

Workforce Investment Act Title I-B

Washington State Policies

SECTION D: Program Plans and Operations

Grantees, subrecipients, and contractors funded under the Workforce Investment Act, (WIA) whether in whole or in part, must abide by the Workforce Investment Act of 1998, the WIA Regulations, all applicable Office of Management and Budget (OMB) circulars, state regulations in laws and rules (Revised Code of Washington and Washington Administrative Code), Office of Financial Management (OFM) policies, and the Washington State WIA policies.

EFFECTIVE DATE: July 2, 2004
WIA POLICY NUMBER: 3625 Revision 1
SUBJECT: Local Operations Plan Modification for WIA Title-1B and Wagner-Peyser

[BACKGROUND](#) | [POLICY](#) | [DEFINITIONS](#)
[REFERENCES](#) | [SUPERSEDES](#) | [WEBSITE](#) | [INQUIRIES](#)

BACKGROUND

Each Workforce Development Council (WDC), in partnership with the local elected official(s) is required to develop a local five-year Unified Plan. The Unified Plan is comprised of a strategic plan for the local area's workforce development system and an operations plan for Title I of the Workforce Investment Act (WIA) and for the Wagner-Peyser Act. WIA requires the local unified plan to be consistent with the State Unified Plan.

A local area operations plan may be modified for a variety of reasons including changes in the methodology for service delivery, goals of the WDC, or changes in the local economic conditions. The Governor has designated the Employment Security Department (ESD) approval authority over the modification of local operations plans.

The ESD has developed this policy to provide the WDCs with guidance on the modification of local area operations plans.

The following WIA regulations are applicable to this policy.

WIA Regulation § 661.355 states that the "Governor must establish procedures governing the modification of local plans. Situations in which modifications may be required by the Governor include significant changes in local economic conditions, changes in the financing available to support WIA Title 1 and partner-provided WIA services, changes to the Local Board structure, or a need to revise strategies to meet performance goals."

WIA Regulation § 661.307 requires that Local Boards conduct business in an open manner in accordance with WIA section 117(e) "Sunshine Provision". This includes making information available to the public about the Local Plan prior to submission of the plan.

POLICY

The State Policy for WIA Title-1B and Wagner-Peyser Local Operations Plan Modification applies the requirements and processes established by WIA Section 118(c) to the modification of local area operations plans. These requirements and processes include making the plan available for public comment prior to submitting it to the State, accepting comments on the plan, and submitting any comments that disagree with the plan.

The State will approve local area plan modifications by applying the process stated in WIA Section 118(d). This process states that a plan submitted to the State is considered approved at the end of the 90-day period beginning on the date the State receives the plan unless a written determination is provided. The written determination will identify either deficiencies in activities carried out under WIA, or that the plan does not comply with WIA.

Unless the State grants an exception, a formal modification to the local operations plan is required whenever there is a change in the:

- Local fiscal entity;
- Structure of local Workforce Development Council;
- Process used to award local grants or contracts;
- Process for designation of one-stop operator(s);
- WDC's direct provision of core, intensive or training services;
- Local Memorandum of Understanding (MOU) that is substantial in nature;
- Unified State Workforce Investment Plan which requires local operations plan modification for consistency with the State plan;
- Local economic conditions that significantly impact local service delivery and requires changes to the local operations plan; and
- Federal or State laws or regulations, State WIA or Wagner-Peyser policies that impact the local operations plans.

A formal modification to the local operations plan may also be required for compliance with a local area corrective action plan based on a failure to meet required program performance.

In the event the local WDC elects to develop a new local area operations plan rather than modify the existing plan, the original "Local Operations Plan Instructions" must be followed. The new local area operations plan must also contain any additional update information requested by the State.

The State may require WDC(s) to modify their operations plans based on changes within the operation of the WDC(s) or changes in the local economic conditions. If the State requires all local areas to modify their local operations plans written guidance on the requirements of the local area plan modification will be provided.

PROCESS

The WDC(s) may request the State to conduct a preliminary review of the draft local operations plan. If a preliminary review is requested, the WDC(s) will submit a draft of the proposed changes to the local operations plan to ESD's WIA Plan Coordinator with the changes shown in a noticeable way. The State will respond within a negotiated timeframe with comment and/or technical assistance.

The following information relates to the submission of the local operations plan modification to the State. The "Plan Development Process" section of the local plan must be updated in compliance with WIA Section 118(c) and the "Sunshine Provision" of WIA Regulation § 661.307. The submission of the plan modification must also include any written comments received by the WDC that question, disagree, or represent alternatives to the plan modification.

The final plan modification must be submitted with original signatures of all required parties (including the local elected official) to ESD's WIA Plan Coordinator. The plan may be submitted as an entire plan document or as an addendum to the plan.

The ESD will review the final plan modification and, if necessary, request additional information or clarification within 90 days of receipt by the ESD.

STATE RECORDS

Each WDC must provide ESD with a complete and current local operations plan (including attachments). ESD will maintain the State records of the local operations plans and any changes, modifications or attachments to those plans. These records of local area operations plans will be available for review by interested parties.

The following are examples of additional information that must be added to the State records ensure they are complete and current. The WDCs must submit the additional information or copies of documents within sixty days of the completion of:

- Local policies initially described in the local plan modification as under development (or similar language);
- The establishment of regional partnerships among Workforce Development Areas that are applicable to, or affect the local operations plans;
- Minor changes to a Memorandum of Understanding, including the addition or deletion of partners;
- Changes in local resource sharing agreements; and
- Other pertinent activities that affect or change the local operations plan.

The situations listed above do not require a formal operations plan modification, unless the local Council and chief local elected official agree a formal modification is necessary.

The additional information can be submitted as copies of attachments/documents, page substitutions, plan addendum, or an entire plan document incorporating the changes in a noticeable way.

The State reserves the opportunity to comment or provide technical assistance on any additions to the local area plan records.

DEFINITIONS

None.

REFERENCES

WIA Section 117 (d) and (e)
WIA Section 118
CFR § 661.305
CFR § 661.307
CFR § 661.345
CFR § 661.350
CFR § 661.355

SUPERSEDES

WIA Policy 3625
WIA Title-1B and Wagner-Peyser Local Operations Plan Modification

WEBSITE

<http://www.wa.gov/esd/policies/title1b.htm>

DIRECT INQUIRIES TO

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[Return to Top](#)

[Title I-B](#)