

WIA Title I-B and Related Activities Manual

Chapter 8: Adult Training Programs

Section 8.9: Voluntary Workforce Service Area Realignment Procedures

Issue Date: December 18, 2000

Effective Date: July 1, 2000

Required Action

Action:

The Minnesota Department of Employment and Economic Development (DEED), as the State WIA administrative entity, will accept petitions for the voluntary realignments of local Workforce Service Areas (WSAs) under the Workforce Investment Act (WIA) in accordance with the policy and procedures outlined below. These procedures are different from a mandatory redesignation necessitated by poor performance, fraud and abuse, and other sanctionable offenses.

Who:

WSA Local Elected Officials

WSA Local WorkForce Council Members

WSA Staff

Background:

WIA allows a state to use its flexibility to realign WSAs in response to local petitions to administer WIA at the local level. In realigning such areas, the Governor is required to consult the State board (i.e. the Governor's Workforce Development Council) and local elected officials. The Governor is also required to establish a public comment period and to consider any comments in the realignment process. In making such realignments, the Governor is required to take into consideration the following factors:

- Geographic areas served by local educational agencies and intermediate educational agencies;
- Geographic areas served by postsecondary educational institutions and area vocational education schools;
- The distance that individuals will need to travel to receive services provided in local areas; and,
- The resources of local areas that are available to effectively administer the activities carried out under WIA Title I.

A number of entities are automatically entitled to WSA status if they wish to be so designated:

- A unit of general local government with a population of 500,000 or more;
- A rural concentrated employment program grant recipient (i.e. Rural Minnesota CEP).

A number of entities are entitled to "temporary and subsequent designation" as a WSA that lasts for a period of not more than two years. This period is extended for an additional three years if the Governor determines that during the two years the "temporary" WSA substantially met the local performance measures for the local area and "sustained the fiscal integrity of the funds used by the area to carry out activities under this subtitle." (WIA Law, Section 116)

Although the law does not specifically prescribe a procedure for dealing with a local WSA realignment not caused by a mandatory redesignation, WIA does give the Governor flexibility in establishing the local delivery structure. etc.

The policy and procedures below delineate Minnesota's provisions for voluntary realignments. Mandatory redesignations (e.g. non-renewal of "temporary and subsequent designated" WSA's) will be described in a subsequent policy.

Policy and Procedures

I. Review of Local Petitions for Realignments:

The Governor will review locally generated voluntary petitions for redesignation utilizing the same five criteria cited for original consideration of designation (indicated above in Background).

Upon receipt of the "**Local Petition**" (**Attachment 1**), the Governor will open a 30 day public comment period soliciting comments by local and state representatives of businesses and of labor organizations. This would primarily be done by placing legal notices in the legal newspapers of the areas that are seeking realignment. Simultaneously, the Governor will consult with local elected officials to ascertain the reasoning behind the petition. Before arriving at a decision concerning the petition, the Governor will also seek advice from the Governor's Workforce Development Council. The Council will review the petition and its ramifications and will offer a recommendation.

The Governor will consider the petition, public comments received, consultations with the local elected officials, and the recommendation of the Council. The Governor will render a decision regarding the petition no later three months after receipt but in no case after the initiation of the program year. (See "**Timetable**" (**Attachment 2**)).

II. Appeal Process for Denial of Petitions:

Automatic Designation:

If the Governor denies a petition for realignment from an entity that is entitled to automatic designation (either because of a population of over 500,000 or because of status as a rural comprehensive employment program), the entity is to submit an appeal no later than 15 calendar days after receipt of the denial. This appeal is to be submitted to the:

Workforce Development Division
Minnesota Department of Employment and Economic Development
332 Minnesota Street, Suite E200
St. Paul, MN 55101

The appeal is to indicate why the entity is entitled to automatic designation. The State will respond within seven calendar days to the appeal.

If the appeal does not result in such designation, the Secretary of Labor, after receiving a request for review from the entity and on determining that the entity was not accorded procedural rights under the appeal process or that the entity meets the automatic designation requirement, may require that the entity be designated as a Workforce Service Area.

Other Types of Designation:

If the Governor denies a petition for designation from a non-automatic entity, the entity is to submit an appeal no later than 15 calendar days after receipt of the denial. This appeal is to be submitted to the:

Workforce Development Division
Minnesota Department of Employment and Economic Development
332 Minnesota Street, Suite E200
St. Paul, MN 55101

The appeal must indicate how the goals and missions of the Workforce Investment Act and the Workforce Center system will be enhanced by the designation of the entity as a Workforce Service Area. The State will respond to the appeal within seven calendar days. The decision of the Governor is final.

Reference Section

Cites/References:

WIA Law:

Section 116

Section 136

<http://www.doleta.gov/usworkforce/wia/wialaw.pdf>

Contact for Information:

Larry Eisenstadt

Voice: 651-296-6073

Fax: 651-297-4689

TTY: 651-296-3900

E-mail: Larry.Eisenstadt@state.mn.us