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DATE: June 15, 2022
TO: LWDB Executive Directors, LWDB Chairs, CEOs
FROM: Mike Beene, Director Workforce Services
CC: Workforce Services, Fiscal, CRC
RE: WIOA Request for Subsequent Designation

Section 106(b) of the Workforce Innovation and Opportunity Act (WIOA) establishes procedures for initial and subsequent designation of local workforce development areas within the state.

On January 20, 2015, the Kansas Department of Commerce issued Guidance Letter 14-02 which established the process for initial designation for all five local areas within the State of Kansas.

Under Sec. 106(b)(3), after the period for which a local area is initially designated, the Governor shall approve a request for subsequent designation as a local area from such local area, if such area:

1. performed successfully;
2. sustained fiscal integrity; and
3. in the case of a local area in planning region, met the requirements described in Sec. 106(c)(1).

Local areas must request subsequent designation once every four years.

For the purpose of determining subsequent local area designation, the term “performed successfully” means that the local area met or exceeded the levels of performance the Governor negotiated with the Local WDB and chief elected official for core indicators of performance AND that the local area has not failed any individual measure for the last 2 consecutive program years in accordance with a State-established definition, provided in the State Plan, of met or exceeded performance.

Local areas are considered to have maintained fiscal integrity if there were no unresolved audit findings or disallowed costs in either of the two preceding program years, prior to the request.

Local areas may request subsequent designation as a WIOA Local Workforce Development Area by submitting:

1. A Letter of Request requesting subsequent designation signed (jointly) by the Chair of the Chief Elected Official(s) and Chair of the Local Workforce Development Board of the local area requesting subsequent designation, **AND**
2. The Annual Performance Reports for the two (2) Program Years preceding the subsequent designation request, **AND**
3. A copy of the Auditors Schedule of Findings and Questioned Costs from the Local Area’s Single Audit for the two Program years preceding the subsequent designation request, **AND**
4. A copy, or electronic link, of the most recent Regional Plan that shows the Local Area met the Regional Planning requirements described in Sec. 106(c)(1)

All Requests for Subsequent Designation are to be sent electronically to:

workforcesvcs@ks.com.

Subject: WIOA Local Area Subsequent Designation

Appeals

Should 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, that area may submit an appeal to the State Board by submitting a written statement to the Chair of the Kansas Workforce Development Board at WIOAStatePlan@ks.gov. The Chair and the Executive Committee will review the document and provide a recommendation to the Governor for designating the local which meets the requirements in Sec. 106 of WIOA.

If upon the recommendation of the State Workforce Board for such designation the Governor does not designate the local area as recommended, for any reason, a local unit of government or combination of local units of government or grant recipient located in that local area may appeal such decision to the US Department of Labor under Sec. 106 of WIOA.

The Secretary of the US Department 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 WIOA Sec. 102(b) (2) (D) (i) (III), or that the area meets the requirements of Sec. 106(2) or (3), may require that the area be designated as a local area under such paragraph. The US Secretary's decision shall be final.

Questions may be directed to: workforcesvcs@ks.gov