Montana Department of LABOR & INDUSTRY

Division: Workforce Services Division
Category: WIOA
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Policy No.: 01-16

WIOA Local Workforce Area Designation Policy

Background: The Workforce Innovation and Opportunity Act (WIOA), signed into law on July 22, 2014, formally overhauled and reauthorized the expired Workforce Investment Act (WIA) of 1998. Under WIA, Montana had two designated local workforce investment areas, the 10 county Concentrated Employment Program (CEP) local area and the 46 county Balance of State (BOS) local area. Although Montana did not meet the population criteria for more than one local area under WIA, the CEP was an automatic designated area under WIA and therefore the BOS was also considered an automatic designation. In 2005, Montana received a waiver from the U.S. Department of Labor (USDOL) for the Montana State Workforce Investment Board (now known as the State Workforce Innovation Board or SWIB) to carry out the roles and responsibilities of the two local boards, allowing Montana to operate as a single local workforce investment area. The waiver reduced overhead costs, increased program dollars, expanded the number of one-stops in the state, strengthened administrative oversight and accountability processes, and increased training opportunities for clients.

Under WIOA, there is a no longer a CEP, however states that had one previously are recognized as having had local areas and therefore not eligible to be considered a single-area state. Therefore, Montana must remain with the prior designated 10 county area and 46 county area as local workforce areas. In 2018, Montana once again applied for a waiver from USDOL for the SWIB to carry out the roles and responsibilities of the local boards, allowing Montana to act as a single-area planning state, with funding allocated as required under federal law and regulations to the two local areas. This waiver was granted November 14, 2018 by USDOL and remains in effect through June 30, 2020.

WIOA Section 106(b) requires the Governor, in consultation with the SWIB, to designate local workforce areas and ensure an appeals process is in place.

Training and Employment Guidance Letter (TEGL) No. 27-14 indicates the purpose of a local area is to serve as a jurisdiction for the administration of workforce development activities using Adult, Dislocated Worker, and Youth funds allocated by the State and to coordinate efforts related to the other core programs at a local community level.

Scope: This policy applies to the SWIB and any area or entity seeking to be designated or designated as a local workforce area.

Policy:
- At any time, the Chief Local Elected Official and Local Board from any unit of general local government or combination of units may submit a request for designation as a new local workforce development area.
- The Governor will consider requests for general designation as a new local workforce area if the proposed area:

40   ○   is consistent with local labor market areas;
41   ○   has a common economic development area; and
42   ○   has the federal and nonfederal resources, including appropriate education and training
43   institutions, to administer activities under WIOA.

- 44 •   Areas or entities requesting consideration for either initial or general designation as a local workforce
- 45   area must submit the form in Attachment 1 of this policy to MTDLI.
- 46 •   Inquiries regarding this policy should be directed to SWIB@mt.gov.

47 **Appeal Process:**

- 48 •   An area, board, or entity seeking designation as a local workforce development area can choose to
- 49   appeal a denial. An appeal must be submitted in writing either by mail or email to the following
- 50   address(s) within 14 days after the written notification of the decision.

51   Montana State Workforce Innovation Board
52   PO Box 1728
53   Helena, MT 59624-1728
54   Or
55   swib@mt.gov
56   The appeal must include the justification for the appeal in the request. The area, board, or entity also
57   has the right to request a hearing.

- 58 •   The appeals procedure will allow for a review before the SWIB Executive committee if requested and a
- 59   decision will be made within 60 days of appeal. This will be a final decision and the area, board, or
- 60   entity will be unable to reapply for one year from the date of final notification by the state.

61 # References:

- 62 •   WIOA Title I of 2014, Section 106 WIOA Act
- 63 •   TEGL 27-14
- 64 •   TEGL 27-14, Change 1

65 # Attachment:

- 66 •   Attachment 1 – WIOA Local Workforce Area Designation Request form

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Areas or entities seeking to be designated a local workforce area must submit the following request form by email or by mail to the Montana Department of Labor & Industry to considered.

<u>Mail to:</u>
Montana Department of Labor & Industry
Attn: State Workforce Innovation Board
PO Box 1728
Helena, Montana 59624-1728

<u>Email to:</u>
SWIB@mt.gov

Enter local workforce area name here is requesting designation as a Local Workforce Area under the Workforce Innovation and Opportunity Act (WIOA).

Contact Name: *enter contact name here*

Contact Title: *enter contact title here*

Contact Address: *enter contact mailing address here*

Contact Email: *enter contact email address here*

Date of Designation Request: *click here to enter a date*

Please explain how this designation is consistent with the local labor market and supports a common economic development area currently being served by WIOA.

Please provide information on this area's access to federal and non-federal resources, including appropriate education and training institutions, to administer WIOA programs.

Name: *type or print name here*

Signature: *enter e-signature here or sign here*

Date: *click here to enter a date*