

(A) a description of how the local board will ensure the continuous improvement of eligible providers of services through the system and ensure that such providers meet the employment needs of local employers and participants; and

(B) a copy of each memorandum of understanding described in section 2841(c) of this title (between the local board and each of the one-stop partners) concerning the operation of the one-stop delivery system in the local area;

(3) a description of the local levels of performance negotiated with the Governor and chief elected official pursuant to section 2871(c) of this title, to be used to measure the performance of the local area and to be used by the local board for measuring the performance of the local fiscal agent (where appropriate), eligible providers, and the one-stop delivery system, in the local area;

(4) a description and assessment of the type and availability of adult and dislocated worker employment and training activities in the local area;

(5) a description of how the local board will coordinate workforce investment activities carried out in the local area with statewide rapid response activities, as appropriate;

(6) a description and assessment of the type and availability of youth activities in the local area, including an identification of successful providers of such activities;

(7) a description of the process used by the local board, consistent with subsection (c) of this section, to provide an opportunity for public comment, including comment by representatives of businesses and comment by representatives of labor organizations, and input into the development of the local plan, prior to submission of the plan;

(8) an identification of the entity responsible for the disbursement of grant funds described in section 2832(d)(3)(B)(i)(III) of this title, as determined by the chief elected official or the Governor under section 2832(d)(3)(B)(i) of this title;

(9) a description of the competitive process to be used to award the grants and contracts in the local area for activities carried out under this subchapter; and

(10) such other information as the Governor may require.

(c) Process

Prior to the date on which the local board submits a local plan under this section, the local board shall—

(1) make available copies of a proposed local plan to the public through such means as public hearings and local news media;

(2) allow members of the local board and members of the public, including representatives of business and representatives of labor organizations, to submit comments on the proposed local plan to the local board, not later than the end of the 30-day period beginning on the date on which the proposed local plan is made available; and

(3) include with the local plan submitted to the Governor under this section any such com-

ments that represent disagreement with the plan.

(d) Plan submission and approval

A local plan submitted to the Governor under this section shall be considered to be approved by the Governor at the end of the 90-day period beginning on the day the Governor receives the plan, unless the Governor makes a written determination during the 90-day period that—

(1) deficiencies in activities carried out under this subchapter have been identified, through audits conducted under section 2934 of this title or otherwise, and the local area has not made acceptable progress in implementing corrective measures to address the deficiencies; or

(2) the plan does not comply with this chapter.

(Pub. L. 105-220, title I, § 118, Aug. 7, 1998, 112 Stat. 961.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (d)(2), was in the original “this title” meaning title I of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 939, which enacted this chapter, repealed sections 1501 to 1505, 1511 to 1583, 1592 to 1735, 1737 to 1791h, 1792 to 1792b, 2301 to 2314 of this title, section 211 of former Title 40, Appendix, Public Buildings, Property, and Works, sections 11421, 11441 to 11447, 11449, 11450, 11461 to 11466, 11471, and 11472 of Title 42, The Public Health and Welfare, and sections 42101 to 42106 of Title 49, Transportation, enacted provisions set out as notes under sections 1501, 2301, and 2940 of this title and section 11421 of Title 42, and repealed provisions set out as notes under sections 801 and 2301 of this title and section 1255a of Title 8, Aliens and Nationality. For complete classification of title I to the Code, see Tables.

PART C—WORKFORCE INVESTMENT ACTIVITIES PROVIDERS

§ 2841. Establishment of one-stop delivery systems

(a) In general

Consistent with the State plan, the local board for a local area, with the agreement of the chief elected official for the local area, shall—

(1) develop and enter into the memorandum of understanding described in subsection (c) of this section with one-stop partners;

(2) designate or certify one-stop operators under subsection (d) of this section; and

(3) conduct oversight with respect to the one-stop delivery system in the local area.

(b) One-stop partners

(1) Required partners

(A) In general

Each entity that carries out a program or activities described in subparagraph (B) shall—

(i) make available to participants, through a one-stop delivery system, the services described in section 2864(d)(2) of this title that are applicable to such program or activities; and

(ii) participate in the operation of such system consistent with the terms of the memorandum described in subsection (c) of this section, and with the requirements of

the Federal law in which the program or activities are authorized.

(B) Programs and activities

The programs and activities referred to in subparagraph (A) consist of—

- (i) programs authorized under this chapter;
- (ii) programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.);
- (iii) adult education and literacy activities authorized under title II [20 U.S.C. 9201 et seq.];
- (iv) programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) (other than part C of title I of such Act [29 U.S.C. 741] and subject to subsection (f) of this section);
- (v) programs authorized under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) (as added by section 5001 of the Balanced Budget Act of 1997);
- (vi) activities authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.);
- (vii) career and technical education activities at the postsecondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.);
- (viii) activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);
- (ix) activities authorized under chapter 41 of title 38;
- (x) employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);
- (xi) employment and training activities carried out by the Department of Housing and Urban Development; and
- (xii) programs authorized under State unemployment compensation laws (in accordance with applicable Federal law).

(2) Additional partners

(A) In general

In addition to the entities described in paragraph (1), other entities that carry out a human resource program described in subparagraph (B) may—

- (i) make available to participants, through the one-stop delivery system, the services described in section 2864(d)(2) of this title that are applicable to such program; and
- (ii) participate in the operation of such system consistent with the terms of the memorandum described in subsection (c) of this section, and with the requirements of the Federal law in which the program is authorized;

if the local board and chief elected official involved approve such participation.

(B) Programs

The programs referred to in subparagraph (A) may include—

- (i) programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

- (ii) programs authorized under section 2015(d)(4) of title 7;

- (iii) work programs authorized under section 2015(o) of title 7;

- (iv) programs authorized under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.); and

- (v) other appropriate Federal, State, or local programs, including programs in the private sector.

(c) Memorandum of understanding

(1) Development

The local board, with the agreement of the chief elected official, shall develop and enter into a memorandum of understanding (between the local board and the one-stop partners), consistent with paragraph (2), concerning the operation of the one-stop delivery system in the local area.

(2) Contents

Each memorandum of understanding shall contain—

(A) provisions describing—

- (i) the services to be provided through the one-stop delivery system;
- (ii) how the costs of such services and the operating costs of the system will be funded;
- (iii) methods for referral of individuals between the one-stop operator and the one-stop partners, for the appropriate services and activities; and
- (iv) the duration of the memorandum and the procedures for amending the memorandum during the term of the memorandum; and

(B) such other provisions, consistent with the requirements of this chapter, as the parties to the agreement determine to be appropriate.

(d) One-stop operators

(1) Designation and certification

Consistent with paragraphs (2) and (3), the local board, with the agreement of the chief elected official, is authorized to designate or certify one-stop operators and to terminate for cause the eligibility of such operators.

(2) Eligibility

To be eligible to receive funds made available under this subchapter to operate a one-stop center referred to in section 2864(c) of this title, an entity (which may be a consortium of entities)—

(A) shall be designated or certified as a one-stop operator—

- (i) through a competitive process; or
- (ii) in accordance with an agreement reached between the local board and a consortium of entities that, at a minimum, includes 3 or more of the one-stop partners described in subsection (b)(1) of this section; and

(B) may be a public or private entity, or consortium of entities, of demonstrated effectiveness, located in the local area, which may include—

- (i) a postsecondary educational institution;

(ii) an employment service agency established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), on behalf of the local office of the agency;

(iii) a private, nonprofit organization (including a community-based organization);

(iv) a private for-profit entity;

(v) a government agency; and

(vi) another interested organization or entity, which may include a local chamber of commerce or other business organization.

(3) Exception

Elementary schools and secondary schools shall not be eligible for designation or certification as one-stop operators, except that non-traditional public secondary schools and area vocational education schools shall be eligible for such designation or certification.

(e) Established one-stop delivery system

If a one-stop delivery system has been established in a local area prior to August 7, 1998, the local board, the chief elected official, and the Governor involved may agree to certify an entity carrying out activities through the system as a one-stop operator for purposes of subsection (d) of this section, consistent with the requirements of subsection (b) of this section, of the memorandum of understanding, and of section 2864(c) of this title.

(f) Application to certain vocational rehabilitation programs

(1) Limitation

Nothing in this section shall be construed to apply to part C of title I of the Rehabilitation Act of 1973 (29 U.S.C. 741).

(2) Client assistance

Nothing in this Act shall be construed to require that any entity carrying out a client assistance program authorized under section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732)—

(A) violate the requirement of section 112(c)(1)(A) of that Act that the entity be independent of any agency which provides treatment, services, or rehabilitation to individuals under that Act [29 U.S.C. 701 et seq.]; or

(B) carry out any activity not authorized under section 112 of that Act (including appropriate Federal regulations).

(Pub. L. 105-220, title I, §121, Aug. 7, 1998, 112 Stat. 963; Pub. L. 105-332, §5(a), Oct. 31, 1998, 112 Stat. 3127; Pub. L. 109-270, §2(h)(5), Aug. 12, 2006, 120 Stat. 748; Pub. L. 110-234, title IV, §4002(b)(1)(B), (2)(R), May 22, 2008, 122 Stat. 1096, 1097; Pub. L. 110-246, §4(a), title IV, §4002(b)(1)(B), (2)(R), June 18, 2008, 122 Stat. 1664, 1857, 1858.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b)(1)(B)(i) and (c)(2)(B), was in the original "this title" meaning title I of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 939, as amended, which enacted this chapter, repealed sections 1501 to 1505, 1511 to 1583, 1592 to 1735, 1737 to 1791h, 1792 to 1792b, 2301 to 2314 of this title, section 211 of former

Title 40, Appendix, Public Buildings, Property, and Works, sections 11421, 11441 to 11447, 11449, 11450, 11461 to 11466, 11471, and 11472 of Title 42, The Public Health and Welfare, and sections 42101 to 42106 of Title 49, Transportation, enacted provisions set out as notes under sections 1501, 2301, and 2940 of this title and section 11421 of Title 42, and repealed provisions set out as notes under sections 801 and 2301 of this title and section 1255a of Title 8, Aliens and Nationality. For complete classification of title I to the Code, see Tables.

The Wagner-Peyser Act, referred to in subsecs. (b)(1)(B)(ii) and (d)(2)(B)(ii), is act June 6, 1933, ch. 49, 48 Stat. 113, as amended, which is classified generally to chapter 4B (§49 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 49 of this title and Tables.

Title II, referred to in subsec. (b)(1)(B)(iii), is title II of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 1059, as amended, known as the Adult Education and Family Literacy Act, which is classified principally to subchapter I (§9201 et seq.) of chapter 73 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20 and Tables.

The Rehabilitation Act of 1973, referred to in subsecs. (b)(1)(B)(iv) and (f), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified generally to chapter 16 (§701 et seq.) of this title. Title I of the Act is classified generally to subchapter I (§720 et seq.) of chapter 16 of this title. Part C of title I of the Act is classified generally to part C (§741) of subchapter I of chapter 16 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 701 of this title and Tables.

The Older Americans Act of 1965, referred to in subsec. (b)(1)(B)(vi), is Pub. L. 89-73, July 14, 1965, 79 Stat. 218, as amended. Title V of the Act, known as the Older American Community Service Employment Act, is classified generally to subchapter IX (§3056 et seq.) of chapter 35 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of Title 42 and Tables.

The Carl D. Perkins Career and Technical Education Act of 2006, referred to in subsec. (b)(1)(B)(vii), is Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, as amended generally by Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 683, which is classified generally to chapter 44 (§2301 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of Title 20 and Tables.

The Trade Act of 1974, referred to in subsec. (b)(1)(B)(viii), is Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, as amended. Chapter 2 of title II of the Act is classified principally to part 2 (§2271 et seq.) of subchapter II of chapter 12 of Title 19, Customs Duties. For complete classification of this Act to the Code, see References in Text note set out under section 2101 of Title 19 and Tables.

The Community Services Block Grant Act, referred to in subsec. (b)(1)(B)(x), is subtitle B (§§671-683) of title VI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 511, as amended, which is classified generally to chapter 106 (§9901 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9901 of Title 42 and Tables.

The Social Security Act, referred to in subsec. (b)(2)(B)(i), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A of title IV of the Act is classified generally to part A (§601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The National and Community Service Act of 1990, referred to in subsec. (b)(2)(B)(iv), is Pub. L. 101-610, Nov. 16, 1990, 104 Stat. 3127, as amended, which is classified principally to chapter 129 (§12501 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12501 of Title 42 and Tables.

This Act, referred to in subsec. (f)(2), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended, known as the Workforce Investment Act of 1998. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (b)(2)(B)(ii), (iii). Pub. L. 110-246, § 4002(b)(1)(B), (2)(R), made technical amendment to references in original act which appear in text as references to section 2015 of title 7.

2006—Subsec. (b)(1)(B)(vii). Pub. L. 109-270 substituted “career and technical education activities at the postsecondary level” for “postsecondary vocational education activities” and “Carl D. Perkins Career and Technical Education Act of 2006” for “Carl D. Perkins Vocational and Applied Technology Education Act”.

1998—Subsec. (b)(1)(B)(iv). Pub. L. 105-332, § 5(a)(1), inserted “(other than part C of title I of such Act and subject to subsection (f) of this section)” before semicolon.

Subsec. (f). Pub. L. 105-332, § 5(a)(2), added subsec. (f).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Amendment by section 4002(b)(1)(B), (2)(R) of Pub. L. 110-246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as a note under section 1161 of Title 2, The Congress.

§ 2842. Identification of eligible providers of training services

(a) Eligibility requirements

(1) In general

Except as provided in subsection (h) of this section, to be identified as an eligible provider of training services described in section 2864(d)(4) of this title (referred to in this section as “training services”) in a local area and to be eligible to receive funds made available under section 2863(b) of this title for the provision of training services, a provider of such services shall meet the requirements of this section.

(2) Providers

Subject to the provisions of this section, to be eligible to receive the funds, the provider shall be—

(A) a postsecondary educational institution that—

(i) is eligible to receive Federal funds under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq. [and 42 U.S.C. 2751 et seq.]); and

(ii) provides a program that leads to an associate degree, baccalaureate degree, or certificate;

(B) an entity that carries out programs under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”) 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.; or

(C) another public or private provider of a program of training services.

(b) Initial eligibility determination

(1) Postsecondary educational institutions and entities carrying out apprenticeship programs

To be initially eligible to receive funds as described in subsection (a) of this section to carry out a program described in subparagraph (A) or (B) of subsection (a)(2) of this section, a provider described in subparagraph (A) or (B), respectively, of subsection (a)(2) of this section shall submit an application, to the local board for the local area in which the provider desires to provide training services, at such time, in such manner, and containing such information as the local board may require.

(2) Other eligible providers

(A) Procedure

Each Governor of a State shall establish a procedure for use by local boards in the State in determining the initial eligibility of a provider described in subsection (a)(2)(C) of this section to receive funds as described in subsection (a) of this section for a program of training services, including the initial eligibility of—

(i) a postsecondary educational institution to receive such funds for a program not described in subsection (a)(2)(A) of this section; and

(ii) a provider described in subsection (a)(2)(B) of this section to receive such funds for a program not described in subsection (a)(2)(B) of this section.

(B) Recommendations

In developing such procedure, the Governor shall solicit and take into consideration the recommendations of local boards and providers of training services within the State.

(C) Opportunity to submit comments

The Governor shall provide an opportunity, during the development of the procedure, for interested members of the public, including representatives of business and labor organizations, to submit comments on such procedure.

(D) Requirements

In establishing the procedure, the Governor shall require that, to be initially eligible to receive funds as described in subsection (a) of this section for a program, a provider described in subsection (a)(2)(C) of this section—

(i) shall submit an application, to the local board for the local area in which the provider desires to provide training services, at such time and in such manner as may be required, and containing a description of the program;

(ii) if the provider provides training services through a program on the date of application, shall include in the application an appropriate portion of the performance information and program cost information described in subsection (d) of this section