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## OWD Issuance 06-2019

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Continuous, until further  
notice

Missouri Department of Higher Education  
and Workforce Development

**SUBJECT:**

### Local Plan and Regional Plan Modification Procedures

**ATTACHMENTS:** None.

*This Issuance is Official Policy  
of the Office  
of Workforce Development*

**ISSUING AUTHORITY:**

Mardy Leathers  
Director  
Office of Workforce Development

Local Workforce Development Board (WDB) policies that are required parts of a Local Plan, and that have been created or changed since the last previous modification, should be updated before submitting the next required Local Plan Modification.

**KEYWORDS:**

Workforce Innovation and Opportunity Act (WIOA); Local Plan; Regional Plan; Plan Modification; Public Comment Period

**THIS ISSUANCE AFFECTS:**

WIOA Title I Local Areas/Local Boards/Local Plans  
WIOA Title I In-State Funding  
WIOA Fiscal/Administrative Procedures  
State of Missouri Workforce System Procedures

**FOR THE ATTENTION OF:**

Chief Elected Officials  
Local Fiscal Agents  
Local WDB Chairpersons  
Local WDB Directors  
Local WDB Members

**RESCISSIONS:**

DWD Issuance 25-2017, “Rescission of the Division of Workforce Development’s Local and Regional Plan Modification Procedures,” May 30, 2018.

**REFERENCES:**

**Code of Federal Regulations, Title 20, Subpart D—Regional and Local Plans:**

[§679.500](#), “What is the purpose of the regional and local plan?”; [§679.510](#), “What are the requirements for regional planning?”  
[§679.520](#), “What are the requirements for approval of a regional plan?”; [§679.530](#), “When must the regional plan be modified?”  
[§679.540](#), “How are local planning requirements reflected in a regional plan?”; [§679.550](#), “What are the requirements for the development of the local plan?”; [§679.560](#), “What are the contents of the local plan?”; [§679.570](#), “What are the requirements for approval of a local plan?”; [§679.580](#), “When must the local plan be modified?”

**WIOA , Title I, Chapter 2—Local Provisions:**

§106 [[29 U.S.C. 3121](#)] Workforce development areas  
§106 [[29 U.S.C. 3122](#)] Local workforce development boards  
§106 [[29 U.S.C. 3123](#)] Local Plan

**SUMMARY:**

This Issuance describes Office of Workforce Development (OWD) procedures for Local Workforce Development Boards (WDBs) to modify Local Plans required by the Workforce Innovation and Opportunity Act (WIOA),<sup>1</sup> This Issuance restores previous procedures for creating and submitting plan modifications. It rescinds previous guidance<sup>2</sup> reducing those requirements. It also includes technical corrections for conformity among existing and concurrently issued OWD guidance. Updated guidance is forthcoming from OWD on the required elements, format, and submission process for creating Local

<sup>1</sup> Pub. L. 113-128 [[29 U.S.C. 3101 et seq.](#)].

<sup>2</sup> DWD Issuance 25-2017, “Rescission of the Division of Workforce Development’s Local and Regional Plan Modification Procedures,” May 30, 2018 [*herein rescinded*].

Plans and Regional Plans. Until OWD issues that future guidance, WDBs should retain the elements and format of their current local plan when submitting any required plan modifications.

#### **BACKGROUND:**

WDBs, in partnership with their Chief Elected Officials (CEOs), have developed and submitted WIOA Local Plans for Program Years 2016–2020.<sup>3</sup> (They will submit new Local Plans for Program Years 2020–2024 in the spring of 2020.) As these plans mature, they must be modified to reflect the current situation in the Local Workforce Development Area (LWDA). The Governor is required to establish procedures for modifying these local plans.<sup>4</sup> This Issuance establishes those procedures.

The procedure for filing a modification of a Regional Plan is the same as the procedure for filing a modification of a Local Plan.

#### **SUBSTANCE:**

##### Plan Modification Triggers

A plan modification is required when **any** of the following situations occurs in an LWDA:

1. Change in the amount of funding or financing available to support WIOA Title I and partner-provided WIOA services. Plan modifications based on Planning Budget Summaries for the upcoming Program Year/Fiscal Year need to be approved, published for public comment, and submitted to OWD as directed in the annual allocation Issuance;
2. Request to transfer funds between the Adult and Dislocated Worker programs (See the current OWD Issuance regarding allowable transfer amounts for details). Plan modification is only a requirement when the total transferred exceeds 20 percent of the Board’s original or re-allocated formula allocation. A request for approval is required regardless of the amount.);
3. Change in the Memorandum of Understanding for One-Stop Partners, including change to the infrastructure funding agreement (IFA), that is, the costs allocation agreement that it contains;
4. Change in the Board structure, including a change in Board chairperson, adding members or removing members (Changes in Board composition also may require filing a request for a new Board member certification or recertification of the Board.);
5. Change in the strategies used to meet local performance goals;
6. Significant change in labor market and general economic conditions or local economic conditions;
7. Designation of a new fiscal agent by the CEO;
8. Award of a contract to a new competitively selected One-Stop Operator or new service provider;
9. Change in the CEO that is designated as the local grant recipient for grant funds allocated to the LWDA (other changes in the roster of the consortium of elected officials do not require a plan modification);
10. If the Board is under sanction for failure to meet performance the Technical Assistance Plan, Performance Improvement Plan, or Reorganization Plan, as applicable, must be developed and added as a separate attachment to the local plan;
11. Any addition or deletion of a local comprehensive One-Stop Center or affiliated site, or any change in any facility’s operating name, street, mailing address, or telephone number (i.e., the contact information provided to the public);
12. Change due to use of a State waiver that the Department of Labor has approved for implementation;
13. Change in Board staff support (change in the *organization* or *entity* providing the staffing, not individual staff members);
14. Changes to any of the policies in the required attachments; or
15. Any other change that is defined locally as a substantial deviation from the Local Plan, including changes in local criteria, service providers, or local standards for service coordination.

##### Plan Modification Contents

At a minimum, a plan modification package must include:

1. A cover letter, signed by both the Board Chair and the CEO. The letter must identify which trigger from the preceding list is prompting the modification. The letter also must include a brief identification of the revised sections of the Local Plan. Describe any *deletions* from the Local Plan in the cover letter as well.

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<sup>3</sup> WIOA Sec. 108(a) [[29 U.S.C. 3123\(a\)](#)].

<sup>4</sup> [20 CFR 679.580\(a\)](#).

2. Identify the actual pages of the Local Plan that were changed or added. Each replacement or added page must be numbered and have an identification header in the upper right-hand corner, including:
  - The name of the LWDA;
  - The effective date of the change; and
  - The applicable section of the plan (i.e., “Section V: Local Structure”);
3. Planning Budget Summaries, as necessary (if the change affects the budget). (Use the Planning Budget Summary from the Financial Reporting System.) If transferring funds between Adult and Dislocated Worker programs, be sure to include the justification for this transfer (Refer to the most current [OWD Issuance](#) on transfer amounts allowable between the two programs.);
4. An updated Table of Contents for the plan, if the section names or numbers, page numbers, or attachments are affected by the plan modification;
5. **For Plan Modifications #1-10**, A public notice, consistent with the “sunshine” provisions of WIOA sec. 107(e),<sup>5</sup> announcing the plan modification and soliciting comments to the attention of the WDB Chair, or the WDB Director, or emailed directly to OWD ([OWDLocalPlan@dhewd.mo.gov](mailto:OWDLocalPlan@dhewd.mo.gov)). Plan modifications must be announced electronically (typically, the WDB’s website—in plain view) and announced in an open WDB meeting.<sup>6</sup> (Newspaper publication announcing a modification is no longer required under WIOA. WDBs still may use such notices to disseminate public information, bids, etc., within the LWDA.) However, simply posting a printed notice in a publicly accessible location (such as at the WDB office or at a courthouse) does not fulfill the WIOA sunshine requirements. Proof of public notice for comments must be included in the plan modification package. This proof must include:
  - A screen shot of the WDB’s website showing the public notice and the date of publication. **(The posting period for the notice and receiving comments shall be for no more than a 30-day period before sending the modification to OWD);** and
  - A copy of the minutes of the open WDB meeting where the modification was discussed.

A newspaper-placed public notice, if used, may be documented with:

  - An insertion order or receipt from the publication; or
  - A newspaper tear sheet that includes the name and date of the publication.
6. Include any negative public comments that express disagreement with the modifications.<sup>7</sup> If no comments, or no negative comments, were received, this must be specified. (Positive comments are not required, but may be included.)

### Plan Modification Submissions

The completed plan modification with public notice documentation and comments must be submitted via email to:

**ATTENTION: Director, Office of Workforce Development**  
**MESSAGE HEADER/SUBJECT: Local Plan Modification**  
**Coordination ADDRESS: [OWDLocalPlan@dhewd.mo.gov](mailto:OWDLocalPlan@dhewd.mo.gov)**

It is the State’s policy that a complete plan modification submitted to OWD will be approved or disapproved within 90 calendar days from the date received. The effective date for a WDB to implement an approved plan modification can be no earlier than the later of two dates:

- (A) 30 calendar days from the close of the comment period for the public notice posting, if applicable; or
- (B) 30 calendar days from the date the complete plan modification is received for review.

The Board will receive approval or denial of the plan modification via posted letter or email to the CEO and the WDB Chair, and a copy to the WDB Director. Public Notice of approval or denial of each plan modification must be posted on the WDB’s website with the original Local Plan during the program years covered by that plan. The approval or denial must be noted in the minutes of the next available open meeting of the WDB.

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<sup>5</sup> [29 U.S.C. 3122\(e\)](#).

<sup>6</sup> [20 CFR 679.390](#).

<sup>7</sup> [20 CFR 679.550\(b\)\(4\)](#).

**ROLES, RESPONSIBILITIES, and REQUIRED ACTIONS:**

WDBs, Board Directors, and Board Staff must implement these procedures beginning with the effective date of this Issuance. Any Local WDB activities or policies that would have triggered a Local Plan modification during the period from May 30, 2018, to the effective date of this Issuance, based on the triggers described in this Issuance, should be addressed collectively in the next available Local Plan modification filing.

**TIMELINE:**

**WDBs** —Resume filing Local Plan Modifications based on the requirements described herein. **Effective date of this Issuance**

**INQUIRIES:**

Please direct *procedural questions* or requests for technical assistance on the *specific contents* of this Issuance to [OWDLocalPlan@dhewd.mo.gov](mailto:OWDLocalPlan@dhewd.mo.gov). Please direct all other policy or compliance questions to [dwdpolicy@dhewd.mo.gov](mailto:dwdpolicy@dhewd.mo.gov). All active Issuances are available at [jobs.mo.gov/dwdissuances](http://jobs.mo.gov/dwdissuances). Expired/rescinded Issuances are available on request.

*For information about [Missouri Office of Workforce Development](#) services, contact a [Missouri Job Center](#) near you. Locations and additional information are available at [jobs.mo.gov](http://jobs.mo.gov) or 1-(888)-728-JOBS (5627).*

*Missouri Department of Higher Education and Workforce Development is an [equal opportunity](#) employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Missouri Relay Services at 711.*