

Division of Workforce Development

Roderick Nunn
Director

M E M O R A N D U M

TO: Workforce Investment Board Directors
FROM: Roderick Nunn, Director
DATE: March 29, 2006
SUBJECT: Local Plan Modification Procedures, DWD Issuance 06-05

The Division of Workforce Development (DWD) has recently revised the Local Plan Modification Procedures, DWD Issuance 06-05. These procedures are to be followed the next time your region modifies its local Workforce Investment Act (WIA) plan. This issuance replaces DWD Issuance 01-00, Change 3.

Some of the major changes in these procedures include:

- Plan modification requirement for a local region that has been sanctioned for failure to meet performance to submit their Performance Improvement Plan as Attachment 7 to their plan;
- When utilizing any of the Department of Labor (DOL)-approved state waivers, check each waivers' issuance to determine if a plan modification is required;
- Elimination of the Statement of Joint Submission requirement -- Instead, the Chief Local Elected Official and Workforce Investment Board (WIB) Chair will sign the cover letter;
- A portion of the effective date determination has been changed from 80 days to 30 days;
- Public notice can now include posting on a local WIB website;
- Proof of publication can now include a newspaper tear sheet that includes the name and date of the publication, or a copy of the website showing the public notice and the date of publication; and
- Submission of the plan modification in electronic format for posting on the Missouri Training and Employment Council's (MTEC) Web site once it is approved.

As you may be aware, the State WIA/Wagner-Peyser Plan has recently been modified and sent to DOL for approval. This modification includes the new faith-based policy that was developed by MTEC. Since this state policy was not developed until after the local plans were completed, the regions were not required to address the faith-based policy until MTEC's policy was established. Once the state plan modification is approved, the local regions will need to develop their own faith-based policy that is consistent with the state's policy. This new policy will result in a local plan modification.

Also, regions submitting applications for the Skilled Workforce Initiative funding will be notified in their approval letter if their local plans will need to be modified due to these projects.

Finally, it is expected that each region will modify their local plan at least once a year due to the new WIA funding allocations.

I hope you find these new procedures to be more accommodating.

Division of Workforce Development

Roderick Nunn
Director

March 29, 2006

DWD Issuance 06-05

SUBJECT: Local Workforce Investment Act (WIA) Plan Modification Procedures

1. **Purpose:** To transmit the Division of Workforce Development (DWD) procedures for modifying local WIA plans.
2. **Background:** Local Workforce Investment Boards (LWIBs) developed and submitted WIA plans for Program Years 2005 and 2006, which were approved in October 2005. As these plans mature, modifications will need to be made to ensure the plans reflect their regions' current situations. The Governor is required to establish procedures for modifying these local plans.
3. **Substance:**
 - a. A plan modification is required when any one of the following situations occur in a region:
 - (1) Change in the amount of funding available to support WIA Title I and partner-provided WIA services (Planning Budget Summaries for the upcoming Program Year and Fiscal Year need to be sent to DWD by June 30th of the current year.);
 - (2) Designation of a new grant recipient and/or fiscal agent;
 - (3) Change in the One-Stop operator(s);
 - (4) Change in the local WIB staffing (change in organization or entity, not individual);
 - (5) Change in the local WIB structure that requires a new board certification or a re-certification;
 - (6) Any addition or deletion of a local comprehensive One-Stop center or affiliated One-Stop site, or any change in one of these facilities' operating name, street, or mailing addresses or telephone number [as defined by CFR 662.100 (c) and (d)(1)];

- (7) If a local region is sanctioned for failure to meet performance, the Performance Improvement Plan must be developed and added as Attachment 7 to the local plan;
 - (8) Change in the strategies used to meet local performance goals;
 - (9) When utilizing a state waiver that the Department of Labor has approved, if applicable (check the specific waiver's DWD Issuance to determine if a plan modification is required);
 - (10) Request to transfer funds between the Adult and Dislocated Worker programs (see DWD Issuance 05-05, dated December 30, 2005);
 - (11) Change in the Memorandum of Understanding;
 - (12) Change in the procedures to select service providers;
 - (13) Addition or deletion of a planned activity or supportive service;
 - (14) Significant change in local economic conditions; or
 - (15) Any other changes that are locally defined as a substantial deviation from the plan.
- b. At a minimum, a plan modification package consists of:
- (1) A cover letter, signed by both the local WIB Chair and the Chief Local Elected Official, identifying which of the situations in Section 3a are requiring the modification and include a brief identification of the revised sections. Any deletions from the plan must be referenced in the cover letter.
 - (2) The actual pages of the plan which were changed or added. Each replacement or added page should be numbered and have an identification header in the upper right hand corner, including:
 - Name of region;
 - Date of change; and
 - Applicable section of the plan.

For example: Northwest Region
10/15/05
Section VI, A

Additions should be in **bold** or underlined.

- (3) Planning Budget Summaries, as necessary. (Use the form that was sent with that year's funding allocation.) If transferring funds between Adult and Dislocated programs, be sure to include the justification for this transfer [see 3a(10)].
 - (4) An updated Table of Contents for the plan, if it is affected by the plan modification;
 - (5) A public notice concerning the plan modification and directing any comments to be sent to either the local WIB Chair, WIB Director, and/or to DWD [see address in 3, c, (1)]. Public notices can be published in newspapers, posted in local government buildings (i.e., county courthouses, city halls), or posted on the WIB's Web site. Proof of publication must be included in the plan modification package. This proof could include:
 - An affidavit of publication;
 - A newspaper tear sheet that includes the name and date of the publication; or
 - A copy of the WIB's Web site showing the public notice and the date of publication.
 - (6) The plan modification must be made available for public review and comment for a minimum of 30 calendar days. (Posting the plan modification on the WIB's Web site will fulfill this requirement.)
 - (7) Any comments received that represent disagreement with the plan modification.
 - (8) A letter signed by the WIB Chair stating which diverse groups were identified and invited to provide comments.
- c. Plan modification procedure:
- (1) The original plan modification must be submitted to:

Director of the Division of Workforce Development
Attention: Planning and Research Section
P.O. Box 1087
Jefferson City, Missouri 65102-1087

- (2) The modification itself, including the Table of Contents if affected, should be in a Word document and sent electronically to both Sue Sieg (sue.sieg@ded.mo.gov) and Anita Henry (anita.henry@ded.mo.gov).
- (3) A plan modification should be published prior to submission to DWD.
- (4) A complete plan modification submitted to DWD shall be approved or disapproved within 30 calendar days from the date received, unless a petition is filed, then, such period is extended to 45 calendar days.

Interested parties may petition for disapproval of the modification within 15 calendar days following the date of plan submission to DWD.

- (5) An approved plan modification is effective either:
 - (a) 30 calendar days from the latest publishing date of the public notice(s); or
 - (b) 30 calendar days from the date a complete plan modification is received for review, whichever is later.
- (6) If changes are made to the original plan modification, including the Table of Contents, send a finalized electronic Word document to both Sue Sieg and Anita Henry. Approved plan modifications will be posted on MTEC's Web site with the regions' original plans.

3. **Action:** This information should be distributed to appropriate staff.
4. **Contact:** Questions or comments regarding this issuance should be directed to either Sue Sieg at (573) 751-3106 or Anita Henry at (573) 522-8619, or to your assigned Regional Coordinator.
5. **Cross/
Historical:** Regulatory Authority 20 Code of Federal Regulations §661.205(b)(2), Review of Local Plans; §661.355, Modifying Local Plans; §662.100(c) and (d)(1), One-Stop Delivery System; and DWD Issuance 09-01, Diversity Forum Report.

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This issuance rescinds DWD Issuance 01-00, Change 3, dated January 17, 2003.

Roderick Nunn, Director

RN/SS/AH

c: WIB Chairs
 WIB Directors
 DWD Admin Group
 DWD Central Office Managers
 DWD Regional Managers