



STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF WORKFORCE SERVICES
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Workforce Services Policy (WIOA – Re-alignment of Local Workforce Development Areas Based on Requests from Units of Local Government and the Governor’s Right to Evaluate/Re-evaluate Local Areas)

TN-WIOA (18-2)

Effective Date: February 9, 2018

Duration: Indefinite

Subject:

State Workforce Development Board (SWDB) procedure for reviewing requests of units of local government to be removed from and/or added to a Local Workforce Development Area (LWDA).

Purpose:

The purpose of this policy is to inform Local Workforce Development Boards (LWDBs) and Chief Local Elected Officials (CLEOs) — i.e. county mayors — of the requirements and process for realignment when a unit of local government and/or a LWDB requests a change to the current composition of their LWDA. This guidance is in compliance with **WIOA Section 106** and **TEGL 27-14**; it is intended to clarify the realignment of LWDA when requests are made by local units of government (as outlined in **TEGL 27-14**). The components of initial designation or subsequent designation are not addressed within this document,

This policy addresses procedural steps for chief elected officials of units of local governments (*County Mayors*), LWDB’s, and the SWDB for addressing requests of a unit or units of local governments to move to a different LWDA. A chief elected official may make a request to move their county to another LWDA at any time (**TEGL 27-14**), but the SWDB and TDLWD may set procedural standards on when and how the requests are reviewed, as well as when changes (*if any*) may occur due to the impact on service systems (*including technology*) and the expenses associated with moving a county to a different LWDA.

Scope:

Adult Education (AE), American Job Center (AJC), American Job Center Access Point (AJC Access Point), Chief Local Elected Official (CLEO), Division of Workforce Services (WFS), Local Workforce Development Areas (LWDAs), Local Workforce Development Boards (LWDBs), Office of the Governor, Office of Registered Apprenticeship (RA), One-Stop Service Delivery System Operator (Operator), Regional Council (RC), Rehabilitation Services (RS), State Workforce Development Board (SWDB), Tennessee Department of Education (TDOE), Tennessee Department of Economic and Community Development (TDECD), Tennessee Department of Human Services (TDHS), Tennessee Department of Labor and Workforce Development (TDLWD), Tennessee Eligible Training Providers (TETPs), Workforce Innovation and Opportunity Act (WIOA), Workforce System Partners (Partners), Workforce System Subrecipients (Subrecipients)

References:

TEGL 27-14; WIOA Section 106(b)(1)(B); WIOA Section 106(b)(4); WIOA Section 106(e)

I. Request from a Unit, or Multiple Units, of Local Government to Add or Remove a County from a Local Workforce Development Area:

The CLEO and LWDB from any unit of local government — including a combination of units — may submit a request, at any time, for designation as a workforce development area (**TEGL-27-14**). In order for a unit (or units) of local government to request removal from one LWDA to be added to an existing LWDA, the units making the request must show the move has been discussed and approved — by board resolution or documented vote — by both the current LWDA/LWDB and the LWDA/LWDB of the unit (or units) of local government which would receive this additional unit (or units) of local government.

The realignment request must adhere to the criteria and standards set forth in Section B of this document, as outlined in **WIOA Section 106**. The SWDB will determine if the request for adjusting the existing areas — or the creation of a new area — aligns with the performance requirements and criteria set forth in **WIOA Section 106(e)**, as well as the criteria outlined in the Combined State Plan. Furthermore, the SWDB must consider the impact this change will have on: *service delivery, economic development regions, commuting patterns, alignment of educational and training providers, needs and services related to the business and employer community, and other community-based needs.*

Requests must be submitted via Attachment I (Local Workforce Development Area Application) no less than thirty (30) days prior to the next regularly scheduled SWDB meeting. The form and all supporting documentation must be submitted via email to Workforce.Board@tn.gov. **Note: Any unit of local government wishing to petition for realignment of their county to a different LWDA at the May 2018 SWDB meeting must submit the request by close of business on April 16, 2018.**

****** NOTE: The SWDB may decide a time frame for when they will review a request to move a county. If any changes are made, changes can take effect at the beginning of a program year (July 1), thus as a general procedure the spring board meeting may serve as an appropriate time to hear such requests, or earlier in the program year if the board so desires.**

II. Designation of New Local Workforce Development Areas Based on a Request to Remove/Add a County:

Ex: LWDA 5 currently has X# of counties, but a county requests to move to LWDA 5, if approved LWDA 5 would now have a different # of counties and become a new version of LWDA 5 (based on the additional county)

The Governor — or the SWDB, which acts on behalf of the Governor— may approve a request from any unit of general local government (including a combination of such units) for designation of an area as a LWDA if the SWDB determines, based on the considerations described in WIOA Section 106(b)(1)(B) and recommendations to the Governor, that such area should be so designated. **WIOA Section 106[b][4]**

To designate a LWDA, or a Region comprised of multiple LWDAs, the following considerations must be made by the Governor (or SWDB) regarding the designation or re-designation of an LWDA to the extent to which the areas:

- Are consistent with labor market areas of the State,
- Are consistent with regional economic development areas in the State, and
- Will 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. (**WIOA Section 106[b][1][B]**)

These considerations include when units of local government request a change to the LWDA structure and are further explained in the criteria outlined by the eight (8) items in the following section.

III. Required Information and Action Steps of Requestor (Unit/Units of Local Government or Local Workforce Development Board):

Once the application period opens, as determined by the SWDB, a statement of intent to request realignment **must be submitted to the TDLWD to Workforce.Board@tn.gov**. The full request for realignment as a LWDA must include the following components and steps:

- A. Submit the request in writing to the Tennessee Department of Labor and Workforce Development (TDLWD) through the following email address:

Workforce.Board@tn.gov. Receipt of the request must be documented by electronic return confirmation. **If the requestor does not receive confirmation, it is the requesting party's responsibility to contact the Workforce Services Division of the TDLWD to ensure that the notice has been received.**

- B. The request must clearly state the circumstances for the request of realignment with another LWDA.
- C. The request must also address and explain how the following criteria are met:
 - 1. Consistency with natural labor market areas;
 - 2. Consistency with regional economic development areas;
 - 3. Existence of education and training providers, such as institutions of higher education and career and technical education schools in the area;
 - 4. Submission of a service delivery plan that includes a description of resources that would be available to the area to provide services;
 - 5. Coordination of multiple resources within areas that are based on labor markets and natural travel patterns of local residents;
 - 6. Local backing by county commissioners, municipal elected officials — including mayors and/or city council members, where appropriate — and business or community leaders within the area of the implementation strategies to provide quality services to employers and individuals; approval will be demonstrated by letters of support or a vote of support by a city council or other applicable board;
 - 7. Local ownership, exhibited by strong involvement of Local Elected Officials (LEOs) and community leaders on the LWDBs;
 - 8. Local capacity to manage funds, provide oversight of programs, and provide for the proper stewardship of public funds;
 - 9. Evidence that the area — in the two (2) program years for which data is available prior to the request — met or exceeded the adjusted levels of performance for primary indicators of performance or the Common Measures and was not subject to the sanctions process resulting from missing the same measure two (2) years in a row, if applicable. **Please complete and submit Attachment II: Performance Reporting Template, to serve as evidence of performance;** and
 - 10. Assurance that during the two (2) program years prior to the request, the U.S. Secretary of Labor, or the State in place of the Secretary, has not made a formal determination that the grant recipient or administrative entity for the LWDA has expended funds inappropriately due to willful disregard, gross negligence, or failure to comply with accepted standards of administration, if applicable.

- D. The request must address how the proposed new area designation will impact those other LWDA's from which it is withdrawing. It should be understood by any unit of general local government, or combination of such, seeking designation that the new area will only secure the formula allocated funds for each WIOA funding stream based on the formula factors as defined by WIOA. If the area in question becomes part of a consortium, the consortium will determine the distribution of WIOA funds within its region(s).
- E. If opposition to the request is voiced by municipalities or counties within the area seeking realignment then the requesting entity will address concerns at a public hearing. The requesting entity will have the opportunity to respond to apprehensions and questions at the hearing; all comments will be recorded and used to inform the SWDB's action on the request. If a hearing is necessary, it will be held within forty-five (45) days of receipt of the request. Time and place of the hearing is to be determined by the SWDB Chair.
- F. The SWDB executive committee, or TDLWD Workforce Service staff via designation by the SWDB, will take the request and comments from the public — as well as from a public hearing, if applicable — and make a recommendation to the full SWDB.
- G. The SWDB will submit its recommendation to the Governor within five (5) business days of the SWDB vote.
- H. The final decision rests with the Governor and shall be made prior to May 29th, four (4) weeks prior to the beginning of the fiscal and program year (July 1st).

IV. Local Workforce Development Board Requirements for Addressing Requests to Remove or Add a County Within a Local Workforce Development Area:

The CLEO, county mayor, and/or LWDB representing the unit of local government requesting realignment must adhere to the respective (current) LWDA's Interlocal Agreement in regards to addressing the request. In addition to the Interlocal Agreement, the following procedural process must be adhered to:

- 1. The county mayor representing the unit of local government making the request must present the action to the current LWDA/LWDB and CLEO.
- 2. The current LWDB, in conjunction with the CLEO representing the LWDA, must formally address the request via a documented vote or resolution supporting or opposing the re-alignment.
- 3. The county mayor representing the unit of local government requesting the move must propose the move to the CLEO and LWDB of the LWDA the unit of local government desires to realign within.
- 4. The CLEO and LWDB of the LWDA that the unit of local government wishes to realign with must formally address the request, via a documented vote or resolution.
- 5. If consensus is reached, both LWDBs must present evidence of the process to the SWDB for consideration.

The requests, proposals, and information used to make a determination must include the data elements and criteria outlined in Section III(C) of this guidance.

V. Governor Reserves Right to Review and Evaluate a Local Area at Any Time:

In accordance with **20 CFR 679.250 (d) (1)**; the Governor may review a designated local area at any time to evaluate whether that area (or multiple areas may be reviewed simultaneously at any time) is continuing to or is meeting the requirements for designation as it relates to:

- Is the local area performing successfully;
- Is the local area sustaining fiscal integrity;
- In the case of a local area in a planning region, the local area met the regional planning requirements outlined in both the state and regional plans.

The Governor also reserves the right at any time to designate, re-designate or re-align local workforce development areas to provide consistency with designated state economic development areas and natural labor market areas. Implementation dates for new local areas or re-aligned (*based on a county moving to a different LWDA*) local areas should be consistent with program years and take effect July 1 of the calendar year.

VI. Conflict Resolution/Appeals:

In the event LWDBs and CLEOs fail to reach consensus regarding the request to remove/add a county to an LWDA, any party (e.g. unit of local government, or LWDB) may request a hearing before the SWDB to reconcile the request. The items outlined in Sections B and C of this document will need to be presented to SWDB for consideration of the request.

Attachment I - Local Workforce Development Area Designation Application

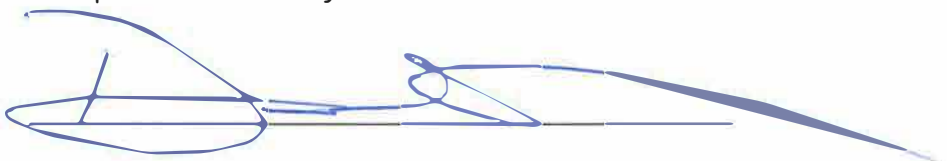
Attachment II - Performance Reporting Template

Effective Date: February 9, 2018

Duration: Indefinite

Contact:

For any questions related to this policy, please contact Nicholas Bishop - Director of Compliance and Policy – Division of Workforce Services at Nicholas.Bishop@tn.gov



Deniece Thomas, Assistant Commissioner - Workforce Services Division

Attachment I



Local Workforce Development Area Designation Application

I. Point of Contact

Fill in the information below regarding the individual who is completing this application on behalf of the designated Local Workforce Development Area (LWDA) who will serve as the point of contact for future correspondence.

Name	
Title	
Address	
Email Address	
Date of Application	

II. Additional Information Regarding Designation Request

Is the request for subsequent designation of an existing LWDA? Yes No

Note: This type of request is not available until summer 2018, the end of PY 2017

Is the request for a new LWDA? Yes No

Is the request regarding re-aligning/altering existing LWDAs by a unit (or group of units) of local government? Yes No

III. Participating Counties

List all counties that will form the LWDA

IV. Adding or removing a County/Counties

Indicate the names of each county requesting removal from their currently designated LWDA and addition to another existing LWDA. Please indicate which LWDA the county is being removed from, and which LWDA the county wishes to be included in.

V. Circumstances for the Request of Realignment

Attach a summary which clearly states the circumstances for the request of designation realignment

VI. Impact of the Withdrawal to the Withdrawing Area

Attach a summary which clearly states how the proposed new area designation will impact those LWDAs from which it is withdrawing regarding service delivery, economic development regions, commuting patterns, alignment of educational and training providers, needs and services related to the business and employer community, and other community based needs.

Additionally, please indicate the impact of the move to LWDA the county wishes to be included in if applicable.

VII. LWDA Designation Criteria

Attach a summary to address each of the specific considerations, as well as any additional information or evident to support the claims. Explain how the following criteria are met:

- Consistency with natural labor market areas;
- Consistency with regional economic development areas;
- Existence of education and training providers, such as institutions of higher education and career and technical education schools in the area;
- Submission of a service delivery plan that includes a description of resources that would be available to the area to provide services;
- Coordination of multiple resources within areas that are based on labor markets and natural travel patterns of local residents;

- Local support of the implementation strategies to provide quality services to employers and individuals by county commissioners, municipal elected officials — including mayors and/or city council members where appropriate — and business or community leaders within the area as demonstrated by letters of support or a vote of support by a city council or other applicable board;
- Local ownership, exhibited by strong involvement of local elected officials (LEOs) and community leaders on the LWDBs;
- Local capacity to manage funds, provide oversight of programs, and provide for the proper stewardship of public funds;
- Evidence that the area — in the two (2) program years for which data is available prior to the request — met or exceeded the adjusted levels of performance for primary indicators of performance or the Common Measures and was not subject to the sanctions process resulting from missing the same measure two (2) years in a row, if applicable. Please complete and submit the **Performance Reporting Template included in the Change in Designation for a County Within a Local Workforce Development Area guidance**, to serve as evidence of performance; and
- Assurance that during the two (2) program years prior to the request, the U.S. Secretary of Labor, or the State in place of the Secretary, has not made a formal determination that the grant recipient or administrative entity for the local area has misexpended funds due to willful disregard, gross negligence, or failure to comply with accepted standards of administration, if applicable.

VIII. Signatures of Representatives from each County in the Proposed Realigned Workforce Development Area

The Local Elected Official (LEO) from each county named on the LWDA's Interlocal Agreement in the proposed LWDA and the Board Chairman must sign the signature page located on Attachment I of this document. If necessary, a separate signature page from each representative may be attached. Additional signature lines may be added as needed.

IX. Approvals on Proposed Realignment of Existing LWDA's (If Applicable)

Have the Local Workforce Development Boards of the existing LWDA and the LWDA the unit or units of local government are requesting to move under approved this reorganization via Board or council resolution/vote?

Yes No

If yes, attach Board or Council resolution(s)

If no, explain why not.

Attachment II of this document must be completed and signed by the officials of both LWDA's affected by the realignment. If necessary, a separate signature page from each representative may be attached. Additional signature lines may be added as needed.

X. Email the Application

Send the completed application with the attachments to:

Workforce.board@tn.gov

The subject line of the email should contain "Local Workforce Development Area Designation"

Signatures of Representatives from each County in the Proposed Realigned Workforce Development Area

Board Chairman	Signature and Printed name	Date
County/ Municipality Name	Signature and Printed name	Date
County/ Municipality Name	Signature and Printed name	Date
County/ Municipality Name	Signature and Printed name	Date
County/ Municipality Name	Signature and Printed name	Date

County/ Municipality Name	Signature and Printed name	Date
County/ Municipality Name	Signature and Printed name	Date
County/ Municipality Name	Signature and Printed name	Date
County/ Municipality Name	Signature and Printed name	Date

Approvals on Proposed Realignment of Existing LWDAs

Board Chairman	Signature and Printed name	Date
Board Chairman	Signature and Printed name	Date
County/ Municipality Name	Signature and Printed name	Date
County/ Municipality Name	Signature and Printed name	Date
County/ Municipality Name	Signature and Printed name	Date
County/ Municipality Name	Signature and Printed name	Date

County/ Municipality Name	Signature and Printed name	Date
County/ Municipality Name	Signature and Printed name	Date
County/ Municipality Name	Signature and Printed name	Date

Attachment II: Performance Reporting Template

Measure	PY 2016			PY 2017		
	Performance	Goal	Percent of Goal	Performance	Goal	Percent of Goal
Adult Employment Q2						
Adult Employment Q4						
Adult Median Earnings						
Credential Attainment Rate						
Measurable Skills Gains						
Dislocated Worker Employment Q2						
Dislocated Worker Employment Q4						
Dislocated Worker Median Earnings						
Credential Attainment Rate						
Measurable Skills Gains						
Youth Employment Q2						
Youth Employment Q4						
Youth Median Earnings						
Credential Attainment Rate						
Measurable Skills Gains						