
**Workforce Investment Act
State Compliance Policies**

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

SECTION: 1.3

August 2005

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)].