

Waiver for the Provision of Training Services

The Workforce Innovation and Opportunity Act (WIOA) states that Local Area Workforce Development Boards (WDBs) must procure providers of Adult, Youth, and Dislocated Worker training services and maintain a very clear and distinct firewall between the WDB and the services delivered to customers. The WIOA does, however, allow an opportunity for a waiver by the Governor to allow the WDB to provide direct training services if certain criteria are met.

Any WDB that wishes to directly provide training services to customers through its staff or through the staff of the WDB's Administrative Entity must submit a waiver request to the Division of Workforce Solutions (DWS), who is designated by the Governor as the state's administrative entity for WIOA, that contains responses to the prompts below.

Training Services Waiver

The WDBs seeking a waiver for training services only, except for on-the-job training and incumbent worker activities, will need to provide responses that speak to the following:

- I. Information demonstrating 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.

Duration: A waiver granted to a WDB shall apply for a period that shall not exceed the term of the Local Area Plan. 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 on behalf of the Governor 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, the WDB has failed to meet performance expectations, there were irregularities in the competitive procurement process, or the WDB has committed a sanctionable act per the NCWorks Commission Policy Statement Local Workforce Board Sanctions and Appeal Policy.

Denial: A waiver request which fails to meet the requirements as presented shall be denied. The Governor's designee, DWS, will communicate a waiver denial in writing to the WDB.