

MISSISSIPPI
Policy Number 1
LOCAL WORKFORCE DEVELOPMENT AREA DESIGNATION POLICY
Workforce Innovation and Opportunity Act
Office of Grant Management

I. SCOPE AND PURPOSE

Section 106 of the Workforce Innovation and Opportunity Act (WIOA) requires the Governor to designate Local Workforce Development Areas within the state through consultation with the State Workforce Development Board and after consultation with the chief elected officials and comments from the general public as described in Section 102(b)(2)(E)(ii)(II). For the purposes of this policy, the term “Governor” shall mean the Governor or his designee.

The purpose of this policy is to provide guidance regarding the initial and subsequent designation of Local Workforce Development Areas in Mississippi.

II. REQUIREMENTS

WIOA provides for three types of local workforce development area designation: Initial Designation, Subsequent Designation, and Designation on Recommendation of the State Board. The Governor ***shall*** approve requests for initial and subsequent designation submitted by chief elected officials, provided the area under consideration meets the applicable eligibility criteria. Under the third designation type, the Governor ***may*** approve such requests from any unit of general local government on recommendation from the State Workforce Development Board.

A. Initial Designation [Section 106(b)(2)]:

During the first two (2) full program years following the date of enactment of the Act, July 22, 2014, the Governor ***shall*** approve a request for initial designation as a local area from any area that **(a)** was designated as a local area for purposes of the Workforce Investment Act of 1998 for the two-year period preceding the date of enactment of this Act, **(b)** has performed successfully, and **(c)** sustained fiscal integrity.

1. “The term “performed successfully,” used with respect to a local area, means the local area met or exceeded the adjusted levels of performance for primary indicators of performance described in section 116(b)(2)(A) (or, if applicable, core indicators of performance described in section 136(b)(2)(A) of the Workforce Investment Act of 1998, as in effect the day before the date of enactment of this Act) for each of the last 2 consecutive years for which data are available preceding the determination of performance under this paragraph.” *(The local area has achieved at least 80 percent of their local performance goal on each performance*

measure for Program Year 2012 and Program Year 2013 as stated in Section 106(e)(1) of the WIOA.)

2. “The term “sustained fiscal integrity,” per Section 106(e)(2) is used with respect to a local area, means that the Secretary has not made a formal determination, during either of the last two (2) consecutive years preceding the determination regarding such integrity, that either the grant recipient or the administrative entity of the area misexpended funds provided under subtitle B (or, if applicable, Title I of the Workforce Investment Act of 1998 as in effect prior to the effective date of such subtitle B) due to willful disregard of the requirements of the provision involved, gross negligence, or failure to comply with accepted standards of administration.”

B. Subsequent Designation [Section 106(b)(3)]:

After the two full program years initial designation period, the Governor ***shall*** approve a request for subsequent designation from such local area, if such area –

1. performed successfully;
2. sustained fiscal integrity;
3. and in the case of a local area in a planning region, met the requirements described at Section 106(c)(1).

C. Governor Not Prohibited:

If justification exists to explain why a local area(s) did not meet or exceed the adjusted levels of performance under the Initial or Subsequent Designation clauses, the Governor ***may*** approve such local area designation.

Nothing in the requirements to approve certain initial or subsequent designations of local areas shall be construed as prohibiting the Governor from approving such areas as may be recommended by the State board or the chief elected officials and which conform to the majority but not all of the requirements.

D. Designation on Recommendation of State Board and Approval of Governor [Section 106(b)(1)]:

The Governor ***may*** approve a request for a local area designation from any unit of general local government or combination of such units if the State Board determines that such area should be so designated. In making the designation of local areas, the Governor must give considerations consisting of the extent to which the areas:

1. are consistent with labor market areas in the State;
2. are consistent with regional economic development areas in the State; and

3. have available the Federal and non-Federal resources necessary to effectively administer activities under subtitle B and other applicable provisions of WIOA, including whether the areas have the appropriate education and training providers such as institutions of higher education and area career and technical education schools.

E. Regions [Section 106(a)]:

Before the second full program year after the date of enactment of the Act, in order for a State to receive an allotment under Section 127(b) or 132(b) and as part of the process for developing the State Plan, a State **shall** identify regions in the State after consultation with the local boards and chief elected officials in the local areas and consistent with the considerations described in Section 106(b)(1)(B). The State **shall** also identify regions consistent with the requirements of Section 106 (a)(2).

F. State Appeals Process [Section 106(b)(5)]:

If an existing local workforce area under the WIA requests but is not granted designation as a local workforce development area under WIOA Section 106(b)(2) or Section 106(b)(3), the unit (or combination of units) of general local government or grant recipient may submit an appeal to the State Board under an appeal process established in the State Plan.

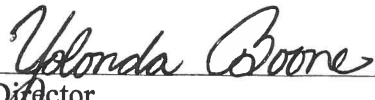
The written appeal must explain the appellant's opinion that the denial is contrary to the designation provisions of WIOA Section 106(b)(2) or 106(b)(3). Entities may not appeal a denial if their designation request does not meet the requirements of Section 106(b)(2) or 106(b)(3). The State Workforce Board will issue a determination within thirty (30) days of receipt of an appeal.

If the appeal to the State Board does not result in designation, the appellant, if appealing an initial designation under WIOA Section 106(b)(2) or subsequent designation under Section 106(b)(3), may request review by the Secretary of Labor. An appeal to the Secretary must be submitted by the appellant or grant recipient 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: Assistant Secretary, Employment and Training Administration. A copy of the appeal must be simultaneously provided to the State Board.

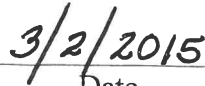
If the Secretary determines that the appellant was not accorded procedural rights under the appeal process established under the above section, or that the area meets the requirements for initial or subsequent designation in WIOA Section 106(b)(2) or 106(b)(3), the Secretary may require that the area be designated as a workforce development area. The Secretary must issue a written decision to the Governor.

III. EFFECTIVE DATE

This policy shall be effective immediately upon signature.



Director
Office of Grant Management



Date

Attachment: Request for Designation as a Workforce Development Area Checklist

**STATE OF MISSISSIPPI
WORKFORCE INNOVATION AND OPPORTUNITY ACT
REQUEST FOR DESIGNATION AS A WORKFORCE DEVELOPMENT AREA CHECKLIST**

In order for a State to receive an allotment and as part of the process for developing the State plan, a State shall identify regions in the State as local workforce development areas.

PROPOSED LOCAL AREA AND CONTACT INFORMATION

Name of proposed Workforce Development Area: _____

Contact name, title, phone and fax numbers, and e-mail address:

The Governor shall designate local workforce development areas within the State after:

- ☐ Consultation with the State board;
 - ☐ Site documentation: minutes from board meeting, copies of emails, etc.
- ☐ Consultation with chief elected officials and local boards; and
 - ☐ Site documentation: minutes from board meeting, copies of emails, etc.
- ☐ Consideration of comments received through the public comment process.
 - ☐ Site documentation: letters, emails, phone documentation, etc.

CATEGORY UNDER WHICH DESIGNATION IS BEING REQUESTED

- ☐ Initial Designation (Two years maximum duration)
- ☐ Subsequent Designation

FOR INITIAL AND SUBSEQUENT DESIGNATION BY PREVIOUSLY DESIGNATED AREAS

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

- ☐ **Performed successfully** (“Performed Successfully”, used with respect to a local area, means the local area met or exceeded the adjusted levels of performance for primary indicators of performance described in section 116(b)(2)(A) of the Workforce Investment Act of 1998, as in effect the day before the date of enactment of the ACT) for each of the last 2 consecutive years for which data are available preceding the determination of performance under this paragraph.

- ☐ Performance Measures met or exceeded for each of the last two consecutive years:

Program Year 2012 (July 1, 2012 – June 30, 2013)			
Performance Measure	Goal	Actual	Percent of Goal
Youth Placement in Employment or Education			
Youth Attainment of Degree or Certificate			
Youth Literacy or Numeracy Gains			
Adult Entered Employment Rate			
Adult Employment Retention Rate			
Adult Average Six-Month Earnings			
Dislocated Worker Entered Employment Rate			
Dislocated Worker Employment Retention Rate			
Dislocated Worker Average Six-Month Earnings			
Program Year 2013 (July 1, 2013 – June 30, 2014)			
Performance Measure	Goal	Actual	Percent of Goal
Youth Placement in Employment or Education			
Youth Attainment of Degree or Certificate			
Youth Literacy or Numeracy Gains			
Adult Entered Employment Rate			
Adult Employment Retention Rate			
Adult Average Six-Month Earnings			
Dislocated Worker Entered Employment Rate			
Dislocated Worker Employment Retention Rate			
Dislocated Worker Average Six-Month Earnings			

- ☐ If any measure was not met in either program year, address the reasons, corrective action measures taken, and current status.

- ☐ **Sustained fiscal integrity** (“Sustained Fiscal Integrity”, used with respect to a local area, means that the Secretary has not made a formal determination during either of the last two consecutive years preceding the determination regarding such integrity, that either the grant recipient or the administrative entity of the area misexpended funds provided under subtitle B or title I of WIA 1998 as in effect prior to the effective date of such subtitle B) due to willful disregard of the requirements of the provision involved, gross negligence, or failure to comply with accepted standards of administration.

- ☐ No formal determination by the Secretary for either of the last two consecutive years
- ☐ Copy of audit
- ☐ Copy of monitoring report from MDES