

**SC Employment Security Commission**  
**State Workforce Investment Act Division**  
1550 Gadsden Street  
PO Box 1406  
Columbia, SC 29202

January 30, 2002

To: Local WIA Administrators for  
Chief Elected Officials

From: C. Michael Mungo  
Executive Director

Subject: Workforce Investment Act  
Local Workforce Investment Area Subsequent Designation

Pursuant to Section 116 of the Workforce Investment Act, local Workforce Investment Areas (LWIAs) were granted temporary designation for a period of two years ending June 30, 2002. With June 30<sup>th</sup> fast approaching, a formal petition for local Workforce Investment Area Subsequent Designation has been developed for completion in order to fulfill the requirement for Formal Area Designation as prescribed in the Act.

Subsequent Designation is based on two factors. The first factor is a local area's ability to substantially meet performance measures as defined by the State Workforce Investment Board. The second factor is based on fiscal integrity as defined in Section 116 (a)(3)(B) of the Act.

Because the performance data for the initial designation period ending June 30, 2002, will not be available until October, 2002, the State is focusing on fiscal integrity and systems improvement. Local areas have made great strides in coordinating area designation, board configuration, partner involvement, one-stop systems and other workforce development processes. Although performance measures play a vital role in ensuring qualitative and quantitative analysis of programs and services, they do not provide a complete picture of the processes developed and goals achieved by the local areas in Program Year 2000.

All twelve of South Carolina's Workforce Investment Area's have successfully implemented WIA and are looking ahead to improving the services and programs being offered in their areas. The enclosed Formal Petition for Subsequent Designation will be based on fiscal integrity and will designate local areas through June 30, 2005.

**Please complete and return the enclosed petition by March 29, 2002.** If you should have any questions regarding this correspondence, please contact Sam Jordan at (803) 737-2611 or [sjordan@sces.org](mailto:sjordan@sces.org).

State of South Carolina  
Workforce Investment Act

**Local Workforce Investment Area Subsequent Designation Procedures**  
**July 1, 2002 through June 30, 2005**

**Background**

Entities requesting area designation originally applied under one of two criteria. The first criteria was the grandfathering in of existing Service Delivery Areas based on size, fiscal integrity and past performance. The second criteria was based on a new application that addressed: geographic areas served by local, intermediate, post-secondary, and vocational educational institutions; the extent to which local areas were consistent with labor market areas; the distance individuals would need to travel to receive services; and the resources of such local areas that were available to effectively administer Title I activities.

All of South Carolina's Local Workforce Investment Areas were temporarily designated under one of the two criteria listed above.

**Submission of the Formal Subsequent Designation Petition**

The formal Workforce Investment Area Designation Petition included in this package must be used to request Subsequent Designation. The South Carolina Employment Security Commission (SCESC), as the administrative agency for the WIA in the State, will accept petitions until the close of business, **Friday, March 29, 2002**. Those areas requesting changes in their configuration will need to solicit public comment as part of the attached Petition.

**State Workforce Investment Board Recommendations to the Governor**

Once all petitions have been submitted, the SWIB will make its recommendations to the Governor for final designation.

**Notification of Workforce Investment Area Subsequent Designation**

Areas will be notified of their formal designation status within fifteen (15) days of the Governor's decision.

**Appeals**

- A. A petitioning entity denied designation under Section 116 (a)(3) may submit a written appeal to the SWIB within twenty (20) days of receiving written denial notification. Appeals submitted after this time will not be considered.

- B. The appealing entity must explain why it believes the denial is contrary to the provisions of Section 116 (a)(3) of the WIA. No other cause for appeal will be considered under this Section.
- C. The SWIB must consider and respond in writing to such an appeal within twenty (20) days of its receipt.
- D. If the petitioning entity is again denied such designation, further appeal to the Secretary of Labor may occur if the entity alleges 1) that the decision of the Governor violates Section 116(a)(3) or 2) that the entity was not accorded procedural rights under the State appeal process described herein.
- E. All such appeals to the Secretary must be submitted within fifteen (15) days of receipt of the notification of denial by the SWIB. Such appeals shall be submitted by certified mail, return receipt requested to the Secretary, US Department of Labor, Washington D.C. 20210. Attention: ASET. The appealing entity must simultaneously notify the Governor and the SWIB of such an appeal to the Secretary.
- F. The Secretary shall accept the appeal and make a decision only with regard to determining whether or not 1) the denial is consistent with Section 116(a)(3) of the WIA and/or 2) the appealing party was accorded procedural rights under the State's appeal process. The Secretary may consider any comments by the Governor.
- G. The Secretary shall make a final decision within thirty (30) days after the appeal is received. The Secretary shall notify the Governor and the appellant in writing of the Secretary's decision.

**Petition Completion**

Petitioning Areas must complete the following:

Section I	Parts A,B, C, and D
Section II	Part A
Section V	
Section VI	



**PART D:** *List the name, title, mailing address, telephone number, fax number and e-mail address of the contact person:*

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

**SECTION II Fiscal Integrity**

**PART A:** *Has the Local Area sustained fiscal integrity as it is defined below?*

YES

NO

**Sustained Fiscal Integrity** is used in this section with respect to funds used by a local area. It means that the Secretary has not made a final determination during any of the last three years for which data are available, prior to the date of the designation request involved, that either the grant recipient or the administrative entity of the area misexpended the funds due to willful disregard of the requirements of the Act involved, gross negligence, or failure to observe accepted standards of administration.

**SECTION III Conditions**

Pursuant to Section 116 of the Workforce Investment Act, through consultation with the State Workforce Investment Board, the Governor shall make a decision regarding local area re-designation.

**SECTION IV Assurances**

The Chief Elected Officials (CEOs) making this designation request must assure the following:

- That they have been duly authorized to participate by and on behalf of the governing bodies of the counties specified and documentation of this authorization can be provided;
  
- Compliance with the requirements of the Act, all Federal regulations implementing the Act, any revisions or amendments thereto, state issued instructions, and any and all applicable federal, state and local rules and regulations; and;
  
- Acceptance by the grant recipient/CEOs of complete and total responsibility for the receipt of the designated workforce investment area's WIA funds as well as the proper use and management of such funds.

**SECTION V**

**Signatures of Chief Elected Officials**

**COUNTY**

**SIGNATURE**  
(Typed name and Title)

**DATE**  
(mm/dd/yy)

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**SECTION VI**

**Board Chair Signature**

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Submit to:  
SCESC/SWIAD  
1550 Gadsden Street  
PO Box 1406  
Columbia, SC 29202  
Attn: Sam Jordan

Submit by:  
March 29, 2002, 5:00 PM