

**Nevada Department of Employment, Training and Rehabilitation
(DETR)
Workforce Innovation and Opportunity Act
State Compliance Policy (SCP)**

Policy Number: 1.2

Originating Office: DETR; Workforce Investment Support Services (WISS)

Subject: Local Plan

Issued: NEW; replacing WIA State Compliance Policy 1.2; Approved GWDB Executive Committee, 11-14-2016; Ratified GWDB, 01-19-2017

Purpose: To provide Local Workforce Development Boards (LWDBs) Chief Elected Officials (CEOs) and American Job Center of Nevada (One-Stop Career Center Operators) with the Workforce Innovation and Opportunity Act (WIOA) requirements for the Local Plan.

State Imposed Requirements: This directive contains some state-imposed requirements. These requirements are printed in **bold, italic type**.

Authorities/References: Workforce Innovation and Opportunity Act P.L. 113-128; 20 CFR §679.500-580

ACTION REQUIRED:

Upon issuance bring this guidance to the attention of all WIOA service providers, LWDB members and any other concerned parties. Any LWDB's policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background:

The local plan is the primary vehicle for communicating the LWDB's vision for the local workforce system and aligning and integrating local service delivery across Federal programs in a region to foster better alignment of Federal investments in job training, integrate service delivery across programs, and ensure that the workforce system is job-driven and matches employers with skilled individuals.

The LWDB, in partnership with the chief elected official for the local area involved, shall develop and submit a local plan to the Governor that meets the requirements in WIOA sec. 108. Since the local plan is only as effective as the partnerships that operationalize it, it must represent a collaborative process among local elected officials, boards, and required and other partners, including economic development, education, and private sector partners to create a shared understanding of the local area's workforce investment needs, a shared vision of how the workforce investment system can be designed to meet those needs, and agreement on the key strategies to realize this vision.

The local plan shall support the strategy described in the State plan in accordance with WIOA sec. 102(b)(1)(E), and otherwise be consistent with the State plan. The local plan serves as a 4-year action plan to develop, align, and integrate the region and local area's job-driven workforce development systems, and provides the platform to achieve the local area's visions and strategic and operational goals.

Local Board and appropriate CEOs must review the local plan every 2 years and submit a modification as needed, based on significant changes in labor market and economic conditions and other factors including changes to local economic conditions, changes in the financing available to support WIOA title I and partner-provided WIOA services, changes to the Local Board structure, or a need to revise strategies to meet performance goals.

The local plan is subject to the Sunshine Provisions of WIOA sec. 107(e) as to the public comment process.

Policy and Procedure:

WIOA sec. 108. and 20 CFR §679.560

(a) IN GENERAL.—Each local board shall develop and submit [after LEOs and Board approval] to the Governor a comprehensive 4-year local plan, in partnership with the chief elected official. The local plan shall support the strategy described in the State plan in accordance with [WIOA] section 102(b)(1)(E), and otherwise be consistent with the State plan. If the local area is part of a planning region, the local board shall comply with [WIOA] section 106(c) in the preparation and submission of a regional plan. At the end of the first 2-year period of the 4- year local plan, each local board shall review the local plan and the local board, in partnership with the chief elected official, shall prepare and submit modifications to the local plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the local plan.

(b) CONTENTS.—The local plan shall include—

(1) a description of the strategic planning elements consisting of—

(A) an analysis of the regional economic conditions including—[if applicable]

(i) existing and emerging in-demand industry sectors and occupations; and

(ii) the employment needs of employers in those industry sectors and occupations;

(B) an analysis of the knowledge and skills needed to meet the employment needs of the employers in the region, including employment needs in in-demand industry sectors and occupations;

(C) an analysis of the workforce in the region, including current labor force employment (and unemployment) data, and information on labor market trends, and the educational and skill levels of the workforce in the region, including individuals with barriers to employment;

(D) an analysis of the workforce development activities (including education and training) in the region, including an analysis of the strengths and weaknesses of such services, and the capacity to provide such services, to address the identified education and skill needs of the workforce and the employment needs of employers in the region;

(E) a description of the local board's strategic vision and goals for preparing an educated and skilled workforce (including youth and individuals with barriers to employment), including goals relating to the performance accountability measures based on primary indicators of performance described in [WIOA] section 116(b)(2)(A) in order to support regional economic growth and economic self-sufficiency; and
(F) taking into account analyses described in subparagraphs (A) through (D), a strategy to work with the entities that carry out the core programs to align resources available to the local area, to achieve the strategic vision and goals described in subparagraph (E);

(2) a description of the workforce development system in the local area that identifies the programs that are included in that system and how the local board will work with the entities carrying out core programs and other workforce development programs to support alignment to provide services, including programs of study authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), that support the strategy identified in the State plan under [WIOA] section 102(b)(1)(E);

(3) a description of how the local board, working with entities carrying out core programs, will expand access to employment, training, education, and supportive services for eligible individuals, particularly eligible individuals with barriers to employment, including how the local board will facilitate the development of career pathways and co-enrollment, as appropriate, in core programs, and improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable);

(4) a description of the strategies and services that will be used in the local area—

(A) in order to—

(i) facilitate engagement of employers, including small employers and employers in in-demand industry sectors and occupations, in workforce development programs;

(ii) support a local workforce development system that meets the needs of businesses in the local area;

(iii) better coordinate workforce development programs and economic development; and

(iv) strengthen linkages between the one-stop delivery system and unemployment insurance programs; and

(B) that may include the implementation of initiatives such as incumbent worker training programs, on-the-job training programs, customized training programs, industry and sector strategies, career pathways initiatives, utilization of effective business intermediaries, and other business services and strategies, designed to meet the needs of employers in the corresponding region in support of the strategy described in paragraph (1)(F);

(5) a description of how the local board will coordinate workforce investment activities carried out in the local area with economic development activities

carried out in the region in which the local area is located (or planning region), and promote entrepreneurial skills training and microenterprise services;

(6) a description of the one-stop delivery system in the local area, including—

(A) a description of how the local board will ensure the continuous improvement of eligible providers of services through the system and ensure that such providers meet the employment needs of local employers, and workers and jobseekers;

(B) a description of how the local board will facilitate access to services provided through the one-stop delivery system, including in remote areas, through the use of technology and through other means;

(C) a description of how entities within the one-stop delivery system, including one-stop operators and the onestop partners, will comply with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities; and

(D) a description of the roles and resource contributions of the one-stop partners;

(7) a description and assessment of the type and availability of adult and dislocated worker employment and training activities in the local area;

(8) a description of how the local board will coordinate workforce investment activities carried out in the local area with statewide rapid response activities, as described in section 134(a)(2)(A);

(9) a description and assessment of the type and availability of youth workforce investment activities in the local area, including activities for youth who are individuals with disabilities, which description and assessment shall include an identification of successful models of such youth workforce investment activities;

(10) a description of how the local board will coordinate education and workforce investment activities carried out in the local area with relevant secondary and postsecondary education programs and activities to coordinate strategies, enhance services, and avoid duplication of services;

(11) a description of how the local board will coordinate workforce investment activities carried out under this title in the local area with the provision of transportation, including public transportation, and other appropriate supportive services in the local area;

(12) a description of plans and strategies for, and assurances concerning, maximizing coordination of services provided by the State employment service under the Wagner-Peyser

Act (29 U.S.C. 49 et seq.) and services provided in the local area through the one-stop delivery system, to improve service delivery and avoid duplication of services;

(13) a description of how the local board will coordinate workforce investment activities carried out under this title in the local area with the provision of adult education and literacy activities under title II in the local area, including a

description of how the local board will carry out, consistent with subparagraphs (A) and (B)(i) of [WIOA] section 107(d)(11) and [WIOA] section 232, the review of local applications submitted under title II;

(14) a description of the replicated cooperative agreements (as defined in section 107(d)(11)) between the local board or other local entities described in [WIOA] section 101(a)(11)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)(B)) and the local office of a designated State agency or designated State unit administering programs carried out under title I of such Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 121(f)) in accordance with section 101(a)(11) of such Act (29 U.S.C. 721(a)(11)) 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;

(15) an identification of the entity responsible for the disbursement of grant funds described in [WIOA] section 107(d)(12)(B)(i)(III), as determined by the chief elected official or the Governor under [WIOA] section 107(d)(12)(B)(i);

(16) a description of the competitive process to be used to award the sub-grants and contracts in the local area for activities carried out under this title;

(17) a description of the local levels of performance negotiated with the Governor and chief elected official pursuant to [WIOA] section 116(c), to be used to measure the performance of the local area and to be used by the local board for measuring the performance of the local fiscal agent (where appropriate), eligible providers under subtitle B, and the one-stop delivery system, in the local area;

(18) a description of the actions the local board will take toward becoming or remaining a high-performing board, consistent with the factors developed by the State board pursuant to [WIOA] section 101(d)(6);

(19) a description of how training services under chapter 3 of subtitle B will be provided in accordance with [WIOA] section 134(c)(3)(G), including, if contracts for the training services will be used, how the use of such contracts will be coordinated with the use of individual training accounts under that chapter and how the local board will ensure informed customer choice in the selection of training programs regardless of how the training services are to be provided;

(20) a description of the process used by the local board, consistent with subsection (d), to provide an opportunity for public comment, including comment by representatives of businesses and comment by representatives of labor organizations, and input into the development of the local plan, prior to submission of the plan;

(21) a description of how one-stop centers are implementing and transitioning to an integrated, technology-enabled intake and case management information system for programs carried out under this Act and programs carried out by one-stop partners; and

(22) such other information as the Governor may require.

(c) **EXISTING ANALYSIS.**—As appropriate, a local area may use an existing analysis in order to carry out the requirements of subsection (b)(1) concerning an analysis.

(d) PROCESS.—Prior to the date on which the local board submits a local plan under this section, the local board shall—

(1) make available copies of a proposed local plan to the public through electronic and other means, such as public hearings and local news media;

(2) allow members of the public, including representatives of business, representatives of labor organizations, and representatives of education to submit to the local board comments on the proposed local plan, not later than the end of the 30-day period beginning on the date on which the proposed local plan is made available;

~~[(3) obtain approval by LEOs and Board;]~~ and

~~[(4)]~~ include with the local plan submitted to the Governor under this section any such comments that represent disagreement with the plan.

(e) PLAN SUBMISSION AND APPROVAL.—A local plan submitted to the Governor under this section (including a modification to such a local plan) shall be considered to be approved by the Governor at the end of the 90-day period beginning on the day the Governor receives the plan (including such a modification), unless the Governor makes a written determination during the 90-day period that—

(1) deficiencies in activities carried out under this subtitle or subtitle B have been identified, through audits conducted under [WIOA] section 184 or otherwise, and the local area has not made acceptable progress in implementing corrective measures to address the deficiencies;

(2) the plan does not comply with the applicable provisions of this Act; or

(3) the plan does not align with the State plan, including failing to provide for alignment of the core programs to support the strategy identified in the State plan in accordance with [WIOA] section 102(b)(1)(E).

Local Plan Purpose (20 CFR §679.500)

(a) 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:

(1) 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;

(2) Apply job-driven strategies in the one-stop delivery system;

(3) Enable economic, education, and workforce partners to build a skilled workforce through innovation in, and alignment of, employment, training, and education programs; and

(4) Incorporate the local plan into the regional plan per [20 CFR]§ 679.540.

(b) In the case of planning regions, a regional plan is required to meet the purposes described in paragraph (a) of this section and to coordinate resources among multiple WDBs in a region.

(c) The Governor must establish and disseminate to Local WDBs and regional planning areas a policy for the submission of local and regional plans. The policy must set a

deadline for the submission of the regional and local plans that accounts for the activities required in plan development outlined in [20 CFR]§ 679.510 and 679.550.

Regional Planning Requirement (20 CFR §679.510)

(a) Local WDBs and chief elected officials within an identified planning region (as defined in WIOA secs. 106(a)(2)(B)–(C) and § 679.200) must:

(1) Participate in a regional planning process that results in:

- (i) The preparation of a regional plan, as described in paragraph (a)(2) of this section and consistent with any guidance issued by the Department;
- (ii) The establishment of regional service strategies, including use of cooperative service delivery agreements;
- (iii) The development and implementation of sector initiatives for in-demand industry sectors or occupations for the planning region;
- (iv) The collection and analysis of regional labor market data (in conjunction with the State) which must include the local planning requirements at [20 CFR] § 679.560(a)(1)(i) and (ii);
- (v) The coordination of administrative cost arrangements, including the pooling of funds for administrative costs, as appropriate;
- (vi) The coordination of transportation and other supportive services as appropriate;
- (vii) The coordination of services with regional economic development services and providers; and
- (viii) The establishment of an agreement concerning how the planning region will collectively negotiate and reach agreement with the Governor on local levels of performance for, and report on, the performance accountability measures described in WIOA sec. 116(c) for local areas or the planning region.

(2) Prepare, submit, and obtain approval of a single regional plan that:

- (i) Includes a description of the activities described in paragraph (a)(1) of this section; and
- (ii) Incorporates local plans for each of the local areas in the planning region, consistent with [20 CFR] § 679.540(a).

(b) Consistent with [20 CFR]§ 679.550(b), the Local WDBs representing each local area in the planning region must provide an opportunity for public comment on the development of the regional plan or subsequent plan modifications before submitting the plan to the Governor. To provide adequate opportunity for public comment, the Local WDBs must:

- (1) Make copies of the proposed regional plan available to the public through electronic and other means, such as public hearings and local news media;
- (2) Include an opportunity for comment by members of the public, including representatives of business, labor organizations, and education;
- (3) Provide no more than a 30-day period for comment on the plan before its submission to the Governor, beginning on the date on which the proposed plan is made available; and
- (4) The Local WDBs must submit any comments that express disagreement with the plan to the Governor along with the plan.

- (5) Consistent with WIOA sec. 107(e), the Local WDB must make information about the plan available to the public on a regular basis through electronic means and open meetings.
- (c) The State must provide technical assistance and labor market data, as requested by local areas, to assist with regional planning and subsequent service delivery efforts.
- (d) As they relate to regional areas and regional plans, the terms local area and local plan are defined in WIOA secs. 106(c)(3)(A)–(B).

[(6)] Plan must have LEOs and Board approval.

Regional Plan Approval Requirements (20 CFR §679.520)

Consistent with the requirements of [20 CFR]§ 679.570, the Governor must review completed plans (including a modification to the plan). Such plans will be considered approved 90 days after receipt of the plan unless the Governor determines in writing that:

- (a) There are deficiencies in workforce investment activities that have been identified through audits and the local area has not made acceptable progress in implementing plans to address deficiencies; or
- (b) The plan does not comply with applicable provisions of WIOA and the WIOA regulations, including the required consultations and public comment provisions, and the nondiscrimination requirements of 29 CFR part 38.
- (c) The plan does not align with the State Plan, including with regard to the alignment of the core programs to support the strategy identified in the State Plan in accordance with WIOA sec. 102(b)(1)(E) and § 676.105 of this chapter.

Regional Plan Modification Requirements (20 CFR §679.530)

- (a) Consistent with [20 CFR] § 679.580, the Governor must establish procedures governing the modification of regional plans.
- (b) At the end of the first 2-year period of the 4-year local plan, the Local WDBs within a planning region, in partnership with the appropriate chief elected officials, must review the regional plan and prepare and submit modifications to the regional plan to reflect changes:
- (1) In regional labor market and economic conditions; and
- (2) Other factors affecting the implementation of the local plan, including but not limited to changes in the financing available to support WIOA title I and partner-provided WIOA services.

Local Planning Reflected in the Regional Plan (20 CFR §679.540)

- (a) The regional plan must address the requirements at WIOA secs. 106(c)(1)(A)–(H), and incorporate the local planning requirements identified for local plans at WIOA secs. 108(b)(1)–(22).
- (b) The Governor may issue regional planning guidance that allows Local WDBs and chief elected officials in a planning region to address any local plan requirements through the regional plan where there is a shared regional responsibility.

Requirements For Developing the Local Plan (20 CFR §679.550)

- (a) Under WIOA sec. 108, each Local WDB must, in partnership with the appropriate chief elected officials, develop and submit a comprehensive 4-year plan to the Governor.

- (1) The plan must identify and describe the policies, procedures, and local activities that are carried out in the local area, consistent with the State Plan.
 - (2) If the local area is part of a planning region, the Local WDB must comply with WIOA sec. 106(c) and [20 CFR] § 679.510 through 679.540 in the preparation and submission of a regional plan.
- (b) Consistent with [20 CFR] § 679.510(b), the Local WDB must provide an opportunity for public comment on the development of the local plan or subsequent plan modifications before submitting the plan to the Governor. To provide adequate opportunity for public comment, the Local WDB must:
- (1) Make copies of the proposed local plan available to the public through electronic and other means, such as public hearings and local news media;
 - (2) Include an opportunity for comment by members of the public, including representatives of business, labor organizations, and education;
 - (3) Provide no more than a 30-day period for comment on the plan before its submission to the Governor, beginning on the date on which the proposed plan is made available, prior to its submission to the Governor; and
 - (4) The Local WDB must submit any comments that express disagreement with the plan to the Governor along with the plan.
 - (5) Consistent WIOA sec. 107(e), the Local WDB must make information about the plan available to the public on a regular basis through electronic means and open meetings.
- [(6)] Plan must have LEOs and Board approval.***

Local Plan Approval Requirements (20CFR §679.570)

- (a) Consistent with the requirements at [20 CFR] § 679.520 the Governor must review completed plans (including a modification to the plan). Such plans will be considered approved 90 days after the Governor receives the plan unless the Governor determines in writing that:
- (1) There are deficiencies in workforce investment activities that have been identified through audits and the local area has not made acceptable progress in implementing plans to address deficiencies; or
 - (2) The plan does not comply with applicable provisions of WIOA and the WIOA regulations, including the required consultations and public comment provisions, and the nondiscrimination requirements of 29 CFR part 38.
 - (3) The plan does not align with the State Plan, including with regard to the alignment of the core programs to support the strategy identified in the State Plan in accordance with WIOA sec. 102(b)(1)(E) and § 676.105 of this chapter.
- (b) In cases where the State is a single local area:
- (1) The State must incorporate the local plan into the State's Unified or Combined State Plan and submit it to the U.S. Department of Labor in accordance with the procedures described in § 676.105 of this chapter.
 - (2) The Secretary of Labor performs the roles assigned to the Governor as they relate to local planning activities.
 - (3) The Secretary of Labor will issue planning guidance for such States.

Local Plan Modification Requirements (20CFR §679.580)

- (a) Consistent with the requirements at § 679.530, the Governor must establish procedures governing the modification of local plans.
- (b) At the end of the first 2-year period of the 4-year local plan, each Local WDB, in partnership with the appropriate chief elected officials, must review the local plan and prepare and submit modifications to the local plan to reflect changes:
 - (1) In labor market and economic conditions; and
 - (2) Other factors affecting the implementation of the local plan, including but not limited to:
 - (i) Significant changes in local economic conditions;
 - (ii) Changes in the financing available to support WIOA title I and partner provided WIOA services;
 - (iii) Changes to the Local WDB structure; and
 - (iv) The need to revise strategies to meet local performance goals.

WIOA requires the development of four-year plans, and for these plans to be revisited/revised after the first two years. WIOA regulations direct LWBD to submit their local plans to DETR for review and approval after approval by the LEO and Board.

(20 CFR §680.320)

The Local Plan must describe the process to be used in selecting the providers under a contract for services.

Negotiating Local Performance

DETR provides performance suggestions based on Department of Labor recommended methods to the Local Boards. Local Boards review the recommendations and provide written responses regarding their local area.

Local Plan Due Dates

The Local Plan is due sixty (60) days after State Plan approval. Draft submittals to the State must have been presented and approved by the Local Elected Official and Local Board.

NOTE: Additional time will be given should communication from the Department of Labor issue different direction.

Local Plan Modification Procedures

At the end of the first 2-year period of the 4-year local plan, the LWDB, in partnership with the chief local elected officials, must review the plan and prepare and submit modifications to reflect changes in regional labor market, economic conditions or other factors affecting the implementation of the local plan, including but not limited to changes in the financing available to support WIOA Title I and partner-provided WIOA services. (20 CFR §679.530)

Local Plan Modification will follow the same process/timeline as outlined above. If a two year modification is not necessary, a formal letter will be sent to WISS from the LWDB indicating so.