

COMMONWEALTH OF VIRGINIA  
VIRGINIA COMMUNITY COLLEGE SYSTEM

**WORKFORCE INVESTMENT ACT**

**VIRGINIA WORKFORCE LETTER (VWL) #12-05**

**TO:** LOCAL WORKFORCE INVESTMENT BOARDS; COMMUNITY COLLEGES  
**FROM:** OFFICE OF WORKFORCE DEVELOPMENT SERVICES  
**SUBJECT:** Work Search Waivers for WIA-Approved Training Program Participants  
**DATE:** November 16, 2012

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**Purpose:**

To establish parameters for requesting work search waivers for individuals receiving unemployment compensation (UC) who are also enrolled in training programs approved under Title I of the Workforce Investment Act of 1998 (WIA).

**References:**

- Workforce Investment Act of 1998, Section 134;
- 20 CFR Part 664.460, WIA Final Rules;
- 20 CFR PART 604 — Regulations for Eligibility for Unemployment Compensation; and,
- [§60.2-111](#) of the Code of Virginia.

**Background:**

Unemployment Compensation (UC) benefits are administered by the Virginia Employment Commission (VEC). In order to receive UC benefits, most claimants are required to make an active search for work. However, there are some instances where the work search can be waived by the VEC; according to the Code of Virginia:

*A. No otherwise eligible individual shall be denied benefits for any week because he is in training with the approval of the Commission, including training under Section 134 of the Workforce Investment Act, nor shall such individual be denied benefits for any week in which he is in training with the approval of the Commission, including training under Section 134 of the Workforce Investment Act, by reason of the application of the provisions in subdivision 7 of § [60.2-612](#) relating to availability for work, or the provisions of subdivision 3 of § [60.2-618](#) relating to failure to apply for, or a refusal to accept, suitable work.*

AND

*B. Notwithstanding any other provisions of this chapter, no otherwise eligible individual shall be denied benefits for any week because he is in training approved under § 2296 of the Trade Act (19 U.S.C. § 2101 et seq.), nor shall such individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any such week in training of provisions in this law (or any applicable federal unemployment compensation law), relating to availability for work, active search for work, or refusal to accept work.*

**Section 134 Workforce Investment Act Programs:**

Section 134 of the Workforce Investment Act of 1998 (WIA) covers all Statewide Employment and Training Activities and Local Employment and Training Activities for adults, dislocated workers, and youth.

Examples of statewide employment and training activities in Virginia:

- OnRamp;
- Canon Connect Employment and Training Pipeline; and,
- Veteran’s Rapid Response Program.

Examples of local employment and training activities in Virginia

- Training programs included on the Eligible Training Provider list;
- Customized Training Programs; and,
- Other WIB-approved training, including self-employment and entrepreneurship training.

**Procedures for Requesting Work Search Waivers:**

A claimant shall request training approval on forms provided by the VEC. The claimant's enrollment and attendance shall be reported to the commission periodically as directed by the commission. Program managers should encourage eligible customers to seek waivers through the local VEC office well in advanced of training program enrollment. Customers may present a copy of this VWL to assist VEC in the waiver determination process. UC claimants who plan to attend training to improve employment possibilities must request approval in advance through the VEC.

**Inquiries:**

Please submit inquiries regarding this VWL to the VCCS Office of Workforce Development Services:

*Workforce Investment Act Programs Administrator*

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