

Guidelines for Implementing Workforce Investment Act Waivers

Texas Workforce Commission
WORKFORCE DEVELOPMENT DIVISION

Guidelines for Implementing Workforce Investment Act Waivers

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I.

Introduction

The Workforce Investment Act (WIA) waivers listed in this guide fall within one of the three following categories:

1. Commission-Specific Waivers—may directly or indirectly affect Local Workforce Development Boards (Boards); however, there is no action that Boards are required to take to implement them.
2. Board-Specific Waivers—apply to all local workforce development areas (workforce areas) and require some form of action if a Board chooses to implement them.
3. Hurricane-Specific Waivers—apply only to those workforce areas affected by Hurricanes Katrina or Rita and require some form of action if a Board chooses to implement them.

The Commission has requested that the U.S. Department of Labor (DOL) extend Texas' waivers until Congress reauthorizes, and DOL implements, new workforce legislation.

Note: Two of the hurricane-specific waivers, Conversion of Up to 100 Percent Formula-Allocated Funds to Local Activity Funds Waiver and the Twelve-Month Follow-up Services for Youth Waiver are still under DOL review and currently have not been extended.

This guide provides:

- general information on all approved waivers within each category; and
- detailed procedural guidance and requirements for implementing the waivers.

II.

Commission-Specific Waivers

Common Measures and Integrated Performance Waiver

This waiver was approved by DOL on July 1, 2006, and permits the Commission to replace the original 17 WIA performance measures set forth in WIA §136(b) with the six common measures.

The Commission no longer reports to the Employment and Training Administration on the following WIA measures:

- Adult and dislocated worker credential rates;
- Participant and employer customer satisfaction;
- Older youth measures; and
- Younger youth measures.

The Commission continues to report on the three adult common measures and the three youth common measures.

The waiver approval letter can be accessed at:

<http://www.texasworkforce.org/boards/wia/prowaiverintegratedreportingletter.pdf>.

Recapture of WIA Funds Waiver

This waiver was approved by DOL on November 23, 2005, and permits the Commission to develop more flexible recapture and reallocation policies, which allow for increased efficiency and effectiveness in management of federal funds.

Recapture of WIA funds makes possible the following:

- Mid-year deobligation and reallocation of workforce area funds;
- Recapture of funds from workforce areas that have not expended at least 80 percent of their funds in the first year;
- Use of recaptured funds for statewide activities or reallocation to other eligible workforce areas; and
- Use of additional factors in determining workforce area eligibility for a reallocation of recaptured funds, including demonstrated need and ability to use additional funds.

The waiver approval letter can be accessed at:

<http://www.texasworkforce.org/boards/wia/waiverhurapprltr.pdf>.

Additional information on the deobligation and reallocation of Board-administered funds is set forth in §§800.71–75 of the Commission’s General Administration rules.

Dislocated Worker Waiver

This waiver was approved by DOL on July 20, 2005, and permits the Commission to use up to 25 percent of the funds reserved for Rapid Response activities to provide allowable statewide employment and training activities to better meet the demand for incumbent worker training.

The Commission requested permission to increase the amount of WIA dislocated worker funds that may be reserved as Statewide Activity Funds from 15 percent to 20 percent. Although the effect of this waiver will be to reduce the maximum amount the state may set aside for statewide Rapid Response activities from 25 to 20 percent, the state does not seek to waive its responsibilities related to Rapid Response activities.

While DOL was unable to approve a transfer of funds as requested, it did approve an alternate form of the request. Currently, WIA permits states to reserve up to 25 percent of WIA funds for Rapid Response activities. DOL's waiver permits 25 percent of the up-to-25 percent reserved for Rapid Response—a maximum of 6.25 percent—to be added to the amount (15 percent) currently allowed for statewide dislocated workers activities.

The waiver approval letter can be accessed at:

<http://www.texasworkforce.org/boards/wia/waiverdislocatedworkerletter.pdf>.

Redistribution of Funds Waiver

This waiver was approved by DOL on July 20, 2005, and permits the Commission to consider additional factors when determining a workforce area's eligibility for reallocation of recaptured funds.

When Boards do not meet certain expenditure levels, WIA requires that local funds be recaptured by the state and redistributed. WIA is prescriptive, however, in how the funds can be redistributed. Each workforce area that did not have funds recaptured must receive a portion of the recaptured funds. For example, if two of the 28 Boards have funds recaptured, the remaining 26 Boards receive a portion of those funds, regardless of need.

A proposal was made to base the redistribution of WIA funds on the Commission's allocation rules at 40 TAC §§800.51–75. The waiver allows the Commission to ensure that funds are redistributed to those workforce areas with the greatest need. This allows the redistribution of recaptured funds to be based on factors such as:

- requested amount;
- demonstrated capacity to expend formula funds; and
- performance in current and prior program years.

The waiver approval letter can be accessed at:

<http://www.texasworkforce.org/boards/wia/waiverredistributionletter.pdf>.

Additional information on the deobligation and reallocation of Board-administered funds is set forth in §§800.71–75 of the Commission's General Administration rules.

Board Performance Measures Waiver

This waiver was approved by DOL on July 1, 2005, and permits the Commission to develop methodologies that allow greater flexibility in contracting Board performance measures.

WIA requires that state performance measures consist of 17 specific core indicators of performance and customer satisfaction. It also requires that Board performance measures consist of the same core indicators of performance and customer satisfaction as the state's performance measures.

Specifically, the waiver provides the Commission with flexibility to modify Boards' performance measures. The Commission will continue to track and report the 17 core indicators of performance and customer satisfaction at both the state and Board levels. However, the Commission may choose not to use all 17 measures in its Board contracts. The Commission has developed integrated Board-contracted measures.

The Commission believes that the requirement to contract all 17 core indicators of performance and customer satisfaction to the Boards unnecessarily isolates elements of service delivery.

The waiver approval letter can be accessed at:

<http://www.texasworkforce.org/boards/wia/waiverredistributionletter.pdf>.

Extension of Certification Period for Currently Certified Training Programs Waiver

This waiver was approved by DOL on January 3, 2003, and permits the Commission to extend the period of eligibility for training programs currently certified under the WIA Eligible Training Provider System (ETPS).

WIA sets forth the subsequent eligibility performance reporting requirements for all training providers. The subsequent eligibility requirements are burdensome and resulted in a decline in the number of eligible training providers. DOL provided the Commission a waiver that extends the period of initial eligibility for training providers.

The waiver approval letter can be accessed at:

<http://www.texasworkforce.org/boards/wia/waiverplanapprovalletter.pdf>

III.

Board-Specific Waivers

Sliding Scale Employer Match for Customized Training Waiver

This waiver was approved by DOL on January 3, 2003, and permits the Commission to replace the required 50 percent employer match for customized training with a match based on a 10 to 50 percent sliding scale.

WIA defines customized training and requires employers to pay not less than 50 percent of the cost of the training. The 50 percent employer match requirement limits Boards' ability to market customized training programs to local employers. Local employers often conclude that the 50 percent match requirement creates costs outweighing the benefits of participating in a WIA-customized training program.

DOL granted the Commission's waiver request to allow an employer's contribution to the cost of training to be based on a 10 to 50 percent sliding scale. In order for Boards to implement this waiver, they must adopt policy that establishes criteria for the sliding scale based on local factors.

Boards choosing to implement this waiver must adhere to the following:

The sliding scale employer match waiver requires that Boards develop a policy* regarding the costs of customized training. The policy must be developed with input from the community, including employers, labor organizations, and local economic development organizations. Additionally, Board policies must:

- indicate a sliding payment scale between 10 and 50 percent;
- include an opportunity for public review and comment; and
- ensure equitability for employers and job seekers.

*As required by Commission rule §801.51(f) and as detailed in WD Letter 10-07, Board members must take such actions in an open meeting.

Boards may consider the following attributes and projected outcomes of the training:

- Quality characteristics;
- Transferability of skills acquired;
- Wage levels and retention factors; and
- Economic stimulus to the community.

Board policy for this waiver may also relate to training that facilitates the growth of industry and the creation and attraction of high-priority occupations.

The waiver approval letter can be accessed at:

<http://www.texasworkforce.org/boards/wia/waiverplanapprovalletter.pdf>.

Transferring Funds between Adult and Dislocated Worker Programs Waiver

This waiver was approved by DOL on January 3, 2003, and permits the Commission to approve transfer amounts of up to 100 percent of workforce area allocations between the adult and dislocated worker funding streams, as requested by Boards.

WIA provides that with the approval of the Governor, Boards may transfer up to 20 percent of a program year allocation for adult employment and training activities, and up to 20 percent of a program year allocation for dislocated worker employment and training activities between the two programs. The 2003 appropriation enacted by Congress raised these transfer limits to 30 percent.

By virtue of Texas' size and diverse population, WIA customer needs vary greatly from one workforce area to another. This waiver eliminates the 30 percent limitation and allows Boards unlimited transfer of funds between these two programs. This increased flexibility allows Boards to better respond to changes within their workforce areas and use these limited funds in the most effective way.

Boards choosing to implement this waiver must adhere to the following:

The transfer of funds between WIA adult and dislocated worker programs waiver must be governed by a locally developed policy*. The policy development process must include:

- a public review and comment period, published throughout the workforce area; and
- dialogue concerning the benefits and consequences of transferring the funds.

*As required by Commission rule §801.51(f) and as detailed in WD Letter 10-07, Board members must take such actions in an open meeting.

Note: Although the Commission understands that all workforce areas are subject to unforeseen events that can affect service delivery, requests for additional assistance funds necessitated by prior funds transfers will be denied.

WD Letter 48-07, issued August 24, 2007, and entitled "New Procedures for Contract Action Requests" provides Boards with the Contract Action Request (CAR) form.

Boards must complete the CAR form, which includes the following information:

- Requested date of the funds transfer;
- Brief identification of the need for the transfer;
- Assurance that the critical workforce needs of the local communities will be met;
- Acknowledgment of Board responsibility for assessing workforce area conditions, meeting contracted performance targets, and adequately planning for future workforce needs; and
- Acknowledgment that the Commission will not consider requests for additional funds necessitated by prior funds transfers.

The completed CAR form must be submitted via e-mail to the Board's designated contract manager.

The Board will receive an e-mail acknowledging receipt of the CAR form from its assigned contract manager by the next business day. The Board's transfer request will be evaluated in conjunction with a review of current performance and expenditure levels. Within 14 working days of receipt of the transfer request, the Board's senior contract manager may approve, deny, or request additional information. In the absence of a denial or a request for additional information, the transfer request will be considered approved on the 15th working day after receipt of the request. Upon approval of the Board's transfer request, a contract amendment will be initiated.

The waiver approval letter can be accessed at:

<http://www.texasworkforce.org/boards/wia/waiverplanapprovalletter.pdf>.

Older and Out-of-School Youth Use of Eligible Training Provider List Waiver

This waiver was approved by DOL on January 3, 2003, and permits the Commission to allow Boards the option of using ETPS to secure training providers for older and out-of-school youth through the use of an Individual Training Account (ITA).

WIA provides that Boards will award grants or contracts for youth services based on a competitive process and limits ETPS access to adults and dislocated workers services. ETPS requires that training providers meet rigid requirements for certification to provide training for adults and dislocated workers.

The Commission received approval from DOL to waive the competitive procurement for training providers for older and out-of-school youth and to allow older and out-of-school youth to use ITAs. Access to preferred training providers through ETPS and a more timely provision of training services to older and out-of-school youth streamlines services and increases local flexibility.

Boards choosing to implement this waiver must adhere to the following:

Older (19–21) and out-of-school youth use of ETPS and ITAs must be governed by a locally developed policy*. Local policies must be developed with input from the community, including an opportunity for a public review and comment period, published widely throughout the workforce area.

*As required by Commission rule §801.51(f) and as detailed in WD Letter 10-07, Board members must take such actions in an open meeting.

The waiver approval letter can be accessed at:

<http://www.texasworkforce.org/boards/wia/waiverplanapprovalletter.pdf>.

WIA Formula Funds Used as Local Activity Funds Waiver

The Commission received a waiver from DOL effective August 19, 2003, allowing Boards to designate up to 10 percent of WIA Formula Funds as local activity funds. The Commission subsequently submitted a request to increase the cap on designation of funds. The new cap is 25 percent, approved by DOL on July 26, 2005. This waiver permits the Commission to allow Boards to use formula-allocated funds to conduct approved statewide activities.

WIA Formula Funds have very restricted uses, while WIA Statewide Activity Funds provide for greater flexibility. WIA Formula Funds designated as local activity funds have flexibility similar to WIA Statewide Activity funds. Boards choosing to implement this waiver must adhere to the following.

To identify a need for additional flexibility, Boards choosing to designate WIA Formula Funds as local activity funds must analyze changing economic conditions, the demands of employers, and any need for services to hurricane-affected individuals in their workforce areas. Once a need for this additional flexibility is determined, Boards must submit a Local Activity Funds Designation Request to the Commission.

Implementation Requirements

Boards choosing to use WIA Formula Funds as local activity funds must:

- submit a Local Activity Funds Designation Request;
- continue to operate under the current 10 percent limit on local administrative costs with no separate amount set aside for administration of such activities;
- use at least 60 percent of WIA youth funds to provide activities to WIA out-of-school youth (this requirement will continue to apply to the total amount of Boards' WIA youth formula allocation);
- apply all WIA youth eligibility criteria to all youth served;
- designate up to 25 percent of the workforce area's original WIA formula allocations as local activity funds; and
- continue to meet performance goals for WIA adult, dislocated worker, and youth formula allocations, and commit to specific performance outcomes for any services and activities provided using local activity funds.

Allowable Uses of Local Activity Funds

Boards may use local activity funds for the following services and activities:

- Innovative incumbent worker training programs, which may include an employer loan program to assist in skills upgrade;
- Programs for displaced homemakers;
- Programs to increase the number of individuals trained and placed in nontraditional employment;
- Capacity building and technical assistance—including the development and training of staff and the development of exemplary program activities—for Texas Workforce Center operators, Texas Workforce Center partners, and eligible providers;

- Research and demonstrations;
- Rapid Response activities;
- Programs targeted to empowerment zones and enterprise communities;
- Layoff aversion; and
- Other WIA adult, dislocated worker, and youth activities, as determined by the Board and approved by the Commission.

Disallowed Uses of Local Activity Funds

Boards must not use local activity funds for the following services and activities:

- Dissemination of the ETPS Statewide List of Certified Training Providers;
- Evaluation of WIA adult, dislocated worker, and youth activities;
- Incentive grants;
- Establishment and operation of Texas Workforce Centers;
- Operation of fiscal and management accountability information systems; and
- Services and activities that are not allowable uses of WIA funds, or that are prohibited or not allowable in accordance with applicable cost principles and uniform administrative requirements.

Local Activity Funds Designation Request

Boards choosing to designate WIA Formula Funds as local activity funds must submit a Contract Action Request (CAR), as per WD Letter 48-07, issued August 24, 2007, and entitled “New Procedures for Contract Action Requests,” to the Commission, with a Local Activity Funds Designation Request that includes the following information:

- Designation of up to 25 percent of the workforce area’s WIA adult, dislocated worker, or youth formula allocations as local activity funds for use that is consistent with the allowable activities listed in this document;
- Description of the services or activities to be delivered with local activity funds, and the expected performance outcomes, including expected performance improvement;
- Acknowledgement that the Board will meet new performance expectations for use of local activity funds;
- Assurance that all WIA-required services will continue to be provided using the Board’s WIA adult, dislocated worker, and youth formula allocations;
- Acknowledgement that the Board will continue to meet its performance and expenditure benchmarks for WIA adult, dislocated worker, and youth formula allocations.

The Board must submit the completed WIA Local Activity Funds Designation Request (Attachment 1 to WD Letter 46-07) via e-mail to its assigned senior contract manager.

When submitting a CAR, the Board must:

- complete the appropriate portions of the CAR form; and
- e-mail the completed CAR form and the WIA Local Activity Funds Designation Request to its assigned senior contract manager.

The Board will receive an e-mail acknowledging receipt of the CAR form from its assigned contract manager by the next business day. The Board's designation request will be evaluated in conjunction with a review of current performance and expenditure levels. Within 14 working days of receipt of the designation request, the Board's senior contract manager may approve, deny, or request additional information. In the absence of a denial or a request for additional information, the designation request will be considered approved on the 15th working day after receipt of the request. Upon approval of the Board's designation request, a contract amendment will be initiated to reflect the new performance expectations.

Upon approval of a Board's Local Activity Funds Designation Request, contract amendments will be initiated to reflect new performance expectations.

After submitting and receiving approval of a Local Activity Funds Designation Request, it is recommended that Boards continue to analyze the needs of their workforce areas and, if warranted, submit a new Local Activity Funds Designation Request to change the use of their local activity funds.

Example: A Board develops strategies to increase services to its youth population, with potential to improve performance. The Board submits a Local Activity Funds Designation Request and receives Commission approval to designate WIA formula allocations as local activity funds. Subsequently, the economic conditions in the Board's workforce area change, and it becomes necessary to redirect a portion of the funds to layoff aversion. In this situation, the Board would submit a new Local Activity Funds Designation Request to the Commission requesting approval of a change in the use of a portion of the local activity funds.

The designation in the contract amendment will be written for an amount not to exceed the requested amount. If a Board's planned activities are completed for an amount less than the designation request, the Board can use the remaining dollars in the fund stream of origin. If the Board needs to change or add new activities to the Local Activity Funds, a new Local Activity Funds Designation Request is required.

Boards may redesignate local activity funds as WIA formula allocations at any time prior to the contract end date. The funds will retain their original WIA adult, dislocated worker, or youth classification.

Financial Reporting Requirements

Boards must track and report local activity funds through the online expenditure reporting system in accordance with WD Letter 76-05 and any subsequent guidance.

Expenditure Requirements

Boards must be aware that Commission rule §800.63(k) requires Boards to meet an 80 percent expenditure benchmark to be eligible to receive statewide activity funds. The 80 percent applies to the total amount of a Board's formula allocations, including any local activity funds.

Performance Reporting—TWIST Funding Sources

Boards must use the following funding sources in TWIST to report activities and services provided with local activity funds:

TWIST Fund Code	Fund Name	Eligibility	Services
158	WIA Adult Local Activity	Only basic WIA eligibility applies, i.e., citizenship/alien status (authorization to work), Selective Service registration, and age requirements.	The services provided are the same as those offered to WIA adults (Fund Code 95).
129	WIA Adult Local Activity – Specialized	Only basic WIA eligibility applies, i.e., citizenship/alien status (authorization to work), Selective Service registration, and age requirements.	The services provided include pilot and demonstration projects, and customized training.
160	WIA Youth Local Activity	All WIA youth eligibility requirements apply.	The services provided are the same as those offered to WIA youth (Fund Code 97).
130	WIA Youth Local Activity – Specialized	All WIA youth eligibility requirements apply.	The services provided include pilot and demonstration projects, and customized training.
159	WIA Dislocated Worker Local Activity	Only basic WIA eligibility applies, i.e., citizenship/alien status (authorization to work), Selective Service registration, and age requirements.	The services provided are the same as those offered to WIA dislocated workers (Fund Code 96).
154	WIA Dislocated Worker	Only basic WIA eligibility applies, i.e., citizenship/alien	The services provided include pilot and

	Local Activity – Specialized	status (authorization to work), Selective Service registration, and age requirements.	demonstration projects, and customized training.
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When using local activity funds, Boards must apply each of these TWIST funding sources based on the customers served.

The waiver approval letter can be accessed at:

<http://www.texasworkforce.org/boards/wia/waiverlocalactivityapprovalletter.pdf>.

Sliding Scale Employer Match for On-the-Job Training Waiver

This waiver was approved by DOL on August 8, 2006, and permits the Commission to reimburse the employer for on-the-job training (OJT) on a graduated scale based on the size of the business.

WIA provides for reimbursement to the employer of up to 50 percent of the OJT participant's wage rate. This waiver permits reimbursing the employer on a graduated scale based on the size of the business.

Under the waiver, the following reimbursement amounts will be permitted:

- Up to 90 percent for employers with 50 or fewer employees, and
- Up to 75 percent for employers with more than 50 but fewer than 100 employees.

For employers with 100 or more employees, the current statutory requirements will continue to apply.

Boards choosing to implement this waiver must adhere to the following:

The graduated scale employer reimbursement waiver requires development of local policy* regarding the costs of OJT. The policy must be developed with input from the community, including employers, labor organizations, and local economic development organizations. Additionally, Board policies must:

- indicate a sliding scale reimbursement rate up to 90 percent;
- include the employer size criteria exactly as prescribed by DOL;
- include an opportunity for public review and comment; and
- ensure equitability for employers and job seekers.

*As required by Commission rule §801.51(f) and as detailed in WD Letter 10-07, Board members must take such actions in an open meeting.

Boards may consider the following attributes and projected outcomes of the training:

- Quality characteristics;
- Relevancy of acquired skills;
- Wage levels and retention factors; and
- Economic stimulus to the community.

Board policy for this waiver may also relate to training that facilitates the growth of industry and the creation of high-priority occupations.

The waiver approval letter can be accessed at:

<http://www.texasworkforce.org/boards/wia/prowaiverintegratedreportingletter.pdf>

IV.

Hurricane-Specific Waivers

Use of Funds for Capitalization of Businesses Waiver

This waiver was approved by DOL on November 23, 2005, and permits the Commission to remove limitations on using WIA funds for the capitalization of small and micro-businesses in the South East Texas and Deep East Texas workforce areas.

WIA prohibits the use of funds for capitalization of businesses. This waiver permits up to \$5,000 of WIA funds to be used to capitalize small business in areas of Texas directly impacted by Hurricane Rita (i.e., counties declared national disaster areas). This activity must be conducted in concert with entrepreneurial or micro-enterprise training for the individuals benefiting from the capitalization.

A Board choosing to implement this waiver must adhere to the following:

- Notify its senior contract manager in writing of the intent to implement the business capitalization waiver;
- Develop local policies* and procedures regarding the distribution, tracking, and reporting of the business capitalization funds;
- Adopt a policy* regarding implementation of the program, including any additional criteria, such as:
 - targeted geographic areas, or the size or type of business that can be funded; and
 - the amount of National Emergency Grant (NEG) funds, WIA Formula Funds, or WIA Local Activity Funds that will be dedicated to business capitalization grants; and
- Establish a subcommittee of at least three members composed of individuals familiar with business capitalization, e.g.,:
 - a representative from a local bank or financial institution;
 - a representative from a small business development center or similar entity; and
 - an experience-rated business owner familiar with capitalizing a business or reviewing business plans.

*As required by Commission rule §801.51(f) and as detailed in WD Letter 10-07, Board members must take such actions in an open meeting.

A Board must ensure that the Board-established subcommittee:

- establishes criteria for determining the viability of a business recovery plan;
- conducts plan reviews; and
- makes recommendations to the Board on whether to award a grant of up to \$5,000.

Boards must then approve or disapprove the business capitalization grant in a timely manner, based on:

- certification from a training provider that the potential grantee business owner successfully completed entrepreneurial or microenterprise training procured by the Board; and
- a review and recommendation from the Board-established subcommittee of the business recovery plan.

Boards must ensure that the time frame for approval or disapproval does not create a disincentive to participation and is described in application materials or other capitalization grant program documents distributed to businesses.

Boards must ensure that eligible businesses are referred to training providers to receive entrepreneurial or microenterprise training and that the training curricula culminate in the development of a business recovery plan.

Boards must be aware that only businesses that meet all of the following criteria are eligible for a business capitalization grant:

- Operated prior to Hurricane Rita;
- Employ between two and 25 employees;
- Experience-rated;
- Rebuilding or recovering in the South East Texas or Deep East Texas workforce areas;
- Owner completed entrepreneurial or microenterprise training procured by the Board; and
- Developed a business recovery plan.

Boards must ensure that local training providers procured for the purpose of providing entrepreneurial or microenterprise training:

- have a minimum of three years of experience providing such training; and
- are on the ETPS Statewide List of Eligible Training Providers or have submitted an expedited application to ETPS.

Boards must ensure that grants are not issued for items or services that are 100 percent reimbursable by insurance or the Federal Emergency Management Agency.

Where appropriate, Boards may consider applications for business capitalization grants that will be used as leverage for other financial assistance, including loans and other grants available to Hurricane Rita-affected businesses.

Boards must ensure that documentation in business capitalization grant recipients' case files includes:

- the business's qualification to participate;
- a record of completion of approved training;
- a copy of the business recovery plan; and
- recommendations for funding.

In addition, Boards must ensure that:

- sufficient financial controls exist to allow businesses to document that grants are expended in a manner consistent with the approved business recovery plan; and
- grantees and appropriate staff participate in a post-project evaluation.

The waiver approval letter can be accessed at:

<http://www.texasworkforce.org/boards/wia/waiverhurapprltr.pdf>.

Youth Program Elements Waiver

This waiver was approved by DOL on November 23, 2005, and permits the Commission to relieve Boards of the requirement to make all 10 youth program elements available to hurricane-affected youth. The waiver allows workforce areas to maximize the impact of available resources by providing only those youth program elements that serve the immediate needs of hurricane-affected youth.

WIA requires that Boards provide each of the 10 youth program elements as options available to youth participants. This waiver allows Boards to provide less than all 10 youth program elements to hurricane-affected youth. The waiver:

- provides greater flexibility to Boards to respond to the needs of youth displaced by Hurricanes Katrina and Rita;
- enhances Boards' ability to provide effective, short-term workforce services to hurricane-affected youth whose residency in the workforce area may be temporary; and
- enables Boards to tailor those services most needed by hurricane-affected youth.

Boards choosing to implement this waiver must adhere to the following :

- apply the waiver only to hurricane-affected youth; and
- develop local policies* and procedures regarding waiver implementation.

*As required by Commission rule §801.51(f) and as detailed in WD Letter 10-07, Board members must take such actions in an open meeting.

If a Board determines that any of the 10 program elements are inappropriate for hurricane-affected youth in its workforce area, it must document and retain that determination as a part of its NEG plan.

Boards may apply this waiver to hurricane-affected youth receiving services using either NEG funds or WIA Formula Funds.

The waiver approval letter can be accessed at:

<http://www.texasworkforce.org/boards/wia/waiverhurapprltr.pdf>.