrastructure agreements are allowable. ETA will provide technical assistance regarding the potential benefits of Workflex and the requirements for developing a Workflex plan.

The State is reminded that WIOA Title I waivers may not be used for any discriminatory purposes. All activities and waiver plan provisions must comply with Section 188 of WIOA, the implementing regulations at 29 CFR Part 38, and all applicable federal nondiscrimination laws.

The State must report its waiver outcomes and implementation of the approved waivers in the WIOA Annual Report. ETA will use this information to assess continued waiver approval and to identify promising practices that may be adopted more widely. ETA is available to provide technical assistance to you in support of your goals. If you have questions, feel free to contact my office at (202) 693-2772.

Sincerely,



Henry Mack, Ed.D.
Assistant Secretary

Enclosures

cc: Karen Kirchler, Deputy Commissioner, Workforce Development, Technical College System of Georgia
Renata Adjibodou, Atlanta, GA, Regional Administrator, ETA
Latanya Lowery, Federal Project Officer, ETA