

Transfer of County(ies) Procedures

I. Request from a Unit, or Multiple Units, of Local Government to Add or Remove a County from a Local Workforce Development Area:

The chief local elected official from any unit of local government – including a combination of units - may submit a request, at any time within the parameters set forth in this policy, for transfer, reorganization, and designation as a local workforce development area (20 CFR § 679.240(b)(2)). In order for a unit (or units) of local government to request the reorganization of a Local Area, the units making the request must show the move has been discussed and approved - by board resolution or documented vote – by the unit (or units) of local government which would comprise the reorganized Local Area if approved. The NCWorks Commission (Commission) may also consider whether the move has been discussed and approved – by board resolution or documented vote - by the unit (or units) or local government of the current Local Area(s).

The transfer of county(ies) request must adhere to the criteria and standards set forth in Section B of this document, as outlined in WIOA Section 106 and 20 CFR 679.200 et seq. The Commission, with the assistance of the Division of Workforce Solutions (DWS), will determine if the request aligns with these criteria and standards as well as any criteria outlined in the Combined State Plan. Furthermore, the Commission may also consider the impact this change will have on service delivery, economic development regions, commuting patterns, costs and benefits of a potential reorganization including, availability of educational and training providers, needs and services related to the business and employer community and other community-based needs, as well as any other factors that the Commission may determine in its discretion. The Commission will consult with the impacted chief local elected(s) and WDB(s) and will consider comments received from the public.

Requests must be submitted with Attachment 2 (Local Workforce Development Area Application) no less than ninety (90) days prior to the next regularly scheduled Commission meeting. The form and all supporting documentation must be submitted via email to AssistantSecretary@ncworks.gov.

NOTE: The Commission and DWS may decide a time frame for when they will review a transfer of county(ies) request. If any changes are made, changes can only take effect at the beginning of a program year (July 1). Thus, as a general procedure, the first Commission meeting of the calendar year is the latest Commission meeting at which the Commission will consider requests that will be effective the following July 1. Although, chief local elected officials are encouraged to submit requests as early as possible before the planned effective date to allow ample time to prepare for a transition, if the Governor approves the request.

II. Transfer of Local Workforce Development Area County(ies) and Designation Based on Chief Local Elected Official(s) Request:

The Commission may recommend to the Governor that the Governor approve a request from a chief local elected official of any unit of general local government (including a combination of such units) for transfer/reorganization and designation of an area as a Local Area if the Commission determines, based on the considerations described in WIOA Section 106(b)(1), 20 CFR 679.200 et seq., this policy, and the Combined State Plan, that such area should be so designated (WIOA Section 106(b)(4)).

WIOA Section 106(b)(1)(B) requires that to designate a Local Area the following considerations must be made by the Commission regarding the reorganization and designation of a Local Area. The extent to which the areas:

- Are consistent with labor market areas of the State,
- Are consistent with regional economic development areas in the State, and
- Will have available the Federal and non-Federal resources necessary to effectively administer activities under subtitle B and other applicable provisions of WIOA – including whether the areas have the appropriate education and training providers, such as institutions of higher education and area career and technical education schools.

Additional considerations are outlined in the following section.

III. Required Information and Action Steps of Requestor (Units/Units of Local Government):

Following any due date requirements determined by the Commission, a statement of intent to request a transfer of county(ies) must be submitted to the DWS at AssistantSecretary@ncworks.gov. DWS will evaluate the request for completeness and forward complete applications to the Commission for consideration. The full request for reorganization of a Local Area must include the following components and steps and must be submitted timely:

- A. Submit the application, attaching any other required documents, to the DWS through the following email address: AssistantSecretary@ncworks.gov. Receipt of the request (and all email requests made subsequently with respect to the request) must be documented by electronic return confirmation. If the requestor does not receive confirmation, it is the requesting party's responsibility to contact DWS to ensure that the notice has been received.
- B. The request must clearly state the circumstances for the request of transfer of county(ies) and reorganization of Local Areas.
- C. The request should also address and explain the following:

1. Impact of the change on service delivery;
2. Costs and benefits of a potential reorganization including, availability of educational and training providers (such as institutions of higher education and career and technical education schools in the area), needs and services related to the business and employer community and other community-based needs;
3. Consistency with natural labor market areas and commuting patterns;
4. Consistency with regional economic development areas;
5. Local backing by county commissioners, municipal elected officials – including mayors and/or city council members, where appropriate – and business or community leaders within the area of the implementation strategies to provide quality services to employers and individuals; backing may be demonstrated by meeting minutes, letters of support, resolutions or a vote of support by a commission, council, or other applicable board; and
6. Local capacity to manage funds, provide oversight of programs, and provide for the proper stewardship of public funds.

The Commission or the Commission's Governance and System Alignment Committee may, in its discretion, request additional information to assist with its consideration of the request.

- D. The request must address how the proposed transfer, reorganization, and new area designation will impact those other Local Areas from which it is withdrawing. It should be understood by any unit of general local government, or combination of such, that the new area will only secure the formula allocated funds for each WIOA funding stream based on the formula factors as defined by WIOA.
- E. The Commission's Governance and System Alignment Committee will review the request and comments from the public, including a public comment period of at least ten (10) business days, and make a recommendation to the full Commission.
- F. The Commission will submit its recommendation to the Governor for approval within five (5) business days of the Commission vote.
- G. If approved, the Governor will notify the Commission and the requesting chief local elected official. Unless otherwise specified by the Commission, any approvals given prior to March 30, three (3) months prior to the beginning of the fiscal and program year (July 1), may be effective that July 1. Any approvals given between April 1 and June 30, will not be effective until the following July 1.

IV. Requirements for Addressing Requests to Remove or Add a County(ies) Within a Local Area:

The chief local elected official representing the unit of local government requesting the transfer of county(ies) must adhere to the respective (current) Local Area's Consortium Agreement with respect to addressing the request. In addition to the Consortium Agreement, the following procedural process must be adhered to:

1. The local elected official representing the unit of local government making the request must present the action to the current WDB and Chief Local Elected Official (CLEO) of the current Local Area.
2. The current WDB, in conjunction with the CLEO representing the Local Area, must formally address the request via a documented vote or resolution supporting or opposing the reorganization.
3. The chief local elected official representing the unit of local government requesting the move must propose the move to the chief local elected official(s) of the Local Area the unit of local government desires to reorganize with.
4. The chief local elected official(s) of the unit(s) of local government that will comprise the desired reorganized Local Area must formally address the request, via a documented vote or resolution.
5. If consensus is reached, these local elected officials should present evidence of the process to the Commission for consideration.

The requests, proposals, and information used to make a determination should include the data elements and criteria outlined in Section III of this guidance.

The Commission or the Commission's Governance and System Alignment Committee may, in its discretion, request additional documents and information from chief local elected officials, CLEOs, or WDBs regarding support or opposition to assist with its consideration of the request.

V. Governor Reserves Right to Review and Evaluate a Local Area at Any Time:

In accordance with 20 CFR § 679.250(d)(1); the Governor may review a designated local area at any time to evaluate whether that area (or multiple areas may be reviewed simultaneously at any time) is continuing to or is meeting the requirements for designation as it relates to:

- Is the local area performing successfully;
- Is the local area sustaining fiscal integrity;
- In the case of a local area in a planning region, the local area met the regional planning requirements outlined in both the state and regional plans.

VI. Conflict Resolution/Appeals:

In accordance with WIOA Section 106(b)(6), a unit of general local government (including a combination of such units) or grant recipient that requests but is not granted designation of an area as a Local Area or, in the event that chief local elected officials fail to reach a consensus regarding the request to reorganize Local Areas, any party may appeal to the Commission. Appeals will be considered by the Commission's Governance and System Alignment Committee, with assistance from DWS. The items outlined in Sections B and C of this document are required to be presented to the Committee for consideration of the request. The full Commission will vote on the request. Appeal requests and documentation should be submitted to AssistantSecretary@ncworks.gov. If the appeal does not result in such Local Area designation, the unit of local government or grant recipient may request a review from the United States Department of Labor Secretary of Labor.