



COMMONWEALTH OF VIRGINIA
VIRGINIA DEPARTMENT OF WORKFORCE DEVELOPMENT AND ADVANCEMENT

WORKFORCE INNOVATION AND OPPORTUNITY ACT

VIRGINIA WORKFORCE LETTER (VWL) No. 25-03, Change 1

TO: Local Workforce Development Boards

FROM: Nicole Overley *Nicole Overley*
Commissioner

SUBJECT: Waiver Application Procedures

EFFECTIVE DATE: February 1, 2026

PURPOSE:

To provide guidance to the Local Workforce Development Boards (LWDBs) on the process to request a waiver and waiver renewal for the provision of one-stop operator and/or individualized career and follow up services, and/or training services.

REFERENCES:

- Workforce Innovation and Opportunity Act (Pub. L. 113-128)
- Department of Labor-Employment and Training Administration 20 CFR, Parts 603, 651-658, 675-688
- Training and Employment Guidance Letter 16-16, One-Stop Operations Guidance for the American Job Center Network
- Training and Employment Guidance Letter 19-16, Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules
- VBWD Policy 401-03, Change 1 Provision of Career Services
- VBWD Policy 300-04 Competitive Selection of One-Stop Operators

REVISIONS:

VWL 25-03 is rescinded and VWL 25-03 Change 1 replaces this previous guidance.

Revision provides addition of required thirty (30) day minimum public comment period for LWDB provision of training services waiver.

DEFINITIONS:

Individualized career services are defined in the Workforce Innovation and Opportunity Act (WIOA) Sec.134(c)(2) and at 20 CFR 678.430 (b):

(b) Individualized career services must be made available if determined to be appropriate in order for an individual to obtain or retain employment. These services include the following services, as consistent with program requirements and Federal cost principles:

- (1) Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include -
 - (i) Diagnostic testing and use of other assessment tools; and
 - (ii) In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
- (2) Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, the eligible training providers (as described in § 680.180 of this chapter);
- (3) Group counseling;
- (4) Individual counseling;
- (5) Career planning;
- (6) Short-term pre-vocational services including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training;
- (7) Internships and work experiences that are linked to careers (as described in § 680.170 of this chapter);
- (8) Workforce preparation activities;

- (9) Financial literacy services as described in sec. 129(b)(2)(D) of WIOA and § 681.500 of this chapter;
- (10) Out-of-area job search assistance and relocation assistance; and
- (11) English language acquisition and integrated education and training programs.

Follow-up career services are defined in WIOA Sec.134(c)(2) and at 20 CFR 678.430 (c):

(c) Follow-up services must be provided, as appropriate, including: Counseling regarding the workplace, for participants in adult or dislocated worker workforce investment activities who are placed in unsubsidized employment, for up to twelve (12) months after the first day of employment.

One-Stop Services: The One-Stop Operator's role is defined in 20 CFR 678.620 (a), (b)(1), and (b)(2):

(a) At a minimum, the one-stop operator must coordinate the service delivery of required one-stop partners and service providers. Local WDBs may establish additional roles of one-stop operator, including, but not limited to: Coordinating service providers across the one-stop delivery system, being the primary provider of services within the center, providing some of the services within the center, or coordinating service delivery in a multi-center area, which may include affiliated sites. The competition for a one-stop operator must clearly articulate the role of the one-stop operator.

(b)(1) Subject to paragraph (b)(2) of this section, a one-stop operator may not perform the following functions: Convene system stakeholders to assist in the development of the local plan; prepare and submit local plans (as required under sec. 107 of WIOA); be responsible for oversight of itself; manage or significantly participate in the competitive selection process for one-stop operators; select or terminate one-stop operators, career services, and youth providers; negotiate local performance accountability measures; or develop and submit budget for activities of the Local WDB in the local area.

(b)(2) An entity serving as a one-stop operator, that also serves a different role within the one-stop delivery system, may perform some or all of these functions when it is acting in its other role, if it has established sufficient firewalls and conflict of interest policies and procedures. The policies and procedures must conform to the specifications in § 679.430 of this chapter for demonstrating internal controls and preventing conflict of interest.

BACKGROUND

One-Stop Operator Services

Each Local Board must administer a one-stop operator competition consistent with the principles of competitive procurement in the Uniform Administrative Guidance. Competition must occur at least every four years. Each Local Board is required to develop and implement an official procurement process that adheres to the procurement regulations for one-stop operators using the approach and required elements described in policy VBWD 300-04. A Local Board may also serve as one-stop operator if sole source requirements are met and only if the Chief Elected Officials in the local workforce development area and the Governor agree and a waiver is granted.

The intent of a one-stop operator waiver is to provide the option for Local Boards to deliver one-stop operator services in extenuating circumstances only, such as areas with a lack of response to the procurement cycle or a sudden termination of a one-stop operator agreement. Local Boards desiring to be a provider of one-stop operator services must submit a waiver application to Virginia Works for approval by the Governor. A Local Board serving as the one-stop operator must have the appropriate conflict of interest policies and firewalls in place.

Prior to submitting a request for a One-Stop Operator Waiver, the LWDB must provide documentation in their request in Attachment A to include:

- The Request for Proposal (RFP), including where it was posted and the duration of posting
- The responses to the RFP that were received
- The scoring of RFP's that were received

The One-Stop Operator Waiver may be provided for a total of four (4) years contingent upon the LWDB meeting or exceeding negotiated performance levels and maintaining appropriate internal controls. In accordance with 678.605 (a) the one-stop operator must be competitively procured at least once every four (4) years.

Individualized Career and Follow-Up Career Services

LWDBs must identify eligible providers of individualized career services and follow up services for WIOA Title I programs and award contracts or Memorandums of Understanding (MOUs) as appropriate. The United States Department of Labor (DOL) considers the competitive procurement of individualized career and follow-up career services to be the optimal method of securing these providers. A LWDB may act as a provider of individualized and follow-up services only with the agreement of the CEOs in the area and the Governor and a waiver is granted per 29 CFR 679.410 c(3). This waiver procedure shall be used for the purposes of the Governor's approval of a LWDB providing individualized career and follow-up services. A Local Board serving as the career services provider must have in place and maintain the appropriate conflict of interest policies and firewalls in place throughout the duration of the waiver.

The Individualized Career and Follow Up Services may be provided for a total of four (4) years contingent upon the LWDB meeting or exceeding negotiated performance levels and maintaining appropriate internal controls. To be considered for renewal after the four (4) year years have completed, the LWDB must submit a letter of intent to renew the waiver including the signed Attachment A that includes any updates to the original request in Attachment B.

Training Services

A LWDB is prohibited from providing training services, unless the Governor grants a waiver in accordance with the provisions in WIOA sec. 107(g)(1). The following factors must be considered and met when determining whether a LWDB should request a waiver to provide training services directly:

- Satisfactory evidence that there is an insufficient number of eligible training providers of such a program of training services to meet local demand in the local area;
- Information demonstrating that the LWDB meets the requirements for eligible training provider services under WIOA sec. 122; and
- Information demonstrating that the program of training services prepares participants for an in-demand industry sector or occupation in the local area.

If the training is potentially available on Virginia's Eligible Training Provider Programs List (ETPL), but is not being utilized, the justification for the provision of training services must contain the rationale (ex. The training provider is too far, training cannot be provided digitally, etc.).

The Training Services waiver may be provided for a total of four (4) years contingent upon the LWDB meeting or exceeding the same metrics that ETPL providers are required to meet.

Additional Requirements for Training Services Waiver Requests:

In accordance with 20 CFR 679.410(c)(2), the LWDB must make the proposed request for a waiver available to Eligible Training Providers (ETPs) and other interested members of the public for a public comment period of not less than 30 days.

- This requirement applies even if the waiver is aligned with the local plan. While local plan modifications may allow for a public comment period of up to 30 days, the training services waiver must be posted for a full 30 days without exception.

The LWDB must include any comments received during this public comment period in the final waiver request submitted for approval. This is a mandatory condition for waiver approval and must be documented in the application package.

GUIDANCE:

One-Stop Operator

If a LWDB undertakes a procurement process, and the Local Board determines that conditions exist that warrant the Local Board providing these services, a waiver application for either one-stop operations or career services must be requested. The Local Board shall:

- 1) Gain the agreement of CEOs in the local area, and
- 2) Submit a waiver application (found attached to this VWL) to Virginia Works for review for approval by the Governor with a sole-source justification and the results of the procurement process.
- 3) Documentation of the previous procurement process demonstrated that applications were unresponsive if the process was required.

If the waiver application is not approved, the LWDB is required to reissue a procurement process. Technical assistance is available upon request.

Individualized Career and Follow Up Services

If a LWDB with the approval of the CEOs decides to directly provide individualized career and follow-up services, the Local Board shall:

- 1) Gain the agreement of CEOs in the local area including documentation from the relevant CEOs meeting, and
- 2) Submit a waiver application (found attached to this VWL) to Virginia Works for review for approval by the Governor.

Training Services

If a LWDB determines that there is an insufficient number of eligible training providers of a program of training services needed in the local and decides to provide this training directly, the LWDB shall:

- 1) Provide documentation on the types of training available via the ETPL, including the reasoning that these programs cannot be accessed or do not meet the needs of the local community,
- 2) Provide documentation on how the training program will be delivered and the process for becoming a certified provider of the training program, including the ability to issue credentials,
- 3) Provide documentation of provision of the 30 day (or more) public comment period, including all public comments collected, and
- 4) Submit a waiver application (found attached to this VWL) to Virginia Works for review for approval by the Governor.

All waivers are to be completed on the same cycle as the local plans. Waivers may be allowable for up to four (4) years at a time. If a waiver is requested in the middle of a local plan cycle, the local plan must be updated to include the waiver if approved.

If Local Boards choose to combine the one-stop operator procurement with individualized career and follow up services procurement, then an RFP is required to ensure a competitive

procurement process. If these services are jointly procured, Local Boards must ensure the appropriate firewalls, conflict of interest policies, and other controls are in place.

Emergency Waiver Requests

In the event that a contract for individualized career and follow-up services and/or one-stop operator services is terminated early (before the contract's period of performance ends), the LWDB must notify the Virginia Works within three (3) business days and request an emergency temporary waiver to provide individualized career and follow-up services and/or one-stop operator services directly by submitting a Waiver Application within fifteen (15) business days.

Emergency waivers must indicate if the LWDB will immediately seek to begin an RFP process or seek to directly provide one-stop and/or career services for the rest of the local plan cycle.

Required Minimum Internal Controls for Waived Services

Local Boards performing more than one role must have an internal control structure and written policies to promote accountability and prevent conflicts of interest, ensuring effective program delivery and the integrity of the workforce development system

Minimally local boards must have the following controls in place to ensure compliance with Federal requirements:

Conflict of Interest and Code of Conduct Policy- the policy should apply to all members of the local board, its employees, and any contractors or subcontractors involved in the administration of WIOA funds. The purpose is to ensure decisions are made in the public interest, not for personal gain. The policy should address identification and management of real, potential, and apparent conflicts of interest, provide guidelines for decision-making where financial gain may be involved, prohibitions on accepting gifts or favors that compromise objectivity, restrictions on misuse of confidential information, rules concerning hiring family members, limitations on serving multiple roles without appropriate firewalls, requirements for written disclosure of conflicts of interest and recusal procedures, and penalties for violations.

Separation of Duties Policy- should clearly affirm the Board's commitment to separation of duties to prevent fraud and protect organizational assets. The policy should define separation of duties in the context of the Board's operations, identify incompatible tasks that must not be performed by the same person (such as approving an expense and then processing the reimbursement), assign responsibility for policy implementation, monitoring, and enforcement, detail procedures for segregating duties across processes such cash receipts, payroll, system administration, provide alternative controls when full segregation is impractical due to staffing constraints.

Financial Access Control Policy- should outline restrictions on access to financial resources, including financial systems, petty cash, credit cards, and related assets to minimize risk and unauthorized use.

Financial Systems and Procedures- should address the accounting system, and clearly outline procedures for managing receivables and payables, obtaining approvals and maintaining proper documentation, handling drawdowns and cash management, conducting periodic reconciliations, and preparing and submitting accurate financial reports.

Monitoring Policy- should outline monitoring procedures to ensure ongoing administrative, fiscal, and programmatic compliance with applicable Federal and State requirements.

Policy to safeguard Personally Identifiable Information- to protect participant privacy, this policy should specify measures to limit access to sensitive records, ensure secure storage, and establish protocols to address data breaches effectively.

Policy on equipment management- should specify procurement, inventory tracking, maintenance, and proper disposal of equipment purchased with WIOA funds to ensure accountability and asset protection.

Monitoring Waivers

Compliance will be addressed through the annual monitoring process. If the LWDB is directly providing Individualized and Follow-Up Career Services and/or One-Stop Operator Services without an approved waiver, VWL 20-01 Sanctions and Appeals will be applied.

A local board may lose their waiver to provide one-stop and/or career services if negotiated levels of performance are not met in accordance with the VWL Performance Negotiations and be required to competitively procure a one-stop operator or service provider.

ACTION REQUIRED:

LWDBs must adhere to the guidance provided in this VWL.

INQUIRIES:

Please submit inquiries or application documents regarding this VWL to:

Virginia Works
Grants Administration Manager
2221 Edward Holland Drive,
Suite 500
Richmond, VA 23230
LWDBinquiries@virginiaworks.gov

ATTACHMENTS:

Attachment A: Waiver Application



Attachment A: Waiver Application

Local Workforce Development Board Name: _____

Program Year Requested: (all waivers end every June 30th): _____

Waiver Requested: Individualized and Follow Up Career Services One-Stop Operator
 Training Services

Authorized Signatures

Executive Director

Printed Name _____ Signature _____ Date _____

Chair of Local Workforce Development Board

Printed Name _____ Signature _____ Date _____

Chief Elected Official

Printed Name _____ Signature _____ Date _____

Please submit applications and inquiries to lwdbinquiries@virginiaworks.gov

One-Stop Operator Questionnaire

1. Background
 - a. What factors went into the LWDB's decision to submit this request to provide One-Stop Operator Services, including those that led the LWDB to believe that participants will be better served by providing these services directly rather than through a competitive procurement process? What is the rationale for this waiver?
 - b. Include in your answer the sole source justification and results of the Request for Proposal (RFP), noting why competition is not feasible or, if a competitive process was implemented, why the local Board is the most feasible to provide One-Stop Operator Services. Provide documentation on:
 - The Request for Proposal, including where it was posted and the duration of posting
 - The explanation of the result of RFP's evaluations that were received
2. One-stop operator service delivery plan
 - a. Describe the One-Stop Operator Services the LWDB plans to provide, including its prior experience providing those services and how long it has done so.
 - b. If the LWDB has not yet provided these services, outline your plan to achieve your LWDB negotiated performance outcomes. Outline your plan of service delivery to achieve your locally negotiated performance outcome
 - c. What makes the LWDB uniquely qualified to effectively implement the One-Stop Operator waiver?
3. Describe any fiscal impact that procurement of Individualized and Follow-up career services and/or the One-Stop Operator Services would cause for the grant recipient, local workforce development board, and/or local consortia members.
4. Describe and clarify the roles and responsibilities of the one-stop operator in relation to the career services provider.
5. Please provide at least two (2) letters of support from program partners endorsing this waiver request.
6. Provide written documentation of policies and procedures used to maintain appropriate controls in accordance with the Waiver VWL, including firewalls, Segregation of Duties Policy, Conflict of Interest Policy, and performance review processes as documented in policy, organizational charts, and position descriptions.

Individualized Career and Follow Up Services Questionnaire

1. Background
 - a. What factors went into the LWDB's decision to submit this request to provide Individualized Career and Follow Up Services, including those that led the LWDB to believe that participants will be better served by providing these services directly rather than through a competitive procurement process? What is the rationale for this waiver?
2. Individualized Career and Follow Up service delivery plan
 - a. Describe the services the LWDB plans to provide, including its prior experience providing those services and how long it has done so.
 - b. If the LWDB has not yet provided these services, outline your plan to achieve your LWDB negotiated performance outcomes. Outline your plan of service delivery to achieve your locally negotiated performance outcome
 - c. What makes the LWDB uniquely qualified to effectively implement the Career and Follow Up Service waiver?
3. Describe any fiscal impact that procurement of Individualized Career and Follow-up career services would cause for the grant recipient, local workforce development board, and/or local consortia members. State the entity serving as the fiscal agent.
4. Provide written documentation of policies and procedures used to maintain appropriate controls in accordance with the Waiver VWL, including firewalls, Segregation of Duties Policy, Conflict of Interest Policy, and performance review processes as documented in policy, organizational charts, and position descriptions.

Training Services Questionnaire

1. What is the training that the LWDB proposes to provide? Provide information on the in-demand nature of the industry sector or occupation in the local area.
2. Provide information on the availability of the training program that could be used (if any) in the region? If programs are not physically present in the region, are they available on the statewide ETPL? Can the training be provided digitally or via contract training? Has contact been made with relevant training providers in the region about creating the needed training?
3. What steps will the LWDB take to be able to directly provide the training and how training program will be delivered by the LWDB? Include information on the credentialing requirements for instructors, certifying bodies (example State Council of Higher Education for Virginia, etc.), and certifications that participants can earn as part of the training.
4. Provide documentation of provision of the 30 day (or more) public comment period, demonstrating access to the ETPs and other interested parties, and include all public comments that were collected in the public comment period process.

Please submit applications and inquiries to lwdbinquiries@virginiaworks.gov