

MONTANA DEPARTMENT OF LABOR AND INDUSTRY
WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)
LOCAL WORKFORCE AREA DESIGNATION POLICY

DRAFT - June 2015

Effective July 1, 2015, the Workforce Innovation and Opportunity Act will replace the Workforce Investment Act of 1998. As of that date, according to WIOA law, Montana will become a single area state for the purposes of administering the Act. Montana has been administering the Workforce Investment Act programs based on a single statewide planning area for the past nine years, and has all governance and oversight provisions in place to transition seamlessly and transparently to a single area state. There will be little or no impact on the clients we serve and to the service providers administering the programs across Montana.

The Department of Labor and Industry will calculate statewide funding allocations to Service Providers by Montana Association of Counties (MACo) Districts using the formula provided in WIOA law.

Any local area that was in existence for the period July 1, 2013 through June 30, 2015, is eligible to apply for initial designation as a local area under WIOA through June 30, 2017.

Section 106 of WIOA defines the process by which a local area may apply for initial or subsequent designation. The following is the excerpt from WIOA, which can be accessed at: <http://www.doleta.gov/wioa>.

SEC. 106. WORKFORCE DEVELOPMENT AREAS.

(b) LOCAL AREAS.—

(1) IN GENERAL.—

(A) PROCESS.—Except as provided in subsection (d), and consistent with paragraphs (2) and (3), in order for a State to receive an allotment under section 127(b) or 132(b), the Governor of the State shall designate local workforce development areas within the State—

(i) through consultation with the State board; and

(ii) after consultation with chief elected officials and local boards, and after consideration of comments received through the public comment process as described in section 102(b)(2)(E)(iii)(II).

(B) CONSIDERATIONS.—The Governor shall designate local areas (except for those local areas described in paragraphs (2) and (3)) based on considerations consisting of the extent to which the areas—

(i) are consistent with labor market areas in the State;

(ii) are consistent with regional economic development areas in the State; and

(iii) have available the Federal and non-Federal resources necessary to effectively administer activities under subtitle B and other applicable provisions of this Act, including whether the areas have the appropriate education and training providers, such as institutions of higher education and area career and technical education schools.

(2) INITIAL DESIGNATION.—During the first 2 full program years following the date of enactment of this Act, the Governor shall approve a request for initial designation as a local area from any area that was designated as a local area for purposes of the Workforce Investment Act of 1998 for the 2-year period preceding the date of enactment of this Act, performed successfully, and sustained fiscal integrity.

(3) SUBSEQUENT DESIGNATION.—After the period for which a local area is initially designated under paragraph (2), the Governor shall approve a request for subsequent designation as a local area from such local area, if such area—

(A) performed successfully;

(B) sustained fiscal integrity; and

(C) in the case of a local area in a planning region, met the requirements described in subsection (c)(1).

(4) DESIGNATION ON RECOMMENDATION OF STATE BOARD.— The Governor may approve a request from any unit of general H. R. 803—30 local government (including a combination of such units) for designation of an area as a local area if the State board determines, based on the considerations described in paragraph (1)(B), and recommends to the Governor, that such area should be so designated.

(5) APPEALS.—A unit of general local government (including a combination of such units) or grant recipient that requests but is not granted designation of an area as a local area under paragraph (2) or (3) may submit an appeal to the State board under an appeal process established in the State plan. If the appeal does not result in such a designation, the Secretary of Labor, after receiving a request for review from the unit or grant recipient and on determining that the unit or grant recipient was not accorded procedural rights under the appeals process described in the State plan, as specified in section 102(b)(2)(D)(i)(III), or that the area meets the requirements of paragraph (2) or (3), may require that the area be designated as a local area under such paragraph.

If there are questions or concerns regarding this policy, please contact Pam Watson, Interim Bureau Chief, Montana Department of Labor & Industry, at 406-444-3478, or at pwatson@mt.gov.

Pam Bucy, Commissioner
Montana Department of Labor & Industry