

Waiver of Training Prohibition

The Workforce Innovation and Opportunity Act (WIOA) section 107(g)(1)(A) indicates that Local Area Workforce Development Boards (WDBs) may not provide training services to customers. The WIOA does, however, allow an opportunity for a waiver of this provision.

Any WDB that wishes to directly provide training services to customers through its staff or through the staff of the WIOA WDB administrative entity/grant recipient or experiences a failed competitive selection process must submit a waiver request to the Division of Workforce Solutions (DWS) that contains the following:

- I. demonstrates a failed competitive procurement based upon 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 WDB meets the requirements for an eligible provider of training services under WIOA section 122,
- III. information demonstrating that the program of training services prepares participants for an in-demand industry sector or occupation in the local area; and
- IV. a description of the clear and distinct firewall between the WDB and the services delivered to customers.

The WDB must make the proposed waiver 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. The final request for the waiver must also include the evidence and information described in the list I – IV above, as well as the comments received during the public comment period.

Duration: A waiver granted to a WDB shall apply for a period that shall not exceed one year. The waiver may be renewed for additional periods based upon evidence submitted to the DWS, but only if the WDB continues to meet the requirements of the provisions stated above.

Revocation: The DWS shall have the authority to revoke the waiver during the appropriate period described in the preceding paragraph if it determines the waiver is no longer needed, the WDB involved has engaged in a pattern of inappropriate referrals to training services operated by the WDB, or there were irregularities in the competitive procurement process.