

MARYLAND WORKFORCE DEVELOPMENT SYSTEM

Maryland Policy Issuance

Policy Issuance No.01-2013 **Policy** **Information** **Guidance**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors

cc: WIA State Partners

From: Julie Squire, Assistant Secretary,
Department of Workforce Development and Adult Learning (DWDAL)



Date: August 15, 2013

Effective Date: January 1, 2014

Expiration Date: Until rescinded

GWIB Approval Date: August 11, 2013

Authority: WIA Section 116.

Subject: Local Workforce Investment Area designation appeals process

Purpose.

The purposes of this policy is to describe and define the appeal process available to units of local government and grant recipients that request and are not granted designation of an area as a local area.

I. Background.

20 CFR §667.640 issued pursuant to the Workforce Investment Act of 1998 (WIA) Section 116, requires that the State must establish, and include in its State Plan, due process procedures which provide expeditious appeal to the State Board for a unit or combination of units of general local government or a rural concentrated employment program grant recipient (as described at WIA section 116(a)(2)(B)) that requests, but is not granted, automatic or temporary and subsequent designation as a local workforce investment area under WIA section 116(a)(2) or 116(a)(3).

(2) These procedures must provide an opportunity for a hearing and prescribe appropriate time limits to ensure prompt resolution of the appeal.

(3) If the appeal to the State Board does not result in designation, the appellant may request review by the U.S. Secretary of Labor under §667.645.

(4) If the Secretary determines that the appellant was not accorded procedural rights under the appeal process established in paragraph (a)(1) of this section, or that the area meets the requirements for designation at WIA section 116(a)(2) or 116(a)(3), the Secretary may require that the area be designated as a workforce investment area.

The following policy Workforce Issuance sets forth the respective appeal process.

II. Policy.

- A. Units of local government and grant recipients that request, and are not granted designation as a local area may appeal their denial of the designation by filing a written protest with the Governor's Workforce Investment Board (GWIB) within 15 days of their denial. The protest must be supported with documentation demonstrating their ability to fulfill area designation taking into consideration the following: (1) geographic areas served by secondary and postsecondary education institutions; (2) the extent to which the proposed area is consistent with labor market areas; (3) the distance that individuals will need to travel to receive services within the proposed area; and (4) available resources within the proposed area to effectively administer WIA Title I-B program services.
- B. Within 30 days of receipt of the written protest, GWIB will schedule a review hearing of the protest by the GWIB Executive Committee or its designated Review Committee made up of other GWIB Board members and will issue a recommendation to the Governor for approval within 10 days of the review hearing. The decision of the Governor shall be made within 30 days following the receipt of the GWIB recommendation. The Governor's decision is the final State decision of the appeal. If the Governor fails to issue a decision in 30 days, the GWIB Recommendation will be the final State decision of the appeal.
- C. If the appeal does not result in an area designation, GWIB will advise the unit or grant recipient of their right to request a review by the U.S. Department of Labor consistent with WIA Sec.116(a)(5) and 20 CFR667.645.

IV. Action Required.

The Governor's Workforce Investment Board, all Local Workforce Investment Boards and Chief Elected Officials must follow the policy in the request for applications for local designation.

V. Inquiries.

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