Kansas Department of Commerce
Workforce Development
Policy and Procedures Manual

Policy Number: 5-25-00

Originating Office: Workforce Development

Subject: Restrictions on Provision of Career and Training Services by a Local Workforce Development Board

Issued: May 3, 2017

Revised: March 14, 2017

Program: Workforce Innovation and Opportunity Act (WIOA)

Purpose: To transmit State policy and guidance regarding restrictions on a Local Workforce Development Board (Local Board) to directly provide career or training services.

References: WIOA Sections 107(g)(1)(B) and (C), 107(g)(2), 20CFR Part679 §679.410(b), §679.410(c), §679.430, and Part 680 §680.160.

Background: WIOA places certain restrictions on the provision of career and training services by a Local Board.

Action: Distribute this policy to all interested parties.

Contact: Questions should be directed to WIOA Administrator, (785) 296-0607, TDD 1-800-766-3777, email workforcesvcs@ks.gov.

Attachment: None.

Restrictions on Provision of Career, and Training Services by a Local Workforce Development Board

Overview

Competitive procurement of providers of service under the Workforce Innovation and Opportunity ACT (WIOA) is always preferred. However, local area conditions may make the Local Board a more practical, or only, option available. Such options are possible when the decision is made after careful consideration of all options available with public discussion, comment and input solicited.

A Local Board may not directly provide career services unless agreed to by the Chief Elected Officials (CEOs) and the Governor (designated State agency, hereinafter referred to as Commerce). The agreement shall apply for not more than one planning cycle. The agreement may be renewed for additional periods, but for not more than one plan cycle at a time.

A Local Board is prohibited from providing training services, unless the Governor (Commerce) grants a waiver in accordance with the provisions in the WIOA. The waiver shall apply for not more than one planning cycle. The waiver may be renewed for additional planning cycles, but for not more than one plan cycle at a time.

The restrictions on the provision of career and training services by a Local Board also apply to staff of a Local Board.

Designated State Agency

The designated State agency is selected by the Governor to be responsible for the administration of WIOA. In Kansas, this agency is the Department of Commerce.

Request to Provide Career Services

The designated State agency may approve a request to allow a Local Board to directly provide Career services through the One-Stop delivery system. The request must include a summary of the decision making process as well as a written agreement executed between the CEO and Local Board clarifying how the Local Board will carry out its primary statutory and regulatory responsibilities under WIOA and corresponding regulations, relevant OMB circulars, and State conflict of interest policy in addition to assuming a potentially conflicting elective role.

The CEOs should submit request to the following:

Kansas Department of Commerce
WIOA Administrator
1000 S.W. Jackson Street, Suite 100
Topeka, Kansas 66612-1354
E-mail: workforcesvcs@ks.gov

Waiver to Provide Training Services

The Department of Commerce may grant a written waiver to allow a Local Board to directly provide a program of training services, if a Local Board submits a request containing the following information:

A summary of the decision making process leading to the conclusion the Local Board is the only practical choice available;

A written agreement executed between the CEO and Local Board clarifying how the Local Board will carry out its primary statutory and regulatory responsibilities under WIOA and corresponding regulations, relevant OMB circulars, and State conflict of interest policy in addition to assuming a potentially conflicting elective role;

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;

Information demonstrating that a Local Board meets the requirements for an eligible provider of training services under WIOA section 122; and

Information demonstrating that the program of training services prepares participants for an occupation that is in demand in the local area.

Prior to submittal, a Local Board must make their request available to eligible providers of training services and other interested members of the public for a comment period of not less than 30 days. A Local Board's request should be submitted, with a copy of the publication notice and any comments received to:

Kansas Department of Commerce
WIOA Administrator
1000 S.W. Jackson Street, Suite 100
Topeka, Kansas 66612-1354
E-mail: workforcesvcs@ks.gov

Revocation of Waiver

The Department of Commerce may revoke a waiver granted if it is determined that the Local Board has engaged in a pattern of inappropriate referrals to training services operated by the Local Board.