

Attachment A

Local Workforce Development Area Designation Procedure

Overview

The Workforce Innovation and Opportunity Act (WIOA) includes the requirement that the Governor must designate local workforce development areas (local areas) in order for the State to receive funding under Title I of WIOA.

Procedure for Local Workforce Development Area Designation

The local workforce development area (local area) designation process can be initiated by any of several entities, for a variety of reasons/purposes. The following process focuses on designation as a voluntary action. Involuntary designation may result from instances of fraud, abuse, failure to carry out local board functions, or failure to meet performance measures for two consecutive program years.

1. Chief Elected Officials from local areas, the state workforce development board (OWIB), or the Governor may propose/request a local area designation. A request is initiated by filing the approved form with the Governor's Workforce and Labor Policy Advisor.
 - 1.1. Requests must be received by the Governor (or Advisor) not later than October 1 of the year previous to the program year the designation would be in effect. A program year (PY) is from July 1 through June 30 – e.g., PY 2015 is July 1, 2015 through June 30, 2016.
2. The Governor will review the request to ensure it meets the following criteria:
 - 2.1. Is consistent with labor market areas in the state; and
 - 2.2. Is consistent with regional economic development areas in the state; and
 - 2.3. Have available the federal and non-federal resources, including appropriate education and training institutions, to effectively administer activities under the Youth, Adult, and Dislocated Worker programs under title I of WIOA.
3. If the request meets the above criteria, the Governor will forward the request to the OWIB for consideration.
4. The OWIB and local boards must provide public notice of the time, place, and agenda for any regular, special, or emergency meeting where designation will be discussed. The notice must be specific enough to permit citizens to recognize matters of interest.
5. If the OWIB determines there is compelling evidence for designation, the board will recommend designation of the local area to the Governor.
6. The Governor may approve the request and recognize the resulting new configuration of local area(s).
7. Any changes to existing local area designations will be forwarded to DOL/ETA for federal approval/recognition in the form of a state plan or state plan modification. The state plan or modification will also include a description of the process the State used to make the plan available to the public and the outcome of the State's review of the resulting public comments.

Appeals Process

A denied request for local area designation by the OWIB may be appealed to the Governor. An appeal must be submitted in writing and must include the reason for appeal, all material originally submitted for consideration, and any additional relevant material responding to the denial from the OWIB. The Governor will have 90 days to respond to the appeal and will respond in writing. The Governor may consult the OWIB as a part of the process of responding to the appeal.

If a decision on the appeal for designation has not been rendered in 90 days or is denied, the requesting entity may request review by the Secretary of Labor. The Secretary may require that the area be designated as a workforce development area if the Secretary determines that the entity was not accorded procedural rights under the State appeals process, or if the area meets the designation requirements.

Submissions:

Local Workforce Development Area Designation Request Forms and Appeals must be submitted to:

Workforce and Labor Policy
c/o GOVERNOR'S OFFICE
900 Court Street NE, Suite 160
Salem, OR 97301

Attn: Policy Advisor