



STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
WORKFORCE SERVICES DIVISION
220 French Landing Drive
Nashville, TN 37243-1002
(615) 741-1031

**DESIGNATION OF LOCAL WORKFORCE DEVELOPMENT AREA
TN-WIOA (15-1)**

Subject: **WORKFORCE INNOVATION AND OPPORTUNITY ACT INITIAL DESIGNATION OF LOCAL WORKFORCE DEVELOPMENT AREAS**

Topic: This policy provides guidance for the initial designation of the Local Workforce Development Areas, along with the process for appealing designation decisions.

Scope: Tennessee Department of Labor and Workforce Development (TDLWD), State Workforce Development Board (State Board), Local Workforce Development Boards (LWDBs), Local Workforce Development Areas (LWDAs), other Workforce System Sub-Recipients (Sub-Recipients), Workforce System Partners (Partners), Workforce System Operators (Operators), Local Elected Official (LEO), Chief Local Elected Official (CLEO), American Job Centers (Career Centers).

References: Workforce Innovation and Opportunity Act (WIOA), (Pub. L. 113-128) Title I, Sections 102 and 106, Office of Management and Budget (OMB) cost principles codified in 2 CFR Part 220, Part 225 and Part 230; Tenn. Code Ann. Section 4-3-1402; Section 4-3-1404; Section 4-3-1405; Section 4-3-1418 and Section 8-35-221, Tennessee Sunshine Law.

Background:

The Workforce Innovation and Opportunity Act (WIOA) requires the Governor, in partnership with the State Board and in consultation with the Local Elected Officials (LEOs), to develop a policy for initial designation of the Local Workforce Development Areas. WIOA requires that existing federally recognized workforce areas are designated during the first two program years; this designation is referred to as Initial Designation. The WIOA states that a unit of general local government (including a combination of such units) or a grant recipient that requests, but is not granted designation of an area as a local area, may submit an appeal to the State board under the appeal process established in this policy. The public comment period must offer adequate time for public comment prior to designation of the local workforce development area and it must provide an opportunity for representatives of interested business, education, and labor organizations to have input into the development of the formation of the local area.

Initial Designation

WIOA requires that existing federally recognized workforce areas are designated during the first two program years; this designation is referred to as the Initial Designation.

- A. Existing workforce regions operating in accordance with the Workforce Investment Act of 1998 may request initial designation as a Local Workforce Development Area if they have performed successfully and sustained fiscal integrity. A request for initial designation must be submitted to the Tennessee Department of Labor by June 15, 2015, for consideration for the next program year (July 1, 2015 – June 30, 2016). An area seeking initial designation must address the following:
1. The local areas will discuss with their Local Elected Official(s) and their Local Board the designation of a specified county configuration
 2. Once the LEO(s) and Local Board are consulted, the local area will put the request out for public comment for a minimum of 30-days
 3. Once the public comment period has passed, the local area shall submit to the Commissioner a letter from the local area's Chief Local Elected Official, requesting:
 - a. Initial designation of a specified county listing
 - b. Contain a statement that the current configuration has met fiscal integrity and performed successfully
 - c. Contain a description of their public comment process, and
 - d. Contain an attachment of the public comments
 4. Once the Commissioner receives a letter from each local area, and upon approval, he will submit a letter of recommendation to the Governor to request Initial Designation. This will satisfy the requirements in accordance with WIOA section 106(b)(2). This Initial Designation as a local area will remain valid until June 30, 2016.

Appeals Process

Any area seeking to be designated, as a Local Workforce Development Area, which has requested but has been denied its request for designation as a Local Area, may appeal the decision to the Tennessee Department of Labor and Workforce Development.

1. An appeal must be in writing and filed with the Tennessee Department of Labor and Workforce Development within fourteen (14) days after notification of the decision. The appeal is to be submitted to the Commissioner of the Tennessee Department of Labor and Workforce Development.
2. The appeal must contain a specific statement of the grounds upon which the appeal is sought.
3. The State board will have 60 days to review the appeal and make a recommendation to the Governor. The review will take into account the information in the original request and supplemental information provided in the appeal to determine if the criteria set forth in this policy have been met.
4. The final decision rests with the Governor.
5. If the appeal is connected to a request for initial designation under this policy, and if the appeal does not result in designation, the entity may request review by the Secretary of Labor to determine if procedural rights were granted or if the minimum criteria of WIOA

Section 106(b)(2) or Section 106(b)(3) were met. This second level of appeal must be sent within 14 days to:

Assistant Secretary of Employment and Training
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

A copy of the appeal must be simultaneously provided to the:
ETA Regional Administrator
U.S. Department of Labor
United States Department of Labor
Employment & Training Administration
61 Forsyth Street, SW, Room 6M12
Atlanta, GA 30303
In addition, a copy must be sent to Susie.Bourque@tn.gov

6. If the final decision of any appeal reverses the prior decision, it will become effective July 1, 2016.

Contact: For questions regarding the WIOA Title I program, please contact Susie Bourque, Director of Policy and Special Projects, at 615) 741-1031 or Susie.Bourque@tn.gov .

Effective Date: June 5, 2015

Duration: Indefinite



Dan Holton
Assistant Administrator