

# Analysis of Local Area Designation Options under the Workforce Innovation and Opportunity Act

March 6, 2018

Idaho has operated as a single workforce area as approved by the Workforce Development Council since 2005 maintaining two designated separate local workforce areas based on the previous Workforce Investment Act. Idaho has a waiver through June 30, 2018 that allows the State Board to perform the roles of the Local Board.

The purpose of this document is to examine the Governor's options to become a single workforce area state based on previously issued USDOL guidance, WIOA regulations, and some specific instances where other States have proposed this re-designation.

## 1. The option for the Governor to designate the State as a single-area state at this time may be challenging.

- The WIOA statute states that only single-area states prior to WIOA are eligible to continue as single area state per WIOA 106(d);
- USDOL's guidance on WIOA governance provides that States that were not single State local areas under WIA "may not" designate themselves as a single State local area under WIOA. [https://wdr.doleta.gov/directives/attach/TEGL/TEGL\\_27-14.pdf](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_27-14.pdf) (middle of page 8)
- USDOL went so far as to amend the guidance specifically in response to Montana's attempt to eliminate its second local area – a CEP, established from a mine closure in the 1970s. [https://wdr.doleta.gov/directives/attach/TEGL/TEGL\\_27-14\\_Change\\_1\\_Acc.pdf](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_27-14_Change_1_Acc.pdf)
- The US Department of Labor has stated "currently there are no statutory or regulatory procedure for a State with multiple local workforce development areas to become a single-entity State. This was reflected when Maine challenged the single area designation provision. <https://bangordailynews.com/2017/09/05/news/bangor/trump-slaps-down-lepages-job-training-takeover-bid/>

## 2. Potential strategy to consolidate the two areas in the future.

- WIOA Section 106(b)(6) states that at the request of all of the local areas in a planning region, funds will be made available to facilitate activities required for re-designation of the existing local areas into a single local area. <https://labor.idaho.gov/wioa1/policies/Local-Area-Designation.pdf>
- So if the Governor gets a written request/consent from the current two designated areas (ECIPDA and other officials of local governments in the other 5 regions), he can re-designate the two areas as a single local area.
- There is language in the President's upcoming budget that allows USDOL to waive or grant Governors the authority for re-designation.
- Secretary of Labor Acosta also indicated at a recent national conference that the USDOL has asked Congress to expand waiver authority stating that "workforce decisions must be made in the states not by the federal government" since they understand local variations, etc."