

Alabama Workforce Investment System

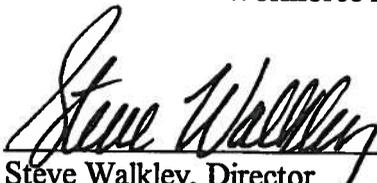
**Alabama Department of Economic and Community Affairs
Workforce Development Division
401 Adams Avenue
Post Office Box 5690
Montgomery, Alabama 36103-5690**

'JAN 7 1999

GOVERNOR'S WORKFORCE DEVELOPMENT DIRECTIVE NO. PY99-03

SUBJECT: Local Area Designation Policy

- 1. Purpose.** To transmit the State's local area designation policy and designation request form.
- 2. Discussion.** The Workforce Investment Act (WIA) of 1998 requires the Governor to designate local workforce investment areas within the state through consultation with the State Workforce Investment Board and after consultation with the chief elected officials and comments from the general public. Factors impacting these designations are listed in Section 116(a) of the WIA.
- 3. Action.** All local area designation requests must be submitted using the attached form. The effective date of this policy is the date of issuance of this Directive. It is anticipated that supplemental instructions may be issued at a later date.
- 4. Contact.** Any questions regarding this directive should be referred to Ray Clenney, Workforce Development Division, at (334) 242-5300.



Steve Walkley, Director
Workforce Development Division

Attachment

Workforce Investment Act of 1998 Local Area Designation Policy

Purpose: To provide Local Elected Officials with the State's procedures for the submission of local area designation requests to the Alabama Department of Economic and Community Affairs' Workforce Development Division (WDD) acting on the behalf of the Governor.

Reference: The Workforce Investment Act (WIA) of 1998, Chapter 2-Local Provisions, Section 116. Local Workforce Investment Areas.

Effective Date: This policy is in effect for Program Year 2000 implementation of the Workforce Investment Act of 1998 and subsequent redesignation.

Background: The Workforce Investment Act of 1998 requires the Governor to designate local workforce investment areas within the state through consultation with the State Board and after consultation with the chief elected officials and comments from the general public. In making the designation of local areas, the Governor must give consideration to the following:

- ▶ Geographic areas served by local educational agencies and intermediate educational agencies.
- ▶ Geographic areas served by post-secondary educational institutions and area vocational education schools.
- ▶ The extent to which such local areas are consistent with labor market areas.
- ▶ The distance that individuals will need to travel to receive services provided in such local areas.
- ▶ The resources of such local areas that are available to effectively administer the activities carried out under Title I of the Workforce Investment Act.

Section 116 of the Act provides for three types of designation: (1) automatic designation, (2) temporary and subsequent designation, and (3) designation on Recommendation of the State Board. The Governor shall approve requests for automatic and temporary designation submitted by chief elected officials, provided the area under consideration meets the applicable eligibility criteria. Under the third designation type, the Governor may choose to approve such requests from chief elected officials on Recommendation from the State Board.

(1) Automatic Designation

The Governor shall approve any request for designation as a local area from:

Any unit of general local government with a population of 500,000 or more.

(2) Temporary and Subsequent Designation

The Governor shall approve any request, made not later than the date of submission of the initial State Plan under Title I of the Act, for temporary designation as a local workforce investment area from any unit of general local government (including a combination of such

units) with a population of 200,000 or more that was a service delivery area under the Job Training Partnership Act on the day before the date of enactment of the Act if the Governor determines that the area has:

- A. Performed successfully, in each of the last two years prior to the request for which data are available, in the delivery of services to participants under Part A of Title II and Title III of the Job Training Partnership Act.

Performed successfully means that the area involved met or exceeded the performance standards established by the Secretary of the U. S. Department of Labor for each year and modified by the adjustment methodology of the State that relate to:

- ✓ Job retention and earnings, with respect to activities carried out under Part A of Title II under the Job Training Partnership Act; and
- ✓ Entry into employment, with respect to activities carried out under Title III of the Job Training Partnership Act.

- B. Sustained the fiscal integrity of the funds used by the area to carry out activities under such part and title.

Sustained the fiscal integrity, used with respect to the funds used by a service delivery area or substate area, means the Secretary of the U. S. Department of Labor has not made a final determination during any of the last three years for which data are available (Program Years 1996, 1997 and 1998) prior to the date of the designation request involved, that either the grant recipient or the administrative entity of the area misexpended the funds due to willful disregard of the requirements of JTPA involved, gross negligence, or failure to observe accepted standards of administration.

- C. Duration and Subsequent Designation

A temporary designation shall be for a period of not more than two years, after which the designation shall be extended, if requested until the end of the period covered by the State Plan if the Governor determines that, during the temporary designation period, the area substantially met (as defined by the State Board) the local performance measures for the local area and sustained the fiscal integrity of the funds used by the area to carry out activities under Title I of the Workforce Investment Act.

(3) Designation on Recommendation of State Board and Approval of Governor:

Designation under this category is at the Governor's discretion. The Governor may approve a request for a local area designation if the State Board recommends to the Governor, taking into account the general considerations previously outlined under the "Background" of this policy, that such area should be so designated from applications submitted by:

- ▶ Any unit of general local government, including a combination of such units, with a population of less than 200,000, or

- ▶ Any unit of local government, including a combination of such units, not meeting the “successful performance” or “fiscal integrity” requirements defined above, **regardless of population.**

State Appeals Process

WIA Section 116(a)(5) states that a unit of general local government (including a combination of such units) or grant recipient that requests but is not granted designation as a local area under WIA Section 116(a)(2) or Section 116(a)(3) may submit an appeal to the State Board. If the appeal does not result in such a designation, the appeal may be submitted to the Secretary. A decision by the State Board and Governor to deny a request from a unit of general local government, that does not meet the criteria for automatic designation, under Section 116(a)(2), or for temporary and subsequent designation, under Section 116(a)(3), may be appealed only to the State Board.

- ▶ Within ten working days of providing notice of their intent to file an appeal, the appellant must submit their rebuttal package via certified mail to the ADECA Director, with a copy to the Division Director of WDD. This rebuttal package should address all issues raised or questions asked by the State Board in rendering their decision and indicate if a formal hearing is requested. The appellant may be asked to provide additional information/documentation.
- ▶ The WDD staff will work in conjunction with the State Board to expedite review of a designation appeal and to schedule a formal hearing, if requested, before the State Board. Efforts will be made by WDD staff to enable Board members to review the appeal informally, i.e., via mailouts, or, if the situation warrants, the Board may be convened by the Governor in advance of a scheduled meeting date in order that the appeal might be heard.
- ▶ The goal is for any appeal to be resolved within 30 days of the filing of such appeal with the Board, through the WDD.
- ▶ If the appeal to the State Board does not result in designation, the appellant, if appealing under WIA Section 116(a)(2) or Section 116(a)(3), may request review by the Secretary under 20CFR Part 667.645. An appeal to the Secretary must be submitted by the appellant no later than 30 days after receipt of written notification from the State Board that the appeal has been denied. Appeals must be submitted by certified mail, return receipt requested, to the Secretary, U. S. Department of Labor, Washington, DC 20210, Attention: ASET. A copy of the appeal must be simultaneously provided to the State Board.
- ▶ If the Secretary determines that the appellant was not accorded procedural rights under the appeal process established under the above section, or that the area meets the requirements for designation in WIA Section 116(a)(2) or 116(a)(3), the Secretary may require that the area be designated as a workforce investment area. The Secretary must issue a written decision to the Governor.

Information on Applying Under the State Board Recommendation and Approval of the Governor

Local Areas requesting designation under this category must at a minimum address the following as related to the proposed area:

1. Geographic area served by local educational agencies and intermediate education agencies.
2. Geographic area served by postsecondary educational institutions and area vocational education schools.
3. The extent to which the proposed area is consistent with local labor market area(s).
4. The distance individuals will need to travel to receive services provided in proposed local areas.
5. Identify resources and plans to effectively administer the activities described in Title I, Subtitle B, of the WIA, including:
 - a) Resources available to support WIA Title I, Subtitle B, activities **beyond** the ten (10) percent allowed for administrative expenditures allotted to local areas.
 - b) The local area plans to adhere to the restriction on the local board not directly providing core, intensive, and training services, or being certified as a One-Stop Operator. If your plans include requesting a waiver or the necessary approvals to perform these function, you will need to outline the basis for making either request.
6. Any endorsements or opposing statements to this application from WIA required partners or other interested parties.
7. Other information the applicant would like the State Board to consider.

Duration

Duration is at the recommendation of the State Board and the discretion of the Governor. Initial designation shall be for a period of not more than two years.

Regional Planning and Cooperation

Once established, the State Board may consider applying additional criteria to this category to include State specific findings related to fiscal integrity and reorganization. The Board may require local boards within a designated region to participate in a regional planning process that results in regional performance measures for workforce investment activities under WIA Title I. The term *designated regions* means a combination of local areas that are partly or completely in a single labor market area, economic development region, or other appropriate contiguous sub-areas of the State that is designated by the State.

Additionally, the State may require information sharing among local areas to improve their performance in the designated regions on local performance measures and to coordinate programs and activities under WIA Title I. The State may also require regional coordination in service delivery.

State of Alabama
Workforce Investment Act of 1998
Application for Local Area Designation

Applicant Information:

1. Chief Elected Official

Name:

Title:

Name of Local Governmental Unit:

Address:

Phone Number/FAX Number:

2. Administrative Contact

Name:

Title:

Organization:

Address:

Phone Number/FAX Number:

E-Mail Address:

3. Proposed Local Area and Contact Information:

a. Identify the proposed local area:

b. Contact name, title, phone and FAX numbers, and e-mail address:

4. **For combination of units, identify your governance structure (e.g. Joint Agreements or Memorandum of Agreement between units).**
5. **Population Total for Proposed Area** - based on data from the most recent issuance of the *Alabama County Data Book*, published by ADECA.

6. **Category Under Which Designation is Being Requested:**

Please check one of the boxes below:

- Automatic** (proceed to #9)
- Temporary and Subsequent Designation** (proceed to #7)
- State Board Recommendation and Governor Approval** (proceed to #8)

7. **For Temporary and Subsequent Designation**

Local areas requesting designation under this category must satisfy the following requirements:

- ▶ Met or exceeded performance standards for Program Years 1997 and 1998 as they relate to the delivery of services to participants under part A of Title II and Title III of the JTPA.
- ▶ Sustained financial integrity for the last 3 years for which data are available (Program Years 1996, 1997, and 1998).

Note: The signature of the chief elected official on this application certifies that the SDA has met the performance and fiscal integrity requirements for this category. Compliance with these requirements will be independently verified by the State prior to designation under this category.

8. **For State Board Recommendation and Governor's Approval Only**

Local areas requesting designation under this category must provide information on the following:

- a. Geographic areas served by local educational agencies and intermediate educational agencies.
- b. Geographic areas served by post-secondary educational institutions and area vocational education schools.
- c. The extent to which such local areas are consistent with labor market areas.
- d. The distance that individuals will need to travel to receive services provided in such local areas.

e. Identify resources and plans to effectively administer the activities discussed in Title I, Subtitle B, of the WIA including:

- 1) Resources available to support WIA Title I, Subtitle B, activities **beyond** the ten (10) percent allowed for administrative expenditures allotted to local areas.
- 2) The local area plans to adhere to the restriction on the local board not directly providing core, intensive, and training services, or being certified as a One-Stop Operator. If your plans include requesting a waiver or the necessary approvals to perform these function, you will need to outline the basis for making either request.

f. Any endorsements or opposing statements to this application from WIA required partners or other interested parties.

f. Other information the applicant would like the State Board to consider.

9. Signature of Chief Elected Official

Signature

Date

Printed Name and Title

Please submit the completed application by _____ to:

Alabama Department of Economic and Community Affairs
Workforce Development Division
ATTN: Steve Walkley
401 Adams Avenue
Post Office Box 5690
Montgomery, Alabama 36103-5690