

Alabama Workforce Board
401 Adams Avenue
Montgomery, Alabama 36104

Alabama Workforce Board Policy PY2024-4

Subject: Local Workforce Development Area Designation

Purpose: To provide guidance and process for the initial designation of Workforce Development Areas in Alabama, along with the process for appealing designation decisions. Regional Workforce Boards (RWBs) and units of local government may submit a request for designation as a Local Workforce Development Area (LWDA) at any time. This policy transmits the Alabama Workforce Board's policy and procedures that all entities must follow when making new designation requests, in compliance with Workforce Innovation and Opportunity Act (WIOA) Section 106 and its implementing regulations.

Effective Date: December 11, 2024

References: WIOA § 106; Alabama Act 2024-115; 20 CFR §§ 679.220; 679.230; 679.240

Discussion: This policy states the process for designating a Local Workforce Development Area (LWDA). This is a new policy from the Alabama Workforce Board. This policy rescinds Governor's Workforce Innovation Directive No. PY2014-05 through Change 3.

Action: The CLEO and the Regional Workforce Board members for each Local Workforce Area should read and follow the guidance when working with the Local Areas, Regional Workforce Boards and partner agencies. This is also to ensure that each Local Workforce Development Area is in compliance with the WIOA law, rules and regulations. Local Workforce Development Area application is included as an attachment.

Contact: Questions regarding this policy should be referred to Margaret Henderson at Margaret.henderson@commerce.alabama.gov or by phone at 334.242.5300.



Tammy Wilkinson, Division Director
Workforce Development Division



Date

Local Workforce Development Area Designation Policy

Alabama Workforce Board Policy PY2024-4

This policy rescinds Governor’s Workforce Innovation Directive No. PY2014-05 through Change 3.

Background

WIOA requires the Governor to designate Local Workforce Development Areas (LWDA) for the State to receive adult, dislocated worker, and youth funding under Title I of WIOA. The purpose of an LWDA is to serve as the jurisdiction for the administration of workforce development activities and the implementation of the WIOA adult, dislocated worker, and youth programs. In Alabama, areas aligned with a region, each with its own Regional Workforce Board. LWDA’s are the areas within which Regional Workforce Boards oversee their functions, including strategic planning, operational alignment, service delivery, and a jurisdiction where partners align resources at a sub-state level to design and implement overall service delivery strategies. The Governor may review requests for designation as an LWDA from any unit of general local government at the county level in Alabama, including a combination of counties, if the Alabama Workforce Board (AWB), following state policy, determines that the area meets requirements listed in 20 § CFR 679.240(a)(1) and recommends designation.

Definitions

1. Local Elected Official (LEO) – Local elected officials of general government within a county. The chair of the county commission in each of Alabama’s 67 counties.
2. Chief Local Elected Official (CLEO) – A LEO elected by the LEOs in an LWDA to serve as the CLEO for the area.

Designation of a LWDA

The policy requirements for designation of local areas include:

- Consultation with the Alabama Workforce Board;
- Consultation with the Chief Local Elected Official(s) (CLEO) and affected local Regional Workforce Board(s); and
- Consideration of comments received through the public comment period process which must:
 - Offer adequate time for public comment prior to designation of the LWDA; and
 - Provide an opportunity for comment by representatives of local Regional Workforce Boards, CLEOs, other primary stakeholders, and the general public regarding the designation of the LWDA.

Designation requests must also take into consideration the extent to which the proposed area:

- Is consistent with local labor market areas;
- Has a common economic development area; and
- Has the federal and non-federal resources, including appropriate education and training institutions, to administer activities under WIOA.

LWDA Request Policy and Procedures

The CLEO(s) of the affected Regional Workforce Boards must serve as the requestor of a modified LWDA. The requestor(s) must submit an initial statement of Intent to Request Designation or other changes directly to the Alabama Workforce Board via email to tammy.wilkinson@commerce.alabama.gov. The request must include a statement that the CLEO(s) of the impacted LWDA’s agree regarding the request to modify and redesignate the

LWDA(s). Initial requests must be made prior to the new program year. A program year runs July 1 through June 30. Requests can be made at any time but are not guaranteed to be approved before the next program year. Requests will be accepted at the discretion of the Alabama Workforce Board. The Alabama Workforce Board will assist the requesting LWDA(s) with determining the timelines and deadlines related to the full request for modifying the LWDA(s). The full request for modifying the LWDA(s) includes:

- Meetings between all parties, including the CLEO(s), Regional Workforce Board representatives, and one-stop partners, must take place. The Alabama Workforce Board will provide support as needed. Steps must include:
 - A majority of the LEO caucus must vote in support of the designation for all impacted counties.
 - An opportunity for Regional Workforce Board feedback and a public comment period.
 - The requesting CLEO(s) must submit a completed LWDA application to the Alabama Workforce Board via email to tammy.wilkinson@commerce.alabama.gov.
 - Upon receipt, the Alabama Workforce Board will review the request to determine if the application addresses all the requirements.
 - The Alabama Workforce Board will forward completed applications as an agenda item for a vote at the next scheduled Alabama Workforce Board meeting for a final determination on whether to recommend the designation of the LWDA to the Governor.
 - Upon receipt of a final recommendation from the Alabama Workforce Board on designating the LWDA, and following consideration of any additional comments, the Governor will:
 - Approve or deny each request; and
 - Provide written notification of the decision made regarding the request to:
 - The Alabama Workforce Board;
 - All other previously designated local Regional Workforce Boards and CLEOs in the relevant LWDA(s); and
 - Any non-designated entities requesting designation.
 - A public notice of the Governor's determinations will be posted on the Alabama Workforce Board website.
 - Changes to existing LWDA designations will be forwarded to the U.S. Department of Labor (USDOL), Education and Training Administration (ETA) in the form of a combined WIOA state plan modification.

Effective Dates

LWDA designation approvals will go into effect on a date agreed to by the Alabama Workforce Board and the CLEO. The local area will need ample time to address any regulatory requirements associated with the modification. Please see the Local Area Designation Transition Period Checklist for a list of those requirements.

LWDA Appeals Process and Procedures

The process and procedures for appealing a denial of designation as a LWDA are as follows:

- A formal appeal request must be prepared, posted for appropriate public comment, and signed by the CLEO(s) representing the appealing parties;
- The appeal must be placed in writing and submitted to the Governor;
- Within 60 days of receipt of the appeal, the Governor will review the appeal and advise Alabama Workforce Board;
- The Alabama Workforce Board will convene within the same 60-day period to either approve the appeal or to advise the Governor on the need for additional information;

- If the Alabama Workforce Board and the Governor agree additional information is necessary, the appeals process will begin again under a second 60-day period, or until a final decision is determined by the Governor.

Details of the Appeal Documentation

The appeal shall be officially and formally developed and stated in writing in a letter addressed to the Governor of the State of Alabama. To be considered an official request, the letter shall fully contain and evidence the following elements:

- Introduction stated as a request;
- Use of citations of relevant sections of WIOA and/or state law;
- State the original designation, which units of government are involved, and which units of government are to comprise within the proposed LWDA upon approval of the appeal;
- A brief explanation of the influence and consideration to the request from an analysis of the labor market data and its impact upon designation, if any;
- An attachment(s) that is evidence that a public notice of the proposed designation in its entirety was developed and properly posted before the letter was written;
- Any public comments that are in opposition to the designation must be attached to the letter;
- The letter must be signed by each LEO and CLEO involved in the appeal and must verify that a consensus among all LEOs and CLEOs exists;
- The appeal is made final after the AWB considers its findings and subsequently announces its determination through an open meeting.

Appeal to the U.S. Secretary of Labor

Regional Workforce Boards and/or unit(s) of local government may appeal the Alabama Workforce Board's non-designation by making an appeal to the Secretary of U.S. Department of Labor. Appeals to the U.S. Secretary of Labor must be filed no later than 30 days after receipt of the written notification of the denial from the AWB and submitted according to the details and requirements outlined in 20 CFR § 683.640(b)-(c). As a result, the Secretary may require that that the area be designated as a LWDA. A written decision of the final determination will be issued to the Governor and the appellant.

Approved 12-11-2024

**Existing Local Workforce Development Area (LWDA)
Application for Continued LWDA Designation
Program Year 2024**

This application will serve as your request for continued designation as a Local Workforce Development Area (LWDA) under the Workforce Innovation and Opportunity Act (WIOA).

If the Alabama Workforce Board determines the application is incomplete, it will either be returned or held until the necessary documentation is submitted.

Name of LWDA

Mailing Address

City, State ZIP

Date of Submission

Chief Local Elected Official Name

Chief Local Elected Official's Phone Number

LWDA Levels of Performance

Instructions: Enter your LWDA's negotiated levels of performance and actual levels of performance for PY's 2022 and 2023.

Performance Table				
Name of LWDA: _____				
Common Measure	Negotiated PY 2022	Actual PY 2022	Negotiated PY 2023	Actual PY 2023
Adult				
Employment Rate 2 nd Quarter After Exit				
Employment Rate 4 th Quarter After Exit				
Median Earning 2 nd Quarter After Exit				
Credential Attainment				
Measurable Skill Gain				
Dislocated Worker				
Employment Rate 2 nd Quarter After Exit				
Employment Rate 4 th Quarter After Exit				
Median Earning 2 nd Quarter After Exit				
Credential Attainment				
Measurable Skill Gain				
Youth (Ages 14-24)				
Title I Youth Education and Employment Rate 2 nd Quarter After Exit				
Title I Youth Education and Employment Rate 4 th Quarter After Exit				
Median Earnings 2 nd Quarter				

After Exit				
Credential Attainment				
Measurable Skill Gain				

Sustained Fiscal Integrity

The LWDA hereby certifies that it has not been found in violation of any of the following during either PYs 2022 or 2023:

1. **Final determination finding(s)** from audits, evaluations, or other reviews conducted by state or local governmental agencies or the Department of Labor identifying issues of fiscal integrity or mis-expended funds due to the willful disregard or failure to comply with any WIOA requirement, such as failure to grant priority of service or verify participant eligibility.
2. **Gross negligence** defined as a conscious and voluntary disregard of the need to use reasonable care, which is likely to cause foreseeable grave injury or harm to persons, property, or both.
3. **Failure to observe accepted standards of administration.** LWDA's must adhere to the uniform administrative requirements set forth in Title 2 CFR Part 200, and Title 29 CFR Parts 95 and 97. LWDA's must have fully met their federally-mandated responsibilities for the two previous program years including timely reporting of WIOA participant and expenditure data, timely completion and submission of the required annual single audit, and have not been placed on cash hold for longer than 20 days [in alignment with WIOA Section 106(e)(2)].

LWDA Assurances

Through PY 2028, the LWDA assures that:

- A. It will comply with the applicable uniform cost principles included in the appropriate circulars or rules of the Office of Management and Budget (OMB). [WIOA Section 184(a)(3)].
- B. All financial reporting will be done in compliance with federal and state regulations and guidance (i.e. directives and information notices) issued by the Alabama Workforce Board. [29 Code of Federal Regulations (CFR) 97.21(g)].
- C. It will meet state requirements and spend a minimum of 35 percent of combined total of adult and dislocated worker formula fund allocations on training services, beginning with PY 2025 funding.
- D. All close out reports will comply with the policies and procedures issued by the Alabama Workforce Board.
- E. It will comply with the audit requirements specified by the state. Failure to comply may result in sanctions imposed by the state.
- F. It will maintain and provide auditors, at all levels, accounting and program records, including supporting source documentation.
- G. No funds received under WIOA will be used to assist, promote, or deter union organizing. [WIOA Section 181(b)(7)]
- H. The regional workforce board will comply with the nondiscrimination provisions of WIOA Section 188, including the collection of necessary data.
- I. The regional workforce board will collect, enter, and maintain data related to participant enrollment, activities, and performance necessary to meet all reporting requirements and deadlines.
- J. Funds will be spent in accordance with written Alabama Workforce Board guidance, and other applicable federal and state law and regulations.
- K. It will comply with future state policies and guidelines, legislative mandates, and/or other special provisions as may be required under federal law or policy, including WIOA or state law.
- L. Priority shall be given to veterans, recipients of public assistance, or other low-income individuals, and individuals who are basic skills deficient for receipt of career and training services funded by WIOA Adult funding. [WIOA Section 134(c)€]

Application Signature Page

Instructions: The local Chiefs Local Elected Official (CLEO) and local board chair must sign and date this form. Include the original signatures in the application package.

By signing the application below, the CLEO and Regional Workforce Board (RWB) chair request initial designation of the existing LWDA. They certify that the LWDA has performed successfully and sustained fiscal integrity during PYs 2022 and 2023. Additionally, they agree to abide by the LWDA assurances included in this application.

Regional Workforce Board Chair

Chief Local Elected Official

Signature

Signature

Name

Name

Title

Title

Date

Date

**Modified Local
Workforce
Development Area
(LWDA)**

Application for Initial LWDA Designation

Program Years 2024-2028

**Modified LWDA Application for
Initial LWDA Designation
Program Years 2024-2028**

This application will serve as the request for initial designation as a modified LWDA under the Workforce Innovation and Opportunity Act (WIOA) for Program Years (PYs) 2024-2028. Examples of modified LWDAs include two areas proposing to merge into a new combined single LWDA, various LWDAs that will be combined in a new, single LWDA, or an LWDA that will be expanded to include part or parts of another current LWDA.

If the Alabama Workforce Board (AWB) determines the application is incomplete, it will either be returned or held until the necessary documentation is submitted.

Name of LWDA _____

Mailing Address _____

City, State, Zip _____

Date of Submission _____

CLEO(s) _____

CLEO(s)' Phone Number _____

Modified LWDA Levels of Performance

Instructions: For each LWDA that is associated with the newly modified LWDA, enter the local negotiated levels of performance and actual levels of performance for PYs 2022 and 2023.

Example 1: If LWDA A and LWDA B are proposing to merge into a new combined single LWDA, fill out one performance table for LWDA A and one performance table for LWDA B.

Example 2: If LWDA A will be expanded to include part or parts of LWDA B, fill out one performance table for LWDA A and one performance table for LWDA B.

Example 3: If three LWDA's will be combined into a new, single LWDA, fill out a separate performance table for LWDA A, LWDA B, and LWDA C.

Performance Table				
Name of LWDA:				
Common Measure	Negotiated PY 2022	Actual PY 2022	Negotiated PY 2023	Actual PY 2023
Adult				
Employment Rate 2 nd Quarter After Exit				
Employment Rate 4 th Quarter After Exit				
Median Earning 2 nd Quarter After Exit				
Credential Attainment				
Measurable Skill Gain				
Dislocated Worker				
Employment Rate 2 nd Quarter After Exit				
Employment Rate 4 th Quarter After Exit				
Median Earning 2 nd Quarter After Exit				
Credential Attainment				
Measurable Skill Gain				

Youth (ages 14-24)				
Title I Youth Education and Employment Rate 2 nd Quarter After Exit	72%			
Title I Youth Education and Employment Rate 4 th Quarter After Exit	60%			
Median Earnings 2 nd Quarter After Exit				
Credential Attainment	54%			
Measurable Skill Gain				

Performance Table

Name of LWDA: _____

Common Measure	Negotiated PY 2022	Actual PY 2022	Negotiated PY 2023	Actual PY 2023
Adult				
Employment Rate 2 nd Quarter After Exit				
Employment Rate 4 th Quarter After Exit				
Median Earning 2 nd Quarter After Exit				
Credential Attainment				
Measurable Skill Gain				
Dislocated Worker				
Employment Rate 2 nd Quarter After Exit				
Employment Rate 4 th Quarter After Exit				
Median Earning 2 nd Quarter After Exit				
Credential Attainment				
Measurable Skill Gain				
Youth (ages 14-24)				
Title I Youth Education and Employment Rate 2 nd Quarter After Exit				
Title I Youth Education and Employment Rate 4 th Quarter After Exit				

Median Earnings 2 nd Quarter After Exit				
Credential Attainment				
Measurable Skill Gain				

Modified LWDA Narrative

A modified LWDA must submit a narrative to support an application for initial designation.

1. LWDA Modification Considerations

The following considerations represent the type of information a modified LWDA must submit to be initially designated. A LWDA must respond to the considerations below and may provide additional information that substantiates the request and supports why the modification is beneficial to the local community.

- a. Describe how the modification will maintain or improve the performance of the new, modified LWDA.
- b. Describe how the modification will maintain or improve the fiscal integrity of the new LWDA.
- c. Describe the resources available to administer WIOA activities in the new LWDA (e.g., What training and services are available? How does the boundary change influence existing partnerships and leveraged resources?).
- d. Describe how the boundary change will help a unit of general local government or combination of units produce a more comprehensive and integrated workforce development system (e.g., How will local economic development efforts improve? How will service delivery improve? How will coordination improve between local private industry efforts and local boards to create jobs or foster economic development?).
- e. Identify the level to which the service area affected by the boundary change is consistent with the local labor market (e.g., How will the service area improve, shift, or impact the existing labor market area?).
- f. Provide any other narrative information that may be relevant to an objective assessment of the modification request.

2. Geographic Boundaries

Describe the geographic modification to the affected LWDAs, including the exact boundary changes and how the boundary changes impact the populations of the LWDAs involved.

Sustained Fiscal Integrity

The LWDA hereby certifies that it has not been found in violation of any of the following during either PYs 2022 or 2023:

1. **Final determination finding(s)** from audits, evaluations, or other reviews conducted by the AWB or the U.S. Department of Labor identifying issues of fiscal integrity or mis-expended funds due to the willful disregard or failure to comply with any WIOA requirement, such as failure to grant priority of service or verify participant eligibility.
2. **Gross negligence** defined as a conscious and voluntary disregard of the need to use reasonable care, which is likely to cause foreseeable grave injury or harm to persons, property, or both.
3. **Failure to observe accepted standards of administration.** LWDA's must adhere to the uniform administrative requirements set forth in Title 2 CFR Part 200, and Title 29 CFR Parts 95 and 97. LWDA's must have fully met their federally mandated responsibilities for the two previous program years including timely reporting of WIOA participant and expenditure data, timely completion and submission of the required annual single audit, and have not been placed on cash hold for longer than 30 days. [in alignment with WIOA Section 106(e)(2)]

LWDA Assurances

Through PY 2028, the LWDA assures that:

- A. It will comply with the applicable uniform cost principles included in the appropriate circulars or rules of the Office of Management and Budget (OMB). [WIOA Section a.184(a)(3)]
- B. All financial reporting will be done in compliance with federal and state regulations, and guidance (i.e., directives and information notices) issued by the AWB. Failure to comply with financial reporting requirements will be subject to potential cash hold. [29 CFR § 97.21(g)]
- C. All close out reports will comply with the policies and procedures issued by the AWB.
- D. It will comply with the audit requirements specified in Title 2 CFR Subtitle A Chapter II Part 200 Subpart F. Failure to comply may result in sanctions imposed by the AWB.
- E. It will maintain and provide to auditors, at all levels, accounting and program records including supporting source documentation.
- F. No funds received under WIOA will be used to assist, promote, or deter union organizing. [WIOA Section 181(b)(7)]
- G. The local board will comply with the nondiscrimination provisions of WIOA Section b. 188, including the collection of necessary data.
- H. Funds will be spent in accordance with written U.S. Department of Labor guidance, and other applicable federal and State laws and regulations.
- I. Its procurement procedures will avoid acquisition of unnecessary or duplicative items, software, and subscriptions. (In alignment with 2 CFR Part 200.318)
- J. It will comply with AWB policies and guidelines, legislative mandates and/or other special provisions as may be required under federal law or policy, including WIOA or state law.
- K. Priority shall be given to veterans, recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for receipt of career and training services funded by WIOA Adult funding. [WIOA Section 134(c)(3)(E) and Training and Employment Guidance Letter 10-09]
- L. If it is located within a planning region, it will meet the regional planning requirements in WIOA Section 106(c)(1).

Application Signature Page

Instructions: The CLEOs of all affected LWDA's must sign and date this form. Include the original signatures in the application package.

By signing the application below, the CLEO(s) request(s) initial designation as a modified LWDA. The local CLEO certifies that the LWDA has performed successfully and sustained fiscal integrity during PYs 2022 and 2023. Additionally, (s)he agrees to abide by the LWDA assurances included in this application.

CLEO(s):

Name Title

Signature Date

Name Title

Signature Date

Name Title

Signature Date