



STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF WORKFORCE SERVICES
220 French Landing Drive
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Effective Date: February 10, 2017

Duration: June 30, 2018

**Workforce Services Policy – Program Year (PY) 2016 Transitional Local Plans
TN-WIOA (17-4)**

Purpose:

To provide guidance to the local areas regarding the development and submission of local plans in compliance with the requirements of Workforce Innovation Opportunity Act (WIOA) and the WIOA Proposed Rules (**20 CFR 679.500**). The local plan serves as 4-year action plan to develop, align, and integrate service delivery strategies and to support the State's vision and strategic and operational goals. The local plan sets forth the strategy to:

- Direct investments in economic, education, and workforce training programs to focus on providing relevant education and training to ensure that individuals, including youth and individuals with barriers to employment, have the skills to compete in the job market and that employers have a ready supply of skilled workers
- Apply job-driven strategies in the one-stop delivery system
- Enable economic, education, and workforce partners to build a skilled workforce through innovation in, and alignment of, employment, training, and education programs
- Incorporate the local plan into the regional plan per **§ 679.540**

Scope:

Office of the Governor, Title I – Adult, Dislocated Worker, and Youth Programs; Title II – Adult Education and Family Literacy Act Program (AE); Title III – Wagner-Peyser Act Program (WP); Title IV – Vocational Rehabilitation Program (VR); Tennessee Department of Labor and Workforce Development (TDLWD); Division of Workforce Services (WFS); Tennessee

Department of Economic and Community Development (ECD); Tennessee Department of Education (TNED); Tennessee Department of Human Services (DHS); Tennessee Secretary of State (TDS); State Workforce Development Board (SWDB); Regional Planning Council (RPC); American Job Center (AJC); One-Stop Operator (Operator); Workforce Innovation and Opportunity Act (WIOA); Local Workforce Development Boards (LWDBs); Local Workforce Development Areas (LWDAs); other Workforce System Subrecipients (Subrecipients); Workforce System Partners (Partners); Tennessee Eligible Training Providers (TETP); Training and Employment Guidance Letter (TEGL).

References:

Public Law 113-128 WIOA of 2014, 29 U.S.C. 3101 et seq., WIOA Section 121(g), NPRM 20 CFR 603, 651, 652 et al., Office of Management and Budget (OMB) cost principles codified in 2 CFR Part 220, 2 CFR Part 225 and 2 CFR Part 230; TEGL 4-15, 678.800, 678.305(d); Workforce Services Policy - One-Stop Certification.

Background:

WIOA requires planning - a broad strategic approach to planning focused on the overarching vision, goals, alignment, and shared responsibilities within the local area or region. Tennessee shall implement a dual approach to meeting this requirement by allowing a one-year transitional plan. This approach provides flexibility for regions or local areas that may not yet be able to fully address all of the outlined criteria required in a four-year plan.

Each Local Workforce Development Board and its respective Chief Local Elected Official (CLEO) will prepare and submit a transitional one-year local plan for PY 2016. A template has been developed for use in preparing the transitional plan (see Attachment A).

A transitional local plan template, which takes into account the transition from WIA to WIOA, has been developed and is included as Attachment A: PY 2016 Transitional Local Plan Template. This guidance provides instructions for transitional local planning, mainly operational, and instructions to address each required criterion, as well as the documents and information that must be included.

Public Comment Period:

The Local Workforce Development Boards must post the transitional PY 2016 local plan(s) as one cohesive document through electronic and other means, such as public hearings and local news media, for a 30-day period for public comment. Notification of the posting of the local plan(s) must be made simultaneously to the general public and all relevant local stakeholders, as well as to the State. Any comments received in relation to the content of the draft transitional PY 2016 local plan must be addressed within the plan prior to submission to the Tennessee Department of Labor and Workforce Development. The public comment period will begin 30 days prior to the plan submission deadline. The plan submission deadline is May 3, 2017.

Plan Submission and Decision:**Submission:**

The transitional PY 2016 local plan package must be submitted electronically no later than May 3, 2017 to Workforce.Board@tn.gov. Local areas must have their plans available for public comment by April 3, 2017.

The transitional PY 2016 local plan must be emailed by a locally designated single point of contact appointed by the Chief Local Elected Official. Plan submission emails must copy their respective Chief Local Elected Official(s) and contain the subject line "{Local Area #} PY 2016 Transitional Local Plan"

Decision:

The Tennessee Department of Labor and Workforce Development will provide the Local Workforce Development Board with a notification of approval within 90 days of submission. The Tennessee Department of Labor and Workforce Development will follow up with any LWDAs if their plans are not approved (**WIOA section 679.570**).

The Tennessee Department of Labor and Workforce Development may choose not to approve a draft plan submission for any of the following reasons:

- Deficiencies exist in activities carried out in **WIOA sections 211 and 212**, and **WIOA sections 221, 222, 223, 224 and 225**
- The plan does not comply with the applicable provisions of WIOA, such as provisions outlined in the **Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)**
- The plan does not align with Tennessee's Combined State Plan
- The plan does not align with the respective transitional regional plan

Future Planning Requirements:

Following the Department's approval of a local's PY 2016 transitional local plan, each local area must begin the development and completion of a transitional local plan to be followed by the WIOA (four-year) planning requirements outlined in **20 CFR 679.500**. Such planning requirements are satisfied through an expansion of the one (1) year transitional plan into a more comprehensive multi-year regional plan and local plan. Guidance regarding comprehensive multi-year regional and local planning requirements will be provided at a future date.

Attachments:

Attachment A: PY 2016 Transitional Local Plan Template

Contact:

For questions regarding this policy contact Nicholas Bishop, Director of Compliance and Policy-Division of Workforce Services, at (615) 741-0286, or at Nicholas.Bishop@tn.gov .

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Sterling van der Spuy, Administrator of Workforce Services



Attachment A

Please address the criteria in 10 pages or less. Responses are focused on the local area's compliance with federal or state requirements. If the criteria indicate the need for a document, include with the required attachment the criteria's heading name, within the attached document header.

- Describe the consortium agreements, as defined by **WIOA 107(d)(11)**, in place between the local board and the TN Department of Human Services, Office of Rehabilitation Services with respect to efforts that will enhance the provision of services to individuals with disabilities and to other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination. [**WIOA Sec. 108(b)(14)**]
- Identify the entity responsible for the disbursement of grant funds. [**WIOA Sec. 108(b)(10)**]
- Describe the competitive and non-competitive processes, as well as the process for sole-sourcing, used for procuring goods and services within the local area. This includes, but is not limited to, the process used to award funds to a regional operator and other sub-recipients/contractors of WIOA Title I adult, dislocated worker, and youth services. [**WIOA Sec. 108(b)(16)**]
- Describe the local area's negotiated local levels of performance for the federal measures and their implications upon the local workforce system, to include attaching the completed Performance Targets Table. [**WIOA Sec. 108(b)(17)**]
- Describe the indicators used by the local board to measure performance and effectiveness of the local fiscal agent, eligible providers and the AJC delivery system, in the local area. [**WIOA Sec. 108(b)(17)**]

Note: This description may include how and by whom the indicators are being deployed; and if the measured performance and effectiveness are used in the continuous improvement process.

- Describe the process used by the local board for the receipt and consideration of input into the development of the local plan in compliance with **WIOA section 108(d)**. Describe the process to provide an opportunity for public comment prior to submission of the local plan. Be sure to address how members of the public, including representatives of business, labor organizations, and education were given an opportunity to provide comments on the local plans. [**WIOA Sec. 108**



(b)(20)]

- Prior to the date on which the local board submits a proposed local plan, the proposed local plan must be made available to members of the public through electronic and other means.
 - Describe how the local board made the proposed local plan available for public comment. **[WIOA Sec. 108(d)(1)]**;
 - Describe how the local board collected and considered public comments for inclusion in the proposed local plan. **[WIOA Sec. 108(d)(2)]**; and
 - If any comments were received that represent disagreement with the proposed local plan, include such comments within the local plan's attachments. **[WIOA Sec. 108(d)(3)]**
- List the name, organization, and contact information of the designated equal opportunity officer for each AJC partner in the AJC within the local area. By checking the box adjacent to each line item below the local board attests to ensuring the compliance components/documents listed are in place and effective prior to July 1, 2016.

Required Documents:

In addition to the response to the questions asked above, please provide copies of the following compliance components/documents at the time of submission:

- Agreement between all counties and other local governments, if applicable, establishing the consortium of local elected officials
- Agreement between the chief local elected official(s) and the fiscal agent, if a fiscal agent is designated
- Agreement between the chief local elected official(s) and the Local Workforce Development Board
- AJC Partner Service Agreement(s)
- Resource Sharing Agreement(s) and MOU(s) (see required MOU template guidance)
- Resource Sharing Agreement Budget(s) (Resource Sharing Agreements will be replaced by Infrastructure Agreements (IFAs))



- Local Workforce Development Board policy and process that provides for nomination, appointment and removal of board members; resolutions; bylaws; code of conduct; and conflict of interest
- Financial management policy and process including cost allocation plan; internal controls; cash management; receipts of goods; cost reimbursement; inventory and equipment; program income; travel reimbursement; audit requirements and resolution; annual report; property management; debt collection; and allowable costs
- Local procurement policy
- Program management policy and process including equal opportunity for customers; supportive services; needs related payments; file management; eligibility; self-sufficiency criteria; individual training accounts; layoff assistance; priority of services; grievance for eligible training providers list; transitional jobs; stipends; and training verification/refunds

Copies of the listed compliance components/documents below are ***not required at this time, but may be requested during monitoring and/or auditing.***

- Risk management policy and process including records retention and public access; public records requests; monitoring, grievance; incident; and disaster recovery plan
- Human resources policy and process including employee classification; benefits; holidays and PTO; recruitment and selection; employee development; discipline; layoffs, terminations and severance; sexual harassment; and equal opportunity/non-discrimination
- Professional services contract(s) for administrative services such as staffing and payroll, if applicable