

Workforce Innovation and Opportunity Act Waiver Request Tool

Under the Secretary of Labor's waiver authority outlined in Section 189(i)(3)(A) of the Workforce Innovation and Opportunity Act (WIOA) and 20 CFR 679.600, the Secretary may waive certain provisions of WIOA Title I Subtitle 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 state may request a waiver in its Unified or Combined State Plan submission or modification. Or, if submitting separate from the State Plan submission, States may use this document as a tool to assist in developing and requesting a waiver. States may use their own format or form for a request, as long as elements required by WIOA and the regulations noted above are addressed. After reviewing a state's initial request, the Employment and Training Administration (ETA) may ask the state for additional information if necessary to complete its review.

To submit a waiver request, e-mail this completed form or a state-developed document along with a cover letter to WIOA.Plan@dol.gov and the appropriate ETA regional office. While e-mail is strongly preferred, ETA will also accept hard copy submissions.

A state's waiver request must include a discussion of the following elements:

1. The statutory and/or regulatory requirements the state would like to waive;
2. Actions the state has undertaken to remove state or local barriers;
3. A description of the state's strategic goal(s);
4. A discussion of how the waiver complements Department of Labor priorities (i.e. expansion of apprenticeship, improved employer engagement, etc.);
5. Quantifiable projected programmatic outcomes resulting from implementation of the waiverⁱ;
6. Individuals, groups, or populations benefitting, or otherwise impacted by the waiver from the waiver;
7. How the state plans to monitor waiver implementation, including collection of measureable waiver outcome information;

8. Assurance of state posting of the request for public comment (including the dates that the state made the draft request available for public comment) and notification to affected local workforce development boards.

ⁱ As a condition for waiver approval, WIOA requires states to provide an examination of how the proposed waiver will help the state reach certain proposed targets in the state's waiver request. These targets must be quantifiable in nature to allow ETA to assess whether the state is meeting these targets for the purposes of future waiver renewal. For example, if the state is requesting a waiver to allow WIOA individual training accounts (ITAs) for in-school youth (ISY), ETA would expect to see targets such as:

- X percent of in-school undertaking occupational training will have ITAs;
- The number of training providers serving youth will increase by at least X percent in the next X months and will be registered on the ETPL
- X percent of ISY enrolled in ITAs will earn a credential - an improvement from the X percent goal in PY X for all youth.
- X percent of ISY will have measurable skill gains; X percentage points higher than the X percent goal in PY X for all youth.

A state should contact its Federal Project Officer with any questions regarding what constitutes acceptable projected outcomes/targets.