

**Workforce Investment Act  
State Compliance Policies**

**Criteria under which LWIBs may provide core, intensive,  
and training services**

**SECTION: 1.3**

**August 2005**

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**I. Core and Intensive Services [§661.310(a)&(c), §663.155 and §663.210(b)]:**

The Local Workforce Investment Board (LWIB) or its staff may not directly provide core or intensive services or be designated or certified as a One-Stop operator, unless agreed to by the chief elected official and the Governor.

**II. Training Services [§661.310(b)&(c) and §663.400]:**

The LWIB or its staff is prohibited from providing training services unless the Governor grants a waiver in accordance with Section 117(f)(1)(A).

A. Waiver of training prohibition: the Governor may, pursuant to a request from the LWIB, in agreement with the chief elected officials and the State Workforce Investment Board (SWIB), grant a written waiver of the prohibition for a program of training services if the LWIB includes in the request [Section 117 (f)(1)(B)(i)-(iii)]:

1. Satisfactory evidence that there are no eligible providers of such a program of training services to meet the demand in the area;
2. Information demonstrating that the LWIB meets the requirements for an eligible provider of training services to include [Section 122(a)(2)(A) through (C)]:
  - a. A post secondary education institution that is eligible to receive Federal funds under Title IV of the Higher Education Act of 1965, and provides a program that leads to an associate degree, a baccalaureate degree, or certificate;
  - b. An entity that carries out programs under the National Apprenticeship Act of August 16, 1937; or
  - c. Another public or private provider of a program of training services.
3. Information demonstrating that the program of training services prepares participants for an occupation in demand in the local area;

B. LWIBs shall make the proposed request available to eligible providers of training services and other interested members of the public for a public comment period of not less than thirty (30) days, and include, in the final request for the waiver the above evidence and comments received pursuant to the public comment period.

- C. Duration: The waiver shall apply for a period not to exceed one year and may be renewed for additional periods not to exceed one year [Section 117(f)(1)(C)].
- D. Revocation: The Governor may revoke a waiver granted during the period described if the SWIB determines that the LWIB has engaged in a pattern of inappropriate referrals to training services operated by the LWIB [Section 117(f)(1)(D)].

**New Policy Below (Next Page)- In Current Format**

**Nevada Department of Employment, Training and Rehabilitation  
Employment Security Division  
Workforce Innovation Support Services**

**Workforce Innovation and Opportunity Act (WIOA)  
State Compliance Policy (SCP)**

**Policy Number: 1.3**

**Originating Office:** DETR; Workforce Innovation Support Services (WISS)

**Subject:** Criteria under which Local Workforce Development Boards (LWDBs) may Provide Career and Training Services

**Approved:** NEW; Replacing WIA Section 1.3 in State Compliance Policies; approved....

**Purpose:** In accordance with WIOA Sec 107(g) and 20 CFR § 679.410(c)-(d), provide guidance on LWDBs providing career and training services.

**State Imposed Requirements:** This directive may contain some state-imposed requirements. These requirements are printed in *bold, italicized* type.

**Authorities/References:** Workforce Innovation and Opportunity Act (P.L. 113-128), WIOA Sec. 107(g), 20 CFR § 679.410(c)-(d)

**ACTION REQUIRED:** Upon issuance bring this guidance to the attention of all WIOA service providers, LWDB members and any other concerned parties. Any LWDB's policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

**Background:** Only under certain circumstances outlined in this policy, may a LWDB act as a direct provider of services.

### **Policy and Procedure**

#### **Career & Training Services**

A LWDB may act as a provider of career services only with the agreement of the chief elected official in the local area and the Governor. A LWDB is prohibited from providing training services, unless the Governor grants a waiver in accordance with the provisions in WIOA Sec. 107(g)(1). The State must develop a procedure for approving waivers that includes the criteria at WIOA Sec. 107(g)(1)(B)(i)(I-III):

#### **WIOA Sec. 107(g)**

(g) LIMITATIONS.—

(1) TRAINING SERVICES.—

DETR/ESD/WISS\*

WIOA State Compliance Policies

SCP 1.3 Criteria under which LWDBs may Provide Career and Training Services

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(A) IN GENERAL.—Except as provided in subparagraph (B), no local board may provide training services.

(B) WAIVERS OF TRAINING PROHIBITION.—The Governor of the State in which a local board is located may, pursuant to a request from the local board, grant a written waiver of the prohibition set forth in subparagraph (A) (relating to the provision of training services) for a program of training services, if the local board—

- (i) submits to the Governor a proposed request for the waiver that includes—
  - (I) satisfactory evidence that there is an insufficient number of eligible providers of such a program of training services to meet local demand in the local area;
  - (II) information demonstrating that the board meets the requirements for an eligible provider of training services under section 122; and
  - (III) information demonstrating that the program of training services prepares participants for an in-demand industry sector or occupation in the local area;
- (ii) makes the proposed request available to eligible providers of training services and other interested members of the public for a public comment period of not less than 30 days; and
- (iii) includes, in the final request for the waiver, the evidence and information described in clause (i) and the comments received pursuant to clause (ii).

(C) DURATION.—A waiver granted to a local board under subparagraph (B) shall apply for a period that shall not exceed the duration of the local plan. The waiver may be renewed for additional periods under subsequent local plans, not to exceed the durations of such subsequent plans, pursuant to requests from the local board, if the board meets the requirements of subparagraph (B) in making the requests.

(D) REVOCATION.—The Governor shall have the authority to revoke the waiver during the appropriate period described in subparagraph (C) if the Governor determines the waiver is no longer needed or that the local board involved has engaged in a pattern of inappropriate referrals to training services operated by the local board.

(2) CAREER SERVICES; DESIGNATION OR CERTIFICATION AS ONE-STOP OPERATORS.—A local board may provide career services described in section 134(c)(2) through a one-stop delivery system or be designated or certified as a one-stop operator only with the agreement of the chief elected official in the local area and the Governor.

(3) LIMITATION ON AUTHORITY.—Nothing in this Act shall be construed to provide a local board with the authority to mandate curricula for schools.

### **20 CFR § 679.410(c)-(d)**

(c) A Local WDB is prohibited from providing training services, unless the Governor grants a waiver in accordance with the provisions in WIOA sec. 107(g)(1).

- (1) The State must develop a procedure for approving waivers that includes the criteria at WIOA sec. 107(g)(1)(B)(i):

- (i) Satisfactory evidence that there is an insufficient number of eligible training providers of such a program of training services to meet local demand in the local area;
    - (ii) Information demonstrating that the WDB meets the requirements for eligible training provider services under WIOA sec. 122; and
    - (iii) Information demonstrating that the program of training services prepares participants for an in-demand industry sector or occupation in the local area.
  - (2) The local area must make the proposed request for a waiver available to eligible training providers and other interested members of the public for a public comment period of not less than 30 days and includes any comments received during this time in the final request for the waiver.
  - (3) The waiver must not exceed the duration of the local plan and may be renewed by submitting a new waiver request consistent with [paragraphs \(c\)\(1\)](#) and [\(2\)](#) of this section for additional periods, not to exceed the durations of such subsequent plans.
  - (4) The Governor may revoke the waiver if the Governor determines the waiver is no longer needed or that the Local WDB involved has engaged in a pattern of inappropriate referrals to training services operated by the Local WDB.
- (d) The restrictions on the provision of career and training services by the Local WDB, as one-stop operator, also apply to staff of the Local WDB.

### **State Procedure**

The State will accept, process, approve and/or revoke State waivers based on 679.410(c)-(d).