



**Tom Barrett**  
Mayor, City of Milwaukee

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May 3, 2017

Governor Scott Walker  
115 East Capitol  
Madison, WI 53702

Dear Governor Walker:

I have had the opportunity to review County Executive Chris Abele's April 28, 2017 letter requesting that you "return the designation of Milwaukee County as a local workforce investment area and the County Executive as the Chief Elected Official" (CEO).

I am proud of Employ Milwaukee's record of successful workforce development programming throughout Milwaukee County. Collaboration is key to that success. More importantly, collaboration is required of all levels of government under the Workforce Investment and Opportunity Act (WIOA).

The County Executive seeks to bypass local collaboration as required by federal law. Instead, he requests a state-mandated solution that is not permissible under federal law. That request should be rejected.

The only law the County Executive refers to in his letter is the Workforce Investment Act. That law is no longer in effect. The current law which governs workforce duties and responsibilities is WIOA, which former President Obama signed into law on July 22, 2014.

The explicit directives in WIOA regarding local area redesignation and chief elected officials clearly preclude any unilateral transfer, or even designation, of a single chief elected official by the Governor or Council on Workforce Investment.

As you may know, Workforce Development Area (WDA) 2 includes all of Milwaukee County, and was designated as a local area for two initial years under WIOA. At 29 U.S.C. §3121(b)(3), WIOA directs states to grant redesignation to all local areas that

have performed successfully, sustained fiscal integrity, and met the requirements of 29 U.S.C. §3121(c) if the WDA is in a regional planning area. Thus, it is our understanding of the law that subsequent designations of WDA 2 must be granted by the State of Wisconsin unless the WDA fails to meet those criteria.

In June 2015, the Wisconsin Department of Workforce Development issued guidance affirming this understanding, stating “local areas that are able to demonstrate successful performance and fiscal integrity must be permitted to continue to operate and may not be re-designated without the consent of the Local Board and CEO in the local area.”

The National Governor’s Association has issued similar guidance in its September 2014 “Workforce Innovation and Opportunity Act (WIOA) Governor/State Shall and May Provisions” publication. Under the statutory framework set by WIOA, WDA 2 cannot be undesignated and then redesignated as a new WDA as the County Executive requests.

By federal statute, I am one of the chief elected officials of the WDA, along with the County Executive, and the chief executive officers of all local governments within the WDA boundaries. Chief elected officials are defined by WIOA at 29 U.S.C.A. § 3102(9) as “the chief elected executive officer of a unit of general local government in a local area.” A “unit of general local government” is defined in § 3102(62) as “any general purpose political subdivision of a State that has the power to levy taxes and spend funds, as well as general corporate and police powers.”

WIOA does not permit a gubernatorial designation of the County Executive as the single chief elected official of WDA 2. When there is more than one unit of general local government in a WDA, WIOA § 3122 (c)(1)(B) encourages the chief elected officials to reach an agreement specifying their respective duties. Only if the chief elected officials attempt to reach an agreement, and fail to do so after a reasonable effort, does the Governor’s role emerge in the form of choosing board members - not a CEO.

Obviously, it doesn’t make any sense to declare there has been a failure to reach an agreement since the County Executive has not sought an agreement at the local level. Moreover, usurping the current practice of a locally appointed board and replacing it with a gubernatorial appointed board is totally unwarranted. I would hope that neither you nor the County Executive would support such a drastic solution.

When we talk about jobs, we are talking about our community’s future. Any distraction from that disrespects Milwaukeeans who seek a better future for their families through Employ Milwaukee.

Employ Milwaukee is a key partner in my Earn and Learn program, which has started the working lives of thousands of Milwaukee youth. I have worked with Employ to connect businesses to over 500 needed workers through the Mayor’s Manufacturing Partnership. I

remain committed to connecting Milwaukee area job-seekers with opportunities that can literally change their lives.

As has always been the case, I stand ready to work toward an agreement with the County Executive and any other interested local elected executives to define our respective duties regarding Employ Milwaukee and WDA 2. I have asked the Employ Milwaukee Board to draft a consortium agreement to act as a starting point to these discussions. We will be happy to keep you apprised of our discussions as they progress.

Sincerely,

A handwritten signature in black ink that reads "Tom Barrett". The signature is fluid and cursive, with a prominent initial "T" and a long, sweeping underline.

Tom Barrett  
Mayor

CC:

Ray Allen, Secretary, WI Department of Workforce Development  
Chris Abele, Milwaukee County Executive  
Don Layden, Chairman of the Board, Employ Milwaukee  
City of Milwaukee Common Council