Kansas Department of Commerce
Workforce Services
Policy and Procedures Manual

Policy Number: 5-19-00

Originating Office: Workforce Services

Subject: Modifications and Revisions of Local Workforce Development Plans

Issued: January 19, 2017

Program: Workforce Innovation and Opportunity Act (WIOA)

Purpose: To transmit state policy and guidance for modifications to and revisions of local workforce development plans.

Reference: WIOA Sections 106, 107, 108, 121(c), 20 CFR Part 679 (§679.500 - §679.580)

Background: This policy replaces *3-10-02 Modifications to Local Workforce Investment Plans*. Local workforce development boards (LWDB) in partnership with the appropriate chief elected officials, are required to develop and submit a comprehensive 4-year plan to the Governor (WIOA Sec. 108 and §679.550(a)). The plans are submitted to the Governor's designee for review and approval. Ninety days after receipt, if written notice of required changes or approval has not been provided by the Governor's designee a plan is considered approved (§679.570, WIOA Sec. 108(e)). Kansas Department of Commerce Workforce Services, the Governor's designee, will review and approve local plans, modifications and revisions.

Per §679.500(a) the local plan serves as a four-year action plan to develop, align and integrate service delivery strategies and to support the State's vision and strategic and operational goals. At the end of the initial two-year WIOA planning period, local plans must be modified.

Action: Distribute to all interested parties.

Contact: Questions should be directed to WIOA Administrator, (785) 296-0607, TTY: 711, WorkforceSvcs@ks.gov

Attachment: None.

DRAFT

Modifications and Revisions of
Local Workforce Development Plans

Policy Statement

Plan modification: Each local workforce development board (LWDB) in partnership with the appropriate chief elected officials (CEOs), must review the local workforce development plan (local plan) and prepare and submit a plan modification due at the end of year two of the plan's four-year planning period. Plan modifications must be electronically submitted to the Kansas Department of Commerce.

Plan revision: Minor changes to the local plan involve a plan revision rather than a plan modification and must be electronically submitted to the Kansas Department of Commerce upon occurrence.

Overview

Per §679.500(c) and §679.580(a) this policy establishes the timeline and procedures governing the modification to and revision of local plans.

Definitions

Terms within this policy are in accordance with the definitions in WIOA Sec. 3 and 302. Additional terms are as follows:

There are two types of changes to local plans:

1. *Modification* – Changes to the local plan resulting from a review of the local plan as required at the end of the second year of the four-year planning period, and upon occurrence of changes listed in the *Modification - Criteria* section below.
2. *Revision* - A minor change to a local plan that does not meet the definition of modification, but is necessary for clarity of a local plan. Revisions do not cause a substantial deviation from the currently approved local, regional or state plan.

Substantial deviation – A change in strategy or mode of operation that is misaligned or counter to the vision, strategy or operational goals set forth in the state workforce development plan, regional workforce development plan or previously approved local workforce development plan.

Modification - Timeline

The initial WIOA four-year planning period for local workforce development plans is July 1, 2016 to June 30, 2020. In accordance with §679.500(c) and §679.580(a), the due date for the initial local plan modifications is June 15, 2018. The effective date for the initial two-year modification, pending approval from Governor's designee, shall be July 1, 2018 through June 30, 2020.

Subsequent modifications to the local plan shall be done in the fourth quarter of the second program year of the four-year planning period OR any time changes occur as described in the *Modification - Criteria* section below.

Plan modifications will be considered approved 90 days after receipt unless the LWDB is notified in writing of deficiencies, non-compliance or misalignment with the state plan.

DRAFT

Modification - Criteria

Whether modification occurs at end of a two-year period or at any other time, the criteria listed below must be reviewed and addressed:

1. Updated labor market and economic information;
2. Any factor that affects the implementation of the local plan* such as:
    a. Change in local economic conditions including change in workforce needs of businesses, job seekers or workers in the local area;
    b. Change to the LWDB structure as described in WIOA Sec. 107 and §679.580;
    c. The need to revise strategies to meet local performance goals; and
    d. A change in a WIOA core or required partner MOU related to cost sharing, service delivery or procedures for amending the memorandum;
3. Modifications to any policy contained in the local plan requiring approval of LWDB;
4. Change to the local vision;
5. Change to strategic goals;
6. An increase or decrease of more than 25% of the cumulative number of participants served; or
7. Change to the CEO Agreement.

**If unsure whether a change triggers a modification, submit an inquiry to WorkforceSvcs@ks.gov.*

Modification - Public Comment Requirements and Plan Documentation

Local plan modifications must be made available to the public for review and comment through electronic and other means for a period no less than 14 days and no greater than 30 days. LWDB must maintain documentation comments were solicited from the public.

The LWDB is required to retain the original document(s) and evidence that the LWDB Chair (or designee) and appropriate CEOs approved the modification and must maintain written documentation of the procedures used to approve local plan modifications (local plan modifications must be approved by LWDBs and follow any review processes described in the CEO Agreement). Upon request, the local area shall make available to Commerce, its designated agents, federal and/or cognizant agency, access to all related documents.

Modification - Submittal Requirements

Local plan modifications should be submitted electronically to the WIOA Administrator at WorkforceSvcs@ks.gov. The following should be included with the modification package:

1. A cover letter outlining:
    a. the planning period, i.e. Jul 1, 20XX – June 30, 20XX;
    b. the effective date of modification (recognizing modification is to be approved);
    c. a brief description of the modified sections;
    d. the reason for the modifications; and
    e. any deletions from the original plan;
2. A dated signature page indicating joint submission and approval by LWDB chair and appropriate CEOs;
3. Proof of publication for public comment;
4. Comments received and resolution of those comments;
5. Modified pages of local plan including appropriate attachments; and
6. Assurance that hard copies of the complete modification and signature page shall be kept on file at the local area administrative office and be available for review.

DRAFT

Revision – Timeline
A revision may be submitted at any time and are considered approved upon receipt.

Revision - Criteria
A revision is a minor change to a local plan and is not considered a substantial deviation from the currently approved local, regional and state plan. At any time a local plan may be revised for the following reasons:

1. An increase or decrease of 25% or less of the cumulative number of participants served;
2. An increase or decrease of 15% or more of the financing available in any one of the individual WIOA program funds (Adult, Dislocated Worker or Youth) OR partner-provided funds. This includes the receipt of Program Year, Fiscal Year and additional funds from core and required partners; or
3. Any change that does not meet the modification criteria.

Example of revisions would also include mathematical corrections, typographical corrections and changes in facility location, email address, telephone number or Web address.

Revision - Public Comment Requirements and Plan Documentation
There are no requirements for public comment for revisions.

The LWDB is required to retain the original document(s) and evidence that the LWDB Executive Director approved the revision. Upon request, the local area shall make available to Commerce, its designated agents, federal and/or cognizant agency, access to all related documents.

Revision - Submittal Requirements
Revisions must include:

1. A cover letter with a brief description of the change that identifies the revised sections and states the effective date;
2. Replacement page(s) containing the revised information;
    a. Must contain effective date, local area identification and page numbers and section header from original plan; and
3. A signature sheet indicating review and approval by the LWDB Executive Director.

These revisions should be submitted to the WIOA Administrator electronically at WorkforceSvcs@ks.gov within 15 days of execution and must be incorporated into the next local plan modification.

DRAFT