

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIOA Waivers
	CORRESPONDENCE SYMBOL OWI
	DATE

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO.

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

FROM: ROSEMARY LAHASKY
Deputy Assistant Secretary

SUBJECT: The Workforce Innovation and Opportunity Act (WIOA) Workflex Plan

1. **Purpose.** To provide information on workflex requirements for submission and quarterly reports and to announce renewal of Office of Management and Budget (OMB) approval for workflex plan submission and quarterly reports.
2. **References.**
 - The Workforce Innovation and Opportunity Act; WIOA Section 189(i)(3);
 - WIOA Section 190;
 - WIOA regulations at 20 CFR 679.630-640;
 - Training and Guidance Letter (TEGL) No. 03-17, “*WIOA Annual Performance Report Submission*,” dated September 12, 2017
3. **Workflex Requirements.** WIOA regulations at 20 CFR 679.630 describe the conditions under which a State may submit a workforce flexibility plan (workflex) and 679.640(b) requires a state to demonstrate that it has met agreed-upon outcomes contained if it is granted an approved workflex plan. This can be demonstrated by describing how waivers and workflex are used in the WIOA Annual report, as described in TEGL No. 03-17, “*WIOA Annual Performance Report Submission*”.

Data collection requirements for submission of workflex plans and their quarterly report requirements are provided in attachment A. States that have an approved workflex plan in place should submit the quarterly report to

WIOA.PLAN@dol.gov with a copy to the appropriate Regional Administrator within 30 days of the end of the quarter, e.g. by April 30 for the quarter ending March 31.

4. **OMB Approval of Workflex Plans and Quarterly Reports.** The requirements for submitting a workflex plan are approved by OMB (OMB approval number 1205-0432), pursuant to the Paperwork Reduction Act of 1995, expiration date XX-XX-XXXX. The requirements for submitting a waiver plan were approved by OMB (OMB approval number 1205-0522) as part of the OMB approval for WIOA State Plans, expiration date 09-30-2019.
5. **Inquiries.** States should address their inquiries to their ETA Regional Office.
6. **Attachment.**
Workforce Flexibility (Workflex) Plan Collection Form

Attachment A

Workforce Innovation and Opportunity Act: Workforce Flexibility (Workflex) Plan Collection Form

Required Elements to Request Workflex
Workflex Quarterly Report Requirements
OMB No. 1205-0432

I. Workflex Plan Instructions

States requesting designation as a Workflex State under WIOA section 190 and 20 CFR 679.630(b) must submit to the Department of Labor, Employment and Training Administration, a Workflex plan which includes descriptions of:

1. The process by which local areas in the State may submit and obtain State approval of applications for waivers of requirements under title I of WIOA;
2. A description of the criteria the state will use to approve local area waiver requests and how such requests support implementation of the goals identified State Plan;
3. The statutory and regulatory requirements of title I of WIOA that are likely to be waived by the State under the workforce flexibility plan;
4. The statutory and regulatory requirements of sections 8 through 10 of the Wagner-Peyser Act that are proposed for waiver, if any;
5. The statutory and regulatory requirements of the Older Americans Act that are proposed for waiver, if any;
6. The outcomes to be achieved by the waivers described in 20 CFR 679.630(b) (1) through (5) including, where appropriate, revisions to adjusted levels of performance including in the State or local plan under title I of WIOA, and a description of the data or other information the State will use to track and assess outcomes; and
7. The measures to be taken to ensure appropriate accountability for Federal funds in connection with the waivers.

II. Quarterly Report Template

For approved Workflex plans, WIOA regulations at 20 CFR 679.640(b) require a State to demonstrate that it has met agreed-upon outcomes contained in its Workflex plan. This can be demonstrated by describing how waivers and Workflex are used. States with an approved Workflex plan should submit a quarterly report containing the following information:

1. Waiver (assigned by State)
2. Regulation/Statue affected
3. Date received
4. Date granted
5. Local area(s) requesting waiver
6. Purpose and goals of each waiver, proposed outcomes, and outcomes to date
7. State-imposed conditions of waiver use, as appropriate