



Oklahoma Office of Workforce Development
900 N. Portland Ave.
Oklahoma City, OK 73107

OKLAHOMA WORKFORCE DEVELOPMENT ISSUANCE #05-2018, Change 1

TO: Chief Local Elected Officials
Workforce Development Board Chairs
Workforce Development Board Staff
Workforce Development Fiscal Agents

FROM: Sarah Ashmore, Interim-Executive Director

DATE: July 18, 2019

SUBJECT: Oklahoma Works Waiver Request Policy

PURPOSE: The Oklahoma Office of Workforce Development (OOWD) as the Governor's chosen Workforce Innovation and Opportunity Act (WIOA) administrative entity releases this issuance as guidance to Oklahoma Works program practitioners, workforce development boards, partner organizations and others to clarify the state's policy and procedures on requests for WIOA flexibility waivers.

REFERENCES:

- The Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128) Title I Sec. 189(i)
- 20 CFR 679.600, 679.610 and 679.620
- Training and Employment Guidance Letter (TEGL) No. 8-18
- WIOA Waiver Webpage. <https://www.doleta.gov/wioa/waivers/>

BACKGROUND: Section 189(i)(3) of the Workforce Innovation and Opportunity Act (WIOA) describes the U.S. Secretary of Labor's waiver authority. The purpose of the Secretary's statutory and regulatory waiver authority is to provide states and local areas additional flexibility to enhance their ability to innovate, improve the statewide workforce development system, and to achieve the goals and purposes of WIOA. A waiver may be requested to address impediments to the implementation of WIOA Title I or the Wagner-Peyser Act, including the continuous improvement strategy, consistent with the purposes of Title I of WIOA and the Governor's goal for Oklahoma to be a Top 10 state in workforce development.

STATE PLAN AND WAIVER PLAN: On December 18, 2018, USDOL issued TEGL 8-18 to communicate the guidance and the process for states to request a waiver of WIOA Title I or the Wagner-Peyser Act, and to provide information regarding available resources for developing

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waiver requests.

WAIVER SOLICITATION AND APPROVAL PROCESS

The Oklahoma Office of Workforce Development (OOWD) as the Governor's chosen Workforce Innovation and Opportunity Act (WIOA) administrative entity is responsible for submitting waiver requests to the US Department of Labor based on input from the local areas regarding their need for additional flexibility and programmatic control to further enable them to achieve their goals. Upon consideration, OOWD will submit waiver requests received from the local areas to address barriers to WIOA implementation and spur innovative programming options.

- 1) SOLICITATION:** The State will solicit requests at the time the State WIOA Plan is due for submission or modification, or as a separate waiver plan. Requests will be solicited through directives to the workforce system that include information about submitting state-level waiver requests.

To ensure the State has adequate information to submit to the US Department of Labor (USDOL), submitters are required to follow general procedures for submitting a waiver package proposal to the state with a deadline of no later than 5:00 p.m. on September 1. Submissions are to be received via at oklaworks@osuokc.edu.

Waiver request proposals must contain the following:

- The federal statutory and/or regulatory requirements local area would like to waive;
 - Actions the local area has undertaken to remove federal statutory or regulatory barriers;
 - State strategic goal(s) and Department of Labor priorities (i.e. expansion of apprenticeships, improved employer engagement, etc.) supported by the waiver;
 - Projected programmatic outcomes resulting from implementation of the waiver;
 - The individuals, groups or populations impacted by the waiver;
 - Description of how the local area intends to oversee effective waiver implementation and any unique protocols that may be used in their waiver requests.
- 2) POST REQUESTS RECEIVED FOR COMMENT:** OOWD will review each waiver request package proposal to ensure each contains sufficient information required for submission to the Governor's Council for Workforce and Economic Development or its designee and by USDOL, then release them for a public comment review period to last 30 calendar days.
 - 3) REVIEW AND APPROVAL BY GOVERNOR'S COUNCIL FOR WORKFORCE & ECONOMIC DEVELOPMENT (GCWED):** At the conclusion of the public comment period, OOWD will compile the comments, amend the waiver package as necessary based on those comments and the guidelines set forward by USDOL and forward the package of waiver request proposals to the GCWED or its designee's consideration and approval.

- 4) SUBMISSION TO USDOL:** At the conclusion of the review and approval process conducted by the GCWED or its designee, the approved package of waiver request proposals will be submitted to USDOL with subsequent State Plan modifications to follow, if such requests are approved.

USDOL APPROVAL PROCESS: The Secretary will issue a decision on a waiver request within 90 days after the receipt of the original waiver request. The Secretary will approve a waiver request if and only to the extent that:

- (1) The Secretary determines that the requirements for which a waiver is requested impede the ability of either the State or local area to implement the State's Plan to improve the statewide workforce development system;
- (2) The Secretary determines that the waiver plan meets all of the requirements of WIOA sec. 189(i)(3) and §§ 679.600 through 679.620; and
- (3) The State has executed a memorandum of understanding (MOU) with the Secretary requiring the State to meet, or ensure that the local area meets, agreed-upon outcomes and to implement other appropriate measures to ensure accountability.

A waiver may be approved for as long as the Secretary determines appropriate, but for not longer than the duration of the State's existing Unified or Combined State Plan. The Secretary may revoke a waiver granted under this section if the Secretary determines that the State has failed to meet the agreed upon outcomes, measures, failed to comply with the terms and conditions in the MOU described in paragraph (f) of this section or any other document establishing the terms and conditions of the waiver, or if the waiver no longer meets the requirements of §§ 679.600 through 679.620.

MONITORING AND ACCOUNTABILITY: In TEGL 8-18, USDOL calls for state plans for monitoring waiver implementation, including collection of waiver outcome information. Just as states monitor the regular fiscal and programmatic implementation of WIOA at the local level, they must also consider how they will monitor a waiver that changes standard procedures. To address these areas, gain insight into how local areas are using waivers, and to ensure compliance with waiver guidelines, local areas will monitor and track how waivers have changed the activities of the local areas and directly or indirectly affected local area performance. The State will report information about waiver outcomes in the State's WIOA Annual Report.

LOCAL AREA REQUESTS FOR USE OF STATE WAIVERS: USDOL-approved waivers that affect all local areas requires all local workforce development area to modify their local and regional plans and policies to accommodate the waivers within 90 days of the USDOL approval.

Should other local areas besides that which originally requested a waiver choose to utilize one

or more of the waivers received by the State, they must apply to OOWD within 30 days of the USDOL approval, utilizing the proposal content above. If approved, local areas should update the plans and policies accordingly within 90 days of approval.

Only waiver proposals requested under the waiver package approved by the GCWED and then by USDOL will be considered.

EQUAL OPPORTUNITY AND NONDISCRIMINATION STATEMENT: All Recipients, and Sub recipients/Sub grantees must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

ACTION REQUIRED: This Oklahoma Workforce Development Issuance (OWDI) is to become a part of your permanent records and made available to appropriate staff and sub-recipients.

INQUIRIES: If you have any questions about this issuance, please contact Policy and Program Staff in the Oklahoma Office of Workforce Development. Contact information can be found at <http://www.oklahomaworks.gov/about/>.

Timeline for Waiver Solicitation and Approval	
Action	Timeframe
SOLICITATION. State will solicit requests at the time the State WIOA Plan is due for submission or modification, or as a separate waiver plan.	Annually by September 1
PUBLIC COMMENT PERIOD. OOWD will review each waiver request package proposal to ensure each contains sufficient information required for submission to the Governor’s Council for Workforce and Economic Development or its designee and by USDOL, then release them for a public comment review period to last 30 calendar days.	30 days
REVIEW AND APPROVAL BY GOVERNOR’S COUNCIL FOR WORKFORCE & ECONOMIC DEVELOPMENT (GCWED). Approved package of waiver request proposals submitted to USDOL with subsequent State Plan modifications to follow, if such requests are approved	Annually
USDOL APPROVAL. Secretary will issue a decision on a waiver request within 90 days after the receipt of the original waiver request.	30 to 90 days
LOCAL AREA REQUESTS FOR USE OF STATE WAIVERS. Should a local area choose to utilize one or more of the opt-in waivers received by the State, they must apply to the state within 30 days of the USDOL approval	30 days
MODIFY LOCAL AND REGIONAL PLANS/POLICIES. USDOL-approved waivers that affect all local areas requires all local workforce development area to modify their local and regional plans and policies to accommodate the waivers within 90 days of the USDOL approval.	Within 90 days of USDOL approval



OKLAHOMA WORKS WAIVER REQUEST TEMPLATE

DATE:

STATUTORY AND/OR REGULATORY REQUIREMENTS TO BE WAIVED:

ACTIONS UNDERTAKEN TO REMOVE STATE OR LOCAL BARRIERS:

GOALS AND EXPECTED PROGRAMMATIC OUTCOMES OF WAIVER:

INDIVIDUALS IMPACTED BY THE WAIVER:

DESCRIPTION OF HOW LOCAL AREA WILL MONITOR AND DEMONSTRATE EFFECTIVE WAIVER IMPLEMENTATION:

Local Workforce Development Area: _____

Signature of Chief Local Elected Official: _____ Date: _____

Signature of Workforce Board Chair: _____ Date: _____

Signature of Executive Director: _____ Date: _____

