

LOCAL AREA MODIFICATION PROCESS

GENERAL INSTRUCTIONS

The attached Directive is being issued in draft to give the Workforce Development Community the opportunity to review and comment prior to final issuance.

Submit any comments by email or mail no later than July 6,2020.

All comments received within the comment period will be considered before issuing the final Directive. Commenters will not be responded to individually. Rather, a summary of comments will be released with the final Directive.

Comments received after the specified due date will not be considered.

Email Jay.Alburez-Sevilla@edd.ca.gov
Include "Draft Directive Comments" in the email subject line.

Mail Employment Development Department
Policy Unit
PO Box 826880, MIC 69
Sacramento, CA 94280-0001

If you have any questions, contact Jay Alburez-Sevilla at 1-916-654-0205.

LOCAL AREA MODIFICATION PROCESS

EXECUTIVE SUMMARY

This policy provides guidance and establishes the process to modify existing boundaries of designated Local Workforce Development Areas (Local Area). This policy applies to all Local Workforce Development Boards (Local Board) and their designated local Chief Elected Officials (CEO), and is effective on the date of issuance.

This policy contains only state-imposed requirements.

This policy supersedes Workforce Services Directive *Local Area Modification Process* (WIAD05-2), dated July 29, 2005. Retain this Directive until further notice.

REFERENCES

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- WIOA (Public Law 113-128) Section 106
 - Title 20 *Code of Federal Regulations* (CFR): 679.200 through 679.290
 - WSD18-14, *Local Area Designation and Local Board Recertification* (May 16, 2019)

BACKGROUND

The WIOA Section 106 provides the criteria for designation of a Local Area. Specifically, the WIOA requires the Governor to designate Local Areas within the state through initial and subsequent designation. Although the WIOA does not provide any direct guidance on Local Area modification, the California Workforce Development Board (CWDB) and the Employment Development Department (EDD), acting under the authority of the Governor, established the policies and procedures to assist the Governor with responding to requests to modify the existing boundaries of designated Local Areas.

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

POLICY AND PROCEDURES

The WIOA requires the Governor to designate Local Areas, and this authority also extends to Local Area modification which may be requested between durations of subsequent designation. A Local Area modification can occur in multiple circumstances for example, a single city moving from one Local Area to another, or two or more Local Areas merging into a larger one. Any designated Local Area boundary change will result in a change to at least one other designated Local Area's boundaries. Since Local Area modification requests will alter the Local Area boundaries, the affected Local Area and designated local CEOs should be involved in any modification application.

Prior to modifying an existing Local Area, the Local Area and its designated local CEO must submit a Local Area Modification application (Attachment 1) to the CWDB for consideration. This process accounts for maintaining local flexibility and control to the Local Areas in order to optimize services to all customers, including job seekers and employers, and provides the elements necessary for the Governor to receive an objective assessment of any request for Local Area modification. Local Area Modification applicants are advised to take into consideration that a modification will require review and may include updates to the following:

- Regional and Local Planning
- Memorandum of Understanding
- Infrastructure Funding Agreements
- Selection of America's Job Center of CaliforniaSM (AJCC) Operators and Career Service Provider(s)

In the instance where one or more of the parties are not in agreement regarding the Local Area modification, then each step and consideration in the Local Area modification application process will require documentation and public comment. For instance, in performing its objective assessment of the application, the EDD must consider dissenting opinions and opposing information, whether the applicant is able to provide them or not. The CWDB Executive Committee must have the most comprehensive and objective information available to make a recommendation to the full CWDB regarding a contested modification request.

Opposition to a Modification Request

The modification process provides the Governor with an objective assessment and the considerations necessary to make a determination ensuring that the modification will not adversely affect services to job seekers and employers within the Local Area. The Local Area Modification applicant must make a good faith effort to include dissenting views through the application, if applicable. The process provides several opportunities for an opposing or dissenting entity to provide specific information in support of its opposition to the Local Area modification.

These opportunities include the following:

- The public comment period on Local Area Modification.
- Notification by the EDD to affected Local Areas and local CEOs regarding an application.
- Consideration of the application by a CWDB Executive Committee at a public meeting.
- Consideration of the recommendation from the CWDB Executive Committee to the full CWDB at a public meeting.

Local Area Modification Request Process

A Local Area Modification applicant must initiate the process and submit a Local Area Modification application (Attachment 1). Applications will be accepted only from Local Boards and their designated local CEOs. The Local Area's assigned Regional Advisor is available to the Local Board/CEOs for technical assistance to develop the request and complete the application to the Governor. Below are the four steps in the process:

1. Local Area Modification Notice of Intent

A Local Area Modification applicant initiates the modification request and:

- Notifies the public of the request and allows at least 30 days for public comment in accordance with the Sunshine Provision [WIOA Section107(e)].
- Provides signed support for the modification request from the applicants Local Board and designated local CEO and, if available, signed support from the Local Board(s) and their designated local CEO(s) from the other Local Area(s) whose boundaries will change.

2. Submission of the Application to a Regional Advisor

When the Local Area Modification Notice of Intent process is completed, the Local Area Modification applicant completes the Local Area Modification application (Attachment 1). The parties to the Local Area modification must submit a completed Local Area Modification application to their assigned Regional Advisor.

3. Assessment of the Application by the EDD

The Regional Advisor works with the Local Areas to obtain any missing or incomplete documentation. Fiscal, administrative, and program staff in the EDD reviews the Local Area Modification application to assist with, assessing and identifying the effects that the proposed Local Area modification may have on operations, budget, and services in all the Local Areas involved.

Once a completed application is received, the EDD has 60-days to assess the application and forward a recommendation for approval or disapproval to the CWDB Executive Committee. At the commencement of the 60-day period, the EDD notifies affected Local Areas involved that the application has been received. This notice provides Local Boards/CEOs a 30-day period to provide written concerns and supporting information for consideration in the assessment of the application.

The CWDB Executive Committee considers all information provided and present its recommendation to the full CWDB at its next regularly scheduled meeting.

4. Recommendation from the CWDB to the Governor

The CWDB, in public session, reviews and discusses the application, assessment, and recommendation submitted by the CWDB Executive Committee. The public, as well as all interested stakeholders, have the opportunity to speak in support of, or opposition to, the proposed change. Once the necessary documentation and public comment is complete, the CWDB takes action to recommend approval or disapproval of the application to the Governor and notify the Local Areas involved of the final decision.

ACTION

Please bring this Directive to the attention of Local Boards and local CEOs.

INQUIRIES

If you have any questions, contact your assigned [Regional Advisor](#).

/s/ JAIME L. GUTIERREZ, Chief
Central Office Workforce Services Division

Attachment is available on the internet:

1. [Local Workforce Development Area Modification application \(DOCX\)](#)