

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER
NO. 26-09 Change 1

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND
DIRECTORS
STATE LABOR COMMISSIONERS

FROM: JANE OATES
Assistant Secretary

SUBJECT: Change 1 to the Workforce Investment Act (WIA) Waiver Policy and
Waiver Decisions for PY 2009 and 2010.

1. Purpose. To provide information on work-flex quarterly reports, and to announce renewal of Office of Management and Budget (OMB) approval for work-flex plan submission and quarterly reports.

2. References.

- The Workforce Investment Act of 1998; WIA Section 189(i)(4);
- WIA Section 192;
- WIA regulations at 20 CFR 661.420-430;
- Training and Employment Guidance Letter (TEGL) No. 14-08, “Guidance for Implementation of the Workforce Investment Act and Wagner-Peyser Act Funding in the American Recovery and Reinvestment Act of 2009 and State Planning Requirements for Program Year 2009”;
- TEGL No. 21-09, “Instructions for Submitting Workforce Investment Act and Wagner-Peyser Act State Plans and Waiver Requests for Program Year 2010”;
- TEGL No. 17-09, “Quarterly Submission of Workforce Investment Act Standardized Record Data (WIASRD)”;
- TEGL No. 14-00, Change 3, “Workforce Investment Act (WIA) Annual Report Narrative”;
- Training and Employment Notice (TEN) No. 24-09, “Joint Letter from the Employment and Training Administration (ETA) and the U.S. Department of Health and Human Services Administration for Children and Families (ACF) regarding youth subsidized employment opportunities under the Temporary Assistance for Needy Families (TANF) Emergency Contingency Fund”; and
- WIA Strategic State Plan Guidance and Instructions (OMB No. 1205-0398).

3. Work-Flex Quarterly Reports. WIA regulations at 20 CFR 661.440(b) require a state to demonstrate that it has met agreed-upon outcomes contained in its work-flex plan. This can be demonstrated by describing how waivers and work-flex are used in the WIA Annual report, as described in TEGL No. 26-09 Section 10.

Additionally, states that have an approved work-flex plan in place should submit quarterly reports to the Employment and Training Administration containing the following information:

- Waiver
- Date received
- Date granted
- Local Area(s) requesting waiver
- Purpose (brief statement)
- Regulation/statute affected.
- State-imposed conditions of waiver use, as appropriate.

States that have an approved work-flex plan in place should submit the quarterly report to WIA.PLAN@dol.gov with a copy to the appropriate Regional Administrator within 30 days of the end of the quarter, e.g. by Apr 30 for the quarter ending March 31.

- 4. OMB Approval of Work-Flex Plans and Quarterly Reports.** The requirements for submitting a work-flex plan (described in TEGL No. 26-09 Section 9.B.) are approved by OMB (OMB approval number 1205-0432), pursuant to the Paperwork Reduction Act of 1995, expiration date [*August 31, 2014*], and was published in the Federal Register on [*August 15, 2011*]. The requirements for submitting a waiver plan (described in TEGL No. 26-09 Section 9.A.) were approved by OMB (OMB approval number 1205-0398) as part of the OMB approval for WIA State Plans and expire November 30, 2011.
- 5. Inquiries.** States should address their inquiries to their ETA Regional Office.