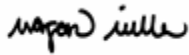


**TEXAS WORKFORCE COMMISSION LETTER**

<b>ID/No:</b>	WD 08-16
<b>Date:</b>	April 29, 2016
<b>Keyword:</b>	WIA; WIOA
<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:** Expiration of Workforce Investment Act Waivers

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**PURPOSE:**

To provide Local Workforce Development Boards (Boards) with information on the expiration of the last Workforce Investment Act (WIA) waivers on June 30, 2016.

**BACKGROUND:**

The Workforce Innovation and Opportunity Act (WIOA), signed into law on July 22, 2014, is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes Titles I and II of the Workforce Investment Act of 1998 and amends the Wagner-Peyser Act and the Rehabilitation Act of 1973. In general, WIOA took effect on July 1, 2015, the first full program year after enactment, unless otherwise noted.

The waivers approved by the U.S. Department of Labor Employment and Training Administration (DOLETA) under WIA do not extend to WIOA, which has its own waiver authority. DOLETA conducted a waiver-by-waiver analysis to determine which approved waivers may remain in place for Program Year 2015 (PY' 15) and which WIA waivers were terminated on June 30, 2015, due to the effective date of WIOA provisions.

**PROCEDURES:**

**NLF:** Boards must be aware that whether WIA waivers remain in effect after July 1, 2015, varies based on whether WIA funds were obligated or unobligated as of June 30, 2015.

**NLF:** Boards must be aware that the following waivers expire on June 30, 2016:

*Commission-Specific Waivers*

- Common Measures and Integrated Performance
- Contracting for Board Performance Measures\*
- Extension of Certification Period for Currently Certified Training Providers
- Reallocation of Recaptured WIA Funds\*

*Commission-Specific Waiver (only when used in support of activities funded through obligated WIA funds)*

- Rapid Response/Incumbent Worker Training

*Board-Specific Waivers (only when used in support of activities funded through obligated WIA funds)*

- 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
- Employer Reimbursement for On-the-Job Training
- WIA Adult and Dislocated Worker Formula Funds Used as Local Activity Funds for Incumbent Worker Training Purposes

\*Note: These waivers were requested in TWC's WIOA Combined State Plan submitted to the U.S. Departments of Labor and Education on April 1, 2016.

**Waiver Guidance**

The waiver guidelines, which expire on June 30, 2016, 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).

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 32-14

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**REFERENCES:**

Rehabilitation Act of 1973  
Wagner-Peyser Act of 1933, as amended  
Workforce Innovation and Opportunity Act of 2014  
Workforce Investment Act §189  
Workforce Investment Act, Final Rule, 20 CFR §661.420  
U.S. Department of Labor Training and Employment Guidance Letter 1-15, issued July 1, 2015, and entitled "Operations Guidance Regarding the Impact of Workforce Innovation and Opportunity Act Implementation on Waivers Approved Under the Workforce Investment Act"

**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.”