



Workforce Issuance

100 DCS 27.102

Policy Information

To: Chief Elected Officials
MassHire Workforce Board Chairs
MassHire Workforce Board Directors
Title I Administrators
MassHire Career Center Directors
Title I Fiscal Officers
MDCS Operations Managers

cc: WIOA State Partners

From: Alice Sweeney, Director
MassHire Department of Career Services

Date: September 6, 2019

Subject: **WIOA Waiver Request for Review & Comment: One-Stop Operator Procurement**

Purpose: To notify all Mass Hire Workforce Boards, Mass Hire Career Center Operators and other workforce development partners of Mass Hire Department of Career Services (MDCS) request to waive the Department of Labor requirements for the selection of a one-stop operator through a competitive process every four (4) years.

Background: **Waiver Authority and Process**

WIOA §189(i)(3)(B) and the regulations at 20CFR 679.620 provide waiver authorization to the U.S. Secretary of Labor (Secretary); accordingly, the Secretary may approve a general waiver of statutory or regulatory requirements under WIOA.

States may submit waiver requests as part of the State Plan or as a separate request and must ensure the opportunity for meaningful public comment, including comment by business and organized labor. The Secretary will issue a decision on a waiver request within 90 days following receipt of the request. The waiver decision letter from the Department of Labor's Employment and Training Administration serves as a Memorandum of Understanding.

Massachusetts' Waiver Request

The Commonwealth of Massachusetts is seeking a waiver from the requirements outlined in the WIOA at Sections 121(d) and 20 CFR Part 678.605, which requires selection of a one-stop operator through a competitive process every four (4) years.

The Executive Office of Labor and Workforce Development (EOLWD), MassHire Department of Career Services (MDCS) understands the Department of Labor's premise that competition ultimately may lead to better services and outcomes for customers.

MDCS' experience from the initial WIOA-required procurement process and resultant new operator selection demonstrates that such procurement also results in high monetary cost to local systems, potential for significant disruption in and/or stoppage to services in a local area and need for re-procurement and/or work-around models in order to provide a continuum of services in certain local areas.

With this waiver request, Massachusetts seeks authorization to implement standards that permit the state to waive one-stop operator procurement for certain local areas that meet specific criteria. Such procurement would be waived in accordance with one of the two following options:

1. For one cycle (4 years) dependent on demonstrated programmatic and fiscal performance and accountability of the current local operator; or
2. Local areas would be required to conduct a procurement only when warranted based on local operator programmatic and fiscal performance and accountability.

Action

Requested: Please review the draft waiver (attached and also posted at <https://www.mass.gov/service-details/wioa-combined-state-plan-for-fy2017-fy2020>) share as appropriate and return any comments, questions or suggestions to the PolicyQA@detma.org mailbox, as soon as possible, but no later than **September 30, 2019**.