

ALABAMA WORKFORCE INVESTMENT SYSTEM

**Department of Commerce
Workforce Development Division
401 Adams Avenue
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Montgomery, Alabama 36130-4103**

March 30, 2017

GOVERNOR'S WORKFORCE INNOVATION DIRECTIVE NO. PY2016-10

SUBJECT: Business Relocation – Standardized Pre-Award Review

1. Purpose. To transmit the State's Standardized Pre-Award Business Review Form

2. Discussion. The Workforce Innovation and Opportunity Act (WIOA) at Section 181(d) and the WIOA's Implementing Regulations (20 CFR683.260) state that WIOA Title I Funds may not be used for the encouragement or inducement of a business, or part of a business, to relocate from any location in the United States, if the relocation results in any employee losing his or her job at the original location. When a relocation results in employee job loss at the original location, WIOA funds may not be used for customized training, skill training, on-the-job training, incumbent worker training, transitional employment, or company specific assessments of job applicants for employees of any business or part of a business that has relocated from any location in the United States, until the company has operated at that location for a minimum of 120 days.

A "pre-award review" must be conducted per the WIOA Implementing Regulations (20 CFR683.260(b)) to verify that a business establishment, which is new or expanding is not, in fact, relocating employment from another area. In order to verify compliance with this prohibition on the use of WIOA Title I funds, the State is required to develop standardized pre-award review criteria to be completed and documented jointly by the local area and the business establishment as a prerequisite to WIOA assistance.

In accordance with 20 CFR683.260(b)(1), the review must include: Names under which the establishment does business, including predecessors and successors in interest; the name, title, and address of the company official certifying the information; whether WIOA assistance is sought in connection with part or impending job losses at other facilities; and whether WARN notices relating to the employer have been filed. The review may include consultation with labor organizations and others in the affected local area(s).

The WIOA Law at Section 181(d)(3) states that if the Secretary (of Labor) determines that a violation has occurred, the Secretary shall require the State that has committed the violation or that has provided funding to an entity that has violated this requirement to repay to the United States an amount equal to the amount expended in violation of this prohibition. Note that the repayment would be made with non-Federal funds.

To facilitate compliance with the requirement for standardized pre-award review criteria, the attached "Business Relocation Standardized Pre-Award Review Form" has been developed for use by workforce staff.

3. Action. In order to verify that an establishment, which is new or expanding is not, in fact, relocating employment from another area, Business Services Representatives and/or other applicable workforce staff and the new or expanding business must jointly complete the Business Relocation Standardized Pre-Award Review Form.

4. Contact. Questions or comments concerning this Directive should be referred to Bill Hornsby, Supervisor, State Programs, Planning, and Divisional Budget Management Section at (334) 242-5847 or bill.hornsby@commerce.alabama.gov.



Steve Walkley, Division Director
Workforce Development Division
Alabama Department of Commerce



Date

Business Relocation Standardized Pre-Award Review Form

No funds provided under the Workforce Innovation and Opportunity Act (WIOA) shall be used, or proposed to be used, for the encouragement or inducement of a business, or a part of business, to relocate from any location in the United States, if the relocation results in any employee losing his or her job at the original location (20 CFR683.260).

The purpose of this review is to determine whether a business establishment is new or expanding and if there is any relation to a loss of employment in another geographic area. The pre-award review is to be completed and documented jointly by the LWDA or their designee and the business establishment as a prerequisite to receiving WIOA Title I assistance.

1. Name(s) under which the establishment does business (including predecessors and successors in interest).

2. Date the company or establishment will expand or commence operations.

3. Name, title, and address of the company official that is certifying the information.

Name: _____
Title: _____
Address: _____

4. Name and address of any facility in another geographic location that is being closed or from which business is being transferred. Provide location(s):

5. Determine if WIOA assistance is sought in connection with past or impending job losses at other facilities and identify the type of assistance requested by the establishment under consideration in this pre-award review.

Type of assistance requested: _____

6. Attach a statement from employer about job losses at the former location(s).

Was a collective bargaining agreement in place that covered the affected employees?

YES NO

If you checked yes, provide the name of union representation. _____

7. Consult with the labor representative to confirm whether any dislocations from the relocation occurred and attach a summary of discussion.

8. Review WARN notices relating to the employer and list dates of submission.

As the authorized official of _____
I certify that the WIOA Standardized Pre-Award Review information set forth above is true and accurate. _____ agrees to defend, indemnify, and save the state of Alabama, the _____ Local Workforce Development Area, and _____ as the reviewing entity harmless from and against any and all liability, loss, damage, cost, and expense, including court costs and attorney fees (whether or not litigation be commenced), of whatever nature or type, including WIOA disallowed costs, that the State or LWDA may suffer, incur or be required to pay, which result from _____'s failure to provide accurate information in response to the WIOA Pre-Award Review.

Authorized Representative's Name: _____

Signature: _____

Title: _____

Date: _____

The WIOA pre-award review was conducted by _____
an Authorized representative of _____, in accordance with
WIOA State Policy on Business Relocation: Standardized Pre-Award Review. Neither the State of Alabama, any Workforce Development Area, nor _____
as the Entity conducting the review, shall be legally liable regarding the responses provided by _____ during the conduct of this review.

Based upon this review, WIOA Title I assistance to this establishment is:

Appropriate

Not Appropriate

Reviewer's Name: _____

Reviewer's Title: _____

Organization: _____

Signature: _____

Date: _____