
Date: June 2, 2014

To: Workforce Development Board Directors

From: Linda Crane
Bureau Director 

Subject: **Workforce Investment Act (WIA) Policy Update 03-02, Change 1: WIA Local Plan Modification Policy**

Purpose

To transmit a policy update to the Workforce Development Boards (WDBs) for determining when a local plan must be modified or updated. This change to WIA Policy 03-02 further details the reasons and processes for both modifications and updates to WIA local plans and rescinds WIA Policy 03-02.

Policy/Legislative References

WIA Section 118

WIA Final Rules, Sections 661.345, 661.350, and 661.355

Training and Employment Guidance Letter (TEGL) 8-99: Negotiating Performance Goals; and Incentives and Sanctions Process under Title I of WIA.

Background

The WIA requires the Governor to establish procedures for modifying local plans. The Department of Workforce Development (DWD) WIA Policy 03-02 differentiated between modifications and updates to local plans.

Policy

Reasons for Modifications

(1) Performance

The WIA establishes three reasons for modifying a WDB local plan for performance:

- When a WDB does not meet the goal for a performance measure for two years in a row, a modification is required. The Division of Employment and Training (DET) and WDB must agree on a corrective action plan that will be included in the modification.
- When "circumstances arise that result in a significant change in the factors used to develop the original performance levels (TEGL 8-99)," a modification is required. Significant changes include economic conditions, changes in service mix, or changes in client characteristics.
- The establishment of Performance Standards for any program year requires a modification.

(2) Waivers

- When the Department of Labor (DOL) approves a state waiver that impacts on activities described in the plan, a modification is to be completed to reflect changes.
- When DWD approves a local waiver plan, as described in Administrator's Memo 10-08 Revised.

(3) WDA Economic Conditions

- A modification is required when changes in local economic conditions result in the WDB's inability to follow through on activities described in its local plan. The modification must show any changes made to the vision, goals, strategies, program services, and performance.

(4) Local Board and One-Stop Operator Structure

- When a local WDB changes its board structure or One-Stop Operating structure from what is described in the local plan, a modification is to be completed. The modification must address changes to the local plan description of the One-Stop Delivery System.
- When significant changes occur that impact the current Memorandum of Understanding (MOU) between the WDB and the one stop partners for a comprehensive job center and its affiliated sites or access points of service, a modification is required to reflect the changes. These changes include the addition of new partners to the MOU, deletion or change in partners to the MOU, and/or revisions since the last MOU was submitted to DWD. Those revisions may include:
 - 1) how core services are provided through the One-Stop delivery system,
 - 2) how access to intensive and training services are provided,
 - 3) how the costs of services and operating costs of the system are funded,
 - 4) methods of referral between the One-Stop Operator and One-Stop partners, and
 - 5) duration of the MOU.

(5) Percentage of Funding Allocation to Core, Intensive and Training

- Changes to the percentage of funds being targeted to the three levels of WIA services (core, intensive, and training) requires a modification be completed showing new percentages.

(6) Youth Services

- A modification is required if there are changes to the local definitions of the sixth youth eligibility criterion ("needs additional assistance") or faces serious barriers (non-low income youth).

Reasons for Updates

(1) Membership Lists for WDBs and Youth Councils

Because membership on WDBs and Youth Councils changes frequently, a current and up-to-date list must be a part of the local plan.

(2) List of Youth Service Providers

Because a WDB's youth service provider list may change frequently, a current and up-to-date list must be a part of the local plan.

(3) Local Policies

The WIA requires that local plans contain the WDB's up-to-date local policies. Changes made to any local policy shall be identified. These policies may include: priority of service, self-sufficiency definition, supportive services and Individual Training Account policies. All changes to the local policy require adoption by the local board. Revised policies are to be incorporated into the publicly available local plan within 30 days of the local board approving the policy. This includes adoption of state policies.

Procedures

(1) Modifications of local plans will occur **at least annually**. They will be based on the reasons identified in this policy. DET will issue an announcement and timetable for when a modification period will begin.

(2) Updates to the local plan can be made anytime but should be included in the submission of a local plan modification to DET. The DET announcement of when a modification period will begin will also include a reminder about updates. The updates are based on the reasons identified in this policy. They do not require a 30-day review and comment period.

(3) All modifications are to be written following the most recent Local Planning Guidelines. They are to address appropriate sections of the Guidelines including forms in the Attachments. The Guidelines are available at <http://www.dwd.state.wi.us/dwdwia/>. In case there is a need to address items not covered in the Guidelines, DET will issue separate guidance.

- Modifications are to be written in the format and type instructed in the Guidelines.
- All modification pages are to be numbered and correspond to the pages being replaced in the local plan.

(4) 30-Day Review and Comment

For modifications, WIA requires a public review and comment period prior to submittal to the Governor. Local boards are required to undertake the following actions during this process:

- Make copies of the proposed modification available to the public.
- Submit substantiating documentation that this was posted or an attestation statement, referencing the date and means of public posting.
- Provide an opportunity for comment by members of the Local Board and members of the public including representatives of business and labor organizations.
- Submit any comments that express disagreement with the modification to the Governor along with the modification(s) made.

(5) DWD/DET Approval

Completed modifications will be approved within 30 business days of their submission, unless DET determines in writing:

- There are deficiencies in local workforce investment activities that have not been addressed, or
- The modification is determined inconsistent with Title I and the regulations of WIA, including required public comment provisions.

Questions and Technical Assistance

If you have any questions about this policy, please contact the Local Program Liaison assigned to your workforce development area.