

**To:** Indiana's Workforce System

**From:** Indiana Department of Workforce Development (DWD)

**Date:** June 9, 2022

**Subject:** DWD Memorandum 2021-24  
Workforce Innovation and Opportunity Act (WIOA) Local and Regional Plan  
Modifications for PYs 2022 and 2023

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## Purpose

To provide guidance to local workforce development boards (WDBs) on the development, submission, and approval of local and regional plan modifications.

## Rescission

- DWD Memorandum *Regional and Local Plan Modification*, Issued May 24, 2018

## References

- WIOA sec. 107(e)
- 20 CFR § 679.530, 570 and 580
- Training and Employment Guidance Letter 04-21, *Modification Requirements for Workforce Innovation and Opportunity Act (WIOA) State Plans for Program Years (PYs) 2022 and 2023*
- DWD Policy 2019-04, Change 1 *Workforce Innovation and Opportunity Act (WIOA) Title I Adult Priority of Service*
- DWD Policy 2020-05, *PY 2020 WIOA Local and Regional Plan Instructions*

## Content

The WIOA local or regional 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.<sup>1</sup>

WIOA allows the State to identify "planning regions" to align workforce development resources to regional economies and ensure coordinated and efficient services to both job seekers and employers. The State has identified one planning region comprised of local areas 5 and 12.<sup>2</sup>

WIOA requires each local WDB, in partnership with its Regional Chief Elected Official (RCEO), to review its local or regional (as appropriate) plan and prepare, approve, and submit modifications to the Governor (via Department of Workforce Development and the Governor's Workforce Cabinet, as

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<sup>1</sup> Requirements for the local and regional plans are outlined in 20 CFR § 679.550. Elements of the State's strategic vision are described in the State Plan and DWD Policy 2020-05, *PY 2020 WIOA Local and Regional Plan Instructions*.

<sup>2</sup> Regions 5 and 12 must collaborate when modifying any of the following regional plan criteria items: 1.1, 2.4, 2.5, 3.2, 3.3, 3.5, 3.8, and 4.3D. Criteria items are listed within DWD Policy 2020-05 Att. A & B PY 2020 WIOA Local Plan Templates that can be accessed at <https://www.in.gov/dwd/compliance-policy/policy/active/>.

described below). Plan modifications must be completed at the end of the first two-year period of the four-year plan.

COVID-related economic factors have created economic challenges over the past few years (e.g., lower labor force participation and worker shortages). Local boards should consider reassessing economic and labor market information (LMI) and adjust strategies for what may now be a different set of growing and/or declining industries, occupations, and skills.<sup>3</sup>

### ***State Strategic Vision and Goals***

Indiana's strategic vision is to create a talent system that affords all Hoosiers equitable opportunities for lifelong learning and increased personal economic mobility and provides employers the talent to grow and diversify their workforce. We will endeavor to increase intergenerational social and economic mobility by:

- Ensuring quality pathways that provide opportunities for career advancement, personal prosperity, and well-being for all Hoosiers;
- Partnering with Indiana employers and education and training providers to identify and close the skills gap while meeting emerging talent needs; and
- Strengthening Indiana's economy by aligning programs and funding to meet current and future workforce needs.

Indiana's high-level priorities have remained the same in the State Plan modification:

1. Focus on meeting the individual needs of Hoosiers.
2. Integrate state systems to facilitate greater access to information, resources, and services for constituents, businesses, state personnel, career coaches or navigators, and case managers.
3. Align programs towards creating a healthy, engaged, and talented citizen.
4. Maximize state and federal resources through impact-driven programs for Hoosiers.
5. Foster impactful relationships between businesses, community partners, and government agencies.

While Indiana's strategic vision and high-level priorities remain the same, plan modification requirements outlined in TEGL 04-21 necessitated updates to many of the state strategies and metrics in the original State Plan submission. United States Department of Labor (USDOL) requires states to adopt the following planning priorities in modifications:

1. Data-driven decisions;
2. Reemployment;
3. Equity in service delivery and educational programming; and
4. Enhance supportive service offerings.

Local areas are encouraged to keep these priorities in mind as they develop their local and regional plan modifications.

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<sup>3</sup> TEGL 4-21 *Modification Requirements for Workforce Innovation and Opportunity Act (WIOA) State Plans for Program Years (PYs) 2022 and 2023.*

## **Modification Requirements**

WIOA regulations<sup>4</sup> require local or regional plans to be modified when significant changes have occurred. Such changes include, but are not limited to, the following:

- A. In labor market and economic conditions:
  - a. COVID-related economic factors have created economic challenges over the past few years (e.g., lower labor force participation and worker shortages). Local areas should reassess economic and labor market information (LMI) and adjust strategies for what may now be a different set of growing/declining industries, occupations, and skills.
- B. Other factors affecting the implementation of the local plan, including but not limited to:
  - a. Significant changes in local economic conditions;
  - b. Changes in the financing available to support WIOA title I and partner-provided WIOA services (MOU/IFA);
  - c. Changes to the Local WDB structure;
  - d. Updated local performance goals, upon the completion of local negotiations with the State; and
  - e. The need to revise strategies to meet local performance goals.

### **Indiana's Combined State Plan Modification<sup>5</sup>**

Indiana's state plan modification includes several updates to Indiana's five main strategic goals including but not limited to individual goals strategy progress, completion, and clarification. Although local boards are not required to address individual strategies, these updates may impact local or regional plans and should be considered during the review process.

Indiana's Combined State Plan modification is pending approval by USDOL. While guidance for the modification of local and regional plans has been finalized, edits may be required to conform to any requests made by the Governor based on approval conditions and/or content changes to the state plan modification.

### **Additional Factors to Consider**

- Award of a contract to a new competitively selected One-Stop Operator or new service provider;
- Change due to use of a state waiver that has been approved for implementation by USDOL;
- Changes to service delivery strategies and associated local policies including but not limited to:
  - Priority of Service (POS);<sup>6</sup>
  - Locally established POS groups;<sup>7</sup> and
  - Co-enrollment strategies.<sup>8</sup>
- Any other change defined locally as a substantial deviation from the local or regional plan, including changes in local/regional criteria, service providers, or local standards for service coordination.

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<sup>4</sup> 20 CFR § 679.530 and 580.

<sup>5</sup> Indiana's State Plan modification can be accessed at <https://www.in.gov/dwd/compliance-policy/plans-resources/>.

<sup>6</sup> Criteria 3.7 of the local plan should be updated as appropriate.

<sup>7</sup> Per DWD Policy 2019-04, Change 1.

<sup>8</sup> Criteria 4.2 of the local plan should be updated as appropriate.

### **Public Comment Requirements**

The Local WDB must provide an opportunity, consistent with WIOA “sunshine” provisions, for public comment on the development of the local plan or subsequent plan modifications. To provide adequate opportunity for public comment, the Local WDB must:

- 1) Make copies of the proposed local plan modification available to the public through electronic (typically, the local WDB’s website—in plain view) 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; and
- 3) Provide a 30-day public comment period on the plan before its submission, beginning on the date on which the proposed plan modification is made available.

### **Modification Submission Instructions**

At a minimum, the plan modification package must include:

- A cover letter (or email) identifying which sections and criteria numbers have been modified, a brief summary of those changes, and a description of any deletions from the original plan;
- Attachment A of this memo must be completed and signed by both the WDB chair and RCEO;
- Updated participant table (DWD Memo 2020-05 Attachment B - Program Participants for PY21);<sup>9</sup>
- A copy of all public comments and how these comments were addressed within the plan modification;
- The updated local plan (Local boards are to use the “track changes” function in Word or may highlight changed content, provided changes are explained in marginal notes where applicable), including revised negotiated local performance goals; and
- All new or updated plan attachments.<sup>10</sup>

The modification package must be submitted electronically:

<b>Email address</b>	<a href="mailto:policy@dwd.in.gov">policy@dwd.in.gov</a>
<b>Email Subject Line</b>	Region #- 2022 Local/Regional Plan Modification Submission
<b>Submission Deadline</b>	No later than EOD on <b>09/30/2022</b>

### **Modification Initial Review, Approval, and Edit Requests**

DWD will conduct an initial review and work with local areas to ensure plans meet federal and state requirements and expectations. If all requirements have been met, DWD will then submit approval recommendations to the Governor’s Workforce Cabinet (GWC).

Plans will be considered approved 90 days after the receipt of the plan unless the State determines in writing that:

<sup>9</sup> Located at <https://www.in.gov/dwd/compliance-policy/policy/active/>.

<sup>10</sup> Attachments may include contracts, public comments, monitoring documents, or MOU/IFA documents.

- 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; and/or
- 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](#).; and/or
- The plan does not align with the State Plan, including the alignment of the core programs to support the strategy identified in the State Plan in accordance with WIOA sec. 102(b)(1)(E).

If denied due to any of the above conditions, local boards are to revise their plan modifications according to feedback received from reviewers and resubmit their plans for a second review and approval.

Once approved, the local WDB must post their complete modified plan on the board's public website. Local areas are to provide DWD, [policy@dwd.in.gov](mailto:policy@dwd.in.gov), a direct link to the posted plan within 30 days of approval. The local link will be posted on DWD's website.<sup>11</sup>

## Attachments

**Attachment A** - Local and Regional Plan Modification Cover and Signature Pages (separate Word File)

## Additional Information

Questions regarding the content of this publication should be directed DWD Policy, [policy@dwd.in.gov](mailto:policy@dwd.in.gov).

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<sup>11</sup> <https://www.in.gov/dwd/compliance-policy/plans-resources/lp/>.

**Attachment A**  
**Local and Regional Plan Modification Cover and Signature<sup>12</sup> Pages**

See DWD's Active Policy page, <https://www.in.gov/dwd/compliance-policy/policy/active/>, to access the editable Word file.

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<sup>12</sup> The signature page has been updated to include a signature line for the Regional Chief Local Elected Official.