

**WORKFORCE INVESTMENT ACT TITLE I-B
LOCAL SERVICE PROVISION BY
WORKFORCE DEVELOPMENT BOARDS
POLICY AND PROCEDURES**

I. VISION

Wisconsin's vision for Workforce Development Boards is to develop the vision, goals, strategies, policies, and outcome measures for their local workforce investment system. WDBs will also fund service providers and maintain effective oversight of the local workforce investment system. The WDB is to guide the development of a system-wide approach which achieves the purposes of the Workforce Investment Act (WIA) including: increasing employment, and retention and earnings of participants, increasing occupational skill attainment, improving the quality of the workforce, reducing welfare dependency and enhancing the productivity and competitiveness of the state's and nation's economy. It is the Wisconsin vision that WDBs will best achieve these objectives by not directly providing WIA Title I-B services.

II. BACKGROUND

The Workforce Investment Act of 1998 (WIA) establishes Local Workforce Investment Boards. In Wisconsin these boards are referred to as Workforce Development Boards (WDBs). The broad purpose of the WDB is to set policy for the workforce investment system within the local area. The specific functions of the WDB are to:

1. Develop and submit a comprehensive 5-year local plan.
2. Coordinate workforce investment activities with economic development strategies and develop other employer linkages.
3. Promote the participation of private sector employers in the statewide workforce investment system and ensure the effective provision, through the system, of connecting, brokering, and coaching activities, through intermediaries such as the one-stop operator in the local area or through other organizations, to assist such employers in meeting hiring needs.
4. Select WIA Title I-B operators and providers.
5. Develop a budget to carry out these functions and direct the disbursement of WIA Title I-B funds.
6. Conduct oversight of WIA Title I-B youth, adult and dislocated worker programs and the one-stop system.
7. Negotiate local performance measures with the chief elected official and the Governor.
8. Assist the Governor in developing the statewide employment statistics system.

The general focus of the WDB is one of strategic planning, policy development and oversight of the local system.

The WIA limits provision of local WIA Title I-B services by the WDB. In order for a WDB to provide training services the Governor must approve a waiver request. To provide core or intensive services or be designated a one-stop operator there must be agreement between the Chief Local Elected Official (CLEO) and the Governor. The responsibilities of the Governor in reviewing and approving requests for training waivers or agreeing to allow WDBs to provide core, or intensive services or be certified as a one-stop operator are delegated to the Department of Workforce Development (DWD).

The Local WIA Plan is to identify any known requests for training waivers. However, training waiver request packets are to be submitted separately from the Local WIA Plan. Additionally, requests for agreements to provide core, or intensive services or be designated or certified as a one-stop operator are to be detailed in the Local WIA Plan.

The ability of the WDB to effectively manage the overall board responsibilities as well as programmatic operations will be a strong determinant of whether WDBs will be allowed to provide direct WIA Title I-B

services. Additionally, the DWD will consider a number of other factors when determining whether to allow WDBs to provide local services. The following policies and procedures outline those factors.

III. TRAINING WAIVERS

A. Training Waivers In General

Waivers submitted by the WDB must specify the program of training, e.g. welding, for which the waiver is requested. The waiver request must also describe the timeframe during which the training will be provided or available, including whether the training program will be offered multiple times. Blanket waivers to provide training services will not be granted, rather the waiver request must identify the specific program of training and the time frame during which the training will be available.

B. Training Waiver Requests

WDBs may provide training services only with approval of a written waiver request. The following sections describe the minimum criteria for approving a training waiver request.

1. *Insufficient Providers*

There are an insufficient number of eligible providers of such a program of training services to meet local demand in the local area. Evidence of insufficient numbers of eligible providers may include, but is not limited to, the following:

- a) There are no programs of training provided by another eligible provider of training within a reasonable commute.
- b) There is documentation that the WDB has contacted each eligible provider of training, located in the WDA, included on the state list of eligible providers and determined that none have the capacity to develop or expand the training available to meet the training need.
- c) The program of training services is not available via a certified distance learning program.
- d) There is other evidence to demonstrate that there are insufficient numbers of eligible training providers for the program of training.

2. *Eligible Training Provider*

The board meets the requirements for an eligible provider of training services. This is demonstrated by the WDB:

- a) Meeting the requirements outlined in the DWD procedure for initial and subsequent eligibility determinations for training providers,
- b) Submitting a complete waiver request packet, as described on pages 3 and 4, to provide training services,
- c) Describing the program of training and training timeline, and
- d) For a program of training provided in the past or currently provided,
 - i. Submitting performance information, and
 - ii. Submitting program cost information.

3. *Demand Occupation*

The program of training services prepares participants for an occupation that is in demand in the local area. Information that demonstrates occupations in demand may include:

- a) The methodology used to classify the occupation as "in demand".
- b) A projection of the number of local employers needing employees with this training to fill vacancies over the next 5 years.
- c) A projection of the number of potential employees interested in filling the vacancies described in 3b.

- d) A projection of the entry level wage rate and wage growth potential.
- e) A modification to the local plan to include this demand occupation if the occupation was not included in the 5-year workforce investment system plan.
- f) Other information that demonstrates the occupation is in demand in the local area.

4. Public Comment

The WDB has made the waiver request available for a public comment period of not less than 30 days. The WDB shall inform eligible providers and other interested members of the public of the opportunity to review and comment on the waiver request in the following ways:

- a) Publication of a notice in the local official newspaper of each county in the WDA.
- b) Written notification to all eligible providers of training services on the State's list of eligible providers for this WDA.
- c) Written notification to each Wisconsin WIA one-stop mandatory partner program in the WDA.
- d) Written notification to other parties who have requested such notice from the WDB.

5. Copies of Comments

A copy of each of the comments received during the public comment period is to be included in the waiver request packet.

C. Waiver Request Packets

A complete waiver request packet to provide a program of training must be submitted to DWD. The following summarizes the items to be included in the packet:

- 1. A completed Waiver Request Coversheet (Attachment A).
- 2. An application to provide training narrative which includes the following:
 - a) Evidence that the WDB meets the requirements to be an eligible provider of training services,
 - b) A description of the training program, including:
 - i. projected numbers to be served,
 - ii. duration of training,
 - iii. period of time the training will be available,
 - iv. number of times the training will be offered (if there are multiple offerings),
 - v. expected outcomes,
 - vi. skills needed,
 - vii. skills developed,
 - viii. training curriculum, and
 - ix. target population.
 - c) Documentation that there are insufficient numbers of eligible training providers and the process utilized to gather the documentation.
 - d) Demand occupation information, and
 - e) A description of the public comment process.
- 3. Modification to the local plan if needed.
- 4. Copies of the written notifications and published notice used to notify of public comment opportunity.
- 5. Copies of public comments.

Submit 5 copies of the waiver packet to:

Ramon Natera, Grants Specialist
Division of Workforce Solutions
P.O. Box 7972, Room A200
Madison, WI 53707

D. Action on Training Waiver Requests

1. *Waiver Request Response*

A waiver request may be granted or denied. The response to a waiver request to provide training services will be provided in writing within 30 calendar days, or as soon as is feasible thereafter, of the date the complete waiver request packet is received. The decision to approve or deny a waiver request is final and is not subject to review. However, waiver requests may be reconsidered if additional information is provided that addresses the reasons for the denial. Requests that are denied will include the specific reasons for the denial.

2. *Waiver Approval Duration*

Waiver approvals may be granted to individual waiver requests. No blanket waiver approvals will be given. Such approvals will be in effect for not more than one year from the date the training is initially available. During the waiver period WDBs are to work diligently to encourage other providers of training services to develop training programs that meet local labor market demands.

3. *Waiver Extensions*

A request to extend the period of the training waiver may be made by the CLEO to DWD. The request is to be made at least 30 days prior to the expiration date of the original waiver request. No more than one extension will be granted per program of training services. Extensions may not exceed one year. Extension requests may be made in a letter that outlines the need for the extension and the efforts of the WDB to encourage other providers of training services to develop a training program that meets the local demand. An updated WIA Training Services Waiver Request Coversheet is to be submitted with the letter as well as any information that updates the original training waiver request.

4. *Revoking the Waiver*

Waivers may be revoked at any time if it is determined that:

- a) There is a pattern of inappropriate referrals resulting in reduced customer choice to the training program that is operated by the WDB, or
- b) There are errors or inconsistencies in the waiver application that are discovered after a waiver request has been approved. Errors and inconsistencies include information that had it been submitted with the original waiver request would have resulted in the request being denied.

Notification of revocation of a training waiver will be sent in writing to the CLEO and the WDB chair. If the CLEO and the WDB Chair do not agree with the reasons for the revocation, they will have fifteen days to respond in writing to the revocation. The final determination will be made within 15 days of receiving the response letter and will be sent in writing to the CLEO and WDB chair.

E. Arranging vs. Providing Training

Provision of an actual training program by the WDB is subject to the waiver request provisions outlined above. Arranging for a WIA Title I-B participant to receive training is an intensive service. Examples of arranging training include, but are not limited to:

1. The development of an OJT contract and associated activities,
2. The activities associated with brokering customized training services and connecting employers with potential training providers, and
3. The process to refer participants for training following a comprehensive assessment or case management.

IV. CORE/INTENSIVE SERVICES AGREEMENTS

Core and intensive services represent the first two tiers of WIA Title I-B services to adults and dislocated workers. Provision of these services is integral to local service delivery and the local planning process. As such the WIA local planning process is the mechanism through which requests and responses will be made.

WDBs may provide one or more WIA Title I-B core or intensive services only with the agreement of the CLEO and the Governor. The responsibilities of the Governor have been delegated to DWD.

The decision-making authority of whether WDBs provide core/intensive services rests with the joint agreement of the CLEO and the Governor. In making this decision the CLEO is to seek support of the local partners and is to consider the views expressed by local partners in the decision.

A. Criteria for Agreement

As stated earlier, the intent of WIA is that local WDBs do not provide direct services. Thus, the circumstances under which the Governor will agree to WDBs directly providing core or intensive services to adults or dislocated workers (including rapid response activities) are limited. The limitation is to situations where the WDB will be transitioning out of providing direct services or where there are exceptional circumstances such as the WDB being the provider of last resort.

Core and intensive services are to be provided throughout the workforce development area and may be provided through a variety of service delivery mechanisms including Job Center sites, technology and other methods determined to be appropriate.

No WDB will be approved at this time for direct service provision beyond June 30, 2004. A CLEO who determines a need to provide direct core or intensive services beyond June 30, 2004 is to resubmit the types of documentation listed in 2 below by December 31, 2003 to request a new agreement.

A CLEO may request agreement from the Governor to continue to provide core or intensive services for the period ending June 30, 2004.

1. For a WDB which has been providing core or intensive services prior to March 31, 1999 the request for agreement is to include:
 - a. A statement from the CLEO indicating his/her decision to have the WDB provide core/intensive services.
 - b. The WDB's agreement.
 - c. The views expressed by the local Wisconsin WIA mandatory one-stop partner programs. Submit copies of any letters of support and other views received by the WDB.
 - d. A description of which core/intensive service(s) will be provided.
 - e. A description of similar services currently provided by the WDB.
 - f. Demonstrated programmatic effectiveness in providing these services.
 - g. Demonstrate the cost effectiveness of direct service provision.
 - h. A two year plan to transition away from providing direct WIA Title I-B services.
2. For a WDB which did not provide similar core or intensive services prior to March 31, 1999, in addition to submitting the documentation listed in 1 a-h above, the following are to be submitted.
 - a) A description of the exceptional circumstance(s) which requires the WDB to be the direct provider. This description must include documentation that there are no other appropriate eligible providers of core/intensive services in the local area.
 - b) Evidence of a separation of responsibility that demonstrates the WDBs ability to successfully provide WIA Title I-B services and provide leadership for the entire workforce investment and one-stop delivery systems.

B. Submission Requirements

Requests for agreement to allow WDBs to provide core/intensive services must be included in the Local WIA Plan.

C. Decisions on Requests for Agreement

DWD may approve WDB provision of some or all of the requested services. Decisions on requests for agreement to allow WDBs to provide WIA Title I-B core/intensive services will be issued in writing with the plan approval notice. The decision to agree or not to agree to allow WDBs to provide WIA Title I-B core/intensive services to adults and dislocated workers is final and is not subject to review. However, agreement requests may be reconsidered if additional information is provided that addresses the reasons for the denial.

The decision to allow WDBs to provide core/intensive services may be rescinded if it is determined that a conflict resulting in diminished effectiveness of the one-stop system has occurred because the WDB is providing core/intensive services.

V. ONE STOP OPERATOR DESIGNATION AGREEMENT

WDBs may be designated or certified as a WIA Title I-B one-stop operator only with the agreement of the CLEO and the Governor. The responsibilities of the Governor have been delegated to DWD.

The role of the one-stop operator may range from simply coordinating service providers within the center to providing WIA Title I-B services within the center. It should be noted however, that consistent with the policies contained in this document, the extent to which WDBs may function as providers of core/intensive services is limited in duration, must meet the previously presented criteria and be approved by the state.

Provision of these services is integral to the local delivery system and the local planning process. As such the WIA local planning process is the mechanism through which requests and responses will be made.

The decision-making authority of whether WDBs are designated or certified as a One-Stop operator rests with the joint agreement of the CLEO and the Governor. In making this decision the CLEO is to seek support of the local partners and is to consider the views expressed by local partners in the decision.

A. Criteria for Agreement

WDBs seeking designation or certification as a one-stop operator will need to include the following in the 5-Year Local WIA Plan for consideration in making this agreement:

1. A statement from the CLEO indicating his/her decision to designate or certify the WDB as a One-Stop operator.
2. Evidence that the request for designation or certification of the WDB as a one-stop operator was made available to the public for review in the CLEO's county clerk's office for 15 days.
3. The WDB's agreement.
4. The views expressed by the local Wisconsin WIA mandatory one-stop partner programs. Submit copies of any letters of support and other views received by the WDB.
5. Whether the WDB will be a member of a consortium and consortium members if applicable.
6. A description of which one-stop functions the WDB will perform.

7. Identification of other provider(s) requesting to be the one-stop operator and the rationale for not selecting that provider(s). Rationale must consider operational and cost effectiveness.
8. Demonstrated operational effectiveness in one-stop operation.
9. Demonstrate the cost effectiveness of the proposed one-stop operation.
10. Evidence of a separation of staff responsibility that demonstrates the WDBs ability to successfully operate the one-stop(s) and provide leadership for the entire workforce investment and one-stop delivery system.

B. Submission Requirements

Requests for agreement to allow WDBs to be designated or certified as a one-stop operator must be included in the Local WIA Plan.

C. Decisions on Requests for Agreement

Decisions on requests for agreement to allow WDBs to be designated or certified as a one-stop operator will be issued in the local plan approval letter. The decision to agree or not to agree to allow WDBs to be designated or certified as a one-stop operator is final and is not subject to review. However, agreement requests may be reconsidered if additional information is provided that addresses the reasons for the denial.

The designation of the WDBs as the one-stop operator may be rescinded if it is determined that a conflict resulting in diminished effectiveness of the one-stop system has occurred because the WDB is the designated one-stop operator.

VI. Youth Services

The grant recipient/fiscal agent for the WDB may provide youth program design framework components, such as services for intake, assessment, case management and the development of the individual service strategy without going through a competitive process. The grant recipient/fiscal agent may also provide the summer employment opportunities program element without a competitive process. WDBs designated by the CLEO as the local grant recipient/fiscal agent for the WIA Title I-B funds may provide the youth program design framework components and summer youth employment opportunities without a competitive process. The providers of the remaining WIA funded youth program elements however, must be selected through a competitive process.

The competitive selection of providers of youth activities must adhere to established procurement standards.

**WIA Training Services
Waiver Request Coversheet**

| | | | |
|---|--------------------------------|--------------------------------|-------------|
| 1. DATE SUBMITTED: | | 2. DATE RECEIVED BY THE STATE: | |
| CONTACT INFORMATION | | | |
| 3. NAME: | | 4. WORKFORCE DEVELOPMENT AREA: | 5. ADDRESS: |
| 6. TITLE: | | 7. EMAIL: | |
| 8. PHONE: | | 9. FAX: | |
| PROGRAM INFORMATION | | | |
| 10. PROGRAM OF TRAINING SERVICES TO BE PROVIDED: | | 11. TYPE OF TRAINING: | |
| | | 12. LENGTH OF TRAINING: | |
| 13. TRAINING OFFERINGS AND DATES: | | | |
| 14. TRAINING CAPACITY: | 15. EXPECTED ENTRY LEVEL WAGE: | 16. COST PER PARTICIPANT: | |
| CERTIFICATION AND SIGNATURES | | | |
| I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, ALL INFORMATION CONTAINED IN THIS REQUEST FOR A TRAINING WAIVER IS ACCURATE AND COMPLETE. | | | |
| 17. TYPED NAME OF CHIEF LOCAL ELECTED OFFICIAL: | | 18. TELEPHONE NUMBER: | |
| 19. SIGNATURE OF CHIEF LOCAL ELECTED OFFICIAL: | | 20. DATE SIGNED: | |

Instructions for Completing WIA Training Services Coversheet

1. Date Submitted: Enter the date the training waiver request packet is mailed.
2. Date Received by the State: LEAVE BLANK, DO NOT ENTER ANYTHING.

Contact Information

3. Name: Enter the name of the individual who is responsible for the training waiver request.
4. Workforce Development Area: Enter the name and number of the WDA.
5. Address: Enter the address for the individual named in #3.
6. Title: Enter the title of the individual named in #3.
7. Email: Enter the email address of the individual named in #3.
8. Phone: Enter the phone number of the individual named in #3.
9. Fax: Enter the Fax number of the individual named in #3.

Program Information

10. Program of Training Services to be Provided: Provide a brief description of the training program.
11. Type of Training: Enter the type of training from the list in WIA Sec. 134(d)(4)(D).
12. Length of Training: Enter the length of time it takes to complete the training program.
13. Training Offerings and Dates: Enter the number of times the training will be offered and the dates for each session.
14. Training Capacity: Enter the number of individuals who can be trained.
15. Expected Entry Level Wage: Enter the wage the training participant can expect to earn upon completion of the training.
16. Cost Per Participant: Enter the amount expected to be expended per participant to deliver the training.

Certification and Signatures

17. Typed Name of Chief Local Elected Official: Type in the name of the CLEO.
18. Telephone Number: Enter the CLEO's telephone number.
19. Signature of Chief Local Elected Official: Original signature of the CLEO.
20. Date Signed: Enter the date the CLEO signed the Waiver Request Coversheet.

Submit 5 copies of the Waiver Request Packet to:

Ramon Natera, Grants Specialist
Division of Workforce Solutions
P.O. Box 7972, Room A200
Madison, WI 53707

The Training Waiver Request Packet must include:

1. A completed Waiver Request Coversheet (Attachment A).
2. An application to provide training narrative which includes the following:
 - a) Evidence that the WDB is an eligible provider of training services,
 - b) A description of the training program, including;
 - i. projected numbers to be served,
 - ii. duration of training,
 - iii. period of time the training will be available,
 - iv. number of times the training will be offered,
 - v. expected outcomes,
 - vi. skills needed,
 - vii. skills developed,
 - viii. training curriculum, and
 - ix. target population.)
 - c) Documentation that there are insufficient numbers of eligible training providers and a description of the process utilized to gather the documentation.
 - d) Demand occupation information, and
 - e) A description of the public comment process.

Revised 04/25/03

**WIA Policy 02-01
Service Delivery**

3. Modification to the local plan, if needed.
4. Copies of the letter and published notice used to notify of public comment opportunity.
5. Copies of public comments.