



**State of Tennessee  
State Workforce Development Board**

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# State Workforce Development Board Policy One-Stop Certification

**Effective Date: March 24, 2023**

**Expiration Date: Automatic Annual Renewal Pending Statute Limitations**

## **Policy Statement**

This policy ensures that expectations for one-stop certification are clearly outlined. This policy furthers the State Workforce Development Board's commitment to transparency and adherence to federal regulations.

## **Purpose**

To provide guidance to Local Workforce Development Boards on the process and procedures for evaluating and certifying American Job Centers (AJCs) under the Workforce Innovation and Opportunity Act (WIOA).

## **Scope**

- American Job Center Partners
- Fiscal Agent
- Local Workforce Development Board
- One-Stop Operator
- State Workforce Development Board
- Workforce Innovation and Opportunity Act Core Partners

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## Important Notice

AJCs are portals to Tennessee's workforce system that provide a broad array of career services, business services, and resources for jobseekers. AJCs are designed to have two (2) primary functions: help individuals acquire the skills necessary to gain meaningful employment and assist businesses to access talent to meet their needs. Under the Workforce Innovation and Opportunity Act (WIOA), state and local partners share common performance goals and are mandated to collaborate in the development and implementation of a One-Stop service delivery system where services are customer-focused, resources are leveraged for maximum efficiency, and continuous improvement is the hallmark.

Tennessee's AJC Certification Policy requires:

- An evidence-based system of functional design;
- Effective service delivery models;
- Physical and programmatic accessibility in accordance with WIOA Section 188 and the Americans with Disabilities Act of 1990; and
- Evidence-based processes and procedures established by the State Workforce Development Board (SWDB).

The certification process assures the LWDBs shall oversee the delivery of employment and training programs of the highest level of effectiveness and sustainability within their communities.

## 1. What is Certification?

The criteria established by the State Workforce Development Board (SWDB) to certify an American Job Center (AJC) include<sup>1</sup>:

- An evaluation of effectiveness to include:
  - How well the AJC integrates available services and meets the needs for participants and businesses
  - Cost-efficiency for operation
  - An established process for coordination of services among the one-stop partner programs
  - provides access to partner program services to the maximum extent practicable
    - Including providing services outside of regular business hours where there is a workforce need, as identified by the Local WDB
  - Customer Feedback (participants and business)
- An evaluation of programmatic and physical access to include:
  - An assessment of the physical and programmatic accessibility conducted by Vocational Rehabilitation (VR) partners
  - Evaluations of how well the one-stop center ensures equal opportunity for individuals with disabilities to participate in or benefit from one-stop center services, to include:
    - Providing reasonable accommodations for individuals with disabilities;
    - Making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination against persons with disabilities;
    - Administering programs in the most integrated setting appropriate;
    - Communicating with persons with disabilities as effectively as with others;
    - Providing appropriate auxiliary aids and services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity; and
    - Providing for the physical accessibility of the one-stop center to individuals with disabilities.
- An evaluation of continuous improvement to include:
  - The AJCs support in achieving the LWDBs negotiated local levels of performance and key performance indicators
  - The process for identifying and addressing the training needs of all staff

The Local Workforce Development Boards (LWDBs) must include the above criteria in the certification of the American Job Centers (AJCs) and may establish additional criteria to further strengthen the

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<sup>1</sup> 20 CFR 678.800(b) & 20 CFR 678.800(c)

certification process. If the LWDB establishes additional criteria, that must be recorded in written procedures and communicated to the SWDB<sup>2</sup>.

## 2. What Must be Certified?

The following American Job Centers must be certified per the requirements of this policy in order to utilize infrastructure funding:

1. Comprehensive AJC
2. Affiliate AJC
3. Specialized AJC
4. Mobile AJC

The following center does not need to be certified but must have a memorandum of understanding between the LWDB and the partner agency:

1. Access Point

### 2.1 Why?

Local WDBs must certify one-stop centers in order to be eligible to use infrastructure funding described in 20 CFR 678.700.<sup>3</sup>

### 2.2 How Often?

LWDBs must recertify each applicable AJC every three (3) years, at a minimum.<sup>4</sup>

### 2.3 What is Expected of the LWDB?

The LWDBs must meet the following requirements to certify their AJCs:

- Establish LWDB criteria for certification that meets the requirements of this policy and, if applicable, includes additional criteria established by the LWDB. This must be reviewed every two (2) years, at a minimum.<sup>5</sup>
- Establish a Certification Review Team (CRT) that must consist of a representative from each of the core WIOA partners.
- Must establish a primary contact from a representative of the CRT, a LWDB member, or staff to the LWDB to oversee the certification process.

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<sup>2</sup> 20 CFR 687.800(d)

<sup>3</sup> 20 CFR 678.800(d)

<sup>4</sup> 20 CFR 678.800(d)

<sup>5</sup> 20 CFR 678.800(d)

- The CRT must utilize the certification tools established by the SWDB to assess the AJCs based on the LWDBs established criteria.
- The One-Stop Operator (OSO) must be established as the representative of the AJC to be certified and be the lead in responding to the CRT
- The CRT must provide a written recommendation signed by all CRT members to the LWDB to approve an AJCs certification once that AJC successfully passes all established LWDB criteria.
- The LWDB must vote to certify an AJC based on the recommendation from the CRT
- A notice, signed by the LWDB Chairperson on LWDB letterhead, must be sent to the Tennessee Department of Labor and Workforce Development (TDLWD) at [Workforce.Board@tn.gov](mailto:Workforce.Board@tn.gov) to recommend the certifications of any AJC within their LWDA. This notice must include all applicable documentation used by the CRT along with the recommendation made to the LWDB.
- A written notice will be provided from the TDLWD Commissioner, or their representative, to the LWDB approving or denying the certification of an AJC.
  - An approval of an AJC certification will allow for that AJC to continue or begin providing services.
  - A denial of an AJC certification will require services to stop pending required action from TDLWD. A denial of an AJC certification can be appealed as defined in this policy

### 3. Appeals Process for Certification Denial

The following steps outline the appeal process if a LWDB wishes to contest a decision made by the TDLWD concerning One-Stop certification.

- An appeal must be made in writing and filed with the CLEO within fourteen (14) days following notification of the decision.
- The appeal must contain a clear statement that provides a specific justification for the appeal.
- The appeal must be addressed to the SWDB chairperson and sent thirty (30) days prior to the SWDB quarterly meeting. The review will encompass information in the original request, including supplemental information provided in the appeal, to determine if the criteria set forth in this policy have been met.

**The final decision rests with the SWDB.**

### 4. Voluntary Relocation of an American Job Center

If an LWDB decides to voluntarily relocate a current certified AJC they must:

- Ensure that at least one (1) comprehensive AJC remains certified in the LWDA
- Immediately notify the TDLWD Commissioner, or their representative, of the intent to voluntarily relocate by submitting the AJC Relocation/Closure Notification form.
- Provide a 6-month (180-day) timeframe between notification to the TDLWD Commissioner and the date of the voluntary relocation for all Comprehensive AJCs.
- Provide a 3-month (90-day) timeframe between notification to the TDLWD Commissioner and the date of the voluntary relocation for all Affiliate and Specialized AJCs.

- Provide data to show the benefit of the voluntary relocation including financial and service level data.
- Receive approval from the TDLWD Commissioner, or their representative, prior to voluntarily relocating an AJC.

Regardless if a relocation is voluntary or involuntary, a certified AJC will retain its certification upon being relocated. However, a newly relocated center must receive an ADA survey of the new site for the AJC prior to the relocation

## 5. Closure of an American Job Center

If an LWDB decides to close an AJC, they must:

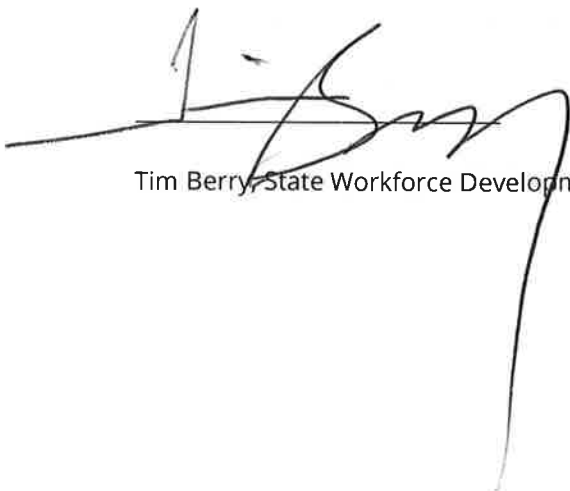
- Ensure that at least one (1) comprehensive AJC remains certified in the LWDA
- Immediately notify the TDLWD Commissioner, or their representative, of the intent to close by submitting the AJC Relocation/Closure Notification form.
- Provide a 6-month (180-day) timeframe between notification to the TDLWD Commissioner and the date of closure for all Comprehensive AJCs.
- Provide a 3-month (90-day) timeframe between notification to the TDLWD Commissioner and the date of closure for all Affiliate and Specialized AJCs.
- Provide data to demonstrate that service levels will not be negatively affected and the plan to continue providing services in that county(s).
- Receive approval from the TDLWD Commissioner, or their representative, prior to closing an AJC.

## 6. Automatic Renewal Process

All policies approved by the State Workforce Development Board will be automatically renewed on July 1 of every year unless the statute of limitations for the policy expires or changes. A list of policies that will be automatically renewed are submitted to the State Workforce Development Board during the meeting prior to July 1 every year. If a policy requires any type of substantial change, the policy will be resubmitted to the State Workforce Development Board for a new approval and will not be subject to the annual renewal process.

## Contact

For any questions related to this policy, please contact the Program Integrity Unit at [Workforce.Board@tn.gov](mailto:Workforce.Board@tn.gov).



Tim Berry, State Workforce Development Board Chair