



# Policy Manual

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[IWT Checklist Scoring Sheet.docx](#)

[IWT-Agreement 2 Party.doc](#)

[RELATIONSHIP ATTESTATION Form.docx](#)

[Trainee Plan and Budget ATTACHMENT A.xlsx](#)

[Trainee Spreadsheet Attachment B.xlsx](#)

### **Transitional Jobs Forms**

[Employee Spreadsheet TJ's.xlsx](#)

[TJ's Application.docx](#)

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**Policy 12-501b** Follow-up (see policy 12-605)

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Close Family Member, Stakeholders and Close Relationships/Acquaintance

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Substantial Attachment to Workforce

Dislocated Worker Eligibility

## Policy 12-200 Program Monitoring and Oversight

<b>Reference State Policy:</b>	WIOAPL 15-18.1
<b>Board Approved:</b>	December 18, 2018
<b>Revision Approved:</b>	August 20, 2024, October 21, 2025
<b>Effective Date:</b>	December 18, 2018
<b>Policy Obsoletes:</b>	

### **Purpose:**

The purpose of this policy is to describe how oversight and monitoring of WIOA programs and the One-Stop delivery system will be conducted to ensure compliance, provide a framework for continuous improvement, and impact innovative policy development and program performance.

Area 12 staff, either directly and/or through the use of a contracted third-party, shall monitor its contracts with the operators of the One-Stop Centers, and the providers of Adult, Dislocated Worker Services, Business Services, Youth Programming for the following purposes:

1. To ensure contractor compliance with agency, county, state, and federal regulations and requirements.
2. To ensure compliance with negotiated contract requirements, outcomes, and reimbursement/cost limits.
3. To evaluate the quality and effectiveness of the services provided.
4. To provide program guidance and direction to enhance the quality of services provided to customers.

### **Background:**

The Workforce Investment Act of 1998, Section 1119, and the Workforce Innovation and Opportunities Act of 2014, Section 184, requires the local Workforce Board, in partnership with the Chief Elected Official (CEO), to conduct program and financial oversight of all workforce programs and the One-Stop delivery system in the local area.

The Federal Code of Regulations also requires that sub-grantees must continuously monitor grant-supported activities in accordance with the uniform administrative requirements. This includes requirements that each sub-grantee must conduct regular oversight and monitoring of its workforce activities and those of its sub-grantees and contractors. The purpose of this requirement is to ensure that expenditures meet the cost category, cost limitation requirements, and other compliance provisions of the Workforce Investment and Workforce Innovation and Opportunities Acts.

# Policy 12-200 Program Monitoring and Oversight

## **Policy:**

### **Action and Scope of Monitoring**

Through a constant review process, the Area's staff, on behalf of its Boards of governance will ensure continuous improvement by performing the following two types of monitoring:

- I. program monitoring,
- II. financial monitoring

Program monitoring is a review of contractually provided for services to determine if performance under the contract is consistent with the terms and conditions of the contract and expected parameters of service. Program monitoring may include any or all of the following:

- Reviewing the contractor's documentation to determine if required services are being provided.
- Interviewing direct delivery staff, observing service delivery, and interviewing customers to determine what services are being provided, and the quality of the same.

Financial monitoring is an examination of the contractor's financial statements, records, and procedures. It is similar to an audit but has a lesser degree of detail and depth, and a higher degree of frequency. Financial monitoring includes, but is not limited to:

- Reviewing the contractor's invoices.
- Comparing budgets and/or budget limits to the actual costs.
- Obtaining reasonable documentation demonstrating that the services billed were actually delivered according to the contract.
- Comparing invoices with supporting documentation to determine if costs are allowable and necessary.

The intent of this policy is to prepare sub-grantees for monitoring/audits by identifying potential issues and discrepancies. The Local Workforce Board will provide consulting, training, and technical assistance to sub-grantees as needed.

### **Program Monitoring, Type and Frequency.**

Program monitoring compares actual service delivery to performance objectives identified in the contract and examines performance criteria such as effectiveness, volume, quality, customer satisfaction, contract compliance and adherence to law.

Area 12 Workforce Development Board staff will utilize one or more of the following types of program monitoring in the frequency provided below:

### **Expenditure Document Review.**

Monitoring staff will review each contractor's invoices and expenditure submittals to determine if the rates and services are the same as allowed by the contract. Area monitoring staff will

## Policy 12-200 Program Monitoring and Oversight

determine if supporting documents such as cost reports, third party receipts for expenses, customer information adequately support requests for payment. This form of monitoring will occur throughout the program year, every time the contractor submits an invoice for payment.

### **Program Desk Review.**

On a monthly basis, designated personnel for each sub grantee shall review general programming performance measures. Area and contract performance information will be tracked and maintained for historical reference in accordance with each sub grantees retention policy.

### **Review by Board's Monitoring Agents.**

A single formal review will be conducted at a designated point during the two-year grant cycle. Where issues or concerns are found with a contractor, monitoring will occur on a more frequent basis as determined to be needed by the Board's monitoring staff. Area 12 staff or its contractual monitoring designee shall use the States Program Monitoring Guide.

The review may include a visit to the contractor's place of business, to the service delivery site or both to review contract compliance and performance issues. The review may cover a broad range of contract-related issues or may be limited in scope to focus on a particular area of concern or to follow-up on a corrective action plan. A "Monitoring Report" will be used to carry out and document the findings of the review. The review may include, but will not necessarily be limited to, eligibility determinations, attendance, policy and procedures, staff competency, program and service delivery plans, service delivery observation, client satisfaction and other contractor information.

### **Review by Secret Shopper Customers.**

Area staff and/or ODJFS may have individuals posing as individual and/or employer customers to the One-Stops in order to obtain reports and information regarding One-Stop customer service. Area staff will at its discretion determine what information will be shared with the Board and contractor as a result of this type of monitoring.

### **Preparation for Monitoring, Notification, and Unscheduled Visits.**

Prior to the review, the Area monitor will examine the proposal, contract and any modifications to the contract, invoices and reports received to date, and provision for a corrective action plan (if any). The monitor will become familiar with the deliverables of the contract and will note any discrepancies or concerns from the invoices/reports provided by the contractor.

For desk reviews, the monitor will request in writing that the contractor provide the required documentation. For on-site reviews, the monitor will send written notification of the desire date of review along with a copy of the "Program On-Site Review Report" and will confirm both the review date and availability of needed documentation. When deemed necessary or desirable, the Area may send its agents to a contractor to seek readily observable information regarding contract performance.



# Policy 12-200 Program Monitoring and Oversight

## **Financial Monitoring.**

Financial Monitoring includes but is not limited to reviewing each contractor's invoices, comparing budgets and/or budget limits to the actual costs, reviewing the contractor's internal controls and evaluating supporting documentation to determine compliance with federal, state, and local laws, regulations, and policies.

Financial information to be reviewed will include but not be limited to permissibility of costs, billing systems, payroll, procurement, cash management, capital assets, inventory, recent audits, prior findings, cost allocation, third party contracts and other financial areas as needed.

### **1. Expenditure Document Review.**

Area staff will review each contractor's invoices and expenditure submittals to determine if the rates and services are the same as allowed by the contract. Area 12 staff or its designee will determine its supporting documents such as cost reports, third party receipts for expenses, customer information adequately support requests for payment.

This form of monitoring will occur throughout the program year, every time the contractor submits an invoice for payment.

### **2. Financial Desk Review**

Reviews of reports and documentation submitted by the contractor to the Area 12 monitor as part of a program desk review or on-site review may be utilized to review billing and invoices, comparison of budget to costs, internal controls, procurement and cost allocation. Additional information may be requested of the contractor, and upon it being requested, the contractor will produce the same.

## **Preparation for Monitoring, Notification, and Unscheduled Visits.**

Prior to the review, the Area 12 monitor will examine the proposal, contract and any modifications to the contract, including invoices and reports received to date and program monitoring reports. For desk reviews, the monitor will request in writing that the contractor provide the required documentation and will use the as outlined in the States Program Monitoring Guide. For on-site reviews, the monitor will send written notification of the desired date of review along with a copy of the States Program Monitoring Guide and will confirm both the review date and availability of needed documentation. There will be no unscheduled financial monitoring visits.

## **Monitoring Responsibilities, Report, and Corrective Action.**

The Executive Director will ultimately be responsible for conducting monitoring, and for the implementation of this monitoring plan. At the conclusion of each monitoring review, the individual responsible for conducting the monitoring as assigned by the Executive Director will prepare a report summarizing their findings and identifying any weaknesses, conditions, errors, contract deviations or violations. The report will also indicate what corrective actions are desired, the time frame for the corrective action and what, if any, actions the contractor has taken to alleviate the weakness, condition, error, contract deviation or violation of law,

## Policy 12-200 Program Monitoring and Oversight

regulation or policy. This report will be provided to the contractor within ten (10) business days of its completion. This report will be provided to Area's governing boards prior to its next scheduled meeting.

The contractor may be required at any time to develop and implement a corrective action plan or take specific actions to correct an error or address a concern. Corrective actions required as a result of monitoring are enforceable pursuant to the terms and conditions of the contract between Area staff and the contractor. If the contractor fails to develop and/or implement a corrective action plan, the Area may terminate the contract, withhold compensation, or otherwise enforce the terms of the contract through a court of competent jurisdiction.

### **Distribution of Policy and Technical Assistance.**

In order to assist contractors in preparing for monitoring and to solicit their cooperation, Area 12 will provide existing contractors as well as potential contractors with this policy. In addition, the Area is available to provide program and financial technical assistance to contractors on a daily basis via phone or email. Training and technical assistance will also be provided through meetings to be held as needed.

### **Disputes.**

Any dispute which cannot be resolved between the Area 12 Workforce Development Board and the sub-grantee shall be submitted to the Area 12 Board of Chief Elected Officials, which shall consult with the Area 12 Workforce Development Board. The Area 12 Workforce Development Board and Board of Chief Elected Officials shall issue a joint written decision, which is final and binding.

## Policy 12-300: Procurement

<b>Reference State Policy:</b>	2 CFR 200-ET.AL, WIOA Sec. 184(a)(3)(B), WIOA Sec. 134(c)(2)(C)], WIOA Sec.134(A), WIOA Sec. 134(c)(3)(G)(ii)], WIOA sec.107(d)(10)(B), 107(h),108(16),108(19)
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<b>Effective Date:</b>	12/8/18, 08/01/2023
<b>Policy Obsoletes:</b>	NA

### Purpose:

The purpose of this policy is to establish the procurement standards for county-specific and Workforce Development Board purchases. All procurement transactions of the Area 12 Workforce Development Board (WDB) and sub-grantees shall be conducted in a manner that provides, to the maximum extent possible, opportunity for free and open competition. Policies and procedures governing procurement shall ensure that all goods and services are obtained in an effective and efficient manner, which is consistent with the provisions of applicable federal, state, and local laws, rules, and regulations.

### Background:

Applicable federal, state, and local laws and regulations, including the requirements set forth in the Office of Management and Budget (OMB) 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, guide the procurement standards referenced in this policy. When state and local procurement laws and regulations impose stricter requirements than applicable federal standards, state and local requirements will be followed.

### Policy:

Each county in the Area 12 Workforce Development Board area (i.e., Butler • Clermont • Warren) will follow the procurement policy of their respective county for purchasing goods and services that are meant to be for county-specific use and for which their designated funds are to be used for purchase of the goods. For goods and services which are for use by the Area 12 Workforce Development Board and/or its staff, the county procurement policy of the Fiscal Agent and Federal Law will apply.

## **I. Requirements**

### **A. Cost-Reimbursement Only [WIOA Sec. 184(a)(3)(B)].**

## **Policy 12-300: Procurement**

Procurement transactions under this title between local boards and units of state or local governments shall be conducted on a cost-reimbursement basis only.

### **B. General Procurement Standards (2 CFR 200.318).**

The Workforce Area will use documented procurement procedures that reflect federal regulation, the Ohio Administrative Code (“OAC”), and Ohio Department of Job and Family Services (“ODJFS”) Policies, provided that the procurements are required to conform to applicable Federal law and standards identified in 2 CFR Parts 200.317 through 200.326, and OAC 5101:9-4-07.1

The Workforce Area will maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

The Workforce Area’s procurement procedures will avoid acquisition of unnecessary or duplicative items and promote cost-effective use of shared services by entering into state and local intergovernmental agreements for procurement or use of common or shared goods and services where appropriate.

The Workforce Area will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters, including but not limited to:

- Contractor integrity,
- Compliance with public policy,
- Record of past performance, and
- Financial and technical resources.

The Workforce Area will maintain records sufficient to detail the history of procurement. These records will include, but are not limited to:

- Rationale for the method of procurement,
- Selection of contract type,
- Basis for contractor selection or rejection, and
- The basis for the contract price.

### **C. Procurement Standards of Ethical Conduct.**

The Workforce Area shall adhere to the following ethical standards of conduct throughout the procurement process.

- Prior to engaging in any procurement, including the drafting of procurement documentation, all potential conflicts of interest in the procurement, management, and oversight of the use of goods or services must be identified and addressed.

## **Policy 12-300: Procurement**

- Until any solicitation is released to the public, it must be kept confidential to ensure that no individual or entity that will compete has an unfair advantage.
- No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal or State award if he or she has a real, perceived or potential conflict of interest.
- Conflicts of interest must be disclosed in writing when known in advance or announced to the voting body. The party must excuse themselves from any further discussion and/or vote on the matter in question.
- Current and former public officials and employees are prohibited from disclosing or using confidential information acquired in the course of official duties as public officials or employees.

### **D. Competition (2 CFR 200.319).**

All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards provided in section 200.319 of 2 CFR 200. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work or invitations for bids or requests for proposals must be excluded from competing for such procurements.

The Workforce Area procurement transactions will contain no requirements that unduly restrict competition as specified in 200.319(a) and (b).

The Workforce Area procurement procedures will ensure that all solicitations:

- Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured in a manner that does not unduly restrict competition; &
- Identify all requirements which the proposing entities must fulfill and all other factors to be used in evaluating bids or proposals.

The Workforce Area will ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. The Workforce Area will not preclude potential bidders from qualifying during the solicitation period.

### **E. Methods of Procurement (2 CFR 200.320).**

The Workforce Area shall use one of the following methods of procurement, depending upon the nature of the goods and services to be secured, and the terms and conditions contained within this policy.

- Micro Purchases.
- Small Purchases where the price is the overriding factor and involving standard products and/or services.

## Policy 12-300: Procurement

- Small Purchases where the price is not the overriding factor but is relatively simple and straight forward.
- Large Purchases where Requests for Proposals seeking unsealed bids are issued.
- Large Purchases where Requests for Proposals seeking sealed bids are issued.
- Noncompetitive Procurement.

Each method of procurement has listed below it a threshold. That threshold indicates the price range of goods and/or services to be purchased for which that method of procurement is allowed to be used, and at what amount or range that method of procurement must be used. The Workforce Area shall have the sole discretion to choose whatever procurement method is applicable.

### **1. Micro Purchases:**

**Threshold: Allowable for purchases of \$0.01 up to, but not in excess of \$2,500.00.**

Micro purchases may be awarded without soliciting quotes for acquisitions of supplies or services when:

1. The price of the good or service is considered reasonable; and
2. To the extent practical, micro-purchases are distributed equitably among qualified suppliers.

The Workforce Area may elect to use another method of procurement for purchases of under \$2,500.00, and if it does shall adhere to the requirements pursuant to that method.

The Workforce Area shall not consider it practical to distribute its micro-purchases among qualified suppliers where following circumstances are met:

If during the previous (6) month period the Local Workforce Area has obtained quotes from three (3) or more sources for the general type of goods or services to be procured (i.e. office supplies, electronic equipment).

1. The difference between the lowest quote and the next lowest quote is five percent (5%) or more.
2. The Local Workforce Area then proceeds to purchase from that lowest quoted provider.

### **2. Small Purchases:**

**Threshold: Allowable for Purchases of \$0.01 - \$2,500.00.**

**Required for purchases of \$2,501.00 - \$150,000.00.**

## Policy 12-300: Procurement

- a. Small purchases where price is the overriding factor and involve standardized products or Services.

For purchases where price is the overriding factor and which involve standardized products or services (e.g., office equipment and supplies), and where the aggregate acquisition costs are greater than the micro-purchase threshold (\$2,500.00) but do not exceed the small purchase threshold (\$150,000.00) the Workforce Area may use relatively simple and informal procurement methods by obtaining price or rate quotations from an adequate number of qualified sources but not less than three sources, if three sources are available. See OAC 5101:9-4-07.01. Where the Workforce Area contacts all of those on the Area's Qualified Source List, and the Area's Bidder's List, and provided an opportunity to submit a proposal, bid, or quote, and only a sole entity provides a proposal, bid, or quote, the Workforce Area may declare that competition is inadequate and award the proposal, bid, or quote to the sole proposing entity.

The Workforce Area shall maintain a list of qualified sources from which to solicit proposals (Area's Qualified Source List"), and the list shall include qualified sources that have expressed an interest in providing products or services to the Workforce Area (Area's Bidder's List). The Workforce Area must identify and document the evaluation factors and their relative importance. Awards will be made to the responsible source whose proposal is most advantageous to the program, with price being the primary, if not sole consideration.

- b. Small purchases where price is not the overriding factor but are relatively simple and straight forward purchases.

For purchases where price is not the overriding factor but are relatively simple and straight forward purchases that are greater than the micro-purchase threshold per applicable federal and state guidelines but do not cost more than the small purchase threshold (\$150,000.00), and where relative quality and performance must be evaluated (e.g., consultant services), CFSAs and local WIOA areas shall seek proposals from an adequate number of qualified sources, but not less than three (3) sources, if they are available. See OAC 5101:9-4-07.01 Where the Workforce Area contacts all of those on the Area's Qualified Source List, and the Area's Bidder's List, and provided an opportunity to submit a proposal, bid, or quote, and only a sole entity provides a proposal, bid, or quote, the Workforce Area may declare that competition is inadequate and award the proposal, bid, or quote to the sole proposing entity.

The Workforce Area shall maintain a list of qualified sources from which to solicit proposals, and the list shall include qualified sources that have expressed an interest in providing products or services to the Workforce Area. The Workforce Area must identify and document the evaluation factors and their relative importance. Awards will be made to the responsible source whose proposal is most advantageous to the program, with price and other factors considered.

3. **Large Purchase Competitive Proposals:**  
**Threshold: Allowable for Purchases of \$0.01 - \$150,000.00.**  
**Required for purchases of \$150,001.00 and above.**

## Policy 12-300: Procurement

- a. General Requirements Regarding Requests for Proposals that do not Require the Provision of a Sealed Bid.

The Workforce Area shall use competitive proposals when the conditions are not appropriate for the use of competitive sealed bidding, micro-purchases, small purchases, or non-competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, either a fixed price or cost reimbursement type contract is awarded, and the following conditions are met:

1. The complex and technical nature of the procurement cannot be described in bid specifications; and
  2. It is logical to award a contract on factors other than price.
- 
1. The Workforce Area, when choosing the Large Purchase Competitive Proposal procurement method, shall comply with the following procedural requirements in administering competitive proposal procurements, commensurate with the scope and complexity of the acquisition: Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical.
  2. Proposals will be solicited from an adequate number of qualified sources.
  3. The Workforce Area will have a method for conducting technical evaluations of the proposals received and for selecting awardees. A technical evaluation is a review to verify that the technical requirements contained in the request for proposals are met.
  4. Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.
  5. The Workforce Area may use competitive proposal procedures for qualification-based procurement of architectural/engineering (A/E) professional services whereby competitor's qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms that are a potential source to perform the proposed effort.
  6. Evaluation factors other than price can only be used when they are clearly explained in the purchasing agency's request for proposal (RFP).
  7. Purchases over \$150,000.00 must be approved by the Workforce Development Board.



## Policy 12-300: Procurement

Where the Workforce Area contacts all of those on the Area's Qualified Source List, and the Area's Bidder's List, and provided an opportunity to submit a proposal, bid, or quote, and only a sole entity provides a proposal, bid, or quote, the Workforce Area may declare that competition is inadequate and award the proposal, bid, or quote to the sole proposing entity.

- b. General Requirements Regarding Requests for Proposals that Require the Provision of a Sealed Bid.

Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.

The Workforce Area shall use competitive sealed bidding, including the use of formal advertising under the following conditions:

- a. A complete, comprehensive, and realistic specification or purchase description is available;
- b. Two or more responsible bidders are willing and able to compete effectively for the business; and
- c. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

The Workforce Area shall adhere to the following procedural requirements in administering competitive sealed bidding (formal advertising):

- a. The invitation to bid ("ITB") or RFP will be publicly advertised, and bids shall be solicited from an adequate number of known suppliers, providing them sufficient time prior to the date set for opening the bids;
- b. The ITB or RFP which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond;
- c. All bids will be publicly opened at the time and place prescribed in the ITB or RFP;
- d. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation costs and life cycle costs shall be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of and any or all bids may be rejected if there is a sound documented reason; and

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- e. Any or all bids may be rejected if there is a sound documented reason.
- f. Purchases over \$150,000.00 must be approved by the Workforce Development Board and/or the Northeast Ohio Consortium Board.

### 4. Noncompetitive Procurement:

Noncompetitive procurement refers to “sole source procurement.” A true sole source procurement involves a situation in which the Workforce Area can reasonably demonstrate that there is only one entity truly qualified to fulfill the provision of goods and/or services. Noncompetitive procurement or sole source procurement is to be distinguished from a method of competitive procurement that solicits bids, quotes, and/or proposals from multiple sources, but in the end, only one entity responds to the same.

#### a. Sole Source Procurement.

The Workforce Area may use noncompetitive procurement methods only when the award of a contract is infeasible under the micro-purchasing threshold, small purchase procedure, competitive sealed bidding or competitive proposals, and one of the following conditions applies:

1. The item is available only from a sole source. This type of noncompetitive proposal means only one source exists for the goods or services being procured; an example being the procurement of proprietary products. Business justification or long-term relationships with a particular contractor does not constitute justification as sole source procurement. Sole source procurements do not require prior approval.
2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation. This type of noncompetitive procurement is mainly reserved for emergencies caused by natural disasters. Public exigency or emergency procurements do not require prior approval.
3. The federal awarding agency or ODJFS authorizes noncompetitive procurements.
4. The purchases are for equipment or services where the prices are established by law for technical equipment requiring standardization and interchangeability of parts with existing equipment.

Noncompetitive proposals require the mutual discussion and arrangement of terms of a transaction or agreement for the purpose of arriving at a common understanding of contract essentials such as technical requirements, schedules, prices, and terms. For any noncompetitive proposal in excess of the small purchase threshold, written documentation must be included in the records to show why a noncompetitive proposal was used instead of competitive sealed bidding. Such justification must include the following items:

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1. Copies of the public advertisements;
2. A list of providers contacted;
3. Copies of all letters received from prospective bidders or respondents, including those indicating a bidder's lack of interest in competing for the contract;
4. Any other materials which would justify the agency's use of noncompetitive procurement methods; and
5. Cost analysis, the projections of the data, and the evaluation of the specific elements of costs and profit. Independent estimates must be made before receiving bids or proposals.

### **5. Special Circumstances:**

The following special circumstances apply to State Purchasing Contracts:

1. Purchases may be made by the Workforce Area under state purchasing contracts. Because the state completes competitive procurement, purchases made through state purchasing contracts that meet all of the requirements contained in section [125.04](#) of the Revised Code are not subject to the requirements contained in paragraphs (B)(1) to (B)(4) of OAC 5101:9-4-07.1.
2. An agency cannot access state purchasing contracts when competitive bidding by the county has already occurred unless the state purchasing contract has the same terms, conditions, and specifications at a lower price.
3. To participate in state purchasing contracts, a certified copy of a resolution by the board of county commissioners must be filed with the department of administrative services (DAS) office of state purchasing. The resolution must request that the agency be authorized to participate in the purchasing contracts, agree that the agency is bound by terms and conditions set by DAS, and agree that the agency will directly pay the contractor under each purchase contract.
4. A Workforce Area may also use the price contained in a state purchasing contract in other competitive selection procedures performed pursuant to this rule.

State purchasing contracts are not to be confused with state term schedules, which are non-competitive schedules of products or services and shall be treated only as a pre-qualified vendor contractor list. State term schedules do not represent competitive procurement. Purchases made by a Workforce Area using the state term schedule to obtain a pre-qualified vendor list must follow the requirements contained in paragraphs (B)(1) to (B)(4) of OAC 5101:9-4-07.1.

### **E. Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms (2 CFR 200.321)**

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**F.** The Workforce Area will take necessary affirmative steps to ensure that minority businesses, women's business enterprises, and labor surplus firms are used when possible. **Contract Cost and Price (2 CFR 200.323)**

1. The Workforce Area will perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold (\$150,000.00) including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, The Workforce Area will make independent estimates before receiving bids or proposals.
2. Where applicable, the Workforce Area will negotiate profit as a separate element of the price for each contract in which there is no price competition and, in all cases, where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
3. Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred, or cost estimates included in negotiated prices would be allowable for the Workforce Area under Subpart E – Cost Principles-of the Uniform Administrative Guidance 2 CFR Part 200. The Workforce Area may reference its own cost principles that comply with the Federal cost principles.
4. The cost, plus a percentage of cost and percentage of construction cost methods of contracting are not allowable.

**G. Procurement Review (2 CFR 200.324)**

1. The Workforce Area will make available, upon request by the Federal awarding agency or pass through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition.
2. The Workforce Area will make available upon request, for the Federal awarding agency or pass through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates when the circumstances detailed in 200.323(b) apply.

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3. The Workforce Area is exempt from the pre-procurement review if the Federal awarding agency or pass-through entity determines that its procurement systems comply with this part.

The Workforce Area may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis.

- b. The Workforce Area may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the Workforce Area that it is complying with these standards. The Workforce Area must cite specific policies, regulations, or standards as being in compliance with these requirements and have its system available for review.

### **H. Contract Provisions (2 CFR 200.326).**

The Workforce Area's contracts will contain the applicable provisions described in Appendix II to Part 200 – "Contract Provisions for non-Federal Entity Contracts Under Federal Awards".

### **I. Sub-recipient and Contractor Determinations (2 CFR 200.330).**

The Workforce Area will make a case-by-case determination whether each agreement it makes for the disbursement of Federal program funds casts the party receiving the funds in the role of a sub-recipient or a contractor (see Sub-recipient and Contractor in the Definitions section of this policy). In determining whether an agreement between the Workforce Area and another non-Federal entity casts the latter as a sub-recipient or a contractor, the substance of the relationship is more important than the form of agreement. The Workforce Area will use judgment in classifying each agreement as a sub-award or a procurement contract.

### **J. Delivery of Career Services-Adult and Dislocated Workers [WIOA Sec. 134(c)(2)(C)]** Career services described in WIOA Section 134(A) for eligible adult and dislocated workers shall be provided through the one-stop delivery system:

1. Through providers secured through either the competitive procurement of providers, and/or the One-Stop delivery system operator.  
-Or-

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2. Through contracts with service providers (sub-recipients), which may include contracts with public, private for-profit, and private nonprofit service providers, approved by the local board.

### K. Training Contracts [WIOA Sec. 134(c)(3)(G)(ii)].

The preference within the Workforce Area is for the provision of educational training services secured through Individual Training Accounts (“ITAs”) with ODJFS approved educational and training providers, and/or with employers through on-the-job training (“OJT”), incumbent worker training (“IWT”), and/or transitional employment as set forth within Area Workforce policies on the same. However, the Workforce Area may arrange for training contracts when:

- a. The Consumer Choice Requirements [WIOA Sec. 134(c)(3)(F)] are met;
  - b. Such services are on-the-job training (OJT), customized training, incumbent worker training or transitional employment;
  - c. The Area Workforce determines there are an insufficient number of eligible providers of training services in the local area involved to accomplish the purposes of a system of individual training accounts;
  - d. The Area Workforce determines that there is a training services program of demonstrated effectiveness offered in the local area by a community-based organization or another private organization to serve individuals with barriers to employment;
  - e. The local board determines that-
    - i. It would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations; and
    - ii. Such contract does not limit customer choice; or
  - f. The contract is a pay-for-performance contract.
2. Training services must be directly linked to an in-demand industry sector or occupation in the local area or the planning region, or in another area to which an adult or dislocated worker receiving such services is willing to relocate, except that a local board may approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area [WIOA Sec. 134(c)(3)(G)(iii)].
  3. Nothing in this paragraph shall be construed to preclude the combined use of individual training accounts (ITAs) and contracts in the

## **Policy 12-300: Procurement**

provision of training services, including arrangements that allow individuals receiving ITAs or other types of training to obtain training services that are contracted this clause [WIOA Sec. 134(c)(3)(G)(iii)].

### **L. Selection of Eligible Providers of Comprehensive Case Management Employment Program/WIOA Youth Workforce Investment Activities (ODJFS WIOA Policy Letter No. 16- 11 & WIOA Policy Letter 17-03)**

1. The county board of commissioners choose the CDJFS to provide for those program elements not funded by the WIOA youth program by entering into an agreement/resolution with the local Job and Family services to provide these program elements under CCMEP.
2. The Workforce Area will ensure the program element is closely connected and coordinated with CCMEP and WIOA as defined thru the CCMEP plans.

### **M. Selection of the OhioMeansJobs Centers [WIOA Sec. 121(d)].**

The Workforce Area, with the agreement of the chief elected official, is authorized to designate or certify OhioMeansJobs operators and to terminate for cause the eligibility of such operators. To be eligible to receive funds made available under this subtitle to operate an OhioMeansJobs center, an entity:

1. Shall be designated or certified as an OhioMeansJobs Center operator through the competitive process as set forth within ODJFS WIOA Policy Letters No. 16-08, 16-09, and this policy: AND
2. Shall be an entity (public, private, or nonprofit), or consortium of entities (including a consortium of entities that, at a minimum, includes 3 or more of the OMJ partners described in subsection 121(b)(1)), of demonstrated effectiveness.

The Workforce Area will ensure that in carrying out activities under this title, OhioMeansJobs operators:

1. Disclose any potential conflicts of interest arising from the relationships of the operators with particular training service providers or other service providers;
2. Do not establish practices that create disincentives to providing services to individuals with barriers to employment who may require longer-term services, such as intensive employment, training and education services; and
3. Comply with Federal regulations, and procurement policies, relating to the calculation and use of profits.

### **N. Suspension and Debarment (2 CFR 2900).**

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Non-federal entities and contractors are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

### **II. Documentation and Recordkeeping**

The Area Workforce will maintain all documentation in with the Sunshine Law and our area Fiscal Agent's documentation and record keeping policy.

### **III. Definitions**

**Contract** (2 CFR 200.22): A legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award. The term as used in this part does not include a legal instrument, even if the non-Federal entity considers it a contract, when the substance of the transaction meets the definition of a Federal award or sub-award.

**Contractor** (2 CFR 200.23): An entity that receives a contract as defined in "Contract", above.

(2 CFR 200.330(b)): A contract is for the purpose of obtaining goods and services for the non-Federal entity's own use and creates a procurement relationship with the contractor (see 200.22 Contract). Characteristics indicative of a procurement contract relationship between the non-Federal entity and a contractor include when the non-Federal entity receiving the Federal funds:

1. Provides the goods and services within normal business operations;
2. Provides similar goods or services to many different purchasers;
3. Normally operates in a competitive environment;
4. Provides goods or services that are ancillary to the operation of the Federal program; and
5. Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.

**Cooperative Agreement** (2 CFR 200.24): A legal instrument of financial assistance between a Federal awarding agency or pass-through entity and a non-Federal entity that, consistent with 31 U.S.C. 6302- 6305:

- a. Is used to enter into a relationship the principal purpose of which is to transfer anything of value from the Federal awarding agency or pass-through entity to the non-Federal entity to carry out a public purpose authorized by a law of the United States and not to acquire property or services for the Federal government of pass-through entity's direct benefit or use;



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b. Is distinguished from a grant in that it provides for substantial involvement between the Federal awarding agency or pass-through entity and the non-Federal entity in carrying out the activity contemplated by the Federal award.

### **Customized Training** (WIOA Sec. 3(14): Training-

A. That is designed to meet the specific requirements of an employer (or group of employers);

B. That is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and

C. For which the employer pays a significant portion of the cost of training, as determined by the local board, taking into account the size of the employer and other factors determined by the board and further defined in this part.

**Federal Award** (2 CFR 200.38): Federal award has the meaning, depending on the context, in either paragraph

a. or (b) of this section:

(a)(1): The Federal financial assistance that a non-Federal entity receives directly from a Federal awarding agency or indirectly from a pass-through entity.

(a)(2): The cost-reimbursement contract under the Federal Acquisition Regulations that a non-Federal entity receives directly from a Federal awarding agency or indirectly from a pass-through entity.

b. The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance in paragraph (b) of 200.40 Federal financial assistance, or the cost- reimbursement contract awarded under the Federal Acquisition Regulations.

c. Federal award does not include other contracts that a Federal agency uses to buy goods or services from a contractor or a contract to operate Federal government owned contractor operated facilities (GOCOs).

d. See also definitions of Federal financial assistance, grant agreement, and cooperative agreement.

**Federal Awarding Agency** (2 CFR 200.37): The Federal agency that provides a Federal Award directly to a non- Federal entity.

**Federal Financial Assistance** (2 CFR 200.40): For grants and cooperative agreements, assistance that non- Federal entities receive or administer in the form of:

a. Grants;

b. Cooperative agreements;

c. Non-cash contributions or donations of property (including donated surplus property);

d. Direct appropriations; and

e. Other financial assistance.

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**Fixed Amount Awards** (2 CFR 200.45): A type of grant agreement under which the Federal awarding agency or pass-through entity provides a specific level of support without regard to actual costs incurred under the Federal award.

**Grant Agreement** (2 CFR 200.51): A legal instrument of financial assistance between a Federal awarding agency or pass-through entity and a non-Federal entity that, consistent with 31 U.S.C. 6302, 6304:

- a. Is used to enter into a relationship the principal purpose of which is to transfer anything of value from the Federal awarding agency or pass-through entity to the non-Federal entity to carry out a public purpose authorized by a law of the United States and not to acquire property or services for the Federal awarding agency or pass-through entity's direct benefit or use;
- b. Is distinguished from a cooperative agreement in that it does not provide for substantial involvement between the Federal awarding agency or pass-through entity and the non-Federal entity in carrying out the activity contemplated by the Federal award.

**Incumbent Worker Training** (proposed CFR 20 680.780): WIOA funded training for incumbent workers is designed to meet the specific requirements of an employer (including a group of employers) to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment and conducted with a commitment by the employer to retain or avert the layoff of the incumbent worker. An ideal incumbent worker training would be one where a participant acquires new skills allowing him or her to move into a higher skilled and higher paid job with the company, thus allowing the company to hire a job seeker to backfill the incumbent worker's position. Incumbent worker training must increase both the participant's **and** the company's competitiveness. **An incumbent worker does not necessarily have to meet the eligibility requirement for career and training services for adults and dislocated workers under WIOA.**

**Individual with Barrier to Employment** [WIOA Sec. 3(24)]: A member of one or more of the following populations:

- Displaced homemakers;
- Low-income individuals; Indians, Alaska Natives, and Native Hawaiians; o Individuals with disabilities; o Older individuals;
- Ex-offenders;
- Homeless individuals (see definition of Homeless Individuals], or homeless children and youth (see definition of Homeless Children and Youth);
- Youth who are in or have aged out of the foster care system;
- Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers;
- Eligible migrant and seasonal farm workers;
- Individuals within two (2) years of exhausting lifetime TANF eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

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- Single parents (including single pregnant women);
- Long-term unemployed individuals;
- Such other groups as the Governor involved determines to have barriers to employment.

**Local Board** (WIOA Sec. 3(33)): A local workforce development board established under WIOA section 107, subject to section 107(c)(4)(B)(i).

**Local Plan** (WIOA Sec. 3(35)): A plan submitted under WIOA section 108, subject to WIOA section 106(c)(3)(B).

**Micro-Purchase** (2 CFR 200.67): A purchase of supplies or services using the simplified acquisition procedures, the aggregate amount of which does not exceed the micro-purchase threshold. Micro purchase procedures comprise a subset of a non-Federal entity's small purchase procedures. The non- Procurement Policy Page 11 of 12 Effective October 15, 2015 Federal entity uses such procedures in order to expedite the completion of its lowest-dollar small purchase transactions and minimize the associated administrative burden and costs. The micro-purchase threshold is set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1 (Definitions). It is \$3,000 except as otherwise discussed in Subpart 2.1 of that regulation, but this threshold is periodically adjusted for inflation.

**Non-Federal Entity** (2 CFR 2900): A state, local government, Indian tribe, institution of higher education (IHE), for-profit entity, foreign public entity, foreign organization or nonprofit organization that carries out a Federal award as a recipient or subrecipient.

**On-the-Job Training** (OJT) (WIOA Sec. 3(44): Training by an employer that is provided to a paid participant while engaged in productive work in a job that-

- A. Provides knowledge or skills essential to the full and adequate performance of the job;
- B. Is made available through a program that provides reimbursement to the employer of up to 50% of the wage rate of the participant, except as provided in WIOA section 134(c)(3)(H), for the extraordinary costs of providing the training and additional supervision related to the training; and
- C. Is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

**Pass-through Entity** (2 CFR 200.74): A Non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.

**Proposal Costs** (CFR 200.460): The costs of preparing bids, proposals, or applications on potential Federal and non-Federal awards or projects, including the development of data necessary to support the non-Federal entity's bids or proposals.

## Policy 12-300: Procurement

**Simplified Acquisition Threshold** (2 CFR 200.88): The dollar amount below which a non-Federal entity may purchase property or services using small purchase methods. Non-Federal entities adopt small purchase procedures in order to expedite the purchase of items costing less than the simplified acquisition threshold. The simplified acquisition threshold is set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1 (Definitions) and in accordance with 41 U.S.C. 1908. As of the publication of this part, the simplified acquisition threshold is \$150,000, but this threshold is periodically adjusted for inflation.

**State Plan** (WIOA Sec. 3(58)): A unified State plan under WIOA section 102 or a combined State plan under WIOA section 103.

**Subaward** (2 CFR 200.92): An award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the passthrough entity considers a contract.

**Subrecipient** (2CFR 200.93): A Non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

2 CFR 200.330(a): A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient, characteristics of which support the classification of the non-Federal entity as a subrecipient and include when the non-Federal entity:

1. Determines who is eligible to receive what Federal assistance;
  2. Has its performance measured in relation to whether objectives of a Federal program are met;
  3. Has responsibility for programmatic decision making;
  4. Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and
  5. In accordance with its agreement, uses the Federal funds to carry out program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass- through entity.
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**Transitional Employment** (WIOA Sec. 134(5) and proposed 20 CFR 680.830): A transitional job is one that provides a limited work experience (WEX), that is subsidized in the public, private, or non-profit sectors for those individuals with barriers to employment because of chronic unemployment or inconsistent work history; these jobs are designed to enable an individual to establish a work history, demonstrate work success, and develop the skills that lead to unsubsidized employment.

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**Youth Standing Committee** [WIOA Sec. 107(b)(4)(A)]: The local board may designate (but does not have to designate) a Youth Standing Committee to direct the activities of standing committees to provide information and to assist the local board in carrying out activities under WIOA.

[WIOA Sec. 107(b)(4)(A)(ii)]: The Youth Standing Committee provides information to the local board for the purpose of assisting with planning, operational, and other issues relating to the provision of services to youth. The Youth Standing Committee shall include community-based organizations with a demonstrated record of success in serving eligible youth.

### **IV. References**

The following WIOA sections were considered in drafting this policy:

- 3-Definitions-107(d)(10)(B)-Selection of Youth Providers
- 107(h) - Conflict of Interest
- 108(16)-Competitive Process in the Local Plan o 108(19) – Training Services in the Local Plan
- 134(c)(3)-Training Services Adults and Dislocated Workers
- 134(c)(3)(G)(ii)-Training Contracts

The following additional documentation was considered in drafting this policy:

- OMB Uniform Guidance 2 CFR Part 200 o Parts 200.318-200.326;
- Final Guidance: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Office of Management and Budget (OMB); Federal Register Vol. 79, No. 244 o 2 CFR part 2900, Department of Labor;
- TEGL 15-14-Implementation of the New Uniform Guidance Regulations;
- WIN 0064, Change 1 – Federal Awarding Agency Regulatory Implementation of OMB’s Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Final Rule, 2 CFR 200
- Ohio Administrative Cod 5101:9-4-07.1
- ODJFS Workforce Innovation and Opportunity Act Policy Letter No. 16-08, 16-09, 16-11, & 17-03

## Policy 12-500: Limited Funds/Priority of Service

<b>Reference State Policy:</b>	WIOAPL 15-08.1
<b>Board Approved:</b>	October 17, 2023
<b>Revision Approved:</b>	October 17, 2023, October 18, 2025
<b>Effective Date:</b>	October 17, 2023
<b>Policy Obsoletes:</b>	

### Purpose:

To establish the Area 12 priority of services policy that is used in the event of limited funding to ensure that those most in need are served first.

### Background:

WIOA Section 134(c)(4)(E) states that when funds are limited, priority of services must be given to recipients of public assistance and other low-income individuals. Additional criteria may be established by the local workforce Board.

### Policy:

The Area 12 Workforce Development Board has defined limited funding for the purposes of a priority of Service Policy when it becomes apparent 75% of the available formula funding is obligated/committed by January 1 of a program year or 90% of the annual allocation is obligated/committed by May 1 of a program year. This decision is based on monitoring obligation and commitment of funds and will take effect at any time during the program year if fiscal projections reveal that the above stated thresholds will be exceeded.

If and when the above stated thresholds are reached, the Fiscal Agent will notify the Executive Director of the Area 12 Workforce Development Board and a letter will be sent to the Ohio Department of Job and Family Services (ODJFS) indicating that the local area is under limited funding and has implemented its priority of service policy.

1. First Priority, under the Priority of Service Policy, the Area 12 Workforce Development Board will observe the Ohio Revised Code 5903.11 which requires veteran's preference for any federally funded employment and training program. With all priority criteria being equal, a veteran would receive priority over a non-veteran.
2. Second priority will be given to individuals who are low income and/or receiving public assistance.
3. Third priority will be given to those low income and/or public assistance recipients who lack a high school diploma and/or are single heads of household.
4. A final priority criterion will be to serve individuals, including currently employed workers who meet the criteria in the Self-Sufficiency Policy. The Area 12 Workforce Development Board has established a self-sufficiency policy as reflective of the earnings required by an individual in this region to sustain themselves.

## **Policy 12-500: Limited Funds/Priority of Service**

Regardless of priority of service, all customers who receive WIOA services shall be United States Citizens or the equivalent. All male customers who qualify to register for the selective service must show proof of registration in order to receive services.

Area 12 will maintain a waiting list for those individuals who are initially unable to receive services due to limited funding status.

When an individual attends an OMJ Orientation or a 1:1 orientation with a WIOA Staff, which is the first step in the process for determining if training services may be provided, their name will be placed on a list and their waiting list position will be identified by the date they attended a WIOA Orientation session or a one-on-one Orientation session with a WIOA staff person. That date will be considered pending until the entire pre-screening process is complete. For those individuals who need to upgrade their basic skills before continuing with the process, that needs to be accomplished first and then they will be considered to be active on the waiting list using their priority as determined by the initial orientation attendance date. Should multiple individuals attain active eligibility status, having the same date, the priority of service factors must apply. All priority of service factors being equal, the following criteria would be applied to the decision of priority:

- Cost of program (lowest cost receiving priority)
- Length of program (shortest duration receiving priority)
- Greatest return on investment to the individual and the program (Projected annual salary divided by the cost of training.)

Process for maintaining and ensuring access to universal career services for all individuals including the types of services individuals will receive while local areas are in limited funds status:

These services would be maintained through partner services within the OMJ Career Center system and the use of electronic media such as OhioMeansJobs.com. Funding is budgeted each year to fulfill partner service obligations identified in the Area 12 Partner Memorandum of Understanding (MOU). Those services include career services provided through the system, including referral to partners.

### **Technical Assistance**

For technical assistance, you may send your request to the Office of Workforce Development: [WIOAQNA@jfs.ohio.gov](mailto:WIOAQNA@jfs.ohio.gov).

## **Policy 12-500a: Priority of Service for Veterans and Eligible Spouses (Covered Persons)**

<b>Reference State Policy:</b>	WIOAPL 15-20.3
<b>Board Approved:</b>	May 31, 2016
<b>Revision Approved:</b>	October 17, 2023, October 18, 2025
<b>Effective Date:</b>	May 31, 2016
<b>Policy Obsoletes:</b>	15-20, 15-20.2

### **Purpose:**

To ensure that when Area 12 is implementing policies and processes for Priority of Service to covered persons, covered persons are identified at the point of entry and given an opportunity to take full advantage of Priority of Service with U.S. Department of Labor (DOL) funded training programs and be made aware of any applicable eligibility requirements for those programs. Covered persons must be made aware of their entitlement to Priority of Service per 20 CFR Part 1010. All other things being equal, veterans receive preference within their cohort applicant group.

### **Background:**

On November 7, 2002, the Jobs for Veterans Act (JVA), Public Law (P.L.) 107-288 was signed into law. One provision of the JVA, codified at 38 U.S.C. 4215, establishes a priority of service requirement for covered person in qualified job training programs. While recipients of DOL funds for qualified job training programs have been required to provide priority of service since 2002, the publication of 20 C.F.R. Part 1010, Priority of Service for Covered Persons; Final Rule, which took effect on January 19, 2009, signaled that recipients of DOL funds for these job training programs should review and, if necessary, enhance their current policies and procedures to ensure that adequate protocols are in place. Training and Employment Guidance Letter (TEGL) 03-24 updates OhioMeansJobs center staff roles with Jobs for Veterans' Grants (JVSG) and priority of service. It emphasizes statutory duties and describes staffing flexibilities available to meet their responsibilities while maximizing the integration of services and collaboration of partners in the workforce development system and OhioMeansJobs centers.

### **Policy:**

This policy applies to all employment and training programs, funded in whole or in part by DOL, including, but not limited to, Wagner-Peyser, Trade Adjustment Assistance (TAA), Workforce Innovation and Opportunity Act (WIOA), Senior Community Service Employment Program (SCSEP), Indian and Native American Programs, Migrant and Seasonal Farm Workers, and National Emergency Grants (NEG). All DOL-funded grant recipients must implement and comply with locally developed Priority of Service policies as required by state policy and by federal law and regulation. All program operators are required to ensure that Priority of Service is applied by all sub-recipients of DOL funds. Partner counties will make the necessary adjustments to websites and other portals by which job seekers remotely access resources, including self-service resources, to notify users of Priority of Service to ensure covered persons receive this benefit. Priority of Service cannot be waived. All other things being equal, veterans receive preference within their cohort applicant group.



## **Policy 12-500a: Priority of Service for Veterans and Eligible Spouses (Covered Persons)**

### **Definitions:**

Caregiver: With respect to an eligible veteran, an individual who provides personal care services to the veteran.

Covered person: A veteran or his/her eligible spouse.

Disabled veteran: A veteran who is entitled to compensation (or who, except for the receipt of military retired pay, would be entitled to compensation) under the Department of Veteran Affairs, or a veteran who was discharged or released from active duty, because of a service-connected disability.

Disabled Veterans' Outreach Program (DVOP) Specialist: The individual who provides basic and individualized career services and facilitates placements to meet the employment needs of veterans.

Eligible spouse: An individual who is one of the following:

1. The spouse of any person who died of a service-connected disability.
2. The spouse of any member of the Armed Forces serving on active duty who, at the time of application for assistance, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
  - a. Missing in action;
  - b. Captured in the line of duty by a hostile force;
  - c. Forcibly detained or interned in the line of duty by a foreign government or power for a total of more than 90 days; or
  - d. The spouse of any person who has a total (100%) disability permanent in nature resulting from a service-connected disability or the spouse of a veteran who died while a disability was so evaluated was in existence.

Eligible veteran (for Jobs for Veterans State Grant (JVSG) Program): A person who:

1. Served on active duty for a period of more than 180 days and was discharged (or) released with other than a dishonorable discharge;
2. Was discharged or released from active duty because of a service-connected disability;  
or

## **Policy 12-500a: Priority of Service for Veterans and Eligible Spouses (Covered Persons)**

3. Is a member of a reserve component under an order to active duty pursuant to 10 U.S.C. 12301(a), (d) or (g), 12302 or 12304, served on active duty during a period of war or in a campaign or expedition for which a campaign badge was authorized, and was discharged or released from such duty with other than dishonorable discharge.

4. Was discharged or released from active duty by reason of a sole survivorship discharge.

Family caregiver: With respect to an eligible veteran, a family member who is a caregiver of the veteran.

Family member: With respect to an eligible veteran, an individual who:

1. Is a member of the family of the veteran, including:
  - a. Missing in action;
  - b. Captured in the line of duty by a hostile force;
  - c. Forcibly detained or interned in the line of duty by a foreign government or power for a total of more than 90 days; or
  - d. The spouse of any person who has a total (100%) disability permanent in nature resulting from a service-connected disability or the spouse of a veteran who died while a disability was so evaluated was in existence.
2. Lives with but is not a member of the family of the veteran.

Homeless individual (Sections 103 (a) and (b) of the McKinney – Vento Homeless Assistance Act (42 U.S.C. 11302 (a) and (b), as amended)) means:

1. An individual or family
  - a. Who lacks a fixed, regular, adequate nighttime residence;
  - b. With a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
  - c. Living in a supervised publicly or privately operated shelter designated to provide temporary living accommodations (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing); or

## **Policy 12-500a: Priority of Service for Veterans and Eligible Spouses (Covered Persons)**

- d. Who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided; or

### **2. An individual or family:**

- a. Who will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by:
  - i. A court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;
  - ii. The individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or
  - iii. Credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from the individual seeking homeless assistance that is found to be credible evidence for the purposes of this clause; and
- b. Has no subsequent residence identified; and
- c. Lacks the resources or support networks needed to obtain other permanent housing; or

### **3. Unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who:**

- a. Have experienced a long-term period without living independently in permanent housing;
- b. Have experienced persistent instability as measured by frequent moves over such period; and
- c. Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

## **Policy 12-500a: Priority of Service for Veterans and Eligible Spouses (Covered Persons)**

4. Notwithstanding any of the provisions above, the definition of “homeless” shall include any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of the children are jeopardized, and who have no other residence or lack the resources or support networks to obtain other permanent housing.

Low-income individual (Section 3(36)(A)(i) and (ii) of the Workforce Innovation and Opportunity Act (WIOA)): For the purposes of this policy, the term "low income individual" means an individual who receives or in the past 6 months has received, assistance through the supplemental nutrition assistance program (SNAP) established under the Food and Nutrition Act of 2008; the program of block grants to States for temporary assistance for needy families (TANF) program under part A of title VI of the Social Security Act, or the supplemental security income (SSI) program established under title XVI of the Social Security Act, or other income-based public assistance, or is in a family with total family income that does not exceed the higher of:

- i. The poverty line; or
- ii. 70 percent of the lower living standard income level.

Non-covered person: Any individual who meets neither the definition of "veteran," nor the definition of "eligible spouse."

Offender (Section 3(38) of WIOA): An adult or juvenile who:

1. Is or has been subject to any stage of the criminal justice process, and for whom services under WIOA may be beneficial; or
2. Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

Priority of service: With respect to any qualified job training program, a covered person shall be given priority over a non-covered person in obtaining all employment, training, and placement services provided under the program.

Recently separated service member: Any veteran during the three year period beginning on the date of such veteran's discharge or release from active duty.

Service-connected disability: A disability resulting from disease or injury incurred or aggravated during active military service.

Special disabled veteran: A veteran who is entitled to compensation under laws administered by the U.S. Department of Veterans Affairs for:

1. Disabilities rated at 30 percent or higher; or

## **Policy 12-500a: Priority of Service for Veterans and Eligible Spouses (Covered Persons)**

2. Disabilities rated at 10 to 20 percent, if the individual has a serious employment disability; or

3. A veteran who was discharged or released from active duty because of a service-connected disability.

Spouse: Someone who is married.

Transitioning service member: An individual in active-duty status (including separation leave) who registers for employment services and is within 24 months of retirement or 12 months of separation.

Veteran (for priority of service): Any person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than "dishonorable." Active service includes full-time Federal service in the National Guard or a Reserve component, other than full-time duty for training purposes.

Veteran of the Vietnam Era: Any person who fulfills the previous definition of "Veteran" and served between February 28, 1961, and May 7, 1975.

### **Eligibility:**

Covered Persons/Non-covered Persons

Area 12 will apply the Priority of Service definition to all covered persons who access the workforce system through the One-Stops. Priority of Service gives covered persons the right to take precedence over non-covered persons in obtaining services. Depending on the type of service or resource being provided, taking precedence may mean:

- 1) The covered person receives access to the service or resource earlier in time than the non-covered person; or
- 2) If the service or resource is limited, the covered person receives access to the service instead of or before the non-covered person.

Processes must be in place to ensure that covered persons are identified at the point of entry for services, the full array of programs and services available to them, any applicable eligibility requirements for those programs and/or services and given an opportunity to take full advantage of Priority of Service. This should be accomplished in a number of ways.

- ✓ Awareness through posters and handouts at the point of entry should alert customers of their Priority of Service rights.
- ✓ Orientations, both in-person or electronically (including local websites) should include a reference to Priority of Service rights.
- ✓ During the initial interview/assessment with a customer it should be determined if that person is a covered person.
- ✓ Written copies of local Priority of Service policies should be maintained at all service

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delivery points.

How job openings/matches and referrals are given Priority of Service must be specifically addressed in local policies. This includes electronic referral processes, electronic job posting systems, and in-person handling of job orders.

In addition, partner program staff within the One-Stops and at other service delivery points must be made aware of Priority of Service requirements. This must be accomplished at the local levels through partner meetings and other types of communication such as an information sheet or desk aid, self-service kiosks, and informational bulletin boards.

A clause pertaining to covered persons Priority of Service is included in the One-Stop Memorandum of Understanding template and must be utilized by all local workforce investment areas. Priority of Service is also and will continue to be addressed in all DOL funded employment and training program grant agreements.

### **Priority of Services/Low-Income Covered Persons/Non-Covered Persons:**

Priority is given to low-income individuals and to recipients of public assistance. A covered person must first:

Meet the statutory requirements of the DOL funded employment and training program to be eligible for Priority of Service. Any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits must be disregarded. This applies when determining if a person is a "low-income individual" for eligibility purposes.

In the case of career services, a covered person who is low-income or recipient of public assistance immediately takes precedence from the time of initiation of services.

This does not allow for "bumping" of non-covered persons who had previously been accepted into a program prior to the covered person applying within the same program. However, when an area has limited funds designation, and if there is a waiting list, the covered persons receive access to the service instead of or before the non-covered person on the waiting list.

Area 12 may not apply additional arbitrary or discretionary conditions or requirements above the program's statutorily mandated eligibility requirements to Priority of Service rights. Therefore, for covered persons, Priority of Service applies to discretionary targeting programs and services the same way that it applies to universal access programs, i.e., veterans and eligible spouses first.

It is neither necessary nor appropriate for program operators to require verification of the status of a covered person at the point of entry, particularly for career services, unless the individual who self- identifies as a covered person: (a) is to immediately undergo eligibility determination and be registered or enrolled in a program; and (b) the applicable federal program rules require verification of covered person status at that time.

For DOL-funded employment and training programs administered by state merit staff, eligibility for Priority of Service should be determined at initiation of services or upon referral of services,

## **Policy 12-500a: Priority of Service for Veterans and Eligible Spouses (Covered Persons)**

whichever occurs first.

### **Local Processes:**

Each center has posted notices of Veterans priority of Service at the entrances. All individuals entering the OMJ Career Center for services are asked to complete a registration form. They are, at that point, asked to identify their status as a veteran. When referrals are made to partner agencies or received from partners, veteran status of the individual should be provided.

### **Monitoring:**

Veterans' program managers, Area 12 staff, and program operators share monitoring responsibilities. Policies outline how this shared responsibility will be administered. When compliance/failure concerns are identified through monitoring, the concerns/failures should be handled in accordance with the program's established compliance review processes.

### **Data Collection and Reporting Requirements**

The approved reporting requirements for Priority of Service apply at two levels:

- ✓ Area 12 will adopt the definitions for covered persons that appear in the regulations for their reporting on the services provided to covered persons and to non-covered persons.
- ✓ When data indicates that Area 12 has served an average of 1,000 or more veterans per year during the past three most recent years, it is understood that additional reporting requirements will be adopted for “covered entrants”.

This results in six programs where it is required to implement the additional reporting requirements:

- 1) Wagner-Peyser State Grants
- 2) Workforce Innovation and Opportunity Act (WIOA) – Adult
- 3) Workforce Innovation and Opportunity Act (WIOA) – Dislocated Worker
- 4) National Emergency Grant (NEG)
- 5) Senior Community Service Employment Program (SCSEP)
- 6) Trade Adjustment Assistance (TAA)

The data elements are identified in TEGL No. 10-09 (Implementing Priority of Service for Veterans and Eligible Spouses). However, with the exception of SCSEP, data collection is temporarily deferred. Further guidance will be issued following future DOL direction.

### **Technical Assistance**

For technical assistance, you may send your request to the Office of Workforce Development: [WIOAQNA@jfs.ohio.gov](mailto:WIOAQNA@jfs.ohio.gov)

### **References**

Workforce Innovation and Opportunity Act, §§ 3(36)(A)(i)(ii) and 3(38), Pub. L. 113-128 (July 22, 2014).

## **Policy 12-500a: Priority of Service for Veterans and Eligible Spouses (Covered Persons)**

20 C.F.R. §§ 680.650 – 680.660.

Jobs for Veterans Act, § 2(a), Pub. L. 107-288, (codified at 38 U.S.C. § 4215).

Priority of Service for Covered Persons; Final Rules, 73 FR 78142 - 78144 (December 19, 2008).

20 C.F.R §§ 1001, Service for Veterans and 1010, Application of Priority of Service for Covered Persons.

10 United States Code (U.S.C.) § 1144, Employment assistance, job training assistance, and other transitional services: Department of Labor

38 U.S.C. § 41, Job Counseling, Training, And Placement Service For Veterans & 42, Employment And Training Of Veterans.

USDOL, Training and Employment Notice No. 15-10, Protocol for Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL), (November 10, 2010).

USDOL, Training and Employment Guidance Letter No. 10-09, Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL), (November 10, 2009).

USDOL Veterans' Program Letter No. 07-09, Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in Whole or in Part by the U.S. Department of Labor, (November 10, 2009).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter WIOAPL 16-11.2, Development of the Memorandum of Understanding for the Workforce Delivery System (August 26, 2024)

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 17-01, Mandate Use of OhioMeansJobs.com for Labor Exchange Activities, (September 15, 2017).

USDOL Veterans' Program Letter No. 05-24, JVSG Staff Roles and Responsibilities and WIOA Services to Veterans, (April 25, 2024).

USDOL, Training and Employment Guidance Letter No. 03-24, Jobs for Veterans' State Grants (JVSG) Program Reforms and Roles and Responsibilities of American Job Center (AJC) Staff Serving Veterans, (August 13, 2024).

### **Attachments**

JFS 01863, Veteran Questionnaire

National Veterans' Training Institute DVOP Eligibility Flowchart



## **Policy 12-500a: Priority of Service for Veterans and Eligible Spouses (Covered Persons)**

USDOL Veteran's Program Letter No. 05-24, JVSG Staff Roles and Responsibilities and WIOA  
Services to Veterans Appendix

### **Attachments**

[DVOP-Eligibility-Flowchart.pdf](#)

[Pages from WIOAPL 15-20.3 - Priority of Service.pdf](#)

[WIOAPL 15-20.3 - Veterans Questioneer.pdf](#)

## Policy 12-500b: Plan for Limited Funds Status

<b>Reference State Policy:</b>	WIOAPL 15-08.1
<b>Board Approved:</b>	October 17, 2023
<b>Revision Approved:</b>	October 17, 2023
<b>Effective Date:</b>	October 17, 2023
<b>Policy Obsoletes:</b>	

### **Purpose:**

To establish the policy for submitting the Area 12 Priority of Service to the State for approval.

### **Background:**

The Ohio Department of Job and Family Services (ODJFS) approves all local workforce development areas' criteria for determining priority of service. Local areas are required to submit a plan for limited funds status and how they will successfully serve individuals in their workforce areas when they are in limited funds status.

### **Policy:**

In the event that the thresholds stated in Policy 12-500 are reached, the Fiscal Agent will notify the staff of the Area 12 Workforce Development Board. In accordance with State Policy, the staff will email a notification to ODJFS at [WIOAQNA@JFS.OHIO.GOV](mailto:WIOAQNA@JFS.OHIO.GOV). The heading "Plan for Limited Funds Status" will be included in the subject line of the email.

The ODJFS Office of Workforce Development will review the plan and provide a determination within 30 business days of receipt of the submission. Approved local plans for limited fund status will be maintained on file and serve as the plans for the local areas. If modifications to any element of the plan are needed, local areas must submit a new plan, which will be reviewed and approved within 30 business days of receipt of the submission.

## Policy 12-501: Individual Training Accounts (ITA)

<b>Reference State Policy:</b>	WIOAPL 15-26; WIOAPL 15-11.3, WIOA 15-09.01
<b>Board Approved:</b>	12/5/2007
<b>Revision Approved:</b>	11/6/2015; 5/31/2016; 12/2/2021, 7/18/2023 (Any program 6 months or less cannot exceed \$6,500). October 18, 2025
<b>Effective Date:</b>	7/1/2016; 12/2/2021, 8/1/2023
<b>Policy Obsoletes:</b>	N/A

### **Purpose:**

The purpose of this policy is to identify the parameters for providing training for in-demand occupations that lead to unsubsidized employment, self-sufficiency and/or a self-sufficient career path.

### **Background:**

WIOA Section 134(3) (G), of the WIOA law states that the system of Individual Training Accounts (ITAs) will be utilized through the One-Stop delivery system. Linkage to occupations in demand is described as being directly linked to occupations that are in demand in the local area or one where the participant is willing to relocate as approved by the board. Ohio Administrative Code 5101:9-2-03 & 5101:9-3-05 set forth complaint procedures.

### **Definition:**

"Individual," as used in the context of Individual Training Accounts (ITAs), refers to an eligible program participant whose training and employment needs are assessed on a case-by-case basis. Individual needs are determined through a comprehensive evaluation process and may vary significantly between applicants based on factors such as prior education, work experience, career goals, labor market demand, and identified barriers to employment. The services and training provided through an ITA must be tailored to support each participant's unique path to employment and self-sufficiency.

### **Policy:**

Depending upon the availability of funds and the suitability of the individual for classroom training, funds for training will be distributed through the ITA system. The need for training will be evaluated against the customer's need to reach a level of self-sufficiency, his/her current level of training and the appropriateness of training to current needs of the workplace.

Program training services are defined as one or more courses or classes, or a structured regimen that, upon completion leads to:

- A certificate, associate degree, baccalaureate degree, or
- The skills or competencies needed for a specific job or jobs, an occupational group, or generally, for many types of jobs or occupations, as recognized by employers and determined prior to training.

It is the policy of the Area 12 Workforce Development Board to establish a priority of service system which includes the following:

1. Each county agrees to serve its own residents first;
2. Each county agrees to serve residents of the other county with up to 30% of the programmatic

## Policy 12-501: Individual Training Accounts (ITA)

dollars available, if that would enhance customer service and access to the WIOA programs and services;

3. Each county agrees to serve residents from outside Area 12 if the customer's region
  - Would not, or could not, provide the individual with OST services;
  - If the resident provided evidence of such an occurrence, and;
  - Area 12 has the Education and/or Training funds available to provide services.

The Area 12 Workforce Development Board will also ensure that the WIOA programs in the local area shall allow customers access to training opportunities in order to advance themselves and ensure that employers have a well-trained workforce. However, customers must meet the following criteria in order to receive training services:

- Be unlikely to obtain or retain self-sufficient employment or higher wages from previous employment via Career Services
- Need training to obtain or retain self-sufficient employment or higher wages from previous employment
- Have the skills and qualification to participate in training
- Training directly linked to employment opportunities
- Unable to Obtain Other Grant Assistance or Require Assistance in Addition to Other Grants
- Be likely to be successful in the training and career.

Training programs approved for Area 12 must be on the Area 12 Eligible Training Provider List, provided the Area 12 Eligible Training Provider policy has been developed and fully implemented. Exceptions may be made in cases where a provider /program is on the State approved provider list and there is insufficient time to complete the process to place the provider/program on the Area 12 approved list in a time frame that would allow an interested customer to access the training . It is the intent of Area 12 to ensure WIOA customers are fully informed regarding training options, not to restrict customer choice.

In addition, the Workforce Development Board will permit the use of virtual training opportunities on a case-by-case basis, depending on the need and the circumstances of the customer provided the training is indicated by needs of the local labor market or that of an identified area of re-location. Further, the Area 12 Workforce Development Board grants the WIOA agencies the responsibility for determining the validity of the training, whether the vendor is on the Statewide list and whether the training is in-demand.

Training at institutions outside of the region will be permitted if the institution is on the Eligible Training Provider list. However, travel expense reimbursement will be capped at a level that would be allowed for schools within a 75-mile radius of the participant's home. No relocation expenses will be paid.

### **Use of Sector Strategies**

Requests for training should indicate areas that show real growth in the local economy or should be occupational areas that will help to enhance economic growth. Ohio Department of Job and Family Services (OJDFS) requires that least 85% of the ITA enrollments must be in an in-demand occupation as defined by and published by the State of Ohio. Area 12 also requires that:

- a) 85% of the ITAs be in one of the Area 12 in-demand industry sectors as well as the State defined in- demand industry sectors, or
- b) the training must be on the State in-demand list and be tied to a company or industry identified by a local Economic Development official as a growth field within the county/area. Those ITAs falling into the category "b" will need to have a bona-fide, verifiable pre-hire letter from a company or industry that requires individuals to have skills relating to the identified training field.

## Policy 12-501: Individual Training Accounts (ITA)

The remaining 15% of ITAs may include occupations in a geographic area in which the participant is willing to work or relocate or a written and verifiable guarantee of a bona fide job upon completion of training. It is the responsibility of each county to remain within the 85%:15% guidelines to assure that Area 12 is compliant. When any partner county reaches a level of 10% of its ITAs in the exception category, notification needs to be provided to the other two counties. Appropriate documentation, including a print out of the ODJFS list of in-demand occupations showing the appropriate occupation and time frame, must be maintained in the case file to be reviewed during the comprehensive monitoring visit.

Waivers may be requested to exceed the State's 15% enrollment requirement. It is understood that waivers will be approved on a case by case basis, with appropriate documentation. The Area 12 Workforce Development Board staff will send such waiver requests via email to [WIAQNA@JFS.OHIO.GOV](mailto:WIAQNA@JFS.OHIO.GOV), with the subject line "ITA Waiver Request".

### **Allowable Costs and Fees**

The maximum amount for an ITA may not exceed \$15,000 of WIOA funds for program costs. Any program 6 months or less cannot exceed \$6,500. Costs must be reasonable and necessary pursuant to proposed regulation. The cost of a program must also be in line with the average cost of similar programs of study within the area. The costs must also be in line with projected future wages that an individual may reasonably be expected to earn within that occupation in the future. One additional consideration should be the ability of the individual to continue advancement within that particular career path and the expectations for sustainability of employment in that career. The funding cap will be reviewed by the Local Workforce Development Board Staff at a minimum of once a year.

The amount for an ITA shall include costs required by the training institution to complete the training. That may include, but is not limited to the following:

- Tuition and fees
- Books
- Tools
- Uniforms
- Tests
- Medical immunizations/tests

The ITA costs are not to include supportive services. Costs must be reasonable and necessary and must represent a sound investment of public funds. All financial aid resources should be used to minimize any out-of-pocket expense to the participant.

If Area 12 is declared to be in a limited funding status, each individual county may become more restrictive in the ceiling placed on ITAs, depending upon the status of their expenditures and obligations. It is the responsibility of the county personnel to submit ITA ceiling information to the Workforce Development Board staff.

When choosing an eligible training provider, it is required that participants and Area 12 staff first consider providers who are eligible for financial aid to ensure the best utilization of WIOA funds. A comprehensive assessment, a budget and determination of access to other grants or funding (including Pell, TAA and scholarships) must be conducted. Any grants received, such as Pell, shall be applied toward tuition cost prior to the ITA. It is the intent of the WIOA to be the payer of last resort. Most certainly, the graduation rates, placement rates and wage rates of the graduates from the training provider need to be carefully

## Policy 12-501: Individual Training Accounts (ITA)

considered.

The duration of an ITA will be determined by the course of study chosen; however, it must fall within the guidelines indicated below. The training plan must be realistic and attainable.

- The maximum duration of any ITA may not exceed a 24 (twenty-four) month period. Exceptions may be granted in instances where, through no fault of the student, the student is unable to complete the training as planned. Exceptions may include: Lack of availability of classes
- Cancellation of classes
- Unforeseen illness (of the participant or an immediate family member of the participant)
- Military service or leave time

The Area 12 Workforce Development Board will permit Area 12 WIOA staff to establish a reasonable and customary (average) cost in regards to the same or similar type of training offered by more than one vendor used by the agency. The reasonable and customary (average) cost is determined by considering the lowest and best cost of a training program which takes into account the options of length of training course, location, specifics of the training offered, etc. plus 20%. The approach to be used will be to advise customers seeking training that an ITA could be issued in an amount that could cover the actual lowest cost of a training program or any cost 20% above the lowest cost of similar types of training are being compared. If the customer chooses to attend a more expensive school/program, an ITA will be issued for not more than the lowest cost plus 20%. However, the customer must document the ability to make payment for balance of the tuition and fees. The customer's funding must be applied before WIOA funding is used.

When decisions are made regarding the amount of an ITA, the cost must be determined by the average cost of training in in-demand occupations within the local area as well as:

- The training investment should be in line with future wages earned by the participant.
- When reviewing the overall cost and investment, the participant may have the ability to complete the training at a slightly higher cost in a shorter time frame.. The cost of training, the commitment of the participant, fees, books, tuition and other associated costs such as child care while in training, should be factored and a cost benefit analysis performed.

### **Establishment of In-Demand Industry Sectors**

Every two years, the Area 12 Workforce Development Board will review the list of in-demand sectors and select the sectors most relevant to the needs of the local area. These must also be listed on the Ohio in demand list of occupations. Occupational training that does not fall into one of the Area 12 chosen sectors, but is on the Ohio in demand list of occupations will require pre-hire letters to be considered.

### **Suitability for ITAs**

A high school diploma or High School Equivalency (HSE) is seen as being of utmost importance to the individual's future in the workforce. Individuals not having a diploma or HSE will be referred to the Aspire program to receive assistance in preparing for their HSE test. A genuine effort to attain the HSE must be made. If it is determined by instructional staff of the Aspire program or an Area 12 Career Advisor that an individual who has been referred by WIOA for HSE preparation is in immediate need of training in order to get a job and they will need a substantial period of time to attain passage of the HSE, they may make a recommendation that the individual be permitted to enroll in an occupational training. Enrollment in training is dependent upon the fact that the training area does not require a HSE or diploma, therefore training options will be limited. WIOA assistance will however, be contingent upon agreement on the part the individual to continue pursuit of the HSE.

## Policy 12-501: Individual Training Accounts (ITA)

Potential participants must also be suitable for training services. As deemed appropriate by the WIOA caseworker, individuals seeking training services may be required to complete an academic assessment to confirm the possession of the “skills and qualifications to successfully participate in the selected program of training services” (WIOA pgs. 105-106, sec.134).

Assessment of suitability should also include interviews, inventory of skills and interests (through inventory or interview), career information and any appropriate labor market information.

Applicants with Associate Degree or higher may be considered employable and capable of achieving self-sufficiency, depending upon the area of study and work experience. The following exceptions may apply:

- Documented disability that prohibits or severely limits the applicant from returning to previous occupation.
- Conditions related to age that severely limit the applicant from returning to previous occupation.
- The existing degree or certification is attained outside the State of Ohio and does not transfer all credits and/or occupational credentials (proof required).
- The degree is no longer desirable in any marketable occupation or the degree is considered outdated given the requirements / coursework that existed at the time the degree was attained. Applicant must provide supporting documentation to this fact.
- The individual’s work experience or occupational skills are no longer marketable in any desirable occupation.

### **Self Sufficiency and Family Self-Sufficiency**

The Area 12 Workforce Development Board establishes, in accordance with the four-year strategic plan, as defined in the self-sufficiency policy [\(link\)](#). The goal of self-sufficiency is meant to be as inclusive as possible in terms of providing services to the county’s residents in that many residents will need services to reach self-sufficiency and the goal is also to ensure that all low income customers will have available employment and training resources.

The Area 12 Workforce Development Board establishes that the expenditure of funds by the WIOA Agencies are subject to the availability of WIOA and/or TANF dollars as appropriated to the local area.

### **Process for Obtaining Services, as Exception to ITA Process**

There will be no contracts with entities not on the State approved eligible training provider list. Any contracts under the exception provisions of the WIOA will follow local procurement procedures along with any State and federal OMB requirements applicable to the management of grant funds.

The local board is charged with approving decisions and RFP specifications. Committees of the local board will evaluate proposals and make recommendations for the selection to the county elected officials who are the grant recipients for the funds. Contracts will be executed with the providers who are awarded funding.

On-the-job and customized training will not be subject to procurement as these exceptions to the ITA system are developed on a one to one basis for employers with whom there is a specific customer who meets a match in interests and aptitudes for the job vacancy available.

## Policy 12-501: Individual Training Accounts (ITA)

Adult Basic and Literacy Education provides basic skills and English-as-a-second-language on a referral basis, usually at no cost. If there is a cost, Adult Basic and Literacy Education and English-as-a-second-language will be provided as a service either through commercially off-the-shelf, sole source procurement with public education providers or through competitive contracts.

It is the expectation of the Area 12 WIOA staff will determine completeness, authenticity and validity of the related documentation

### **Local Review and Management of Individual Training Accounts (ITAs)**

Each of the Area 12 OhioMeansJobs (OMJ) centers—Butler, Clermont, and Warren counties—is responsible for tracking and monitoring all Individual Training Accounts (ITAs) issued within its jurisdiction. ITAs must be reviewed and approved by the respective local OMJ center staff in accordance with established local policies and procedures. This ensures consistent oversight, alignment with in-demand occupations, and the responsible use of training funds to support regional workforce development goals.



## Policy 12-501a: Subsequent Eligibility of Training Providers

<b>Reference State: Policy:</b>	WIOAPL 16.02.2
<b>Board Approved:</b>	May 31, 2016
<b>Revisions Approved:</b>	October 17, 2023
<b>Effective Date:</b>	October 17, 2023
<b>Policy Obsoletes:</b>	

### Purpose:

To provide policy relating to continued eligibility of training providers at 20 CFR 663.530 of the regulations.

### Background:

The Workforce Innovation and Opportunity Act (WIOA) requires the local areas to establish a performance-based certification system for training providers. The certification procedure results in a State list of training providers who are eligible to give training services to customers. The federal law requires that after a set period of time of initial eligibility, training providers must be determined subsequently eligible.

### Policy:

All eligible training providers will be required to collect, track, and report the program and cost information. ODJFS has received on-going waivers of this requirement. Waiver approval to ODJFS through the USDOL of this requirement does not mean that every program provider is guaranteed retention for the waiver period. Area 12 will request information on the performance of local providers, through survey, in order to provide accurate and thorough information to potential participants. At a future time, performance information may determine retention on the Eligible Training Provider List. This verifiable program information may include, but is not limited to:

- Numbers of individuals who began a program in a given program year.
- Number of WIOA funded individuals who began a program in a given program year.
- Number of individuals who completed a program in a given program year.
- Number of WIOA individuals who completed a program in a given program year.
- Number of individuals who completed a program and passed industry recognized certification(s) or credential(s) in a given program year.
- Number of individuals who obtained employment.
- Number of WIOA individuals who obtained employment in a training related position.
- Total program cost (current and all inclusive).
- Accreditations including names of entities recognizing those accrediting institutions.
  - Any probationary status
- Specific information on transferability of credits/credentials.
- Information on whether the provider is part of the University System of Ohio or its equivalent in a neighboring state.

Survey questions may be amended at the discretion of the Compliance Team members, in concert with any participating partner counties outside of Area 12. It is understood that, if Area 12 requests additional information that imposes extraordinary costs, the local board shall provide access to cost effective methods of collection or provide additional resources.

## **Policy 12-501a: Subsequent Eligibility of Training Providers**

Initially, information received will be used to provide customers with relevant information regarding training programs in order to make good choices and to develop baseline information on performance, not to eliminate programs. Area 12 will use the training provider information solely for informational purposes. Failure to provide the requested information without valid justification may result in a recommendation for removal from the Area 12 Approval List.

It is the intent at a future date, having gained sufficient information on training programs and providers to establish baselines, to set minimum performance standards. Failure to meet those standards could result in being placed in a probationary status or removal from the Area 12 approved list.

When a training program fails to meet established local program and cost requirements, a local area may choose to remove that program from the state Eligible Training Provider List for Individual Training Accounts (ITAs). This is done with the understanding that a Board can only remove a training program that they or their designee have previously approved and recommended to the State. In order to request removal of a training program, a local area should send a letter signed by the board chair with the name and address of the training institution and the name of the program that the area wishes to have removed. This letter should be directed to the following address:

Ohio Department of Job and Family Services  
Office of Workforce Development  
4020 East 5th Avenue  
Columbus, OH 43219

A representative from OWD will review the letter and issue a written approval or denial of the request. If the request is approved, a notice will be sent to all local areas to advise that the program will be removed 90 days from the date of the notice. Eligible Training Providers have the right to appeal the removal by using the Appeal Process provided on the Internet at [WIOAQNA@JFS.OHIO.GOV](mailto:WIOAQNA@JFS.OHIO.GOV) with "Appeal Process" in the subject line.

When a program is no longer eligible and has been removed from the state provider list, participants enrolled in that program prior to the date of removal can complete the training. This applies to participants if WIOA ITA has covered the cost of the training. Once a training program is removed from the state provider list, the training provider will be required to wait for a period of 12 months before it can be considered for recertification. This would provide the local board with a representative sampling of data from which to make a decision for the provider's re-certification.

WIOA programs are held to establish performance standards which are established yearly. Area 12 will provide all training providers with current performance standards required by the State of the Area 12 WIOA programs as a guideline.

This provision should bring more opportunities for eligible programs to work with WIOA customers. Many programs have not been able to enroll enough WIOA participants to ensure a statistically valid assessment of performance on the measures that apply to those students. The waiver addresses this concern as well as allowing the State ample time to develop a user-friendly automated system for performance reporting.

## Policy 12-502: On-the-Job Training

<b>Reference State Policy:</b>	WIOAPL 15-22.1
<b>Board Approved:</b>	June 8, 2016
<b>Revision Approved:</b>	April 16, 2024
<b>Effective Date:</b>	April 16, 2024
<b>Policy Obsolete:</b>	

### **Purpose**

To outline the policy and to provide direction to Area 12 in providing OJT to participants with formula funds.

### **Background**

Through OJT activities provided under WIOA, workers can obtain the skill sets necessary to fill the jobs that are available and are being created in this economy. OJT activities can support the development of a workforce with skills that meet the needs of employers and provide additional training options for workers and employers.

OJT activities are provided to eligible participants via an OJT agreement between Area 12 and the employer. Such an agreement specifies the duration of training as well as the skills and competencies to be acquired by the participant. The length of the training period depends on the funding source of the OJT, the complexity of the job, as well as the participant's skills and prior work experience. Employers must commit to hire and retain the participant at the end of a successful training period. In sum, OJT provides an incentive to employers to hire individuals and invest in their skill development, and trainees can earn a wage as they learn.

The employer reimbursement rate for OJT is typically 50% of the employee's wages during the training period; however, this rate may be increased up to 75% based on the following criteria:

- Characteristics of the participants
- Size of the employer
- Quality of employer-provided training and advancement opportunities
- Other factors, including the number employees participating, wages, and benefits, and improving participant's competitiveness.

### **Requirements**

"On-the-job training" means training by an employer to an employee who is an eligible WIOA participant engaged in productive work in a job that:

- Provides knowledge or skills essential to the full and adequate performance of the job.
- Relates to the introduction of new technologies, new production or new procedures,

## **Policy 12-502: On-the-Job Training**

upgrading to new jobs that require additional skills, workplace literacy, and other appropriate purposes identified by the local board.

- Provides reimbursement to the employer for the costs associated with training the OJT trainee, which are usually calculated at half the participant's pay rate for the agreed-upon training period; and
- Is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

OJT participants must receive wages, benefits, and working conditions that are equal to those provided to regular employees who have worked a similar length of time and are doing the same type of work. Appropriate workers compensation insurance protection must also be provided to all OJT participants by the employer.

### **Outreach**

Area 12 may, at the discretion of each partner county, use any supplemental funding sources provided by ODJFS, US Department of Labor or other sources and designated for OJT's. Any additional rules and restrictions mandated for the use of those funds will be adhered to and seen to be incorporated as a part of this plan for the duration of the funding period.

### **Required Components of OJT**

(Reference State Policy WIOAPL 15-22)

### **Participant Eligibility**

WIOA-funded OJT is available for eligible WIOA youth, unemployed and under-employed adult and dislocated workers, including employees of an employer. Employed workers may be eligible for WIOA-funded OJT when the employee is not earning a self-sufficient wage as determined by Area 12.

Individuals who have completed formal training via an Individual Training Account (ITA) may be considered for OJT if it creates an opportunity for a positive outcome.

Before approving an OJT, Area 12 will assess the potential participant to ensure suitability for the OJT. The assessment, at a minimum, shall include the occupation's particular skill requirements, the participant's academic and occupation skill level, prior work experience, level of job difficulty, and the participant's IEP (individual employment plan). The results of this assessment will be used, in part, to determine the appropriateness of and suitability for the OJT.

WIOA youth aged 14-24 years may qualify for OJT, although such training may not be an appropriate activity for youth under age 18 whose employability plan is geared toward completion of secondary education instead of employment.

## **Policy 12-502: On-the-Job Training**

OJT participants are not eligible to receive Needs Related Payments (NRPs). Further, OJT participants cannot be members of the immediate family of the business owner or participant's direct supervisor. Note: refer to the ODJFS OJT Procedures Manual for the different situations in which OJT-related conflict of interest may arise.

### **Employer Eligibility**

OJT is provided under an agreement with an employer in the public, private non-profit, or private for-profit sector to WIOA eligible participants. Careful consideration should be given while selecting a participating employer. Examples of potential business functions to research before selecting an employer include but are not limited to:

- working conditions (safety and health);
- presence of health benefits;
- wage structure;
- turnover rates;
- adequate staff and equipment to carry out the training; and
- compliance with federal, state and local laws.

Private placement agencies: A private placement agency is an eligible employer for WIOA-funded OJT's. These agencies may be eligible for OJT's when there is the expectation that the individual being trained will become a full time employee of the host employer.

While private placement agencies are usually the employer of record, the host employers are responsible for providing the work and work space. Training, however, can be the responsibility of the host employer, the private placement agency or both.

Note: Refer to the ODJFS OJT Procedures Manual for factors to be considered before writing OJT agreements with a private placement agency.

Disqualifying factors: Employers will be disqualified from participating in the OJT program in the following situations:

- Failure to retain: The local Board must not enter into an agreement with an employer who has previously exhibited a pattern of failing to provide OJT participants with continued long-term employment.
- Failure to provide comparable working conditions: The employer must comply with all applicable federal, state, local laws and regulations related to providing reasonable working conditions. OJT participants are not permitted to train or work in buildings or surroundings under working conditions that are unsanitary, hazardous, or dangerous to the trainee's health or safety.
- Relocation: If during completion of the employer information form, it is determined that a business has relocated from one U.S. labor market to another and caused dislocation at the original location, OJT's may be available at the new location only after the business has commenced the relocated work for more than 120 days. Note: refer to the ODJFS OJT Procedures Manual for factors to be considered in determining whether business relocation has occurred.
- Layoff: Absent a clear and applicable layoff definition within a collective bargaining

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agreement or personnel policy governing a local operation, a layoff is defined as termination with the intent to recall. A laid off employee who refuses a recall request is no longer considered to be in layoff status. Layoff recall rights will last six months from the last day of work prior to the layoff. If the employer has laid off someone from a similar or "substantially equivalent" work at the same local operation, no OJT or other subsidized employment is permitted. The work is considered substantially equivalent if the overlap between the work (duties and job titles) is 80% or greater. If more than one person is laid off from a substantially equivalent job, and all these persons worked their last day more than six months before the training plan begins, the OJT may proceed and the employer may be reimbursed regardless of the previous layoffs.

- Worker displacement: Training positions covered may not have been created by the displacement of an unsubsidized employee by a WIOA subsidized employee. This includes partial displacement such as reduction in the hours of non-overtime work, wages, or employment benefits. There is no requirement for the job to be similar or substantially equivalent. The key is employer intent: if an unsubsidized employee's earnings are reduced by hiring a WIOA subsidized participant to offset the lost productivity, it is considered displacement.

### **Employer Information Form (Pre-award review):**

Prior to the placement of an OJT participant, an employer pre-screening must be conducted and an information form must be completed to ensure that the employer meets the minimum standards and can provide both training and long-term employment to the OJT participant. The Employer Information Form (EIF) may be completed once rather than each time an OJT is approved. In case of a collective bargaining agreement, the employer and union must provide concurrence before the OJT begins. The OMJ staff is expected to contact the employer's union representative if the job is under bargaining unit authority.

The employer information form should be updated if

- the business is sold or transferred;
- other significant changes affecting training, hiring, job retention occur; and
- at least once a year from the date of issuance.

The employer information form must include the following information:

1. Consultation with labor organizations and others in the affected area;
2. Review and documentation of employer's compliance with all applicable business licensing, taxation and insurance requirements;
3. Review of whether the business or part of a business displaced any workers as a result of relocation from one U.S. labor market to another; and
4. Review of whether the business has laid off someone from a similar or substantially equivalent job in order to receive subsidized employment.

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If the employer is new to the area or expanding its operation, additional information must be obtained in order to establish that the company is not relocating from another U.S. labor market. This information must include:

1. Names under which the establishment does business, including predecessors and successors of interest;
2. Name, title, and address of the company official certifying the information;
3. Review of whether WIOA assistance was sought in connection with past or impending job losses at other facilities; and
4. Review of whether Worker Adjustment and Retraining Notification (WARN) notices relating to the employer have been filed.

Employers must ensure that documentation related to the statements captured by the Area is available upon request for monitoring purposes.

Area 12 may use the state's employer information form template as provided in the ODJFS OJT Procedures Manual or develop their own form so long as they include all required elements contained within the template.

Information collected for each employer should be captured on the employer information form. This form must be maintained on file and be made available for auditing and monitoring purposes.

### **OJT Agreement**

One OJT agreement (blanket agreement) is required per employer regardless of the number of participants trained or hired. The agreement may be effective for a maximum period of one year and cover all Training Plans approved with the employer prior to the OJT Agreement's end date. Careful employer screening, through completion of the employer information form, must precede the agreement. The agreement, while establishing the reimbursement procedures, remains non-financial in nature, and no money is obligated until the training plan is approved for an eligible participant.

Moreover, in case a collective bargaining agreement exists, the union must be a co-signatory on the OJT agreement.

The OJT agreement should be modified before expiration only if there are significant changes, such as layoffs or changes in OJT rules and/or policy.

Area 12 may choose to complete the agreement with every OJT training plan in lieu of a blanket agreement.

### **Participant Training Plan**

Duration: The duration of the OJT shall not exceed a maximum of 1,040 hours unless extenuating circumstances exist, in which case appropriate documentation is required. The length of the training considers several factors such as participants' skills gap including prior work experience, the occupation for which the participant is receiving training, the content of

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training, and the service strategy of the participant.

Exceptions for individuals with disabilities or other significant barriers: OJT participants facing a significant barrier to employment, such as a disability covered under the Americans with Disabilities Act (ADA), may be considered for a longer training duration up to 50% additional hours when compared to typical length of a similar OJT, not exceeding a maximum of 1,560 hours.

The training plan obligates training funds for a participant and outlines the planned training activities to be accomplished during the training period. Unlike the OJT agreement, the training plan is required for each participant. The plan constitutes the financial obligation between the agency or service provider and the employer, and is the document which authorizes reimbursement of the agreed upon amount upon successful completion of the training plan period (or the retention period, if applicable). The following types of activities are prohibited from OJTs:

- Sectarian activities: Funds provided to employers for OJT may not be used to employ the participant/trainee in a position involving political or sectarian activities. Further, OJT participants may not assist, promote or deter union organizing, or engage in political activities during work hours.
- Religious activities: OJT participants are prohibited to be employed in the construction, operation, or maintenance of any facility which is used for religious instruction or worship.

OJT providers may base the identification of skills needed and justification of training duration upon O-NET and SVP (specific vocational preparation), company job description, input from the employer/supervisor and/or other appropriate data sources. Consideration should also be given to the occupation's particular skill requirements, the participant's academic and occupational skill level, prior work experience, level of job difficulty and the participant's IEP (individual employment plan).

### **Employer Reimbursement**

Employers are to be reimbursed 50% of an individual's gross qualifying wages. Qualifying wages include regular straight time pay and do not include holidays, overtime premium, vacation pay, sick time, etc.

Payment points: Area 12 OMJ's can develop their own procedure regarding payment.

This policy allows discretion in determining if the local OMJ's can withhold reimbursement for 30, 60 or 90 days to ensure retention after the end of training. Individual OMJ's may choose to withhold reimbursement for a retention period.

During the WIOA-funded OJT, OJT participants might also become eligible for other funding streams, such as TAA, that would preclude their receiving continued funding under the OJT. In



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such an instance, the responsibility for funding the reimbursement for the OJT would fall to the other alternate funding stream on the first day of the first pay period beginning after the date upon which eligibility for the individual is established in the alternate funding stream, if the determination is made that the alternate funding stream will assume responsibility (see below).

The reimbursement base is regular "straight time" hours and does not include commissions, overtime pay, holidays, vacation, sick pay or pay for other hours not worked. Further, payments to employers must be based on scheduled raises and regular pay increases if they occur.

Invoice: Payments to employers should be managed by an invoice system that documents the number of hours worked by the OJT participant and the hourly rate of pay.

It is expected that OJT participants will be retained at the completion of training.

### **Coordination with Trade (TAA program)**

Individuals who are eligible for assistance under TAA (Trade Adjustment Assistance) are not eligible for WIOA-funded OJT.

If a participant is already enrolled in a WIOA-funded OJT and subsequently becomes eligible for funding through TAA, the OMJ staff must determine whether to continue funding the OJT with formula dollars or to fund the remainder of the training with TAA funds based on the following criteria:

If the WIOA-funded OJT uses a different wage reimbursement rate than the Trade program's OJT policy allows, the participant's OJT may continue to be funded by formula dollars until completion;

1. If the WIOA-funded OJT uses a different payment point than the Trade program's required OJT payment point, the participant's OJT may continue to be funded by formula dollars until completion;
2. If the WIOA-funded OJT uses the same wage reimbursement rate and payment point as the Trade program OJT, the OMJ staff must make arrangements for the remainder of the OJT to be funded by TAA beginning at the next payment point or pay period. OMJ staff will coordinate with Trade staff to develop a plan for transitioning participants from one funding stream to another without negatively affecting the employer or the participant.

Regardless of whether participants remain in the WIOA-funded OJT or transition to TAA funding, it is required that the participant be co-enrolled in both the WIOA-funded OJT and Trade programs and that the OJT be approved under both programs (even if it is being fully funded by formula dollars) to ensure the participant may qualify for other associated Trade benefits and services.

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### **Exceptions to OJT**

There are times when an OJT participant or work conditions may justify an exception to the original training plan. Exceptions to OJT shall include:

- Extending the agreed upon length of OJT duration as long as the mandated maximum number of hours are not exceeded;
- Adjusting the maximum or minimum number of hours/week to accommodate a participant's learning or other disability as long as mandated maximum number of hours are not exceeded;
- Any instances that preclude employer reimbursement for training because the participant quit or was fired for cause; and
- Consideration for OJT participants who are performing satisfactorily, have completed substantial training and will be retained by employer at end of training period, but have not met their skills to be learned.

### **Monitoring**

At a minimum, monitoring should include the following:

- Documentation of information received directly from the OJT participants;
- Information regarding the trainee supervisor's perspective about the training progress; and
- Review the employer payroll records.

The key monitoring issues include verifying and documenting:

- The need for training;
- Training was provided to the participant;
- The length of OJT training was reasonable
- The employer reimbursement rate complied with policy; and
- Other applicable OJT rules and requirements were followed.

### **Reporting**

All participants must be eligible, enrolled in WIOA and entered in Ohio's Case Management System. Participants may also be co-enrolled in other statewide funded WIOA programs.

### **OJT Forms**

The following forms must be completed and retained for monitoring purposes.

- Employer information form (form attached, <http://www.odjfs.state.oh.us/forms/interfind.asp?formnum=80646>)
- Training agreement- <http://www.odjfs.state.oh.us/forms/interfind.asp?formnum=80649>
- Training plan- <http://www.odjfs.state.oh.us/forms/interfind.asp?formnum=80642>

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- Training Plan Modification-  
<http://www.odjfs.state.oh.us/forms/interfind.asp?formnum=80652>
- Invoices
  1. Training Period-  
<http://www.odjfs.state.oh.us/forms/interfind.asp?formnum=80651>
  2. Retention Period-  
<http://www.odjfs.state.oh.us/forms/interfind.asp?formnum=80647>
- Exception Request Form (if applicable)-  
<http://www.odjfs.state.oh.us/forms/interfind.asp?formnum=80650>
- WIA-Trade Transition Form-  
<http://www.odjfs.state.oh.us/forms/interfind.asp?formnum=80645>
- Monitoring Forms
  1. Employer-  
<http://www.odjfs.state.oh.us/forms/interfind.asp?formnum=80644>
  2. Trainee-  
<http://www.odjfs.state.oh.us/forms/interfind.asp?formnum=80648>

## Policy 12-504 – Incumbent Worker Training (IWT)

<b>Reference State Policy:</b>	WIOAPL 15-23.2
<b>Board Approved:</b>	April 19, 2022
<b>Revisions Approved:</b>	August 20, 2024
<b>Effective Date:</b>	April 19, 2022
<b>Policy Obsoletes:</b>	

### I. Purpose.

The purpose of this policy is to provide the terms and conditions pursuant to which Area 12 provides incumbent worker training ("IWT") reimbursement to employers. IWT reimbursement of the training is available where it is for new skills instruction and is needed to make the employer and trainees more competitive, and/or avert layoffs.

The Area's IWT program is not an entitlement program. The decision to provide assistance to an employer that applies for IWT reimbursement prior to training starting will be made on a case-by-case basis, considering the totality of all of the circumstances associated with the employer, the employees to be trained, the training, etc., based on information gathered within the employer's application. The Area's Sub-Area providers have sole discretion to accept or reject any and all applications, based upon the criteria set forth within this policy, and/or any other relevant criteria it deems appropriate. The Sub-Area providers may pause and/or cease taking applications when its budgeted resources for IWT have been exhausted.

This policy has been drafted to comply with ODJFS WIOA Policy Letter No. 15-23.2. This policy has also been crafted to complement and supplement, but not compete against or replace other opportunities for IWT offered by other State of Ohio Agencies, including but not limited to the TechCred program. Only where an employer's training is not eligible for TechCred, or other similar IWT program reimbursement, or reimbursement from those other programs is not sufficient, this policy is intended to serve as a substitute or replacement for the same.

### II. Application Process.

#### A. Introduction.

All employers seeking IWT reimbursement assistance must submit a signed and fully completed copy of Area 12's application. Attached to this Policy as Appendix 1, is the Area's Employer Application which is to be used by employers who are seeking any type of training assistance.

## **B. Application Period.**

Each Sub-Area provider of IWT services will establish their own application period, including when they are accepting applications and when they are not. A Sub-Area IWT provider may choose to continuously accept applications, with all applications being considered on a first-come, first-served basis. Alternatively, a Sub-Area IWT period may elect to open and close IWT application periods at-will. If the Sub-Area's application period is not continuously open for applications, or if there is an application period set, the Sub-Area will try to communicate this schedule to local employers.

## **C. Application Review.**

### **1. In General**

Each Sub-Area provider of IWT services will establish their own IWT application review committee. The committee membership can change at any time, including from application to application depending upon the membership's availability to review the same. The review committee will be made up of at least three (3) individuals for each application. There is no maximum of individuals that can serve on a review committee. The only requirement is that one of those individuals must be a representative of the Area 12 Board staff which will either be the Executive Director of the WDB, a Board staff member, or a WDB member. The other individuals to serve on the review committee are determined by the Sub-Area provider of IWT.

### **2. Suggested membership of the IWT application review committee.**

Some suggestions of who the Sub-Area provider may want to have serve on the review committee are:

- Director for the Area WDB, or his/her representative.
- A county commissioner from the Sub-Area where the employer is located or their proxy.
- An economic developer from the Area (regardless of whether they are on the WDB or not).
- The Director of the CDJFS of the Sub-Area where the employer is located or his/her proxy.
- The business services staff of the Sub-Area's adult and dislocated worker provider.
- The employer services representative staff of the ODJFS assigned to WDB Area 12.
- One or more representatives of the Sub-Area's adult and dislocated worker provider.
- A member of the fiscal staff of the Sub-Area's adult and dislocated worker provider.

### 3. Application review and scoring of the same.

#### A. Review

The IWT application review committee will review all IWT applications submitted. The Sub-Area provider will set the time period for which applications submitted will be reviewed. Where the Sub-Area provider has set a time period for collecting and reviewing applications, all applications will be reviewed no later than within thirty (30) days after the application/deadline has closed. Where the Sub-Area is receiving and reviewing IWT applications on a first-come, first-served basis, all applications will be reviewed no later than within fifteen (15) days from when a completed application was submitted.

#### B. Acceptance, rejection, and scoring.

Each application will either be approved or rejected based upon the terms of this policy. All IWT applications will also be scored based upon the criteria provided for within the Application Review Checklist and Scoring Document, Attached as Appendix 2. The approval or rejection may be based upon the proposed IWT failing to qualify as allowable pursuant to one or more terms and conditions of this policy, or because the review committee deems the overall score assigned to the proposal or quality of the proposal to be inadequate. Any application that does not receive a perfect score for the first section of the Application Review Checklist and Scoring Document, will be rejected. The scoring of the IWT application will also be used in circumstances where the Sub-Area provider has made the determination that funding for IWT is limited, to determine which IWT applications will be awarded and which will be denied. Higher scoring applications will be awarded over lower scoring ones where funding is limited. Typically, the score awarded in relation to an application will only be meaningful where funds are limited, and not all submitted or anticipated IWT applications can be fulfilled.

#### C. Communications with the Employer.

- Incomplete or questioned applications.

If something about the application is determined to be incomplete, or if the committee has questions regarding the application, the employer and/or the educational provider will be given a chance to address those concerns before the application is rejected.

- Rejections.

If an employer's IWT application is rejected, that rejection and reason for the same shall be promptly communicated to the employer via some form of correspondence. Emails are an acceptable form of communication.

- Approval.

If an employee's IWT application is accepted and approved for any amount of reimbursement, the acceptance will be promptly communicated to the employer, including the maximum amount of reimbursement that was approved. Either with the communication, or shortly thereafter, the Sub-Area provider will also forward to the employer a contract that applies to the IWT reimbursements approved.

### **III. Terms and Conditions of Incumbent Worker Training.**

#### **A. General Rules Regarding IWT for Which Reimbursement is Allowed.**

1. Training must result in new skill attainment for each trainee, and provided by an independent, third-party trainer/educator unaffiliated with the employer.

All IWT must result in the trainees receiving instruction on new skill attainment. If new skills are not conferred, the training proposed is not eligible. As a result, no IWT that involves a re-certification, or serves as re-training, as a refresher course, or is part of a continuing education requirement to keep a licensure/certificate is eligible.

All IWT must be provided, by an independent, third-party trainer/educator. Training can be in-person, and/or virtual. The instruction ideally should be live, but recorded, progress monitored instruction will be considered and allowed if the program is deemed to have merit.

2. Training must benefit both the employer and the trainees.

All IWTs should serve as both a benefit to the employer, and to the trainees who receive the training. As a result, the Area shall prefer and promote IWTs that at the conclusion allow the trainee to secure a state licensure, and/or a post-secondary degree, credit, and/or an industry recognized credential or certificate. While those are the preferred IWTs, any IWT that confers new skills on its trainees is an allowable IWT within Area 12, even if it does not result in a tangible certificate or credential.

3. Reimbursement is contingent upon the successful completion of the training, and employers bear the risk of not being reimbursed, unless the employee timely and successfully completes all aspects of the IWT.
  - Employers front all expenditures, and for each trainee that successfully complete training, is eligible for partial or complete reimbursement of the employer's training allowable expenditures (wages are not allowed to be reimbursed).
  - Training intended to lead to licensure, a degree, academic credit, or certification through testing must culminate in the attainment of said qualifications for the employer to receive reimbursement.

- For any IWT that is meant to result in licensure (i.e. Commercial Driver's License, State Tested Nurse Aide), an employer will not be reimbursed for a trainee that does not successfully complete the training, does not successfully pass the training and obtain desired licensure.
  - For any IWT that is meant to result in a post-secondary degree, credit, and/or industry recognized credential or certificate, an employer will not be reimbursed for a trainee unless and until that milestone is actually achieved and conferred upon the trainee.
  - If there is a certificate that can be achieved after the IWT, but an examination must be sat for and successfully passed, the IWT will not be approved unless the employer agrees to have all trainees sit for the examination, and reimbursement will only be provided for those that successfully secure a passing score.
  - For any IWT that is meant to only confer new skills on its trainees, and will not result in an industry recognized credential/certificate or higher, reimbursement is conditioned only on the satisfactory completion of the training as determined by the educational provider.
4. Training that can be reimbursed by another available grant or program, should be.

The WIOA funding is limited when it comes to IWT. No Sub-Area can expend more than 20% of the Adult and Dislocated Worker budget they have been provided on IWT, unless they have been given permission by the Area 12 Executive Director to expend more. In addition, there are other demands on Adult and Dislocated Worker budgets. As a result, where there are other IWT grant or funding opportunities, such as TechCred that the employer could apply for and from which they would likely receive full reimbursement, they should be directed to apply there, and/or have their IWT application placed on hold until they apply for and are rejected by that other grant.

5. There are different terms and conditions for different types of employers (for-profit, governmental, non-for-profit) and for different sized employers.
6. When the IWT qualifies as management skills training, as defined by this policy, there are additional requirements.

If the IWT meets the definition of management skills training, the IWT application may not be approved for a trainee and reimbursement may not be provided unless:

- a. Each trainee that completes the training receives will receive a raise that will cover the cost of the training over the course of one year's time.
  - b. The raise or bonus has been paid in full or has been implemented in part at the time reimbursement has been sought.
7. When the IWT sought by the employer is for miscellaneous skills training as opposed to management skills training, and it has a significant per trainee cost, the Sub-Area provider may impose the following additional requirements.



For any training that is at or greater than the amount set by the Area 12 Workforce Development Board as the "significant per participant, per class, reimbursement level," the Sub-Area IWT application review committee may at its discretion, on a case-by-case basis require the employer to demonstrate:

- A. Each trainee that completes the training receives a raise that will cover the cost of the training over the course of one year's time.
- B. The raise or bonus has been paid in full or has been implemented in part at the time reimbursement has been sought.

**B. Types of IWT Not Available for Reimbursement, Unless a Limited Exception is Granted.**

1. Re-certifications, re-trainings, refresher courses, continuing education requirements to keep a licensure or certificate. The Area WDB may lift this restriction on a case-by-case basis where the totality of the circumstances suggest that this would be a good investment of Area resources.
2. Seminars, retreats, or trainings of any kind where there is a singular price that includes non-reimbursable expenditures including but not limited to travel, meals, alcohol, entertainment, overnight accommodations, etc. The Area WDB may lift this restriction on a case-by-case basis where the totality of the circumstances suggest that this would be a good investment of Area resources, and sufficient safeguards have been undertaken to make sure that the employer is only being reimbursed for allowable IWT expenditures.
3. IWT where the educational provider is employed by the employer seeking IWT reimbursement assistance in an employment or any other agency capacity, and is not an independent, third-party educator. The Area WDB may lift this restriction on a case-by-case basis where the totality of the circumstances suggest that this would be a good investment of Area resources.
4. IWT where any part of the training for which reimbursement is being sought was started before the employer's application was approved, and a signed IWT reimbursement agreement has been entered into. The Area WDB may lift this restriction on a case-by-case basis where the totality of the circumstances suggest that all parties had engaged in good faith actions to try to come to an agreement and reduce it to writing for an IWT, the employer reasonably believed that their training was approved, and/or it was not timely approved due to inaction by the Sub-Area provider staff, and it would be unfair not to reimburse the employer.

5. Where the trainees do not successfully obtain licensure, degree, credit, certificate/credential, and/or complete the training to the satisfaction of the educational provider. The Area WDB may lift this restriction on a case-by-case basis and reimburse the employer even though there was not a successful completion where the employer can demonstrate a hardship.
6. IWTs where another grant or program is available to reimburse the employer for all or most of their reimbursable expenses.
7. Where the IWT would otherwise violate any of the terms and conditions of the policy that follow.

### **C. Eligibility of Participating Employers.**

#### **1. All Employers in General.**

The Area shall prefer and promote IWTs in the Area's In Demand Industries. While in-demand industries are to be preferred, any employer within any industry is eligible to apply for IWT reimbursement.

The Area's application will assess, and the Sub-Area provider's IWT review committee will consider all of the following in deciding whether to award an employer IWT reimbursement.

- a. Characteristics of the trainees, including whether they face systemic or individual barriers to employment.
- b. The extent the training improves the trainee or employer's competitiveness, and/or averts a layoff.
- c. Confirmation that none of the following disqualifying factors are present:
  - 1) The business is not presently debarred, suspended, proposed for disbarment or suspension, and/or declared ineligible or excluded from participation in transactions by the U.S. Department of Labor, and/or the State of Ohio.  
 Federal Exclusion and Debarment Site: <http://www.sam.gov>  
 Ohio Department of Taxation: <http://www.tax.ohio.gov>  
 Business Filing Search: <http://www.sos.state.oh.us>
  - 2) The business does not have any outstanding, unresolved or contested wage and hour, health and safety, employment discrimination charges issued against them by a federal and/or state agency against them within the past twelve (12) months.
  - 3) The business does not have any outstanding tax liability to the state of Ohio or any other State for the past six (6) months.
  - 4) The business does not have any unfair labor practice contempt of court findings entered against it within the past six (6) months.

- 5) The business does not have any outstanding civil, criminal, and/or administrative fines or penalties owed to or pending to the federal government and/or the state of Ohio.
- 6) The business has all necessary licenses and/or qualifications required to conduct business within the state of Ohio.
- 7) The business has not relocated all or part of its operations from another area anywhere within the U.S or-its territories within the last 120 days, leaving any unemployed workers behind who were not given an opportunity to transfer to the new location.

The Sub-Area provider's application review committee will establish as part of the pre-award review all of the following:

- (a) all relevant related business organizations (parent, subsidiaries, etc.) and the names of the same;
  - (b) name, title, and address of company official certifying there has been no related dislocation at a related company within the United States;
  - (c) determination of whether there were or were not any job losses at other locations associated with the positions of those that are sought to being trained at the applied for location.
- 8) The business currently does not have any employees on layoff at its local site of employment or nationwide, and if it does, they either will be recalled before the training occurs, or they are unrelated to the positions that will be trained.
  - 9) The jobs for which the business is seeking to perform training are projected in good faith to be in existence for the next twelve (12) months or more.
  - 10) The employer has not been disqualified by the Sub-Area provider for engaging in a pattern or practice of abusing previous assistance provided and/or failing to retain the employment of those provided with IWT.

d. Other factors included in the application, including but not limited to:

- 1) Number of employees included in the training.
- 2) Advancement opportunities.
- 3) Increased wages.
- 4) Type of credential and/or skills earned.
- 5) Whether layoffs are averted, or the training will just make the employer more competitive.
- 6) Other information sought by the application.

## **2. Governmental Employers.**

All governmental employers other than state government and Area 12 WDB

and their sub-recipients and contractors are eligible to apply for and receive IWT reimbursement so long as they meet the criteria for all employees in general, and those that follow.

- A. The elected officials for the governmental entity and the individuals who would be trainees must complete the Relationship Attestation Form. If any Area 12 WDB staff or any of the Sub-Area provider staff are administratively overseen by any of those required to complete forms, a potential conflict of interest will be deemed to exist. To manage this potential conflict of interest, those individuals who would serve on the IWT application review committee but for a potential conflict of interest must be excused. Other Area 12 WDB staff familiar with IWT applications will be asked to fill in and score and review the application where these conflicts of interest exist to ensure that the decision to award or reject the application is fair and objective.
- B. Each Sub-Area IWT provider shall create and actively maintain a spreadsheet that accounts for all of the approved IWT applications. This spreadsheet will account for the total budget available for IWT applications by the program year for which the IWT application is expected to be completed and paid, how much of that total budget is obligated, and how much remains to be obligated. When the available to obligate budget is twenty percent (20%) or less for the program year during which the training will occur, the Sub-Area will cease approving governmental employer IWT applications for that program year.
- C. Special considerations in assessing, reviewing, and approving governmental applications. The following must be adhered to:
  - 1. Sustainability. The governmental entity should generally provide for their own training needs. No single governmental entity shall be eligible for one or more IWT applications allowing reimbursement that exceeds \$10,000.00 for all trainees combined, in any one program year. Any governmental entity that receives reimbursement in a program year, once that program year has closed, may not apply for IWT reimbursement for two (2) full years have passed from the date of their last application.
  - 2. In-demand and/or critical jobs. The positions of employment for which the governmental trainees receiving IWT must be listed on the in-demand or critical Ohio Top Jobs list. If they are not, those trainees are not eligible.

3. Shortage of labor. The positions of employment held by the trainees are being trained have low labor supply. If the county's rate of unemployment where the government is located, for the latest month when the application is being reviewed, is a rate at or below 5%, this criteria shall be satisfied. If the county's unemployment rate is above 5%, then labor market information for the region must demonstrate that there is below average labor supply for the specific position(s) to be trained.
4. Evolution of new technology and/or skills needed on the worksite. IWTs are reserved for the purposes of providing new skills relating to some type of technology that wasn't available or some type of skills that weren't needed until recently. If the new technology or newly evolved need for the skill is five (5) years or less old, as measured from the date of the IWT application looking backwards, the governmental employer is eligible.
5. Benefit to the community. IWTs are reserved for governmental trainees where the training can be shown to positively improve essential community services. How community services will be improved must be attested to and demonstrated as part of the application process.

### **3. Not-For-Profit Employers.**

All not-for-profit employers are eligible to apply for and receive IWT reimbursement so long as they meet the criteria for all employees in general, and those that follow.

- A. Each Sub-Area IWT provider shall create and actively maintain a spreadsheet that accounts for all of the approved IWT applications. This spreadsheet will account for the total budget available for IWT applications by the program year for which the IWT application is expected to be completed and paid, and how much of that total budget is obligated, and how much remains to be obligated. When the available to obligate budget is twenty percent (20%) or less for the program year, the Sub-Area will cease approving not-for-profit employer IWT applications for that program year.
- B. Special considerations in assessing, reviewing, and approving Not for profit applications. The following must be adhered to:
  1. Sustainability. Not-for-profit entities should generally provide for their own training needs. No single, not-for-profit entity shall be

eligible for one or more awards of reimbursement that exceeds \$10,000.00 in any one program year. Any not-for-profit entity that receives reimbursement in a program year cannot apply for reimbursement until two (2) full years have passed from the date of their last application.

2. Shortage of labor. The positions of employment held by the trainees are being trained have low labor supply. If the county's rate of unemployment where the not-for-profit is located, for the latest month when the application is being reviewed, is a rate at or below 5%, this will be satisfied automatically. If the county's unemployment rate is above 5%, then labor market information for the region must show that there is below average labor supply for the specific position(s) being trained.
3. Benefit to the community. IWTs are reserved for not-for-profit trainees where the training can be shown to positively improve essential community services. How community services will be improved must be demonstrated as part of the application process..

#### **4. Religious Employers.**

- I. Religious employers are not eligible for IWT where it would be used to train employees who perform any work that relates to the construction, maintenance, or operation of any part of any facility or business relating to religious worship or sectarian instruction.
- II. The only exception to religious employers receiving IWT reimbursement assistance is where the funding would train employees that work in a facility that is not used for worship or sectarian purposes, and the nature of the work performed by those trainees is the provision of services that relate to removing barriers to employment, and those services are open to everyone within the community regardless of their own personal religion or lack thereof. For instance, the training of employees employed in a childcare facility operated by the religious entity in a building not used for any worship or sectarian purpose open to anyone within the community would be eligible for IWT training reimbursement.

If a religious employer meets the exception listed above, then they would also need to meet all of the criteria required of employers in general (Section 1 above), and those required of Not-For-Profit Employers, (Section 3 above).

#### **C. Employee Eligibility.**

Incumbent workers must meet each of the following minimum federal, state, and local requirements to participate in a training that is reimbursable.

- A. Employed by the employer doing the training in a manner that meets the definition of an employee as provided for within the Labor Standards Act (FLSA) of an employer-employee relationship.

- B. The employee/trainee must have an established employment history with the employer for six (6) months or more. If IWT is being provided to a cohort or group of employees listed/attached to an application, not every employee in the cohort must have an established employment history with the employer for six (6) months or more, so long as the majority of employees have.
- C. Except in situations involving Employee Stock Ownership Programs, where all employees have a chance to be partial owners of a business, no one with an ownership interest in a business, nor their immediate family may be an IWT trainee. See definitions of this policy for immediate family.
- D. No one who is supervised directly by a member of their immediate family may be an IWT trainee. See definitions of this policy for immediate family.

**D. Training Provider Considerations.**

To be a training provider for IWT in Area 12, the provider must be an independent third-party educator. This means that the educator cannot be an employee or have any other business relationship to any of the employer's related business organizations. The Area 12 WDB can make an exception to this but will only do so where there are compelling circumstances that exist.

The training provider can provide the instruction in-person, virtually, or via any medium that is acceptable to the employer. Live instruction is preferred. If the Instruction is not live, but is a recorded medium, it may qualify if the program is of sufficient quality to justify the same.

In most instances employers will be asked to request a trainer or educational provider. Where that requested trainer or educational provider is considered acceptable, the employer's request will be honored. The Sub-Area IWT provider has the final determination of whether a trainer/educational institution is acceptable or not and may reject an IWT application or request the selection of a new training provider by the employer. The following criteria may be considered in determining whether a training provider requested is not acceptable:

- satisfactory past performance,
- lack of accreditation where accreditation is available,
- curricula that lead to credentials if credentials for the training are available,
- relevant training experience, accredited instructors,
- job placement rates,
- training completion rates,
- a proposed training environment that supports learning and is within reasonable proximity to the trainees, so the cost and time required for

travel is minimized.

The arrangement for the training will be made pursuant to a written, verbal or implied agreement reached between the employer and third-party educational training provider. Only where the IWT is to be provided by a third-party educational provider for an educational program that is on ODJFS' eligible training provider list in the WIET system, may Area 12 contract directly with the provider for the provision of an IWT, and pay the educator directly.

**E. Written Agreement Between Employer and the Sub-Area IWT provider.**

The Area 12 WDB, and/or the Sub-Area provider will almost always not be a party to the agreement between the employer and the training provider. Instead, the Sub- Area provider must have a written agreement with the employer which governs the terms and conditions of reimbursement to the employer for their allowable reimbursable costs, consistent with the terms and conditions of this policy. The Sub-Area provider will use IWT Training Agreement to this Policy, as the form agreement, which it will modify as appropriate to apply to each particular IWT situation.

There can be no IWT reimbursement without a written agreement that was entered into prior to the start of any training for which IWT reimbursement is sought.

**A. Terms of the Payment/Repayment.**

The employer shall be solely responsible for paying the trainer and/or educational provider pursuant to terms and conditions they reached with the same. The Sub-Area IWT provider shall be responsible for compensating the employer for an agreed upon share of actual expenses, the categories and total amount of which are pre-approved, and which are actually incurred by the employer. Reimbursement shall occur only after the completion of the training and following the employer submission of at a minimum all of the following:

- a. a copy of the invoice from the educational provider;
- b. a copy of all invoice-related documentation provided to the employer by the educational provider;
- c. a copy of each of the licensures, degrees, educational transcripts, credentials/certificates of training earned by each trainee;
- d. the employer's proof of payment showing the amount it paid the trainer/educational provider;
- e. if the employer paid wages, overnight accommodation, travel expenses, or any other expense that satisfy its non-federal share of the training, then proof that those expenditures being incurred and paid, as proof that the employer has paid a non-federal share for which it has not been reimbursed.



Upon receipt of all of the required documentation provided by the employer, the Sub-Area IWT provider shall reimburse the employer within thirty (30) days.

In all circumstances, the Sub-Area IWT provider's total amount of reimbursement shall be capped at the maximum amount of reimbursement that is allowed by this policy based upon the size of the employer, based upon the final calculations of the employer's actual documented expenditures allowable and unallowable expenditures.

## **2. Terms of the Training Plan.**

Attached to the Agreement must be a training plan in a format mutually agreeable to the employer and the Sub-Area IWT provider. The training plan can be as simple as a spreadsheet generated by the Sub-Area provider. The training plan must include all of the following for each trainee:

- a. The providers of training.
- b. Type of training.
- c. Planned start date and planned end date.
- d. Number of individuals to be trained.
- e. Required trainee information that must be entered into the ARIES system, including each trainee's social security number. Note that if an employer refuses to provide the Social Security numbers for all trainees, the Sub-Area may either:
  - 1) deny the employer's application, or
  - 2) allow the IWT but require the employer as part of their IWT agreement to provide the employment status, hourly wage, and total wages earned quarterly by all trainees for the 6 quarters after training ended, beginning in the quarter that training ended.
- f. The total estimated cost of training for which reimbursement is allowed broken into the following categories, and the total of the same, labeled as Budget A:
  - 1) cost of tuition;
  - 2) materials and consumables including textbooks, manuals, training software if required as part of the training;
  - 3) all other allowable costs not covered by tuition.
- g. The total estimated employer expenditures for which reimbursement is not allowed broken into two categories, and the total of the same, labeled as Budget B:
  - 1) wages that the employer will pay for employees while receiving instruction;
  - 2) all other expenditures that can be counted towards the employer's

non-federal share including but not limited to travel, over-night accommodations, travel reimbursement, etc.

- h. The combined totals of Budget A and Budget B, labeled as Budget C.
- 1. Indicate on the training plan the total employee size of the employer identified by the employer in the application.
- J. Either as part of the plan, or as an attachment, an adequate summary of the training to be provided.

**B. Allowable expenditures that may be reimbursed.**

Allowable reimbursable IWT expenditures may include only costs directly related to training. Allowable costs may include:

- a. Cost of tuition if using an educational provider, which includes expense of instructor/trainer.
- b. Instructor/trainer salaries if not otherwise covered by tuition. However, where tuition is charged, there should be no additional expenses in this regard.
- c. Curriculum development, but only where this is a new or novel training and not covered by tuition.
- d. Materials and consumables including textbooks, manuals, training software, but only to the extent they are a required part of the curricula and not covered by tuition. If the materials and consumables are not expressly required to participate in the training, they are not allowable.
- e. Training facility costs, but only to the extent this is not covered by tuition.
- f. Other necessary and reasonable costs directly related to training not on the unallowable expenditure list below.

**C. Unallowable expenditures.**

Unallowable reimbursable costs are all of the following:

- a. Foreign travel.
- b. Purchase or lease of capital equipment.
- c. Expenses related to encouragement or inducement of a business or part of a business to relocate from any location in the United States.
- d. Use of IWT funds to pay for a worker's training wages.
- e. Travel, over-night accommodations, meals during training, etc.

**D. Employer's required contribution of a non-federal share of training costs.**

All employers receiving IWT reimbursement must make a significant non-federal contribution to the expenses associated with each trainee's IWT. An employer's contribution can be made up of one or both of the following types of contributions:

- a. Allowable expenditures paid to the training provider or other allowed training related parties that go unreimbursed.
- b. Unallowable expenditures listed in Section C above, subsection d. wages, and e. travel, over-night accommodations, etc.

To determine what an employer's minimum non-federal share contribution must be, the IWT application review committee will review and apply calculations required by this policy to the budgets provided for within the training plan. The calculation required is as follows:

**Step #1:**

Training Plan's Budget A Total (allowable expenditures in dollars).

+

Training Plan's Budget B Total (unallowable wages, travel, accommodations, etc. in dollars.)

Total Expenditure, Training Plan's Budget C (in dollars).

**Step #2:**

Training Plan's Budget C (in dollars).

X

Percentage associated with the Area's maximum share, as listed in the table below.

=

Area's maximum federal share allowed (in dollars).

**Step #3:**

Compare the amount calculated in Step #2 to Training Plan Budget A (allowable expenditures in dollars).

If the Step #2 calculated amount is less than the Training Plan Budget A, the amount calculated in Step #2 is the maximum amount of reimbursement allowed to the employer.

If the Step #2 calculated amount is more than the Training Plan Budget A, the amount of the Training Plan Budget A is the maximum amount of reimbursement allowed to the employer.

Under no circumstances may an employer ever receive reimbursement compensation that is more than the total of Training Plan Budget A (allowable expenditures in dollars). If an employer were to receive reimbursement greater than the total of Training Plan Budget A, that would mean the employer is being reimbursed for unallowable wage, travel, meal, and/or over-night accommodation expenditures, etc.

<b><u>Employer Size</u></b>	<b><u>Sub-Area's Max % Share</u></b>	<b><u>Employer's Min % Share</u></b>
50 employees or less	90%	10%
51 to 100 employees	75%	25%
101 or more employees	50%	50%

The table above denotes the Sub-Area's maximum percentage share and the employer's minimum percentage share of the training. Note that each Sub-Area's IWT application review committee has the discretion to agree to pay less than its maximum percentage share, and to require an employer to pay more than its minimum percentage share, on a case-by-case basis.

**F. Area Terms and Conditions Regarding Use of WIOA Funds for IWT.**

Each Sub-Area or County's Adult and Dislocated Worker providers when administering this policy shall not expend more than has been provided for within each of the following budgets:

- A. the budget approved by the Area 12 WDB;
- B. twenty percent (20%) of the total of the Adult and Dislocated Worker grant allocations available to the sub-area to expend.

**G. Invoicing and Reimbursement.**

Regardless of the amount that was originally planned for and budgeted as part of an approved IWT application, and training plan, the amount to be reimbursed to an employer cannot occur unless and until all of the necessary documentation has been submitted by the employer. See Section V. (F.) (1.) of this policy.

In addition, the final amount reimbursed to an employer must adhere to the requirements set forth within this Agreement, including the calculations provided for within Section III. (F.) (5.) of this Agreement. While the IWT application and IWT Training Plan try to anticipate what the Sub-Area provider will reimburse an employer and what the employer's non-federal share will be, the actual expenditures as demonstrated by the documentation the employer submits is what determines actual reimbursement.

Therefore, the calculation performed by the IWT application committee, set forth in Section III. (F.) (5.) of this Agreement, must also be performed by the

Sub-Area after all expenditure documentation has been submitted by the employer before any reimbursement payment is made to an employer.

**H. Coordination with Apprenticeships.**

On a case-by-case basis, the Area/Sub-Area may allow the use of an IWT for an individual enrolled in a registered apprenticeship program when there are no other funds available that would provide funding assistance for the apprenticeship. Additional federal funding for registered apprenticeship programs is available through several federal agencies to support business investments in apprentices and to assist educators and intermediaries in strengthening the tie between training and employment through registered apprenticeship. Sub-Areas will check the Department of Labor's Training and Employment Guidance Letter No. 13-16 for websites for several registered apprenticeship funding resources and check those resources before providing for funding for an apprenticeship.

**IV. Systems Reporting.**

**A. Fiscal Reporting.**

Any and all funds used to pay for IWT programming will be reported as program costs. The fiscal agent for the Sub-Area and Area must track funds used for IWT by funding stream and by the year of appropriation. These Sub-Area fiscal agents will report incumbent worker expenditures using the incumbent worker code established by the Office of Fiscal and Monitoring Services. Coding exists for both adult and dislocated worker programs. The accrued expenditures charged to the incumbent worker code for the adult and dislocated worker programs must not exceed twenty percent (20%) of those grants. The Area and ODJFS will monitor costs reported against the incumbent worker training program.

**B. Program Reporting.**

The Sub-Area provider is required to report IWT activities via the Mini Incumbent Worker registration in the States Case Management System. IWT programs will be reported in ARIES with at least the minimal amount of data required. If the Sub-Area wishes to co-enroll an IWT participant in the local adult or dislocated worker program, a full registration is required in the States Case Management System which includes all of the data elements needed for WIOA participants, including performance data. Co-enrolled participants must meet all eligibility requirements for adult, dislocated worker, and youth programs.

**V. Definitions.**

Cohort: a group of trainees to be trained by an employer as part of a single application for IWT. All of those trainees that are covered by the IWT application and the agreement make up the cohort.

Immediate family: Spouse, child, son-in-law, daughter-in-law, parent, mother-in-law, father-in-law, sibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, stepparent, stepchild,

grandparent, and grandchild.

Incumbent worker: a worker employed by their employer pursuant to the definition of employment provided for within the Fair Labor Standards Act ("FLSA"):

1. for the requisite amount of time by the employer which is:
  - a. for at least six (6) months when the incumbent worker training start; or
  - b. for less than six (6) months so long as the majority of those in the IWT cohort have been employee for six (6) months

Incumbent worker training: training designed to meet the special requirements of an employer, or a group of employers, to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment or to create the opportunity for increased earnings potential through promotion.

Layoff aversion: a continuum of strategies targeted to specific employers or industries that are experiencing a decline and have the potential to undergo layoffs or are experiencing a serious skills gap that impacts their ability to compete and retain workers. A layoff is considered to be averted when:

1. A worker's job is saved at an existing employer facing a risk of downsizing or closing;  
- or -
2. A worker at risk of dislocation faces a brief gap of unemployment when transitioning to a different job with the same employer or is hired at a new job with a different employer.

Management skills training: Is any training that results in:

1. An actual certificate or belt in LEAN or Six Sigma (this does not include introduction to LEAN or Six Sigma concepts or principles); or
2. Any training in which the education and/or skills are managerial or supervisory in nature, and/or which the employer only enrolls managerial or supervisory employees within the cohort for the same;  
- and-
3. The reimbursement to be provided to the employer for the IWT is at or above the Area's significant per participant, per class, reimbursement level.

Miscellaneous IWT: all other IWT that does not meet all of the elements defined as "management skills training."

Non-federal share: the portion of training costs the employer is required to pay for its participation in federally subsidized IWT. The minimum non-federal share to be provided for by an employer is determined by the terms and conditions of this policy. See Section III. (F.) (5.) of this policy.

Significant per participant, per class, reimbursement level: any IWT that would result in a per participant, per class, reimbursement by the Area of Four Thousand and 00/100 Dollars (\$4,000.00), or more. Note that a training that meets this definition will in cases of managerial or supervisory training require that trainees receive a bonus or pay increase, and for all other miscellaneous IWT

## **VIII. Technical Assistance.**

To get questions answered and technical assistance regarding this policy or issues regarding administration of WIOA, you are urged to contact the Executive Director of the Area 12 Workforce Development Board at [becky.ehling@bcworkforce.com](mailto:becky.ehling@bcworkforce.com).

The question/issue will be researched, analyzed, and a formal written response will be provided. If a second opinion is required, the director is not available, or there is no clear answer to the question/issue, either the Executive Director or any OMJ Center or provider staff may seek additional guidance by submitting the same to the Office of Workforce Development: [WIOAQNA@jfs.ohio.gov](mailto:WIOAQNA@jfs.ohio.gov); and by copying your request to the Executive Director of the Area 12 Workforce Development Board.

## **IX. Monitoring**

The Area 12 Workforce Development will conduct oversight and monitoring of the implementation of all WIOA programming by all OhioMeansJobs Center Operators, Partners, and/or Providers pursuant to Area 12's WDB Policy 12-200. Any issues discovered will be handled through the area's monitoring resolution process.

## **X. References**

- Workforce Innovation and Opportunity Act, § 134(d)(4), Public Law 113-128.
- NPRM § 680.530 found at 80 Fed. Reg. 20859 (April 16, 2015) (to be codified at 20 C.F.R. § 680.530).
- NPRM § 680.780 found at 80 Fed. Reg. 20861 (April 16, 2015) (to be codified at 20 C.F.R. § 680.780).
- NPRM § 680.790 found at 80 Fed. Reg. 20862 (April 16, 2015) (to be codified at 20 C.F.R. § 680.790).
- NPRM § 680.800 found at 80 Fed. Reg. 20862 (April 16, 2015) (to be codified at 20 C.F.R. § 680.800).
- NPRM § 680.810 found at 80 Fed. Reg. 20862 (April 16, 2015) (to be codified at 20 C.F.R. § 680.810).

- NPRM § 680.820 found at 80 Fed. Reg. 20862 (April 16, 2015) (to be codified at 20 C.F.R. § 680.820).
  - 2 CFR Part 200, Appendix II
  - O.A.C. 5101:9-4-07, Procurement and contract requirements. (July 6, 2015).
  - O.A.C. 5101:9-4-07.1, Procurement methods. (July 6, 2015).
  - ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-11, Use of ITAs (July 1, 2015).
  - ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-24, Customized Training Guidelines (March 23, 2016).
- Rescission:**
- **Workforce Investment Act Policy Letter No. 09-09.5**, Layoff Aversion Incumbent Worker Training (IWT) with Local Formula Funds under Waiver Authority (May 14, 2014).

**Attachments Forms:**

**[Employer Application 12-01-2023](#)**

**[IWT Checklist Scoring Sheet 12-01-2023](#)**

**[IWT-Agreement 2 Party](#)**

**[RELATIONSHIP ATTESTATION Form Dec 5 2023](#)**

**[Trainee Plan and Budget ATTACHMENT A 12-2023](#)**

**[Trainee Spreadsheet Attachment B](#)**



## Policy 12-510: Transitional Jobs

<b>Reference State Policy:</b>	WIOAPL 15-12, WIOAPL 18-05
<b>Board Approved:</b>	August 20, 2024
<b>Revision Approved:</b>	
<b>Effective Date:</b>	August 20, 2024
<b>Policy Obsolete:</b>	

### Purpose

To provide guidance to local workforce development areas (local areas) regarding the provision of Transitional Jobs (TJ), when they are appropriate, and considerations for development of a local area policy.

### Background

Transitional jobs (TJ) are a type of work-experience that local areas may provide under WIOA and are considered an individualized career service. TJs are time-limited and wage-paid work experiences that are subsidized up to 100 percent. These jobs are in the public, private, or nonprofit sectors and are only available for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history, as determined by the local area.

Because TJs are a type of work experience, the requirements delineated in the policy letter on work experience for adults and dislocated workers, including the requirement for the local WDB to establish a worksite agreement between the participant, the host employer, and the provider of career services, also apply to TJs.

However, TJs are differentiated from other types of work experiences by the following characteristics:

- TJs are a paid, subsidized work experience, unlike other types of work experience that may be unpaid;
- TJs are meant to establish work history while demonstrating success in an employer-employee relationship and developing skills, whereas the purpose of other types of work experience may be to explore various career options or to assess the participant's employability; and
- TJs must be combined with the provision of comprehensive career services and supportive services, which is not mandated for other types of work experiences.

Like other types of work experience, neither the employer-of-record nor the host employer where the TJ participant performs his or her work duties is required to employ the participant after the conclusion of the TJ (however, retention, where appropriate, is preferred for the benefit of the worker and employer).

## **Policy 12-510: Transitional Jobs**

Local areas may only use up to 10 percent of adult and dislocated worker formula funds for TJs. Also, national dislocated worker grant (NDWG) funding may be spent on TJs in accordance with any requirements, limitations, or maximum expenditure amounts related to TJs that apply to each such grant.

### **Policy**

Local areas are not mandated to provide TJs. If the local workforce development board (WDB) opts to use TJs as part of its service delivery strategy, it must implement a local policy or policies to define the following aspects of TJ services:

#### **1. Participant Eligibility**

To receive TJs, participants must be either chronically unemployed or have an inconsistent work history, in addition to qualifying as “individuals with barriers.” The local WDB may identify additional populations beyond those in Attachment A that are considered to have barriers to employment and may therefore qualify for TJs. The definitions of chronic unemployment and inconsistent work history will be determined by the local area, which may include individuals who are long-term unemployed, ex-offenders, and individuals who are currently receiving or have exhausted Temporary Assistance to Needy Families (TANF) benefits.

In defining these factors, the local area should consider:

- Criteria that reasonably justify and relate conceptually to the status of “chronic unemployment” such as being low income (as defined in WIOA Section (3)(36)), having a work history showing primarily minimum wage employment, employment with wages below the local living wage definition, currently claiming and/or having exhausted unemployment insurance (UI) benefits, and other unemployment-related qualifying criteria; and
- Quantifiable definitions of what it means to have an “inconsistent work history” (i.e. specific lengths of time without employment, a specific number of jobs within a specified duration, etc.).

#### **2. Appropriate Host Employers**

The local TJ policy should identify appropriate or targeted employers (public, private, or nonprofit) that may serve as hosts for TJ placements. The local area should seek employers who are:

- Committed to helping participants;
- Able to provide work-skills development in coordination with the comprehensive career services and supportive services provided by the local area;
- Willing to retain participants when feasible; and
- Compliant on their state and federal business taxes.

## **Policy 12-510: Transitional Jobs**

In addition, local areas should focus on employers that offer occupations that are determined to be “in-demand” at the State or local level, as described in WIOA §3(23). For employers to maintain future consideration for subsidized TJ participant placement, the local policy may establish a minimum level of hiring, such as at least 10 percent of prior TJ employees who complete the full length of their agreement and are hired by the host employer.

### **3. Wages and Benefits**

The local policy must affirm that TJ participants will be compensated at the same pay rates as similarly situated trainees or employees. Participants must also be covered either by state workers' compensation or by relevant on-site insurance. Area 12's TJ policy will define the amount or percentage of reimbursement for the jobs (up to 100 percent of the participant's wage).

Area 12 has established a minimum wage that an employer must pay in order to qualify as a TJ Host Employer in the inconsistent work history definition.

### **4. Length of Agreement**

The length of a TJ agreement will vary based upon the number of hours worked per week. If a position is full-time (meaning 30 or more hours per week), the maximum length of the agreement is 26 calendar weeks (minimum 30 days). Any part-time position (less than 30 hours) has a maximum of 52 weeks (minimum 60 days). A 26-week extension may be granted if the participant is an individual with a disability who requires more time to establish a sufficient work history and to develop employable skills.

### **Complementary Services**

TJs must be combined with comprehensive career services and supportive services if needed by the participant; participants must not be enrolled in TJ without receiving other services. The comprehensive career services provided to TJ participants must include job readiness instruction and financial literacy.

### **Unemployment Compensation (UC) Requirements**

For participants receiving UC benefits, TJs fulfill the definition of work relief or work training under OAC 4141-5-05, and thus are not covered employment that are required to be reported to the UC program. Area 12 OMJ or Youth Provider should ensure that employers and participants follow necessary protocol to ensure cooperation with the UC program, as listed below:

- Employers-of-record must be notified that they should not report earnings/wages to the UC program for TJ participants, including for-profit employers;
- Employers must be notified that TJs are not covered employment for the purposes of UC, which can be done through the worksite agreement, an informational flyer, or other means deemed sufficient by Area 12;

## Policy 12-510: Transitional Jobs

- For TJ participants receiving UC benefits, wages earned from TJs are considered income that must be reported to ODJFS and may therefore impact the claimant's ongoing eligibility for UC benefits; and
- Enrollment in a TJ does not waive a participant's mandatory work search requirements under the UC program.

### Monitoring and Oversight

All participants must be eligible and enrolled in WIOA (either the local adult or dislocated worker program or a discretionary grant), and any data about them that is required to be reported must be entered into the State's designated case management reporting system. TJ participants may also be co-enrolled in other state-funded WIOA programs.

In the State's designated financial reporting system, Area 12's fiscal agent must report all TJ expenditures using the appropriate sub-project code, so that the expenses may be isolated, properly reported, and tracked against the limits on TJ spending by grant.

The Area will conduct oversight and monitoring of the implementation of all WIOA programming by all service providers pursuant to Area 12's Policy 12-200 on monitoring and oversight. Any issues discovered will be handled through the area's monitoring resolution process.

The WIOA career services provider shall monitor all adult/dislocated participant work experience plans. A WIOA career services provider's monitoring of a work experience provider shall at a minimum include all of the following:

Review all applicable statutes as required for a complete monitoring review.

- Perform a desk top audit of the participant's file and the affected contract.
- Complete a Monitoring Report with special attention to the following: a. Completely review the agreement, and any/all modifications;
- Review time and attendance, payroll, and personnel records;
- Conduct a participant interview to accurately answer the report questions;
- Conduct an employer interview to accurately answer the report questions;
- Review the IOP, justification for training, the training outline, and goals of the work experience; and
- Make sure all required signatures are obtained.

### DEFINITIONS

**Chronic unemployment.** Can be used synonymously with **long-term unemployed**: unemployed for 15 of the last 27 or more consecutive weeks.

**Inconsistent work history.** A worker who, in the 12 months prior to program registration, has lacked steady, full-time, permanent employment. For the purpose of determining eligibility for Transitional Jobs, we will consider that an "inconsistent work history" includes:

- Work that is seasonal;
- Work that is temporary;

## **Policy 12-510: Transitional Jobs**

- Work that is primarily minimum-wage or under what Area 2 would consider a living-wage (less than \$15/hour);
- Work that is part-time (less than 30 hours per weeks); or
- Other periods of employment of less than 10 consecutive weeks.

**Individuals with barriers.** For purposes of this policy, individuals who meet one or more of the criteria listed in **Attachment A** to this policy letter or anyone who certifies that they have been directly impacted by the opioid crisis.

**Individual with a disability.** An individual who:

1. Has a physical or mental impairment that substantially limits one or more major life activities of the individual;
2. Has a record of such an impairment; or
3. Is regarded as having such an impairment.

**Unemployment compensation (UC).** Short-term insurance benefits paid by ODJFS to individuals who are involuntarily out of work through no fault of their own, and who meet all statutory eligibility criteria to qualify to receive benefits.

## **REFERENCES**

1. ODJFS WIOA Policy Letter 15-12 Work Experience for Adults and Dislocated Workers
2. ODJFS WIOA Policy Letter 18-05 Transitional Jobs + Attachment A
3. WIOA Public Law 113-128

**Attachments:**

[TJ's Application](#)

[Employee Spreadsheet TJ's](#)

## Attachment A: WIOA populations with barriers to employment

As defined in WIOA section 3(24), the following individuals are deemed to have a barrier to employment:

Type	Definition
Displaced homemaker	An individual who has been providing unpaid services to family members in the home and who: <ol style="list-style-type: none"><li>1. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; and who either:<ol style="list-style-type: none"><li>a. Has been depending on the income of another family member but is no longer supported by that income; or</li><li>b. Is the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the family member.</li></ol></li></ol>
Low income individual	An individual who: <ol style="list-style-type: none"><li>1. Receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received, assistance through SNAP, TANF, SSI, or State or local income-based public assistance;</li><li>2. Is in a family with total family income that does not exceed the higher of the poverty line or 70 percent of the lower living standard income level.</li><li>3. Is a homeless individual or homeless child or youth;</li><li>4. Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), (does not include students in school districts participating in the Community Eligibility Provision (CEP) Healthy, Hunger-Free Kids Act of 2010);</li><li>5. Is a foster child for whom State or local government payments are made; or</li><li>6. Is an individual with a disability whose own income meets the eligibility income requirement of clause (2) but who is a member of a family whose income does not meet this requirement.</li></ol>
Indian, Alaska Native, and Native Hawaiian	An individual who meets the definition of the term: <ol style="list-style-type: none"><li>1. "Indian" as defined in subsections (d), (e), and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);</li><li>2. "Alaska Native" as defined in subsections (b) and (r) of section (3) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b), (r)); or</li><li>3. "Native Hawaiian" as defined in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517).</li></ol>

## Attachment A: WIOA populations with barriers to employment

Type	Definition
Individual with a disability	An individual who: <ol style="list-style-type: none"> <li>1. Has a physical or mental impairment that substantially limits one or more major life activities of such individual;</li> <li>2. Has a record of such an impairment; or</li> <li>3. Is regarded as having such an impairment.</li> </ol>
Older individual	An individual who is age 55 or older.
Ex-offender	An adult or juvenile who: <ol style="list-style-type: none"> <li>1. Is or has been subject to any stage of the criminal justice process and for whom workforce services may be beneficial; or</li> <li>2. Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.</li> </ol>
Homeless individual	An individual who lacks a fixed, regular, and adequate nighttime residence including: <ol style="list-style-type: none"> <li>1. An individual who: <ol style="list-style-type: none"> <li>a. Is sharing housing with others due to loss of housing, economic hardship, etc.;</li> <li>b. Is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;</li> <li>c. Is living in an emergency or transitional shelter;</li> <li>d. Is abandoned in a hospital; or</li> <li>e. Is awaiting foster care placement.</li> </ol> </li> <li>2. An individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or</li> <li>3. Migratory children who qualify as homeless because the children are living in circumstances listed above.</li> </ol>
Individual who is in, or has aged out of, the foster care system	An individual who: <ol style="list-style-type: none"> <li>1. Is in the foster care system;</li> <li>2. Has aged out of the foster care system;</li> <li>3. Has attained age 16 and left foster care for kinship guardianship or adoption;</li> <li>4. Is a child eligible for assistance under the John H. Chafee Foster Care Independence Program; or</li> <li>5. Is in an out-of-home placement.</li> </ol>
Individual who is an English language learner, has low levels of	An individual who: <ol style="list-style-type: none"> <li>1. Has limited ability in reading, writing, speaking, or comprehending the English language and whose native language is a language other than English or who lives in a family or community environment where a language other than English is the dominant language;</li> </ol>

## Attachment A: WIOA populations with barriers to employment

Type	Definition
literacy, or faces substantial cultural barriers	<ol style="list-style-type: none"><li>2. Is unable to read, write, or speak English at a level necessary to function on the job, or in the individual's family, or in society; or</li><li>3. Perceives him or herself as possessing attitudes, beliefs, customs or practices that influence a way of thinking, acting, or working that may serve as a hindrance to employment.</li></ol>
Migrant or seasonal farmworker (MSFW)	An individual who is employed, or was employed in the past 12 months, in farmwork of a seasonal or temporary nature, including those whose agricultural labor requires travel to a job site such that they are unable to return to a permanent place of residence within the same day.
Individual within two years of exhausting OWF eligibility	Recipients of Ohio Works First (OWF) cash assistance who have received 36 months or more of their maximum 60 months of lifetime cash benefit payments.
Single parent	A single, separated, divorced, or widowed individual who has primary responsibility for one or more dependent children under age 18 or a dependent with a disability (including a single pregnant woman).
Long-term unemployed individual	An individual who is currently unemployed and has been unemployed for 27 or more consecutive weeks.



## Policy:12-512-Serving Applicants with Close Relationship

<b>Reference State Policy:</b>	WIOAAPL 15-05.1
<b>Board Approved:</b>	August 12, 2009
<b>Revision Approved:</b>	May 31, 2016, August 20, 2024, October 18, 2025
<b>Effective Date:</b>	August 12, 2009
<b>Policy Obsoletes:</b>	

### **Purpose**

The purpose of this policy is to outline requirements and procedures that ensure all individuals enrolled in the Workforce Innovation and Opportunity Act (WIOA) program have been determined eligible, assessed, and served in an ethical manner that is free from any real or perceived conflict of interest.

### **Background**

The WIOA program, while not an entitlement, should be accessible to any individual who is eligible and suitable for services available in the local area, subject to local workforce development board (WDB) policies and procedures. However, when applicants have a close relationship to the WIOA staff, management, and other specific stakeholders of the workforce development system, attention must be given to ensure access to program services is not based upon this relationship or political influence. It is possible that even without an intention to misuse WIOA funds, the decision to enroll an individual in the program could be perceived as improper and cause potential non-compliance with state and/or federal law.

All subrecipients of WIOA funds agree, through rule 5101:9-31-01 of the Administrative Code (entitled, "General requirements for use and expenditures of WIOA funds for local areas"), that they will comply with the standards of conduct for maintaining the integrity of the program and avoid any conflict of interest in its administration including, but not limited to, 29 U.S.C. 2832 (g), chapter 6301 of the Revised Code, and Ohio ethics law.

Local elected officials, WDBs, designated fiscal agents, and administrative entities must help meet the objectives of the WIOA through effective policies, procedures, and safeguards that ensure the integrity of these public funds. Safeguards must be in place throughout the State that ensure all individuals served in the program are not only eligible and suitable, but also served in a manner that is free from the perception of any impropriety or conflict of interest.

### **Requirements**

When applicants have a close relationship to WIOA staff, management, and other specific stakeholders of the workforce development system, attention must be given to ensure access to program services is not based upon this relationship or political influence. Although this determination may be simple if the applicant is a close family member or friend, it may be more difficult if the applicant has a close relationship with WIOA staff, management, and other stakeholders.

## Policy:12-512-Serving Applicants with Close Relationship

There is no bright-line test for the determination of such a relationship. WIOA staff, management, and other workforce development systems are advised to avoid the appearance of impropriety by abstaining from directly assisting and/or influencing the application process of friends, close family members, former and/or present colleagues, and persons with whom they have an ongoing social or business relationship.

An "arms-length determination" of eligibility must be conducted by a staff member that has no relationship with the individual. Likewise, decisions relating to approving training, supportive services, job referrals, or other service needs must be made by the WDB director or an authorized designee with no such relationship to the applicant. Stakeholders identified in this issuance shall not use their position to influence a decision to enroll an individual in the WIOA program.

Area 12 will develop and maintain a Memorandum of Understanding with an Area outside of Area 12 to provide review all intake information and disclosure forms and make a final determination of eligibility.

Area 12 requires that a relationship between the applicant and any of the following parties/stakeholders be documented and disclosed. Final determination of eligibility will be made through the staff of the Area 12 identified in the above-mentioned MOU.

The need for further review by the outside Area exists when there is a relationship between the applicant and:

- Local elected officials
- Board members
- Board Committee or subcommittee members
- WIOA employees
- WIOA executive staff and supervisors
- One-Stop partners
- WIOA sub-recipients and/or contractors
- County employees
- Present or former staff or county employees and their family members with whom a staff member has a close relationship (see definition)

Disclosure of the existence of any of the above categorized relationships will be determined through written questions on a disclosure form given to the customer at the time of application for intensive or training services. Disclosure of any of the above relationships should be reported immediately to the Agency Director and the process of the transmission of the documentation to the outside area, through the Area 12 Executive Director's office, should be initiated immediately.

Family members of WIOA agency management or supervision, Board member, Board member, Board committee or subcommittee members, member, One-Stop partner or contractor may be served by in-county staff. However, before approval of services is given, their intake information, suitability information and all supporting documentation will be sent to staff of a county agency outside of Area 12 to confirm eligibility and suitability. All approvals for expenditures of training or supportive services will be approved by Area 12 Executive Director. This determination of the appropriateness of service may be made in consultation with staff from the area with which Area 12 has a MOU.

A list of all the individuals who were approved through this process will be maintained by providers and will be made available to the Area 12 Board as needed. Monitoring by providers may be done, not less than once yearly, to verify compliance to Area 12 guidelines.

Individuals in one of the above categories, who are determined by the outside Area, should be served according to the policies and guidelines set by the Area 12 Board and the State of Ohio's Job and Family Services with no preference or prejudice.

It is important that each staff person dealing with eligibility in any fashion be thoroughly familiar with State and Area 12 rules and policies. It is the responsibility of each OhioMeansJobs (OMJ) Director to ensure that information is transmitted to appropriate staff in a timely manner.

### **Procedure**

All individuals applying for services in the WIOA program are required to indicate whether or not a relationship exists that is covered by this policy. Each customer file must include a copy of a disclosure form. When a relationship exists, it must be disclosed at the time of application to the program and documented. All eligibility documentation will be sent to a case manager or other appropriate staff person in an area outside of Area 12, as agreed upon. When a determination has been made, one of the following will occur:

- If the individual is determined to be ineligible, they will be notified by the case manager who initiated the process. and
- The disclosure form, along with documentation from the outside area, indicating the ineligible status will be forwarded to the case manager. A copy will be kept in the case management system.

OR

- If it is determined that the individual is eligible, the individual will be notified of the process to complete any necessary documentation by the case manager who initiated the process and
- The disclosure form, along with documentation from the outside Area indicating eligibility will be forwarded to the Executive Director or their designee. Copies will be kept in the case management system.

Files of those who have been denied will be maintained for a period of two years after any audit process has been completed.

Area 12 must maintain and provide a list of all participants who have disclosed that a close relationship to Area 12 staff, management or other specific stakeholders of the workforce development system exists to ODJFS program monitors and auditors at the onset of all monitoring visits.

## **Definitions**

**Immediate and Close Family Member:** parents, stepparents, spouse, domestic partner, children, step-children, foster children, siblings, grandchildren, grandparents, and any immediate relatives by blood or marriage (i.e., in-laws, cousins, nieces, nephews, aunts, and uncles).

**Stakeholders:** Individuals not related to WIOA agency staff or management, that have direct or indirect management or responsibility for managing the WIOA workforce system, including WIOA executive staff, supervisors, local elected officials, contractors, Board, and Youth Council members, WIOA employees, and One-Stop partners.

**Close Relationship/Acquaintance:** An applicant has a "close relationship" to Area 12 staff, management or other specified stakeholders of the workforce investment system if and when the applicant's prior and/or present social interactions and/or business dealings with the stakeholder would give a reasonable observer cause to believe that the applicant's access to program services was based upon this relationship, as opposed to a demonstrable need. Although there is no bright line test for the determination of such a relationship, Area 12 staff, management and other workforce investment systems stakeholders are advised to avoid the appearance of impropriety by abstaining from directly assisting and/or influencing the application process of friends, former and/or present colleagues and persons with whom they have an on-going social or business relationship.

**Bright-line test:** an objective rule that resolves a legal issue in a straightforward, predictable manner.

## **Monitoring**

Through the state's monitoring system, program monitors will review the area's documentation of disclosing whether a relationship exists that is covered by this policy as well as the required list of all participants who have disclosed that a close relationship exists during the annual onsite monitoring review for compliance with federal and state laws and regulations. Any issues will be handled through the state's monitoring resolution process.

## **Technical Assistance**

For additional information, you may send your questions to the Office of Workforce Development: [OWDPOLICY@jfs.ohio.gov](mailto:OWDPOLICY@jfs.ohio.gov).

For technical assistance, you may send your request to the Office of Workforce Development: [WIAQNA@jfs.ohio.gov](mailto:WIAQNA@jfs.ohio.gov).

## **References**

- Workforce Innovation and Opportunity Act, Public Law 113-128 29 U.S.C. 3101 et seq.
- Ohio Rev. Code 102
- Ohio Admin Code 5101:9-31-01
- USDOL, Training and Employment Guidance Letter No. 35-10, Transparency and Integrity in Workforce Investment Board Decisions, (June 16, 2011).

## Policy 12-513: Grant Requests and Applications

<b>Reference State Policy:</b>	NA
<b>Board Approved:</b>	August 12, 2009
<b>Revision Approved:</b>	August 20, 2024, October 18, 2025
<b>Effective Date:</b>	August 12, 2009
<b>Policy Obsoletes:</b>	

### Purpose:

The purpose of this policy is to streamline and clarify the Area 12 Board's approach to solicited support requests for monetary grants from external agencies, organizations, and educational institutions. By establishing clear guidelines, the Board aims to ensure transparency, efficiency, and alignment with its mission of promoting workforce development initiatives within the community.

At the discretion of the Board leadership, the Area 12 Board, through a public or private fiscal entity may choose to pursue a monetary grant for specific workforce development purposes. In alignment with annual WIOA funding allocations this policy will be reviewed on an annual basis.

Through the implementation of this policy, the Area 12 Board reaffirms its commitment to promoting workforce development and economic growth within the community, while also ensuring prudent stewardship of resources and adherence to best practices in grant management

### Background:

In response to the increasing frequency of solicitations for monetary grants, the Area 12 Board recognizes the need to formalize its approach to such requests. This policy serves to protect the interests of the Board while also providing a transparent framework for evaluating and responding to external grant opportunities.

### Policy:

- 1. Limitations on Monetary Contributions and Human Resources:** The policy clarifies that the Area 12 Board will refrain from providing monetary contributions or matching funds, as well as human resources, to external grant applicants. This decision aims to allocate resources effectively and prioritize the Board's core objectives.
- 2. Letters of Support:** Recognizing the value of collaboration and partnerships, the policy allows for the issuance of general letters of support to agencies, organizations, or educational institutions with workforce development affiliations. This provision ensures that the Board can offer assistance in a manner that aligns with its mission and values.
- 3. Process for Requesting Letters of Support:** To streamline the letter of support process, the policy establishes clear procedures for requesting such letters. Agencies, organizations, or educational institutions must submit a written request to the Executive Director, accompanied by a sample letter, at least seven (7) working days prior to the submission deadline.
- 4. Review and Revision:** The policy stipulates that the Board will review its grant application approach on an annual basis, aligning with the annual Workforce Innovation and Opportunity Act (WIOA) funding allocations. This ongoing review

## Policy 12-513: Grant Requests and Applications

process ensures that the policy remains relevant and responsive to evolving needs and priorities.

### Objectives:

1. Provide clarity and consistency in the Board's approach to grant solicitations.
2. Enhance transparency and accountability in decision-making processes.
3. Foster strategic partnerships and collaborations in support of workforce development initiatives.
4. Optimize the allocation of resources to maximize impact and effectiveness.
5. Maintain alignment with annual WIOA funding allocations and broader organizational goals.

## Policy 12-516: Selective Service Registration Policy

<b>Reference State Policy:</b>	WIOAPL 15-04.1
<b>Board Approved:</b>	February 27, 2009
<b>Revision Approved:</b>	August 20, 2024, October 18, 2025
<b>Effective Date:</b>	August 20, 2024
<b>Policy Obsoletes:</b>	

### Purpose

To outline policy regarding requirements for Selective Service (hereafter Selective Service) registration mandated by the Workforce Innovation and Opportunity Act (WIOA) and the Military Selective Service Act (MSSA) for

- Male participants born on or after January 1, 1960 18 thru 25; and
- Male participants born on or after January 1, 1960 age 26 and over who have not registered; and
- Male participants born on or after January 1, 1960 who are exempt from registering with Selective Service

This policy applies to enrollment in the Youth, Adult and Dislocated Workers programs.

### Background

The Workforce Innovation and Opportunity Act (WIOA) Section 189 (h) requires all participants receiving assistance or benefit under WIOA to comply with Selective Service registration requirements under MSSA. The MSSA, section 3(a) requires male citizens of the United States who are born on or after January 1, 1960 and who are ages 18 through 25, to register for Selective Service at [www.sss.gov](http://www.sss.gov)

### Requirements

The Military Selective Service Act (MSSA) requires every male U.S. citizen and non-citizen national and non-immigrant males not in compliance with their legal status in the country who are ages 18 through 25 years to register with Selective Service. WIOA requires that males must register with Selective Service to participate in services and activities funded by WIOA. See Section A for the exceptions to Selective Service registration. Further information on who is required to register for selective services can be found at: [Who Needs to Register | Selective Service System : Selective Service System \(sss.gov\)](#).

#### A. Exemptions to the Selective Service Registration

1. Cadets and midshipmen at Service Academies
2. Confined: Incarcerated or hospitalized or institutionalized for medical reasons. However, they must register within 30 days after being released if they have not yet reached their 26<sup>th</sup> birthday.
3. Continually confined to a residence, hospital, or institution.

## Policy 12-516: Selective Service Registration Policy

4. Females: While women officers and enlisted personnel serve with distinction in the U.S. Armed Forces, women have never been subject to Selective Service registration or a military draft in America.
5. Lawful non-immigrants on visas: (i.e. diplomatic personnel, foreign students, tourists with unexpired forms) However, a non-immigrant who fails to maintain legal status for more than 30 days is required to register. A non-immigrant student who failed to maintain full time student status is also required to register.
6. Males 26 and over: Once males reach the age of 26, it is too late to register. Even though they may not be prosecuted, they may be denied student financial assistance, Federal job training and most Federal employment unless convincing evidence is provided to the agency providing the benefit, that the failure to register was not knowing and willful.
7. Military-related: Members of the Armed forces on active duty.
8. Non-citizen male: A male who enters the U.S. as a permanent resident after he has already passed his 26<sup>th</sup> birthday is not required to register because he is over the age limit.
9. Special agricultural workers: Holders of I-688A; green card holders
10. Students in Officer Procurement Programs at Military Institutes.

### Special Categories

- *Disabled men or men with medical conditions:* Neither the MSSA nor the Presidential proclamation provide an exemption from registration because of a man's mental or physical condition unless Selective Service is provided with documented evidence that the man is:
  - Hospitalized or institutionalized; or
  - Homebound and unable to function outside the home, with or without physical assistance; or
  - Is in such physical or mental condition that he would not comprehend the nature of his registration with the Selective Service System.

A determination is then made by Selective Service as to whether or not the man qualifies for exemption from registration.

- Registration Requirements Based on Sex Assigned at Birth
  1. Individuals who were assigned female at birth are not required to register with the Selective Service System.
  2. U.S. citizens or immigrants who were assigned male at birth are required to register. In the event of a resumption of the draft, individuals who were assigned male at birth may submit a claim for exemption from military service if they receive an order to report for examination or induction.
- *Only Sons:* Sole surviving sons must register and they can be drafted. However, they may be entitled to a peacetime deferment if there is a military death in the immediate family.



## Policy 12-516: Selective Service Registration Policy

### Determining Eligibility for Customers Who Failed to Register

- Males ages 18 through 25:

An individual who is of age (i.e. 18 through 25) but has not registered with Selective Service must be directed to register at [www.sss.gov](http://www.sss.gov) prior to enrollment in WIOA.

- Males Ages 26 and Older

In 1986, the Military Selective Service Act was amended by Public Law 99-661, 1366 to require that military registration status be examined and confirmed as follows:

“A person may not be denied the right, privilege, or benefit under Federal law by reason of failure to present himself for and submit to registration under Section 3 (section 453) if:

- The requirement to register has terminated or become inapplicable to the person, and
- The person shows by a preponderance of the evidence that the failure of the person to register was not knowing and willful failure to register.”

Males 26 and older, born on or after January 1, 1960, who have not registered with Selective Service, are considered “ineligible” to participate in WIOA services. The burden of proof then falls on the individual to provide a statement of evidence as to why he failed to register with Selective Service.

Area 12 will accept the following as evidence that the failure to register was not knowing and willful failure to register:

- Self-attestation statement
- Notarized statement from an individual who witnessed the individual’s attempt to register (in cases where the individual believed he did indeed submit information, but verification of such is not available through the Selective Service office)

If, after evaluating the evidence provided by the customer, the local area staff determines the failure to register was not knowing and willful and he is otherwise eligible for WIOA, services may be granted. However, if the determination is that the individual’s failure to register was knowing and willful, services may be denied. Individuals denied services should be advised of the available grievance procedures under WIOA. Decisions by the local area regarding Selective Service registration determinations are subject to WIOA grievances and appeal procedures.

**Note:** Former Illegal Aliens: Male aliens 26 years or older who entered the U.S. illegally and who were subsequently granted legal status by the INS (IRCA-legalized aliens) or who were born after December 31, 1959, can be registered in WIOA. It is important to remember that WIOA prohibits participation of an alien without legal status from INS, even if there is a determination that there is evidence to show that the customer did not knowingly and willfully fail to register with Selective Service.

### How to Register for Selective Service

- **Register Online**

Of age males may register online with Selective Service: [www.sss.gov](http://www.sss.gov)

## **Policy 12-516: Selective Service Registration Policy**

- **At the Post Office**  
Selective Service “mail-back” registration forms are available at any U.S. Post Office. Of age males can complete the registration form and mail it to Selective Service, while those living overseas may register at any U.S. Embassy or consular office.
- **Check Box**  
Males ages 18 through 26 can register when completing the Federal Student Aid (FAFSA) form. By checking box #22 of the FAFSA form, the Department of Education will furnish the information to Selective Service.
- **High School**  
Males attending high school should consult with their high school guidance counselor regarding the identification of the assigned Selective Service registrar.

### **Recording/Documentation**

Area 12 will maintain accurate documentation in circumstances where either the individual is too old to register or meets any of the allowable exceptions to Selective Service registration requirement. Such documentation should be maintained in the participant file, following the requirements of Ohio’s source documentation guide to eligibility and should be accessible for monitoring purposes. The Request for a “Status Information Letter can be accessed at <https://www.sss.gov/verify/sil/>.

### **Technical Assistance**

For additional information, you may send your questions to the Office of Workforce Development: [OWDPOLICY@jfs.ohio.gov](mailto:OWDPOLICY@jfs.ohio.gov).

For technical assistance, you may send your request to the Office of Workforce Development: [WIAOQNA@jfs.ohio.gov](mailto:WIAOQNA@jfs.ohio.gov).

### **References**

[Workforce Innovation and Opportunity Act, Public Law 113-128](#)

[29 U.S.C. 3101 et seq.](#)

[Military Selective Service Act, 50 U.S.C. App. 453, 32 C.F.R. Part 1605.](#)

[USDOL, Training and Employment Guidance Letter No. 11-11, Change 2, Selective Service Registration Requirements for Employment and Training Administration Funded Programs, \(May 16, 2012\).](#)

[ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-07.3, Source Documentation for WIOA Eligibility, \(August 14,2023\).](#)

## Policy-12-601 Adult, Dislocated Worker, and Youth Supportive Services

<b>Reference State Policy:</b>	WIOAPL 15-08.1, WIOAAPL 15-10
<b>Board Approved:</b>	06/18/18
<b>Revision Approved:</b>	08/16/22, 03/07/2024
<b>Effective Date:</b>	03/07/2024
<b>Policy Obsolete:</b>	

### **Purpose:**

The purpose of this policy is to establish basic guidelines to be used in the provision of supportive services in order for an individual to be successful in gaining employment. Supportive services are granted only when an individual has a documented need for such services in order to participate in services and does not have access to the service through another community agency.

### **Background:**

Supportive services for adult, dislocated workers, and youth are defined in the Workforce Innovation and Opportunities Act (WIOA). WIOA funded programs are not entitlement programs. Although a participant may be eligible for the WIOA program, Program Administrators must weigh all factors before authorizing expenditures for supportive services.

- Program Administrators will adhere to guidance in the WIOA, as well as state of Ohio guidance in WIOAPL 15-8.1 and 15-10 in the delivery of supportive services for participants.
- Adult and Dislocated Worker supportive service guidance can be found in WIOAPL15-08.1 (Career Services for Adults and Dislocated Workers).
- WIOAPL15-08.1 states the following: "Supportive services are designed to provide a participant with the resources necessary to enable their participation in career services."
- Youth supportive service guidance can be found in WIOAPL15-10 (Youth Program Services). WIOAPL15-10.

## Policy-12-601 Adult, Dislocated Worker, and Youth Supportive Services

### **Policy:**

The Workforce Development Board | Butler • Clermont • Warren (BCW/Workforce) must establish internal controls of Adult, Dislocated Worker and Youth services that result in equitable treatment, maximize the allocations, and ensure coordination with, and referral of participants to, other community resources. BCW/Workforce administrative staff has the authority to grant exceptions to participants on a case-by-case basis if additional supportive services allocation would significantly benefit the individual in job retention, wage progression, or training completion in order to achieve job retention or wage progression.

The Service Provider(s) may, when deemed necessary on a case-by-case basis and sufficient funding exists, provide supportive services to an individual when he/she is:

- Enrolled in career and/or training services
- Unable to obtain supportive services through alternative sources
- In need of supporting services in order to participate in authorized activities
- A participant during enrollment and after program exit

The Service Provider(s) may, when deemed necessary on a case-by-case basis and sufficient funding exists, provide supportive services to include one or more of the following:

- Transportation stipend supplement - the amount may be set by providers with a \$.30 per mile max of \$20 per day based on available budget. If amount exceeds \$20 per day, approval from BCW Executive Director will be warranted.
- Child care
- Dependent care, determination of dependent is found in WIOAPL 15-06
- Car repair/insurance
- Drivers education classes
- Linkages to community services
- Housing/accommodation assistance
- Work attire, uniforms and work related tools
- Referrals to medical services
- License, registration and reinstatement fees
- Legal aid services

## Policy-12-601 Adult, Dislocated Worker, and Youth Supportive Services

- Payments and fees for employment and training-related applications, tests, and certifications
- Assistance with books, fees, school supplies and other necessary items for students enrolled in Secondary and post-secondary education classes;

### **Documentation:**

The WIOA Service Providers are required to maintain documentation sufficiently to satisfy the requirements of this policy. At a minimum this includes:

- Determination of participant's request for supportive services and/or training reimbursement items or goods in case notes or form stating the reason services are necessary;
- Case notes supporting that program contractor(s) have attempted to use other resources before supportive services dollars are authorized and/or are necessary for the client to participate in career services;
- Determination of program contractor's approval of participant requests in case notes or form;
- Records of payments such as: the date of issuance and the amount of payment validated by signature of the participant;
- Supporting documents paying for the goods or services, travel log;
- In the case of daycare services, documentation of other resources explored.

### **References:**

Workforce Innovation and Opportunity Act, Pub. L. 113-128. 20 CFR

Parts 603 et al.

29 U.S.C. 3101 et seq.

Ohio Administrative Code rule 5101:9-30-04, Mandated Use of Ohio Workforce Case Management System (OWCMS).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-08.1, Career Services for Adults and Dislocated Workers, (July 1, 2015).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-10, Youth Services, (July 1, 2015)

# Policy 12-602 Youth Work Experience

<b>Reference to State Policy:</b>	WIOAPL 15-13
<b>Board Approved:</b>	August 6, 2018
<b>Revisions Approved:</b>	November 2, 2018, August 20, 2024, October 18, 2025
<b>Effective Date:</b>	November 2, 2018
<b>This Policy Obsoletes:</b>	

## I. **Purpose.**

This policy governs the general terms and conditions associated with the provision of WIOA CCMEP work experience programming. In addition to this policy, the Workforce Area, in procuring and contracting with its CCMEP providers, may establish additional terms and conditions in provided for within their written agreements with those providers that govern the provision of specific subsidized and unsubsidized work experience programming. The terms and conditions of those written agreements shall apply as if written as part of this policy, so long as they are consistent with and not contradictory towards all applicable federal and state laws, regulations, guidance, and this policy.

In adopting this policy, the Workforce Development Board for Area 12 encourages each of the county CCMEP lead agencies to adopt this policy or one that is substantially similar, that governs the terms and conditions of the provision of CCMEP work experience programming using TANF CCMEP funding streams. The lead agency should not be paying youth directly with TANF funds for a work experience. See OAC 5101:14-1-02.

## II. **Background.**

Under the Workforce Innovation and Opportunity Act, paid and unpaid work experience is an allowable activity and one of the fourteen (14) youth program elements required to be competitively procured when selecting a youth service provider for this activity.

## III. Work experience provides youth with opportunities to build essential skills, explore career pathways, and gain confidence in real-world work environments. It serves as a bridge from education to unsubsidized employment, empowering young people to develop the attributes needed for long-term success.

## IV. **Requirements.**

### A. **General Requirements.**

Work experience is one of the fourteen (14) required program elements that must be made available to all registered youth and should be offered throughout the program year. It is a planned, structured learning activity that takes place in a workplace setting for a limited period of time and has an academic and occupational education component. Work experience may

## Policy 12-602 Youth Work Experience

be paid or unpaid and must not be public service employment which is a prohibited activity under WIOA.

The primary goal of work experience is to provide youth participants with opportunities for career exploration and skill development to gain work readiness skills in preparation for employment. Work experience should enable youth to gain exposure to the working world and its requirements. Youth should acquire personal attributes, knowledge, and skills needed to obtain a job and advance in employment. All work experiences should expose youth to realistic working conditions as much as possible.

Work experience must be based on identified needs of the individual youth and their career goals as closely as possible (i.e., same industry, similar skills used, etc.) Use of work experience situation must be based on an objective assessment and identified within the Youth's Individual Opportunity Plan ("IOP"). Paid and unpaid work experience within Area 12 may include:

- Job shadowing.
- Internship.
- Year-round employment for all youth;
- Summer employment opportunities for In-School Youth.
- On-the-Job training; and
- Pre-apprenticeship and Apprenticeship programs.

Work experience may be conducted in the private-for profit, private non-profit, and public sectors, but shall not include public service employment, see the definition contained within this policy. Although a business, public agency, or non-profit business ("work experience provider") may also receive some benefit from work experience in the form of work being done or recruiting a potential new employee, the primary goal of work experience is to benefit the participant.

Work experience must include an academic and occupational education component experience which can take place at the worksite or occur through another appropriate venue (i.e., youth service provider, online course, workshops, etc.). It can also occur during, right before or right after the work experience takes place.

The minimum and maximum duration range of each type of work experience is set forth in the table below:

<b><u>Type of Work Experience</u></b>	<b><u>Minimum-Maximum Range</u></b>			
Job Shadowing	4	to	500	Hours per Employer
Internship	40	to	1,000	Hours per Internship
Year-round employment	100	to	2,000	Hours per Year
Summer employment for ISY	40	to	500	Hours per Summer
On-the-Job training	100	to	1,000	Hours per OJT
Pre-Apprenticeship/ Apprenticeship programs	100	to	1,000	Hours per Program

**B. Requirements Regarding Work Experience Providers.**

All Area Youth providers will strive to utilize work experience providers that are committed to helping participants receive the experience and training that is required for employment beyond the work experience period. Work experience providers should be willing to work closely with the provider's program staff and be flexible in working with youth who have barriers to employment.

Attention must be given to ensure that work experience arrangements do not unfavorably impact the work experience provider's current employees and do not impair existing contracts for services or collective bargaining agreements. Work experience, including internships, in the private for-profit sector must be structured so as not to appear to be subsidizing private for-profit operations. The work of the participant should not materially impact the profit margin of a private-for-profit company.

**C. Paid Work Experience.**

Except where the work experience is an unpaid internship and/or unpaid job shadowing, the work experience must be a paid program, and some entity must serve as the employer of record of the Youth (not the lead agency if using TANF funds). The Youth's employer shall assume all the responsibilities associated with being the employer of the Youth, including but not limited to assuming the duties and liabilities associated with:

1. The contribution to and withholding of payroll taxes.
2. Provision of worker's compensation coverage.
3. Adherence of health and safety standards.
4. Child labor laws for those ages younger than age 18 including all applicable federal laws and with state child labor laws if the participant is less than 18 years of age. The Fair Labor Standards



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Act (FLSA); Ohio Revised Code (O.R.C.) Chapter 4109 Employment of Minors, and Chapter 3331 Age and Schooling Certificates; and Ohio Administrative Code (O.A.C.) Chapter 4101:9-2 Employment of Minors in Occupations Hazardous or Detrimental to Health and Well-Being, are primary legislation which governs the employment of minors at the federal and state levels. Proof of age and parental consent must be given for both paid and unpaid work experience. Minors participating in a work experience while school is in session also require a work permit. Minors who are under 16 also must have an Age and Schooling Certificate (work permit).

5. The wage rate should match the local market rate but not be more than a new entry level employee would receive at each worksite.
6. All other duties assumed by an employer under applicable federal, state, and local laws.

Providers may utilize all the following options in arranging for the paid work experience of a Youth.

- The work experience provider may act as the individual's employer.
- The Youth provider may act as the individual's employer and seek to place the youth with the host business for the work experience.
- The Youth provider may utilize a third party such as a staffing agency to act as the individual's employer and have the staffing agency place the youth with the host business for the work experience.

### **D. Unpaid Work Experience.**

Conditions pursuant to which a Youth providers may utilize unpaid Work Experience. The Youth providers for the Area Workforce may enroll Youth within unpaid work experience programs, which are limited to internships and/or job shadowing, under the following conditions:

- a. The training, even though it includes the performance of work for the host business, is essentially a training experience similar to a vocational school.
- b. The participant is primarily the beneficiary of the experience.

- c. Regular employees are not displaced, and the experience is closely supervised/observed.
- d. The work experience provider that hosts the experience derives no immediate or significant advantage (and may even be adversely impacted).
- e. The participant is not guaranteed a job at the conclusion of the experience.
- f. If the Youth is 18 or older, or a parent or guardian if the Youth is under 18, sign a waiver indicating that they understand that the placement is an unpaid work experience program, that the Youth is not an employee of the Youth provider or the host business, that the Youth acknowledges that s/he is not covered by workers' compensation, and that s/he assumes all risks associated with participating in the program.
- g. The Youth's work experience does not involve the Youth doing any manual or physical work, and the work environment is set within an office or professional setting and is not set outside or within a manufacturing or production environment.
- h. The Youth is not allowed to operate any type of motor vehicle as part of the work experience other than traveling to and from the site of the experience as part of their work experience commute.

Except where all the above conditions are satisfied, Youth may not be enrolled into the unpaid work experience program.

### 1. Incentives and Stipends.

The Youth provider may provide the Youth incentives and/or a stipend pursuant to the terms and conditions set forth within Area 12 Workforce Development Board Policy 12-604-the CCMEP WIOA Incentive and Stipend Policy.

The Area Workforce requires that the youth program provider consult with other public assistance case managers where applicable to ensure that the receipt of incentives or stipends do not negatively impact the youth participant's receipt of public assistance.

## **E. Work Experience Provider Agreement.**

Prior to the commencement of any paid or unpaid Work Experience, there must be a written worksite agreement entered into that detail's terms and conditions of paid and unpaid work experience and the expectations of the parties to the agreement. The written agreement must be between the

participant, the work experience provider, and the Youth provider.

The written worksite agreement must include at a minimum: the duration, remuneration, tasks, duties, supervision, health and safety standards, and other conditions of work experience such as consequences of not adhering to the agreement, and a termination clause. The work experience provider, the participant, and the youth provider should all be given a copy of the agreement. The agreement must be available for audit and monitoring purposes. So long as the worksite agreement has the minimum requirements, the provider may use their own agreement, or one created by the Workforce Area, Sub-Area, and/or Lead Agency.

### **V. Documentation to be Maintained.**

Documentation of the work experience must be maintained in the participant's file. All the following documentation will be kept in the Youth participant's file:

- An objective assessment and IOP indicating a need for work experience.
  - Justification for incentive/stipend, and description of type of payment method and amount, if applicable.
  - A copy of the agreement between the participant, the work experience provider, and the youth provider, including any attachments to the agreement, such as a training plan.
  - Time sheets, attendance sheets and performance records, as appropriate.
- AND-**
- Documentation of receipt of incentives, stipends and supportive services received by the participant.

### **VI. Tracking Youth Work Experience.**

The text of the WIOA statute requires that not less than 20 percent (20%) of WIOA CCMEP funds allocated to the local area be used to provide paid and unpaid work experiences, beginning with expenditures associated with the Program Year 2015 grants, awarded July 1, 2015. In accordance, the Workforce Area will negotiate with each Youth Provider a minimum WIOA expenditure requirement, that will be at least twenty percent (20%) of all WIOA funds provided. In addition, the written agreements entered into with the Providers shall also have aspirational goals seeking the expenditure of a minimum of twenty percent (20%) of TANF CCMEP funds on workforce experience. Program expenditures on the work experience program element include wages, staffing costs for the development and management of work experiences, and supportive services to provide the work experience (i.e., transportation costs, work clothing, etc.). Local area administrative costs are not subject to the 20 percent (20%) minimum work experience expenditure requirement.

## VII. Definitions.

Incentive: remuneration to participants for successful participation and achievement of expected education or employment-related outcomes or goals as defined in the individual service strategy (IOP).

Internship: a system of gaining on-the-job experience by placement in a work environment for a period of time with the goal of building technical and job awareness skills. Internships may be paid or unpaid.

Job shadowing: a short-term unpaid activity which introduces a participant to the workplace and provides exposure to occupational areas of interest to increase career awareness. Job shadowing is limited and allows youth to observe only.

On-the-job training (OJT): training by an employer that is provided to a paid participant while engaged in productive work in a job where the participant is hired as a regular employee as part of a written agreement with the employer and that:

- Provides knowledge or skills essential to the full and adequate performance of the job.
- Is made available through a program that provides reimbursement to the employer of a percentage of the wage rate of the participant; and
- Is limited in duration as appropriate to the occupation for which the participant is being trained, considering the content of the training, prior work experience of the participant, and the service strategy for the participant.

Apprenticeship programs: A state-approved registered apprenticeship program where an individual is learning an occupation while also working.

Pre-apprenticeship programs: programs or set of strategies designed to prepare individuals to enter and succeed in Registered Apprenticeship programs and have a documented partnership with at least one, if not more, Registered Apprenticeship programs.

Public service employment: work normally provided by governments, and includes, but is not limited to work in fields of human betterment and community improvement, child care, health care, education, crime prevention, public transportation, streets and parks, solid waste removal, housing and neighborhood improvement, rural development, etc.

Stipend: a fixed and regular small payment such as an allowance. Stipends can only be used with WIOA Youth funding.

Summer employment opportunities: an activity conducted mainly during the summer months which involves work experience as the primary strategy and must provide direct links to academic and occupational learning.

Work experience: a planned, structured learning activity that takes place in a workplace setting for a limited period of time.

### **VIII. Monitoring.**

Area 12 will conduct oversight and monitoring of the implementation of all WIOA work experience programming by all sub-grantees and/or contractors pursuant to Area Workforce Policy 12-200. Any issues discovered will be handled through the area's monitoring resolution process.

Youth providers are not required to monitor unpaid work experience providers unless they place three (3) or more Youth within a year with that provider. Youth Providers shall Monitor all paid work experience programs where the work experience constitutes at least thirty percent (30%) or more of the maximum hours set forth within Section III of this Policy. A Youth provider's monitoring of a work experience provider shall at a minimum include all the following:

- a. Review all applicable statutes as required for a complete monitoring review.
- b. Perform a desktop audit of the participant's file and the affected contract.
- c. Compile a listing of any questions from the desktop review prior to the monitoring visit.
- d. Make an on-site monitoring visit at least once during the training period, or shortly thereafter its completion.

Preferably the on-site visit will occur as close to as possible, when the customer has completed anywhere from 25% to 75% of his or her training. However, the on-site visit may occur after the training is over. The on-site visit will be waived if an on-site visit has already occurred for another employee doing the same work with the same employer within the six (6) months prior to the time that the individual is set to complete his/her training.

Complete a Monitoring Report either generated by the Area 12 Workforce Development Board, or develop a Monitoring Report, the content of which is approved by the Area Workforce, with special attention to the following:

- a. Completely review the Agreement, and any/all modifications.
- b. Visually inspect the Worker's Compensation Account recording the

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- account number and effective dates of coverage.
- c. Review time and attendance, payroll, and personnel records.
- d. Conduct a participant interview to accurately answer the report questions.
- e. Review the IOP, justification for training, and the training outline.
- f. Perform a visual inspection of the training area to ensure safe and sanitary conditions.
- g. Note any comments and any corrective action that may be needed.
- h. Make sure all required signatures are obtained.
- i. Report any/all discrepancies to an immediate supervisor no later than 5:00 p.m. on the business day following the visit.
- J. Construct a corrective action plan, if required, including anticipated dates of completion and review. This action must be completed within five (5) working days.
- k. Problem sites/customers will be reviewed for follow up no later than ten (10) days after corrective action is initiated, or sooner if the situation warrants.  
Follow up reports are to be submitted to the provider Program Managers within three (3) days to determine the effectiveness, continuation, or closeout.
- m. The provider Program Manager shall effect the final action as determined from information derived from follow-up.

### IX. Technical Assistance.

To get questions answered and technical assistance regarding this policy or issues regarding administration of WIOA, you are urged to contact the Executive Director of the Area 12 Workforce Development Board.

The question/issue will be researched, analyzed, and a formal written response will be provided. If a second opinion is required, the director is not available, or there is no clear answer to the question/issue, either the Executive Director or any OMJ Center or provider staff may seek additional guidance by submitting the same to the Office of Workforce Development: [CCMEPQNA@jfs.ohio.gov](mailto:CCMEPQNA@jfs.ohio.gov), [WIAQNA@jfs.ohio.gov](mailto:WIAQNA@jfs.ohio.gov); and by copying your request to the Executive Director of the Area 12 WBD

### IX. References

Workforce Innovation and Opportunity Act, Pub. L. 113-128.

e 29 U.S.C. 3101 et seq.

2 CFR 200.

Fair Labor Standards Act of 1938, 52 Stat. 1060, 29 U.S.C. 201 et seq.

USDOL, Training and Employment Guidance Letter No. 12-09, Joint Guidance for States Seeking to Implement Subsidized Work-Based Training Programs for Unemployed Workers, (January 29, 2012).

USDOL, U.S. Secretary's Commission on Achieving Necessary Skills, A SCANS

Report for America 2000, (June 1991).

I.R.S. Revenue Ruling 75-246, 1975-1 C.B. 24, Scenarios distinguish between amounts paid in connection with training-excludable under general welfare exception-and amounts paid in connection with services.

O.A.C. § 4101:9-2 (2004).

OAC 5101:14-1-02

O.R.C. § 3331 (2002).

O.R.C. § 4109

## Policy 12-604: Youth Incentive Policy

<b>Reference State Policy:</b>	WIOAPL 15-13
<b>Board Approved:</b>	August 6, 2018
<b>Revision Approved:</b>	August 20, 2020
<b>Effective Date:</b>	August 6, 2018
<b>Policy Obsoletes:</b>	

### **Purpose:**

To develop guidelines for the provision of incentives for participants in the CCMEP by lead agency and youth service provider staff. Incentives are intended to be used to encourage and motivate CCMEP participants to reach specific education and employment-related goals that will help them successfully enter a career and succeed long term.

### **Background:**

CCMEP TANF & WIOA Youth allows for the payment of incentives to youth participants for recognition and achievement of goals and milestones directly tied to education/training, work experiences and employment. Since CCMEP is driven by performance outcomes, incentives encouraging participation, and successful completion of goals and services are beneficial to youth, local areas and lead agencies.

It is important to make a positive connection with young adults from initial recruitment. This includes engaging young adults who can talk positively about CCMEP as peer advocates and recruiters. Incentives can be helpful in engaging youth to achieve the education and employment-related goals that will help them long term.

Temporary Assistance for Needy Family (TANF) funds may be used to provide incentives to participants in accordance with [45 CFR § 260.31](#), rule [5101:14-1-02\(D\)\(6\)](#), and rule [5101:14-1-04](#) of the Ohio Administrative Code.

### **Policy**

Incentives are allowable to youth enrolled in CCMEP using TANF or WIOA Youth funds. If using TANF funds, the incentive must be reasonably expected to achieve one or more TANF purposes:

- 1) Provide assistance to needy families so children may be cared for in their own homes or in the homes of relatives.
- 2) End the dependence of needy parents on government benefits by promoting job preparation, work, and marriage.
- 3) Prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies, or
- 4) Encourage the formation and maintenance of two-parent families.

TANF purpose #2 is generally associated with CCMEP services provided including incentives. Incentives are not an entitlement and will be subject to the availability of WIOA Youth and CCMEP TANF funds.



## **Policy 12-604: Youth Incentive Policy**

Career coaches must document incentives in advance of the goal achievement in the IOP in the States Case Management System. Career coaches must also document achievement of a goal for an incentive in States Case Management System by uploading documentation like report cards, transcripts, credentials, pay stubs if available or through case notes if there is not other specific documentation tied to the goal achievement.

Incentives for job retention or credentials attained are allowable during the follow up period after a participant exits as long as they were documented in the IOP before exit. After exit, the incentive can be provided as a supportive service in the States Case Management System during follow up.

All incentives must follow the State CCMEP Incentive Matrix. (See attached)

CCMEP Incentive Matrix			
Incentive	Description/Requirements	Additional Details for Career Coach	Incentive Amount(s)
<b>Education</b>			
Successful Completion of School Term (Quarter, Semester or Trimester) with a GPA for the term that is a C or higher	The incentive amount is based the overall grade point average (GPA) or an average of the grade level equivalency when GPA is not available or is weighted.	4.0 - 3.5 (A+ - A-) GPA 3.49 - 3.0 (B+ - B-) GPA 2.9 - 2.0 (C+ - C-) GPA	100 \$75 \$50
Promotion to the Next Grade Level	Youth must provide documentation confirming their promotion to the next grade, within 30 days of end of school year or grade matriculation if it occurs at another time.	If school year ends in June and information on MSG and/or credential must be entered into ARIES no later than July 31st and backdated to when the MSG or credential was obtained.	\$100
<b>High School Participants</b>			
Earn High School Diploma	Youth must provide documentation confirming their graduation from secondary school, within 30 days of graduation ceremony	If the participant graduates in June, verification of diploma/credential/license is required to be obtained and entered into ARIES no later than July 31st	\$250
<b>GED or High School Equivalency Program Participants</b>			
Enroll in Aspire Classes and attend all classes for the first 2 full weeks	Youth must provide documentation within 7 days of completion	Documentation must be completed in ARIES within 30 days of occurrence	\$75
Perfect attendance in Aspire classes (monthly)	Youth must provide documentation within 7 days of completion	Documentation must be completed in ARIES within 30 days of occurrence	\$50
GED/Adult Diploma attainment	Youth must provide verification must be provided within 30 days of attainment	If the participant graduates in June, verification of diploma/credential/license is required to be obtained and entered into ARIES no later than July 31st	\$250
<b>Post-Secondary Training / Credentials</b>			
Complete and submit FAFSA for financial aid	Youth must provide documentation within 7 days of completion	Documentation must be completed in ARIES within 30 days of occurrence	\$100

Enroll in college/vocational school or postsecondary training	Youth must provide verification must be provided within 30 days of completion	One time only and must remain past withdrawal deadline date and documentation must be completed in ARIES within 30 days of occurrence	\$100
Successful Completion of Post-Secondary, Industry-Recognized Occupational Skills Training Credential Program	Youth must provide verification of completion of an industry-recognized, occupational skills credential program, within 30 days of obtaining credential	If the participant graduates in June, verification of diploma/credential/license is required to be obtained and entered into ARIES no later than July 31st	\$100
<b>Employment</b>			
Successfully Maintain Employment for One full Quarter after Exit	Youth must provide verification must be provided within 30 days of completion	Documentation must be completed in ARIES within 30 days of occurrence	\$100
Successfully Maintain Employment for Two Consecutive Full Quarters after Exit	Youth must provide verification must be provided within 30 days of completion	Documentation must be completed in ARIES within 30 days of occurrence	\$200
Successfully Maintain Employment for Three Consecutive Full Quarters after Exit	Youth must provide verification must be provided within 30 days of completion	Documentation must be completed in ARIES within 30 days of occurrence	\$300
Successfully Maintain Employment for Four Consecutive Full Quarters after Exit	Youth must provide verification must be provided within 30 days of completion	Documentation must be completed in ARIES within 30 days of occurrence	\$400
Gain Employment Before or After Exit	Youth must provide verification must be provided within 30 days of obtaining employment	Documentation must be completed in ARIES within 30 days of occurrence	\$100
Successful Completion of Post-Secondary, Industry-Recognized Occupational Skills Training Credential Program and Obtain Employment Within the Same Career Field of the Occupation	Youth must provide verification must be provided within 30 days of obtaining employment in same field as credential	Documentation must be completed in ARIES within 30 days of occurrence	\$250
<b>Work Experiences and Job Readiness</b>			
Complete 5 Workshops in employment-related topic hosted by CCMEP in one year	Youth must provide verification must be provided within 30 days of completion	Documentation must be completed in ARIES within 30 days of occurrence	\$25
Complete Job Shadowing Experience (up to four)	Youth must provide documentation within 7 days of completion	Documentation must be completed in ARIES within 30 days of occurrence	\$50
Successfully completing work experience with consistent attendance and a positive performance report from the employer	Youth must provide verification must be provided within 30 days of completion	Documentation must be completed in ARIES within 30 days of occurrence	\$200

Other Participation Incentives			
Create an OhioMeansJobs account, complete activities (new enrollees only)	Youth must provide documentation within 7 days of completion	Documentation must be completed in ARIES within 30 days of occurrence	\$25
Increase WorkKeys scores in a Proctored Exam	Youth must provide verification must be provided within 30 days of completion	Documentation must be completed in ARIES within 30 days of occurrence	\$100
Proficiency-Level Improvement in a Post Educational Functioning Level Assessment (i.e., TABE, CASAS)	Youth must provide verification must be provided within 30 days of completion	Documentation must be completed in ARIES within 30 days of occurrence	\$100
Goal attainment as outlined in IOP	Youth must provide verification must be provided within 30 days of completion	Documentation must be completed in ARIES within 30 days of occurrence	\$25
Completion of an approved Financial Literacy Training	Youth must provide verification must be provided within 30 days of completion	Documentation must be completed in ARIES within 30 days of occurrence	\$25

## Policy 12-605: Follow-Up Services for Adult, Dislocated Workers, and Youth

<b>Reference State Policy:</b>	WIOAPL 15-08.1 and WIOAPL 15-10
<b>Board Approved:</b>	(Formerly incorporated into ITA Policy) 08/17/18 (Youth)
<b>Revision Approved:</b>	May 31, 2016 (Adult and Dislocated Worker), 05/17/22 (Youth), January 16, 2024
<b>Effective Date:</b>	January 16, 2024
<b>Policy Obsoletes:</b>	

### Purpose:

The purpose of this policy is to communicate local policy and service delivery guidelines regarding activities that constitute follow-up services for Workforce Innovation and Opportunity Act (WIOA) Adult, Dislocated Worker, and Youth program participants.

### Background:

Follow-up should be considered an extension of the WIOA program during which staff continue to help participants navigate challenges they face as they transition to employment or post-secondary education. WIOA requires that no less than 12 months of follow-up services be offered to all exited Adult, Dislocated Worker, and Youth participants. The intensity of follow-up contacts varies based on the needs of each individual. Examples of follow-up include supportive service referrals, career counseling, and assistance with work-related problems. The overall purpose of follow-up is to assist WIOA participants in retaining employment and maneuver through any additional barriers to success they might encounter after exit.

### Follow Up for Adult and Dislocated workers:

Area 12's goal of post placement activities and post-exit follow-up services is to ensure job retention, wage gains and career progress for WIOA registered participants who have entered unsubsidized employment.

Placement may or may not initiate exits from WIOA. Adults and dislocated workers do not need to be immediately exited from the WIOA program once placed into unsubsidized employment. One impact of not immediately exiting participants who have entered unsubsidized employment is that the counting of performance measures may be delayed. Case managers are mandated to continue services to registered participants to meet the needs of the participants and ensure successful completion of goals and to ensure reasonable expectation that participants can retain employment after exiting from the WIOA program.

One of two types of follow-up service will be used. One type is post- placement activities which are provided after an individual has entered unsubsidized employment and before exiting from WIOA. There are also post-exit follow-up services which may be provided after an individual has been exited from WIOA.

## Policy 12-605: Follow-Up Services for Adult, Dislocated Workers, and Youth

### Post Placement Activities

Post placement activities are only for participants who have entered unsubsidized employment and **have not been exited from WIOA**. The purpose of post placement activities is to ensure continuation of participant contact, success in retaining self-sufficient employment and career progress.

The post placement employment is defined as the employment that leads to being counted for performance after a participant is exited from the program. Participants may be placed in a low paying, low skilled job for interim employment. The interim employment does not have to be the employment that starts post placement activities or counted for performance measures.

Post placement activities must be made available for a minimum of 12 months after the first day a WIOA registered participant has obtained unsubsidized employment and not to exceed a maximum of 15 months. A participant who has entered unsubsidized employment must remain registered in WIOA to be eligible to receive post placement activities. The intensity of appropriate post placement activities may vary depending upon the needs of the individual. Although post placement activities must be made available, not all of the adults and dislocated workers who are registered and placed into unsubsidized employment will need or want such activities.

Post placement activities may include:

- Additional Career Planning and Counseling
- Assistance with Work-Related Challenges That May Arise
- Contact with Participant's Employer
- Continued Career Planning and Other Career Services
- Counseling in the Workplace
- Staff Assisted Workshops
- Information about Additional Educational Opportunities
- Intervention to Eliminate Employee-Employer Conflict
- Peer Support Groups
- Job Coaching
- Staff Assisted Job Referrals
- Referral to Supportive Services Available in the Community

## **Policy 12-605: Follow-Up Services for Adult, Dislocated Workers, and Youth**

- Skills Upgrading and Retraining
- Staff Assisted Job Development
- Supportive Services (provided on a limited basis)
- On-the-Job Training and Customized Training

Supportive services and training may be provided on a limited basis during the post placement period. The provision of training may be provided for 90 days after an individual enters employment and should be reasonable, necessary and appropriate in a post placement situation. Training that exceeds 90 days should be approved on a case by case basis. Post placement training should be for training that is not normally provided and paid by the employer.

Financial assistance, such as needs-related payments, is not an allowable post placement service for employed participants.

The need for WIOA activities after placement into unsubsidized employment must be documented in the individual employment plan (IEP) and in the participant's case file.

### **Exit**

When a registered participant is no longer receiving services, an exit from the program needs to occur. This can take place regardless of whether or not they have completed services and goals outlined in their Individual Employment Plan (IEP).

As a general rule, case managers should prepare appropriate participants for an exit during the last week of the program quarter. In cases where a participant has received training services the individual should not be exited until the credential is obtained and the individual is employed in order to meet the employment and credential performance rate. The timing of an exit is important. The quarter in which participants exit from the program will impact local performance measures and overall performance of the State.

A participant's exit date is the last date of WIOA funded or partner services received by a participant. Participants exited from WIOA may continue to receive partner services.

Case managers will develop a strategy for exiting participants who reach either wage gain or wage replacement criteria, earnings change in six months and to continue services for those who have not. The strategy should serve to maximize performance, while giving the most beneficial service to the customer.

## **Policy 12-605: Follow-Up Services for Adult, Dislocated Workers, and Youth**

### **Post Exit Follow-up Services**

Post exit follow-up services may be provided to individuals that have exited WIOA with or without unsubsidized employment. These follow-up services are informational and do not require significant staff assistance or registration.

After a participant has entered unsubsidized employment, received post placement activities, and is then exited from WIOA, post placement activities are no longer available for the participant. Participants who have exited may receive post exit follow-up services through WIOA career services or non-WIOA funded services. WIOA and partner services must be available at the OhioMeansJobs center.

Adults or dislocated workers needing career services following an exit must be re-registered into WIOA, including determining eligibility and obtaining necessary eligibility documentation. A new record will be created and will count again for performance measures.

### **Follow Up for Youth:**

Follow-up services may vary dependent on each program participant's needs and the IOP in effect upon exit, and are intended to provide the necessary support to ensure the program participant's post-program success, including but not limited to:

- Supportive services;
- Regular contact with program participants and their employers, including assistance addressing work-related problems;
- Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services.
- Financial literacy education;
- Adult mentoring; and
- Activities that help the program participant prepare for and transition to post-secondary education.
- "Incentive" a payment to a program participant for successful participation and achievement of milestones in the program tied to work experience, education, or training as defined in the IOP and shall not be temporary assistance for needy families (TANF) assistance as defined in 45 C.F.R. 260.31 (1999). Education-related incentives may be provided to participants during the follow-up period if the participant is eligible for a CCMEP funded service.

Participants must be made aware that follow-up is part of the commitment they make in joining the program; the message will be positive in tone and show the individual the benefit of follow-up.



## **Policy 12-605: Follow-Up Services for Adult, Dislocated Workers, and Youth**

Follow-up contacts must be meaningful and youth-centered; they may not simply be a contact to obtain needed data, therefore a phone call or text to see if the youth is employed or in school is not sufficient. Effective follow-up contacts, at a minimum, should include open-ended questions to help pro-actively identify the need for follow-up services.

### **Frequency of Contacts**

The frequency of follow-up should align with the needs of the individual and the minimum contacts for each participant will be monthly unless they would like to be contacted more frequently. Additional contacts will occur if the youth initiates them or if staff identifies a need for them. Upon notification of employment, the service provider(s) will have an initial contact within one week.

### **Documentation**

Follow-up expectations and responsibilities must be clearly documented in the IOP. At minimum case notes will include narrative regarding all contacts and services and notes will be added to the state approved digital case management system. The WIOA Youth service provider is responsible for developing processes supporting successful outcomes, including but not limited to:

- Building follow-up into the service strategy from the very beginning and ensuring youth agree to participate in follow-up services and understand the benefits of continued contact
- Developing a written exit strategy based on the youth's individual needs before he/she exits the program
- Maintaining regular and meaningful contact with youth
- Providing services as needed
- Post exit wages must be completed quarterly

### **References**

1. ODJFS WIOA Policy Letter 15-08.1 Career Services for Adults and Dislocated Workers
2. ODJFS WIOA Policy Letter 15-10 Youth Program Services
3. Ohio Administrative Code Rule 5101:14-1-02: Comprehensive case management employment program
4. WIOA Public Law 113-128

## Policy 12-700: Local Workforce Area Initial Designation

<b>Reference State Policy:</b>	WIOAPL No. 15-01.1
<b>Board Approved:</b>	03/07/2024
<b>Revision Approved:</b>	
<b>Effective Date:</b>	03/07/2024
<b>Policy Obsolete:</b>	

### **Purpose**

The purpose of this policy is to establish the procedures for the initial designation of local workforce development areas.

### **Background**

The Workforce Innovation and Opportunity Act (WIOA) envisions a workforce development system that is customer-focused on both the job seeker and business and is able to anticipate and respond to the needs of regional economies. Local workforce development areas (local areas) are designated for the purpose of implementing WIOA, establishing OhioMeansJobs service delivery system, and administering the workforce development programs. The local area serves as a jurisdiction for the administration of workforce development activities. Local areas must be designated by the State as a prerequisite to receiving adult, dislocated worker, and youth funding under Title I, Subtitle B of WIOA.

As outlined in section 106 (b)(2) of WIOA and 20 CFR 679.250, the criteria for initial designation are that the area:

1. Was designated as a local area for purposes of the Workforce Investment Act (WIA) for the 2-year period preceding the date of enactment of WIOA;
2. Performed successfully; and
3. Sustained fiscal integrity.

The following local areas designated under WIA have met the criteria of initial designation:

1. Area 1
2. Area 2
3. Area 3
4. Area 4
5. Area 6
6. Area 7

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7.Area 9

8.Area 10

9.Area 11

10.Area 12

11.Area 13

12.Area 14

13.Area 15

14.Area 16

15.Area 17

16.Area 18

17.Area 19

18.Area 20

Two local areas that were designated under WIA but do not meet all the requirements for initial designation are Area 5 and Area 8. These local areas may still request initial designation.

Initial designation applies to Program Years (PYs) 2016 and 2017.

### **IV. Definitions**

Chief elected official(s): per section 3(9) of WIOA, the chief elected executive officer(s) of a unit of general local government in a local area and, in the case of a local area that includes more than one unit of general local government, the individual(s) designated under an inter-governmental agreement.

Consultation: a robust conversation in which all parties are given the opportunity to share their thoughts and opinions.

Performed successfully: the local area met or exceeded the levels of performance the Governor negotiated with the local board and chief elected official under WIA sec. 136(c) for the last two full program years before the enactment of WIOA, and that the local area has not failed any individual measure for the last 2 consecutive program years before the enactment of WIOA.

Sustained fiscal integrity: the Secretary has not made a formal determination that either the grant recipient or the administrative entity of the area mis expended funds due to willful disregard of the requirements of the provision involved, gross negligence, or failure to comply with accepted standards of administration for the two year period preceding the determination.

## **Policy 12-700: Local Workforce Area Initial Designation**

### **V. Local Workforce Development Area Requirements**

The chief elected official(s) has the responsibility for requesting local area designation and shall complete and submit the JFS 00512, Workforce Development Area Designation Application, and include all of the following information:

- 1.Evidence supporting how the local area meets designation criteria; and
- 2.Board or council resolution approving the proposed local area.

Designation applications and supporting documents shall be submitted to the Office of Workforce Development: OWDPOLICY@jfs.ohio.gov. The subject of the email should read, "WDA Designation."

### **VI. State Requirements**

#### **A. Consultation and Comment**

When making the decision to initially designate local areas, the State must consult and consider comments received through a public comment process which included the following stakeholders:

- 1.Local workforce development boards:
- 2.Local elected officials;
- 3.Businesses;
- 4.Institutions of higher education:
- 5.Labor organizations;
- 6.Other primary stakeholders; and
- 7.The general public.

In Ohio, consultation will entail one or more of the following activities:

- 1.E-mail notification of requested local workforce development area initial designation to the CEOs and local WDB directors with the opportunity to provide comment;
- 2.Dialogue with the one or more of the following associations which provide support and guidance to the CEOs and local WDBs:
  - a. County Commissioner Association of Ohio; and
  - b. Ohio Workforce Association;
- 3.In-person meetings and/or teleconferences with individual CEOs and local WDB directors;

## **Policy 12-700: Local Workforce Area Initial Designation**

4. Collaboration with the Governor's Executive Workforce Board and the Office of Workforce Transformation;
5. Presentations at training events and/or at local WDB meetings; and
6. The Ohio Department of Job and Family Services (ODJFS) legal public comment process for workforce policies.

### **B. Review and Approval of Initial Designation Packets**

The State will review the initial designation application and supporting documentation. Under section 106 (b)(2) of WIOA, the State shall approve a request for initial designation from the chief elected official of a local area which met the criteria for initial designation. If a local area designated under WIA requests initial designation under WIOA but does not meet all the requirements, the State has the discretion to approve the initial designation under WIOA.

The State will notify the chief elected official within 45 calendar days after the initial submission of the initial designation or the denial of proposed local area.

## **VII. Appeals**

Pursuant to section 106 (b)(5) of WIOA and 20 CFR 683.630, if the State denies initial designation of an area as a local area, the chief elected official(s) may appeal the decision through the following appeals process:

- Within 14 days from the date of receipt of the notice of denial, the chief elected official(s) may file an appeal to the State Board by submitting in writing all of the following information: a statement that the chief elected official(s) is appealing the denial of initial or subsequent designation; the reason(s) why the local area should be designated; and signature of the chief elected official(s).
- The written appeal shall be submitted by e-mail to: [OWDPOLICY@jfs.ohio.gov](mailto:OWDPOLICY@jfs.ohio.gov).
- Pursuant to 20 CFR 679.290 (b) and 20 CFR 683.630 (a), the State Board will provide the parties with the opportunity for a hearing, review the appeal, and make a ruling on the appeal within 60 days after the submission of the appeal.

The State Board shall notify the chief elected official(s) in writing, of its decision on whether or not to approve initial or subsequent designation of an area as a local area under section 106 (b)(2) or (b)(3) of WIOA and 20 CFR 679.250.

In the event the State Board denies the appeal or fails to issue a decision within sixty (60) days of the date the appeal is submitted, the chief elected official(s) may further appeal the State Board's decision or lack thereof to the U.S. Department of Labor (USDOL). Pursuant to 20 CFR 683.640, appeals made to USDOL, must be filed no later than 30 days after receipt of written notification of the denial from the State. The appeal must be submitted by certified mail, with return receipt requested, to the following address:

Secretary, U.S. Department of Labor

200 Constitution Ave. N.W.

Washington, D.C. 20210

## **Policy 12-700: Local Workforce Area Initial Designation**

Attention: ASET

The appellant must establish in its appeal to USDOL that the appellant was not accorded procedural rights under Ohio's appeal process, or that it meets the requirements for designation in section 106 (b)(2) or (b)(3) of WIOA and 20 CFR 679.250.

The appellant must provide a copy of the appeal to the State Board at the same time that the appellant sends the appeal to USDOL.

### **VIII. Technical Assistance**

Ongoing support, guidance, training and technical assistance on workforce development area designation requirements, including stakeholder consultation, are available to all local areas.

Requests for technical assistance may be sent to ODJFS, Office of Workforce Development: WIOAQNA@jfs.ohio.gov.

### **IX. References**

Workforce Innovation and Opportunity Act, §106, Public Law 113-128.

20 C.F.R. §§ 679.220, 679.230, 679.250, 679.260, 683.640.

USDOL, Training and Employment Guidance Letter No. 27-14, WIOA Operating Guidance, Workforce Innovation and Opportunity Act Transition Authority for Immediate Implementation of Governance Provisions, (April 15, 2015).

#### **Rescission**

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-01 Local Workforce Development Area Designation, (July 1, 2015).

## Policy 12-701-Implementation of Workforce Development Services Under the Quality Jobs, Equity, Strategy, and Training (QUEST) Round One Disaster Recovery National Dislocated Worker Grants (DWGs)

<b>Reference State Policy:</b>	WIOAPL 23-01
<b>Board Approved:</b>	August 20, 2024
<b>Revision Approved:</b>	
<b>Effective Date:</b>	August 20, 2024
<b>Policy Obsoletes:</b>	

### **Purpose**

To define participant eligibility, allowable services, and other policy parameters to enable participating local workforce development areas (local areas) to implement and deliver QUEST 1 grant services.

### **Background**

The COVID-19 pandemic has had substantial impacts on the health and prosperity of the nation, its people, and its businesses. Populations experiencing especially harmful impacts include women, immigrants, lower-wage workers, people of color, people with disabilities, individuals who were formerly incarcerated, and other workers from historically marginalized communities. Individuals living in rural communities that lack broadband connectivity were also vulnerable because many were unable to work, attend school or training, or access tele-health services remotely from their homes, and were therefore limited in their ability to maintain social distancing.

Recovery from the pandemic requires strength and resilience in industries critical to our economy's stability and growth, such as the broadband and telecommunications industries. Efforts to expand high-speed connectivity into rural communities will require substantial increases in the number of workers available with the skills to construct cell phone towers, install utility lines and fiber-optic wires, and deploy and manage wireless networks.

To address the current shortage of workers in telecommunications and broadband employment, the Ohio Department of Job and Family Services (ODJFS) applied for and received a \$9 million discretionary QUEST National Dislocated Worker Grant (DWG).

This time-limited grant will be used to:

- Launch regional industry sector partnerships known as Nodes under the leadership of a four-year university to implement training programs that develop broadband and 5G skills; to recruit potential trainees and workers into broadband career pathways; and to provide workforce development services to eligible individuals seeking entry into broadband occupations;
- Provide training that builds the skilled workforce in professions that can impact the availability of high-speed internet connectivity in rural communities;
- Develop and implement a statewide outreach campaign to educate students, job seekers, and the public about the high-quality jobs available in the broadband and telecommunication industries;

## Policy 12-701-Implementation of Workforce Development Services Under the Quality Jobs, Equity, Strategy, and Training (QUEST) Round One Disaster Recovery National Dislocated Worker Grants (DWGs)

- Ensure the timely delivery of appropriate, necessary career, training, and supportive services to eligible participants, including individuals from historically marginalized populations and workers who have been impacted by the COVID-19 pandemic; and
- Assist broadband employers in recruiting and hiring the workforce needed to build a best-in-class broadband network and to ensure statewide access to high-speed internet connectivity.

### **State Requirements**

As the state workforce agency and grantee, ODJFS shall:

- Submit grant applications, modifications, quarterly reports, and other communications to the Department of Labor (DOL) on behalf of the local areas;
- Assign a project manager to serve as the point of contact and coordinator of grant related resources and information;
- Review and approve implementation plans and budgets submitted by the regional sector partnerships;
- Manage grant funds including the determination of sub-award amounts;
- Manage incremental funding to local areas and potential revisions to such awards to address underspending, ensure maximum investment of the available resources, and take action designed to ensure ODJFS fully invests the available grant funds during the QUEST performance period;
- Provide technical assistance to local areas, regional sector partners, and other stakeholders on the terms and conditions of the QUEST grant.

### **Local Workforce Development Area Requirements**

The QUEST grant is a national Disaster Recovery Dislocated Worker grant issued to participating local areas under the authority of the WIOA subgrant agreement between ODJFS and each local area. Therefore, local areas must implement the grant-funded services and activities in accordance with the terms and conditions of the WIOA subgrant agreement, along with the requirements found in this policy letter.

#### **A. Regional Sector Strategies (or Nodes)**

Pursuant to implementation of the QUEST grant, a regional broadband sector partnership (or Node) will be established in each JobsOhio region. Each Node must include a four-year university serving as the administrative entity, a community college, a community action agency, and at least one local area able to provide QUEST-funded services to eligible participants. Each Node must submit a budget and implementation plan describing the service design, current or planned broadband training programs in the region, planned number of individuals who will receive broadband training, and other details for implementing the QUEST grant.

The portion of the Node's planning budget earmarked for workforce development services will be sub-awarded by ODJFS to the local area(s) participating in the Node. Participating local areas must assist the other Node partners in developing and updating the plan and budget, including the budget for QUEST-funded workforce services to be provided to eligible participants.

As changes to the local plan occur, such as the provision of new services not identified in the plan or significant changes in the number of planned participants, local areas must work with the Node partners to submit a revised implementation plan to the ODJFS-designated project manager, explaining the changes as soon as possible, but no later than 30 days after each change.



## **B. Eligible Participants**

The goal of Ohio's QUEST DWG is to enable individuals who have been adversely affected by the COVID-19 pandemic and the social and economic inequities that the pandemic exacerbated, to enter, return to, or advance in high-quality jobs in the broadband industry. The activities of the QUEST DWG will yield improved individual and community resilience to the ongoing effects of the COVID-19 pandemic and enhance the ability of broadband providers to expand high-speed connectivity statewide.

Local areas shall ensure that individuals served under the QUEST grant have met all eligibility criteria, including those in 20 C.F.R. § 687.170 and WIOAPL 15-02.1 (Adult and Dislocated Worker Eligibility).

Individuals eligible to receive QUEST grant services must be one of the following:

1. A dislocated worker;
2. An individual temporarily or permanently laid off as a consequence of the COVID-19 pandemic;
3. A long-term unemployed individual; or
4. A self-employed individual who became unemployed or significantly underemployed as a result of the COVID-19 pandemic.

Note: Direct services such as career, training, or supportive services must be limited to the eligible participants above. Further, grantees should design and implement grant activities that prioritize services and outcomes for any underserved and historically marginalized populations that otherwise meet the eligibility categories above. ODJFS will select a community action agency (CAA) in each region to help the local area recruit individuals from marginalized populations that the CAA interacts with and to refer them to the local area for potential enrollment in QUEST-funded services and broadband training and employment.

Some of the QUEST grant's activities may also benefit other non-DWG populations. For example, cohort training to introduce QUEST DWG participants to broadband industry standards or working conditions may be offered to WIOA Adult program participants, with the costs charged entirely to the QUEST grant, if class size and seat availability permit.

## **C. Allowable Services and Activities**

In planning and implementing services under the QUEST grant, local areas should consider that the grant is meant to alleviate the devastating effects of the COVID-19 pandemic through:

- Career, training, and supportive services for eligible participants, aimed at increasing the number of qualified professionals in fields that can impact the lack of broadband connectivity in rural communities;
- Providing a full array of workforce services to eligible participants; and
- Increasing engagement with and support for broadband employees, to expand the number of workers entering careers in the broadband industry.

### Career Services

Local areas will provide basic and individualized career services such as job search assistance, initial and specialized assessments of skill levels, career planning, and prevocational services as outlined in Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 15-08.1, Career Services for Adults and Dislocated Workers.

## Policy 12-701-Implementation of Workforce Development Services Under the Quality Jobs, Equity, Strategy, and Training (QUEST) Round One Disaster Recovery National Dislocated Worker Grants (DWGs)

### Training

This grant is aimed at providing eligible individuals with the skills needed to succeed in broadband and 5G careers. Attachment B to this policy lists occupations for which training is an allowable use of QUEST funding and cites related instructional categories. These options were identified by the Ohio Broadband & 5G Sector Partnership. QUEST dollars may also be used for training in other occupations, if the case record shows that it leads to employment by a broadband or 5G employer and the activity is approved by the ODJFS project manager for QUEST. An example might be on-the-job training or Registered Apprenticeship carried out by a local telecommunications contractor.

QUEST participants may be co-enrolled in, and receive braided funding from, other workforce programs such as the Dislocated Worker program. Long-term training may be supplemented with WIOA formula funds if the individual is eligible for WIOA formula funding and the training extends beyond the QUEST grant period.

### Supportive Services

Grant-funded supportive services such as transportation, child care, and housing assistance may be provided to grant participants in need of such services. Local areas should review their policies to ensure that the types of supportive services needed by individuals seeking to enter broadband careers, such as work clothing that will enable them to function in harsh outdoor conditions, are authorized.

Also, local areas should ensure the array of services will increase the likelihood that participants from historically marginalized populations can successfully complete the training. These participants may require extensive help with barrier removal and financial support at levels not required by other population groups who are unaffected by cultural biases.

### Other Allowable Services and Activities

Services and activities may be delivered under the local area's existing policies applicable to dislocated workers, or the local workforce development board (local WDB) may opt to implement new or revised policies specific to the QUEST grant.

Examples of such policy revisions may include:

- Extending the length of training or increasing the maximum training funds available to participants who plan to enter occupations that can expand broadband access; or
- Permitting funding for transitional jobs to help participants with barriers or from historically marginalized populations to establish a work history, develop workplace skills, and enter or re-enter the workforce.

In addition to the allowable services for eligible participants identified above, local areas may use QUEST grant funds for other activities meant to expand the broadband workforce and assist the target populations in entering and succeeding in broadband careers, such as:

- Incorporating broadband-related work-based learning or entrepreneurial training in the program design for occupations listed in Attachment B;
- Assisting broadband employers in establishing Registered Apprenticeship training programs, including provision of funds for the related instruction (if allowable as occupational skills training) or funding for OJT as authorized in the local area policy; and

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- Reviewing intake and eligibility policies and procedures to reduce delays in services and eliminate eligibility requirements not required by law, to enable the broadest participation in grant-funded services and to remove barriers that may hinder marginalized populations from accessing services.

Up to ten percent of the funds awarded to the local area may be used for administrative costs as defined in 20 C.F.R. § 683.215 that are associated with operating the grant.

### **D. Unallowable Services and Activities**

QUEST funds may not be used to pay for incentive payments to participants.

### **E. Subrecipients and Contractors**

Local areas may enter into subrecipient agreements or contracts with public entities, not-for-profit organizations, and private-for-profit entities. The determination of subrecipient or contractor status must be based on the considerations in 2 C.F.R. § 200.331.

Competitive procurement of a provider that meets the definition of a subrecipient is not required but is recommended when feasible, to increase the likelihood of obtaining the highest quality of services at the lowest cost.

When contractors are competitively selected, this must be done in accordance with federal, state, and local procurement rules. For-profit contractors and subrecipients may keep the profits earned from performance of grant activities. The amount of profit must be negotiated as a separate element of the overall price of the services, with consideration given to the complexity, risk, past performance, and industry profit rates in the surrounding geographical area for similar work.

Profits that are excessive or that are not justified using the aforementioned criteria will be disallowed and cannot be paid from grant funds.

### **Reporting Requirements**

Local areas must report participants served under the QUEST grant in the state's designated case management reporting system under the special grant office created for the grant. Within 30 days of its occurrence, each participant enrollment, service, and activity must be entered into the case management reporting system special grant office section.

The outcomes of participants in the QUEST grant will not affect the local area's WIOA performance measures, unless the local area opts to co-enroll participants in local WIOA formula-funded programs.

To evaluate the quality and effectiveness of the Nodes, ODJFS, in partnership with the Ohio Broadband & 5G Sector Partnership, will determine additional performance standards, which may include periodic narrative reports or the need to enter trainee and outcome data in other reporting systems. Participating local areas will work with the other Node partners to comply with additional reporting mandates in the manner prescribed by ODJFS, using the designated reporting system(s).

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DOL also may assess Ohio's QUEST grant implementation by carrying out an impact or outcome analysis, a cost/benefit analysis, or return-on-investment (ROI) study for example. ODJFS and its sub-recipients may therefore be required to collect data elements to aid the evaluation. If DOL chooses to assess Ohio's QUEST grant, the participating local areas must agree to:

- Make records available to the evaluator on QUEST participants, employers, and funding;
- Provide access to staff, participants, financial records, and other relevant individuals and documents; and
- Comply with evaluation procedures specified by the evaluator.

Local areas must request cash draws and report expenditures and other financial information using the State's designated financial reporting system, including the client tracking detail for participant-level direct service costs.

### **Monitoring**

Local areas that issue subawards must assess the risk of non-compliance of each subrecipient and develop monitoring policies outlining the procedures, frequency, and methods for assuring that grant-funded services carried out by the subrecipient are compliant and for resolving any findings of non-compliance.

ODJFS program and fiscal monitors will examine the local area's implementation of QUEST grants, including participant file review and verification of actual expenditures, during the regular onsite review of the local area for compliance with all applicable federal and state laws, regulations, and guidance letters including this guidance letter. Any findings will be addressed through the state's monitoring resolution process.

### **Technical Assistance**

For additional information or to request technical assistance, contact the project manager designated by the ODJFS Office of Workforce Development to oversee implementation of the QUEST grant.

### **References**

<https://www.congress.gov/113/bills/hr803/BILLS-113hr803enr.pdf>

[USDOL, Training and Employment Guidance Letter No. 2-22: QUEST Disaster Recovery National Dislocated Worker Grants Funding Announcement \(July 5, 2022\).](#)

2 C.F.R. § 200.331.

20 C.F.R. § 683.215.

20 C.F.R. § 687.170.

[ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-02.1, Adult and Dislocated Worker Eligibility \(October 1, 2020\).](#)

[ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-08.1, Career Services for Adults and Dislocated Workers \(June 6, 2017\).](#)

Policy 12-701-Implementation of Workforce Development Services Under the Quality Jobs, Equity, Strategy, and Training (QUEST) Round One Disaster Recovery National Dislocated Worker Grants (DWGs)

[ODJFS, Workforce Innovation and Opportunity Act Policy Letter No.15-11.3, Use of Individual Training Accounts \(September 27, 2021\).](#)

[The Ohio Broadband Strategy](#)

[Strengthening Ohio's Broadband and 5G Workforce](#)

**ATTACHMENTS:**

Attachment A: [https://emanuals.jfs.ohio.gov/pdf/pdf-forms/WIOAPL\\_23-01\\_ATTACH\\_A.pdf](https://emanuals.jfs.ohio.gov/pdf/pdf-forms/WIOAPL_23-01_ATTACH_A.pdf)

Attachment B: [https://emanuals.jfs.ohio.gov/pdf/pdf-forms/WIOAPL\\_23-01\\_ATTACH\\_B.pdf](https://emanuals.jfs.ohio.gov/pdf/pdf-forms/WIOAPL_23-01_ATTACH_B.pdf)

## Policy 12-702: Local Workforce Board Certification Process

<b>Reference State Policy:</b>	WIOAPL No. 15-17.1
<b>Board Approved:</b>	03/07/2024
<b>Revision Approved:</b>	
<b>Effective Date:</b>	03/07/2024
<b>Policy Obsolete:</b>	

### **I. Purpose**

The purpose of this policy is to provide guidance for certifying, recertifying, and decertifying local workforce development boards (WDBs).

### **II. Rescission**

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-17, Local Workforce Development Board Certification Process, (July 15, 2015).

### **III. Background**

The vision for the local WDB is to serve as a strategic leader and convener of local workforce development system stakeholders. The WDB partners with employers and the workforce development system to develop policies and investments that support: public workforce system strategies for regional economies; the development of effective approaches, including local and regional sector partnerships and career pathways; and high quality, customer centered service delivery and service delivery approaches.

The purpose of the WDB is to do all of the following:

- Provide strategic and operational oversight in collaborations with workforce stakeholders and all required and additional partners, to help develop a comprehensive and high-quality workforce development system in the local area and larger planning region;
- Assist in the achievement of the Governor's and State's strategic and operational vision and goals as outlined in the Combined State Plan and other State initiatives; and
- Maximize and continue to improve the quality of services, customer satisfaction, and the effectiveness of the services provided.

Section 107 of the Workforce Innovation and Opportunity Act (WIOA) requires each local workforce development area of the state to establish a WDB to administer the functions outlined in Section 107(d) of WIOA for its local workforce development system. Furthermore, it requires that the Governor of the State certify each local board every two years.

Through the certification process, the State will assist in creating effective WDBs that have proper membership, and that maintain sound program and fiscal policies, provide a system of quality services, and enhance regional economic development.

## Policy 12-702: Local Workforce Board Certification Process

### V. Requirements

#### A. Establishment of the Local Workforce Development Board

The members of the local WDB must be selected by the chief elected official(s) (CEO(s)) in each local area pursuant to Section 107(b)(1) of WIOA and must meet the composition requirements of Section 107(b)(2) of WIOA.

##### 1. Required Membership

The local WDB must include representatives from four categories:

- Business
  - A majority of the local WDB members must be business representatives who are owners, chief executive or operating officers, or other business executives or employers with optimum policymaking or hiring authority.
  - Pursuant to 20 CFR 679.320(b), members are to be representatives of businesses or organizations representing businesses, including a minimum of two members representing small businesses as defined by the U.S. Small Business Administration.
  - Members should represent businesses that provide employment opportunities in local area in-demand industry sectors or occupations. These representatives are uniquely suited to communicate the emerging workforce needs of employers in high-growth, in-demand sectors to the local WDB.
- Workforce
  - Not less than twenty percent of the members of the local WDB must be workforce representatives. Such representatives must include:
    - Two or more representatives of labor organizations (or other employee representatives if there are no labor organizations in the local area); and
    - One or more representatives of a joint labor-management Registered Apprenticeship program (or other Registered Apprenticeship program if there is no joint labor-management program in the local area). In areas with joint apprenticeship programs, the apprenticeship representative must be a member of a labor organization or a training director.
  - To fulfill the requirement that twenty percent of local WDB members be workforce representatives, the local WDB may include:
    - One or more representatives from community-based organizations (CBOs) with demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including veterans, or that provide or support competitive integrated employment for individuals with disabilities; and/or

## Policy 12-702: Local Workforce Board Certification Process

- One or more representatives of organizations with demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.
- Education and Training
  - Members of the WDB must include representatives of entities administering education and training activities in the local area.
  - At least one of these members must be a representative from each of the following:
    - Provider of the Adult Basic and Literacy Education (ABLE) program (operating in Ohio as the ASPIRE program); and
    - Representative of higher education institutions that provide workforce training (including community colleges).
  - Additional members may include representatives of local education agencies and community-based organizations with demonstrated expertise and experience in addressing the education and training needs of individuals with barriers to employment.
- Government and Economic Development
  - WDB members must also include representatives from governmental and economic and community development entities in the local area. This includes at least one representative from each of the following:
    - Economic and community development entities;
    - State Employment Service Offices under Wagner-Peyser serving the local area; and
    - Vocational Rehabilitation programs.

In addition to these four categories, the chief elected official(s) may appoint other individuals to the local WDB, such as representatives of local agencies or entities administering transportation, housing, public assistance, and philanthropic organizations.

The members who are representatives of organizations with "demonstrated experience and expertise" include the following:

- Individuals who are workplace learning advisors;
- Members who contribute to the field of workforce development, human resources, training and development, or a core program function; or
- Members the local WDB recognized for valuable contributions in education or workforce development related fields.

These provisions allow the chief elected official(s) the flexibility to assemble a local WDB that connects all key resources and stakeholders.

### 2. Nomination Process



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WIOA requires that business representatives be appointed from among individuals nominated by local business organizations and business trade associations. The representatives from labor organizations must be appointed from among individuals who have been nominated from local labor federations.

When there is more than one local area provider of ASPIRE activities, or multiple institutions of higher education providing workforce investment activities, the chief elected official must solicit nominations from those providers and institutions, respectively, in appointing the required representatives. This requirement provides for a representative selection process for these membership categories.

### **3. Authority of Board Members**

Members of the WDB that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities. This means that the individual may reasonably be expected to speak affirmatively on behalf of the entity that he or she represents and to commit that entity to a chosen course of action.

### **4. Multiple Entity Representation**

Members of the local WDB may be appointed as a representative of more than one entity if the individual meets all the criteria for representation for each entity represented.

### **5. Sunshine Law Provisions**

Various state and federal "sunshine" laws require that public decision-making bodies conduct official business in an open, publicly accountable manner. In Ohio, the main source of this requirement is ORC 121.22, the Open Meetings Act.

Under Section 107(e) of WIOA, WDBs must also make information about their activities available to the public, on a regular basis through electronic means and open meetings. This information includes:

- Details of the local plan or its modifications, before they are submitted to the Office of Workforce Development;
- List and affiliation of local WDB members;
- Selection of the OhioMeansJobs center operator(s);
- Award of grants or contracts to providers of adult and dislocated worker career services and youth program services;
- Minutes of formal meetings of the local WDB; and
  
- Local WDB by-laws, consistent with Section 679.310(g) of the regulations.

Under ORC 121.22, public bodies cannot do official business without the attendance of a quorum, comprising members who gather in person at a designated location. The manual outlining these provisions, is found

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at <https://www.ohioattorneygeneral.gov/Files/Publications-Files/Publications-for-Legal/Sunshine-Laws-Publications/2021-Sunshine-Manual.aspx> However, revised ORC Section 6301.06 now allows WDB members to satisfy open meeting requirements by convening remotely in an interactive tele-conference or video conference. The legislation sets the following pre-conditions for holding remote meetings, all of which must be embodied in printed policies of the WDB:

- The board authorizes its members to remotely attend a board meeting by interactive video conference or teleconference, or by a combination thereof, in lieu of attending the meeting in person.
- The board establishes a primary meeting location that is open and accessible to the public.
- The board establishes a minimum number of its members that must be physically present in person at the primary meeting location if the board conducts a meeting by interactive video conference or teleconference.
- Not more than one board member remotely attending a board meeting by teleconference, is permitted to be physically present at the same remote location.
- The board establishes geographic restrictions for participation in meetings by interactive video conference and by teleconference.
- The board establishes a policy for distributing and circulating meeting-related materials to board members, the public, and the media in advance of or during a meeting at which board members are permitted to attend by interactive video conference or teleconference.
- Meeting-related materials that are available before the meeting must be sent via electronic mail, facsimile, hand-delivery, or United States postal service to each board member.
- All board members must have the capability to receive meeting-related materials that are distributed during the board meeting.
- The board establishes a method for verifying the identity of a board member who remotely attends a meeting by teleconference.
- A roll call voice vote must be recorded for each vote taken.
- The minutes of the board meeting must identify which board members remotely attended the meeting by interactive video conference or teleconference.
- For remote meetings, the use of an interactive video conference is preferred, but nothing in this section prohibits the board from conducting its meetings by teleconference or by a combination of interactive video conference and teleconference at the same meeting.
- In the case of an interactive video conference, the board causes a clear video and audio connection to be established that enables all meeting participants at the primary meeting location to see and hear each board member.
- In the case of a teleconference, the board causes a clear audio connection to be established that enables all meeting participants at the primary meeting location to hear each board member.

Regardless of whether it expects to hold remote meetings, each WDB must make provision for that option, by including the above requirements in its printed policies. Questions about implementing these requirements can be addressed to [WIOAQNA@jfs.ohio.gov](mailto:WIOAQNA@jfs.ohio.gov). However, those seeking legal advice on the subject should contact their local WDB counsel.

## **Policy 12-702: Local Workforce Board Certification Process**

### **6. WDB By-Laws**

In partnership with the chief elected official(s), the local WDB must establish by-laws and codes of conduct, which at a minimum, must address all of the following:

- The nomination process used by the chief elected official(s) to select the local WDB chair and members;
- The term limitations and how the term appointments will be staggered to ensure only a portion of membership expires in a given year;
- The process to notify the chief elected official(s) of a board member vacancy to ensure prompt nomination;
- The proxy and alternative designee process that will be used when a board member is unable to attend a meeting and assigns a designee as per the requirements at Section 679.110(d)(4) of CFR Title 20;
- The process to ensure board members actively participate, including the member's attendance, in WDB meetings; and
- A description of any other conditions governing appointment or membership on the State Board as deemed appropriate by the chief elected official(s).

### **7. Standing Committees**

Standing committees may be established by the local WDB to provide information and assist the WDB in carrying out its responsibilities under WIOA, including identification of strategies for better meeting the needs of individuals with barriers to employment. Standing committees must be chaired by a member of the local WDB, may include other members of the local WDB, and must include other individuals appointed by the WDB who are not members of the board.

Standing committees may include each of the following:

- A standing committee to provide information and assist with operational and other issues relating to the OhioMeansJobs delivery system; such committee may include representatives of OhioMeansJobs center partners.
- A standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth; such committee must include representatives of CBOs with a demonstrated record of success in serving eligible youth.
- A standing committee to provide information and to assist with operational and other issues relating to the provision of services to individuals with disabilities, including providing programmatic and physical access to the services, programs, and activities of the OhioMeansJobs delivery system.
- The local WDB may designate other standing committees (e.g., regarding service to priority populations such as low-income individuals), as determined needed and appropriate.

## **B. Workforce Development Board Certification**

## **Policy 12-702: Local Workforce Board Certification Process**

### **1. Biennial Workforce Development Board Certification**

Section 107(c)(2)(A) and (B) of WIOA requires the local WDB to be certified every two years, to ensure the following:

- Membership composition conforms to the requirements of WIOA Section 107(b)(2), (3), and (5);
- The local board is ensuring that workforce investment activities are carried out in the local area;
- The local area meets its performance accountability measures; and
- The Local area achieves sustained fiscal integrity.

The State's biennial certification process shall include a review of the composition of the local WDB, including the appointment process, for compliance with the criteria established in Section 107 of WIOA. The composition of each WDB will be evaluated on the following criteria:

- Membership composition as required;
- Optimum policy-making authority of all members, including hiring authority for business members, as required in Section 107(b)(2)(A)(i) and (b)(5); and
- A chairperson for the WDB who is a representative of business as required in Section 107(b)(3).

The chief elected official(s) shall apply for local WDB certification for their local workforce investment area every two years, by completing and submitting the [JFS 08105, Local Workforce Development Board Subsequent Certification Application](#), and attaching all of the following:

- The WDB membership roster, including each member's job title and the business or organization he or she represents;
- Documentation of the appointment for each board member, including nomination process and/or completed resolutions;
- Conflict of interest forms signed by each board member; and
- Current copies of the Intergovernmental Agreement designating the Chief Elected Official(s) (CEO(s)) for WIOA purposes; the Local Governance Agreement delineating the roles of the CEO(s), WDB and local area fiscal agent; and the WDB by-laws. (For further guidance concerning these documents, see WIOAPL 15-18.1.).

The JFS 08105 and supporting documents shall be submitted to the Office of Workforce Development by e-mail at [OWDPOLICY@jfs.ohio.gov](mailto:OWDPOLICY@jfs.ohio.gov). The subject line of the e-message should read, "WDB Certification."

The State will review the JFS 08105 and supporting documentation; assess the board's fulfillment of required functions under WIOA; and gauge its effectiveness in ensuring quality workforce activities in the local area. During its review, the State will gather information about whether or not the local workforce development area met its performance measures for the previous two program years, as well as information regarding the local area's fiscal integrity.

## **Policy 12-702: Local Workforce Board Certification Process**

Within thirty calendar days after the certification packet is submitted; the State will notify the chief elected official(s) of the approval or denial of the board certification application.

Failure of the local WDB to achieve certification shall result in reappointment and certification of another WDB for the local area pursuant to WIOA Section 107(c)(2)(C). Prior to such action the State may, at its discretion, issue notice to a local workforce development area instructing it to correct any identified deficiencies and re-submit the JFS 08105 and supporting documentation within ninety days of receiving the denial. The local workforce development area may request technical assistance from the Office of Workforce Development to assist in the development of a compliant WDB.

### **2. Decertification of Local Workforce Development Board**

Under Section 107(c)(3) of WIOA, any time that one or more of the following three conditions exist, the State may decertify a local WDB after notifying its members that it intends to do so, and providing them an opportunity to comment:

- Fraud or abuse;
- Failure to carry out the required functions of the local board as outlined in Section 107(d) of WIOA; and/or
- Failure to meet the same local performance measures for two consecutive program years.

If the State decertifies a local WDB, the State may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed between the State and the local chief elected official(s).

Pursuant to Section 184(b)(2) of WIOA, if a local WDB is decertified, the chief elected official(s) may appeal to the United States Department of Labor (USDOL). The appeal must be filed no later than thirty days after receipt of written notification of the decertification. If appealed, the decertification of the

local WDB will not become effective until the time for appeal has expired or USDOL has issued a decision.

The appeal must be submitted by certified mail, with return receipt requested, to the following address:

Secretary, U.S. Department of Labor

200 Constitution Ave. N.W.

Washington, D.C. 20210

Attention: ASET

A copy of the appeal must be simultaneously provided to the State by e-mail at [OWDPOLICY@jfs.ohio.gov](mailto:OWDPOLICY@jfs.ohio.gov).

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### **VI. Monitoring**

The State will conduct annual onsite monitoring to review local WDB compliance with Section 107(b) of WIOA. Any compliance issues will be handled through the State's findings resolution procedure. The annual monitoring process will assist the local areas in identifying and resolving WDB compliance issues in preparation for biennial certification.

### **VII. Technical Assistance**

The Office of Workforce Development's Technical Assistance Unit will provide technical assistance to those local areas whose WDBs are decertified, are not approved for recertification, or are found during the annual program monitoring to be out of compliance.

Local areas also have access to ongoing support, guidance, training, and technical assistance regarding WDB composition requirements; the recruitment, development, and engagement of WDB members; and all aspects of WDB compliance.

Requests for technical assistance may be sent to ODJFS, Office of Workforce Development: [WIOAQNA@jfs.ohio.gov](mailto:WIOAQNA@jfs.ohio.gov).

### **VIII. References**

Workforce Innovation and Opportunity Act, §§ 106 - 107, Public Law 113-128.

20 C.F.R. § 679.110.

20 C.F.R. § 679.310.

20 C.F.R. § 679.320.

20 C.F.R. § 679.330.

20 C.F.R. § 679.340.

20 C.F.R. § 679.350.

20 C.F.R. § 679.360.

20 C.F.R. § 683.650.

USDOL, Training and Employment Guidance Letter No. 19-14, Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act, (February 19, 2015).

Section 6301.06 of the Ohio Revised Code.

Section 121.22 of the Ohio Revised Code

## **Policy 12-702: Local Workforce Board Certification Process**

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-01.1, Local Workforce Development Area Initial Designation (September 19, 2016).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-11.3, Use of Individual Training Accounts (September 27, 2021).

Ohio Attorney General Dave Yost, Ohio Sunshine Laws 2021: An Open Government Resource Manual (2021).

**Attachment A:** [Local WDB Certification Glossary](#)

## Policy 12-703: Local Workforce Area Subsequent Designation

<b>Reference State Policy:</b>	WIOAPL No. 16-04
<b>Board Approved:</b>	03/07/2024
<b>Revision Approved:</b>	
<b>Effective Date:</b>	03/07/2024
<b>Policy Obsolete:</b>	

### **I. Purpose**

The purpose of this policy is to establish the procedure for the subsequent designation of local workforce development areas.

### **II. Background**

The Workforce Innovation and Opportunity Act (WIOA) envisions a workforce development system that is customer-focused on both the job seeker and business, and is able to anticipate and respond to the needs of regional economies. Local workforce development areas (local areas) are designated for the purpose of implementing WIOA, establishing the OhioMeansJobs service delivery system, and administering workforce development programs. The local area serves as a jurisdiction for the administration of workforce development activities.

Per section 106 (b)(3) of WIOA, all local areas, which were initially designated by the State, must be subsequently designated as a prerequisite to receiving adult, dislocated worker, and youth funding under Title I, Subtitle B of WIOA. Ohio initially designated all 20 local areas. The period of initial designation applies to program years (PY) 2016 and 2017. Therefore, local workforce development areas may not be subsequently designated prior to July 1, 2018.

To be subsequently designated, the local workforce development area must meet all of the following criteria for the 2 program years of initial designation (PYs 2016 and 2017):

1. Performed successfully;
2. Sustained fiscal integrity; and
3. In the case of a local area in a planning region, met the regional planning requirements per section 106 (c)(1) of WIOA and Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 16-03, Regional and Local Planning.

For subsequent designation determinations made at the conclusion of PY 2017, a finding of whether a local area performed successfully must be limited to having met or exceeded the negotiated levels for "Employment Rate 2nd Quarter after Exit" and the "Median Earnings" indicators of performance for PY 2016 and PY 2017.



## **Policy 12-703: Local Workforce Area Subsequent Designation**

For subsequent designation determinations made at the conclusion of PY 2018, or at any point thereafter, a finding of whether a local area performed successfully must be based on all six of the WIOA indicators of performance for the two most recently completed program years.

### **III. Definitions**

Chief elected official(s): per section 3(9) of WIOA, the chief elected executive officer(s) of a unit of general local government in a local area and, in the case of a local area that includes more than one unit of general local government, the individual(s) designated under an inter-governmental agreement.

Consultation: a robust conversation in which all parties are given the opportunity to share their thoughts and opinions.

Performed successfully: pursuant to 20 C.F.R 679.260 (b), the local area met or exceeded the levels of performance the State negotiated with the local workforce development board and chief elected official for core indicators of performance and that the local area has not failed any individual measure for the last two consecutive program years in accordance with a State-established definition, provided in the State Plan, of met or exceeded performance.

Planning region: a region comprised of two or more local areas that are collectively aligned with the region.

Sustained fiscal integrity: the Secretary has not made a formal determination that either the grant recipient or the administrative entity of the area mis expended funds due to willful disregard of the requirements of the provision involved, gross negligence, or failure to comply with accepted standards of administration for the two-year period preceding the determination.

Uniform administrative requirements: the requirements promulgated in circulars or rules of the Office of Management and Budget for each State, local workforce development area (including the chief elected official for the local area), and provider who has received WIOA funds.

### **IV. Local Workforce Development Area Requirements**

Per section 106 (b)(3) of WIOA and 20 CFR 679.250, the chief elected official and local workforce development board must be considered to have requested continued or subsequent designation unless the local area and chief elected official notifies the State indicating that they no longer seek designation. Subsequent designation will be reviewed August 1, 2018.

If a local area no longer seeks subsequent designation, the chief elected official(s) shall e-mail the State at [OWDPOLICY@jfs.ohio.gov](mailto:OWDPOLICY@jfs.ohio.gov) by July 15, 2018 indicating their intent to no longer be designated as currently geographically structured. The chief elected official(s) and the local workforce development boards will follow WIOAPL No. 16-05, Local Workforce Development Area Re-Designation, for local workforce development area re-designation procedures.

## **VI. State Requirements**

## **Policy 12-703: Local Workforce Area Subsequent Designation**

### **A. Consultation and Comment**

When making the decision for subsequent designation, the State must consult and consider comments received through a public comment process which included the following stakeholders:

1. Local workforce development boards;
2. Local elected officials;
3. Businesses;
4. Institutions of higher education;
5. Labor organizations;
6. Other primary stakeholders; and
7. The general public.

In Ohio, consultation will entail one or more of the following activities:

1. E-mail notification of requested local workforce development area re-designation to the CEOs and local WDB directors with the opportunity to provide comment;
2. Dialogue with one or more of the following associations which provide support and guidance to the CEOs and local WDBs:
  - a. County Commissioner Association of Ohio; and
  - b. Ohio Workforce Association;
3. Collaboration with the Governor's Executive Workforce Board and the Office of Transformation;
4. In-person meetings and/or teleconferences with individual CEOs and local WDB directors;
5. Presentations at training events and/or at local WDB meetings; and
6. The Ohio Department of Job and Family Services (ODJFS) legal public comment process for workforce policies.

### **B. Review and Approval of Subsequent Designation**

The State will review the criteria for subsequent designation for local workforce development areas seeking such designation. Under section 106 (b)(3) of WIOA, the

## **Policy 12-703: Local Workforce Area Subsequent Designation**

State shall approve subsequent designation of a local workforce development area which met the criteria for subsequent designation.

The State will notify the chief elected official(s) within 30 calendar days after the review indicating approval or denial of subsequent designation of the local workforce development area.

### **VII. Maintaining Subsequent Designation**

The State may evaluate the local workforce development area at any time to ensure the local area continues to meet the requirements of subsequent designation. However, as part of the State planning process, the State shall review all of the requirements of subsequent designation eligibility for each local workforce development area which has been subsequently designated.

If the local workforce development area fails to meet its negotiated levels of performance or does not comply with uniform administrative requirements, the State retains the authority to take corrective action pursuant to section 5101.241 of the Ohio Revised Code, section 184 of WIOA, and 20 CFR 683.410.

In light of attempts to implement corrective active, the State does not have to approve ongoing subsequent designation for a local area that has failed to maintain the requirements of subsequent designation.

### **VIII. Appeal**

Pursuant to section 106 (b)(5) of WIOA and 20 CFR 683.630, if the State denies subsequent designation of a local area, the chief elected official(s) may appeal the decision through the following appeals process:

- Within 14 days from the date of receipt of the notice of denial, the chief elected official(s) may file an appeal to the State Board by submitting in writing all of the following information: a statement that the chief elected official(s) is appealing the denial of subsequent designation; the reason(s) why the local area should be designated; and signature of the chief elected official(s).
- The written appeal shall be submitted by e-mail to: [OWDPOLICY@jfs.ohio.gov](mailto:OWDPOLICY@jfs.ohio.gov).
- Pursuant to 20 CFR 679.290 (b) and 20 CFR 683.630 (a), the State Board will provide the parties with the opportunity for a hearing, review the appeal, and make a ruling on the appeal within 60 days after the submission of the appeal.

The State Board shall notify the chief elected official(s) in writing, of its decision on whether or not to approve subsequent designation of an area as a local area under section 106(b)(3) of WIOA and 20 C.F.R. 679.250.

In the event the State Board denies the appeal or fails to issue a decision within 60 days of the date the appeal is submitted, the chief elected official(s) may further appeal the State Board's decision or lack thereof to the U.S. Department of Labor (USDOL). Pursuant to 20 CFR 683.640, appeals made to USDOL, must be filed no later than 30 days after receipt of written

### **Policy 12-703: Local Workforce Area Subsequent Designation**

notification of the denial from the State. The appeal must be submitted by certified mail, with return receipt requested, to the following address:

Secretary, U.S. Department of Labor

200 Constitution Ave. N.W.

Washington, D.C. 20210

Attention: ASET

The appellant must establish in its appeal to USDOL that the appellant was not accorded procedural rights under Ohio's appeal process, or that it meets the requirements for designation in section 106(b)(3) of WIOA and 20 CFR 679.250.

The appellant must provide a copy of the appeal to the State Board at the same time that the appellant sends the appeal to USDOL.

### **IX. Technical Assistance**

Ongoing support, guidance, training and technical assistance on workforce development area designation, subsequent designation, or redesignation requirements, including stakeholder consultation, are available to all local areas.

Requests for technical assistance may be sent to ODJFS, Office of Workforce Development: [WIOAQNA@jfs.ohio.gov](mailto:WIOAQNA@jfs.ohio.gov).

### **X. References**

Workforce Innovation and Opportunity Act, §106, Public Law 113-128.

20 C.F.R. §§ 679.220, 679.250, 679.260, 679.510, 683.630 and 683.640.

Ohio Revised Code Section 5101.241.

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 16-03, Regional and Local Planning, (October 21, 2016).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 16-05. Local Workforce Development Area Re-Designation, (October 3, 2016).

## Policy 12-704: Re-Designation of Local Workforce Areas

<b>Reference State Policy:</b>	WIOAPL No. 16-05
<b>Board Approved:</b>	03/07/2024
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<b>Policy Obsolete:</b>	

### **I. Purpose**

The purpose of this policy is to establish the requirements for re-designation when the chief elected official(s) requests a change to the current composition of a local workforce development area (local area).

### **II. Background**

The Workforce Innovation and Opportunity Act (WIOA) envisions a workforce development system that is customer-focused on both the job seeker and business, and is able to anticipate and respond to the needs of regional economies. Local areas are designated for the purpose of implementing WIOA, establishing the OhioMeansJobs service delivery system, and to serve as jurisdiction for administering workforce development programs. Local areas must be designated by the State as a prerequisite to receiving adult, dislocated worker, and youth funding under Title I, Subtitle B of WIOA.

Re-designation occurs at any time the local area wishes to change the composition of the local area. Per section 106 (b)(1)(B) of WIOA and 20 C.F.R. 679.240 (a), re-designation of local areas are based upon the following criteria:

#### **1. Consistent with local labor market areas**

This criterion includes an analysis of labor market data for the county and a comparison with surrounding counties and regions. Labor market area is an economically integrated geographic area within which individuals can reside and find employment within a reasonable distance or can readily change employment without changing their place of residence.

Information such as metropolitan statistical areas (MSA), combined statistical areas (CSA), and workforce commuting patterns provide a snapshot of the labor market. Counties that are within the same MSA and CSA or whose residents' commuting patterns are similar should be reviewed for possible inclusion as a local workforce development area.

Data to be used to assess the labor market can be found at the following websites:

A. MSA - <http://ohiolmi.com> under "Maps"

B. CSA - <http://development.ohio.gov/files/research/P3004.pdf>.

## **Policy 12-704: Re-Designation of Local Workforce Areas**

C. Workforce Commuting Patterns - <http://ohiolmi.com/census/commuting.htm>

D. Census Information -

[https://development.ohio.gov/reports/reports\\_am\\_com\\_survey.htm](https://development.ohio.gov/reports/reports_am_com_survey.htm)

### **2. A common economic development area**

Various aspects of regional economic development areas are considered for this criterion. A review of the JobsOhio regions as well as the unemployment rate, the number of businesses, the types of businesses, and the number of job openings in the county and surrounding counties should be completed. Counties with similar economies and economic development should be considered for possible inclusion as a local workforce development area.

Data to be used to assess regional economic development can be found at the following websites:

- a. Unemployment Rate - <http://ohiolmi.com> under "Data"
- b. JobsOhio Region - <http://ohiolmi.com> under "Maps"
- c. Number and type of Businesses in the Area - <http://ohiolmi.com> under "Data" (see Employment and Wages tab)
- d. Number of Job Openings in the Area - <https://jfs.ohio.gov/owd/omjresources/jobpostingstrends.stm>

### **3. Federal and non-Federal resources, including appropriate education and training institutions, to administer activities under WIOA, Subtitle B**

This criterion not only includes available financial funding but also resources that will assist in the delivery of services. A review of this criterion should include where training providers, including 2-year and 4-year schools, Adult Basic and Literacy Education (ABLE) providers, and Ohio technical centers are located. A review of resources should also include how much WIOA funding is available currently and how this amount affects the delivery of services to adults, dislocated workers, and youth. The local area should have available services and funding to support the workforce development system and services.

Data to be used to assess resources can be found at the following websites:

- a. Historical and Current WIA/WIOA Funding in the Area -  
<https://jfs.ohio.gov/owd/WIOA/implementation.stm>
- b. Higher Education Centers in the Area -  
<https://www.ohiohighered.org/campuses>
- c. ABLE Providers in the Area -  
<https://www.ohiohighered.org/able/locations>

## Policy 12-704: Re-Designation of Local Workforce Areas

- d. Ohio Vocational Technical Centers in the Area -

<https://www.ohiohighered.org/students/find-a-career/career-technical-professional-and-vocational-schools>

Other considerations to determine local area composition include (1) the existing partnerships, either between neighboring local areas or between counties belonging to separate areas, and whether or not these partnerships could prosper and become stronger by having the partners work together as a single area; (2) the effect that re-designation might have on a planning region; and, (3) whether re-designation would better integrate workforce and/or economic development systems to help connect workers with employers.

### III. **Definitions**

Chief elected official(s): per section 3(9) of WIOA, the chief elected executive officer(s) of a unit of general local government in a local area and, in the case of a local area that includes more than one unit of general local government, the individual(s) designated under an inter-governmental agreement.

Consultation: a robust conversation in which all parties are given the opportunity to share their thoughts and opinions.

### IV. **Local Workforce Development Area Requirements**

If the local area and the chief elected official(s) wish to change the composition of the local area, then a request for re-designation must be submitted by the chief elected officials and the local workforce development boards (WDB) of all local areas affected by the change. These requests must be submitted within the same general time frame of one another.

To make a request for re-designation, chief elected official(s) must complete and submit the JFS 00512, Workforce Development Area Designation Application, and include all of the following information:

1. The counties that will form the proposed local area;
2. Evidence supporting how the local area meets designation criteria as outlined in Section III of this policy;
3. Signatures of representatives from each county in the proposed local area; and
4. Board or council resolution approving the proposed local area.

An application must be submitted individually by each of the affected local areas.

Re-designation applications and supporting documents shall be submitted to the Office of Workforce Development: OWDPOLICY@jfs.ohio.gov. The subject of the email should be "WDA Re-Designation."

### VI. **State Requirements**

## **Policy 12-704: Re-Designation of Local Workforce Areas**

### **A. Consultation and Comment**

When making the decision to re-designate local areas, the State must consult and consider comments received through a public comment process which included the following stakeholders:

1. Local WDBs;
2. Local elected officials;
3. Businesses;
4. Institutions of higher education;
5. Labor organizations;
6. Other primary stakeholders; and
7. The general public.

In Ohio, consultation will entail one or more of the following activities:

1. E-mail notification of requested local area re-designation to the CEOs and local WDB directors with the opportunity to provide comment;
2. Dialogue with one or more of the following associations which provide support and guidance to the CEOs and local WDBs:
  - a. County Commissioner Association of Ohio; and
  - b. Ohio Workforce Association;
3. In-person meetings and/or teleconferences with individual CEOs and local WDB directors;
4. Collaboration with the Governor's Executive Workforce Board and the Office of Workforce Transformation;
5. Presentations at training events and/or at local WDB meetings; and
6. The Ohio Department of Job and Family Services (ODJFS) legal public comment process for workforce policies.

### **B. Review and Approval of Re-Designation Packets**

The State will review the re-designation packets from each affected local workforce development area, and the State will submit all requests to the Governor's Executive



## **Policy 12-704: Re-Designation of Local Workforce Areas**

Workforce Board (GEWB) per section 106 (b)(4) of WIOA and 20 CFR 679.240 (b). The GEWB will review the local workforce development areas' requests based upon the criteria outlined in Section III of this policy and will make recommendations to the Governor or his/her designee whether or not the local areas will be re-designated.

The Governor or his/her designee will make the designation decision. The State will notify the chief elected official of the re-designation or the denial of proposed local areas.

Approved re-designations of local areas will become effective on July 1 of the following program year unless circumstances do not allow a transition period.

### **VII. Resources to Local Workforce Development Areas within a Planning Region that wish to Re-designate into a Single Local Area**

If the chief elected officials and the local WDBs of each local area within a planning region as identified in Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 16-03, Regional and Local Planning, make a request to the State to re-designate into a single local area, the State may provide funds, to the extent statewide funds are available, to facilitate such re-designation as outlined in 20 C.F.R. 679.280. Re-designation activities that may be carried out by the local areas include:

1. Convening sessions and conferences;
2. Re-negotiation of contracts and agreements; and
3. Other activities directly associated with the re-designation as deemed appropriate by the State.

### **VIII. Technical Assistance**

Ongoing support, guidance, training and technical assistance on workforce development area designation requirements, including stakeholder consultation, are available to all local areas.

Requests for technical assistance may be sent to ODJFS, Office of Workforce Development: WIOAQNA@jfs.ohio.gov.

### **IX. References**

Workforce Innovation and Opportunity Act, §106, Public Law 113-128.

20 C.F.R. §§ 679.220, 679.230, 679.240, and 679.280.

USDOL, Training and Employment Guidance Letter No. 27-14, WIOA Operating Guidance, Workforce Innovation and Opportunity Act Transition Authority for Immediate Implementation of Governance Provisions, (April 15, 2015).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 16-03, Regional and Local Planning, (October 21, 2016).

## Policy 12-705: Regional and Local Planning

<b>Reference State Policy:</b>	WIOAPL No. 16-03.1
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<b>Policy Obsolete:</b>	

### **I. Purpose**

The purpose of this policy is to identify regions as required by the Workforce Innovation and Opportunity Act (WIOA) and to outline the requirements for regional and local planning.

### **II. Rescission**

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 16-03, Regional and Local Planning (October 21, 2016)

### **III. Background**

WIOA envisions a workforce development system that is customer-focused on both the job seeker and business and is able to anticipate and respond to the needs of regional economies. It requires local workforce development boards (WDB) and chief elected officials (CEO) to design and govern the system regionally, to align workforce policies and services with regional economies, and to support service delivery strategies tailored to these needs. To support this regional approach, WIOA requires States to identify regions.

Per section 106 (a)(2) of WIOA, the State shall identify:

- a. Which regions are comprised of one local workforce development area (local area) that is aligned with the region;
- b. Which regions are comprised of two or more local areas that are collectively aligned with the region (referred to as planning regions); and
- c. Which, of the planning regions, are interstate areas contained within two or more states, and consist of labor market areas, economic development areas, or other appropriate contiguous sub-areas of those States.

As part of the identification of regions, the State will use the following criteria:

- a. A single labor market;
- b. A common economic development area;

## **Policy 12-705: Regional and Local Planning**

- c. Possessing of the Federal and non-Federal resources to administer workforce development activities;
- d. Commuting patterns, which shows movement of workers from their residence to their workplace;
- e. Population centers;
- f. Similar economic bases, including percentage of employment in a particular industry;
- g. Labor force conditions, including labor force data and unemployment data; and
- h. Industrial composition, including industry employment patterns (jobs by industry and share of total employment by industry).

### Purpose of Planning Regions

Planning regions are two or more local areas identified by the State which are collectively aligned with the region. The purpose of planning regions is to align workforce development activities and resources with larger regional economic development areas and available resources to provide coordinated and efficient services to both individuals and employers. The development of comprehensive regional partnerships facilitates this alignment and provides support for the execution and implementation of sector strategies and career pathways.

Identification of planning regions is important, because regional economic development areas do not necessarily correspond to State, county, or local workforce development areas, or municipal boundaries. Planning regions are established in order to ensure that training and employment services:

- a. Support economic growth and related employment opportunities;
- b. Meet the needs of individuals, including those with barriers to employment;
- c. Meet the skill competency requirements of the region; and
- d. Meet the specific needs of regional employers and the skills they require.

### Regional and Local Plans

Regional and local plans provide the framework for local areas to define how their workforce development systems will achieve the purposes of WIOA. They serve as a four-year action plan to develop, align, and integrate the region's or local area's job-driven workforce development systems, and provides the platform to achieve the planning region's or local area's vision and strategic and operational goals. The regional or local plan must support the strategy described in Ohio's Combined State Plan and represents a comprehensive, customer-focused, and actionable service delivery strategy.

## **Policy 12-705: Regional and Local Planning**

Since the regional or local plan is only as effective as the partnerships that operationalize it, it must represent a collaborative process among local elected officials, local WDBs, and required and other partners (including economic development, education, and private sector partners).

### **IV. Definitions**

Chief elected official(s): The chief elected executive officer(s) "of a unit of general local government in a local area and, in the case of a local area" that "includes more than one unit of general local government," the individual(s) designated under an inter-governmental agreement. - WIOA Section 3(9).

Consultation: a robust conversation in which all parties are given the opportunity to share their thoughts and opinions.

Core program: a program which is authorized under one of the following program provisions:

- (a) Chapters 2 and 3 of subtitle B of Title I, relating to youth workforce investment activities and adult and dislocated worker employment and training activities;
- (b) Title II, relating to adult education and literacy activities;
- (c) Sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq), relating to employment services; and
- (d) Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq), relating to vocational rehabilitation services.

Planning region: a region comprised of two or more local areas that are collectively aligned with the region.

### **VI. State Requirements**

#### **A. Consultation**

The State is required to identify regions in consultation with local CEOs and local WDBs. In Ohio, consultation will entail one or more of the following activities:

1. E-mail notification of proposed planning regions to the CEOs and local WDB directors with the opportunity to provide comment;
2. Dialogue with one or more of the following associations which provide support and guidance to the CEOs and local WDBs:
  - a. County Commissioners Association of Ohio; and
  - b. Ohio Workforce Association;
3. In-person meetings and/or teleconferences with individual CEOs and local WDB directors;

## **Policy 12-705: Regional and Local Planning**

4. Collaboration with the Governor's Executive Workforce Board and the Office of Workforce Transformation;
5. Presentations at training events and/or at local WDB meetings; and
6. The Ohio Department of Job and Family Services (ODJFS) legal public comment process for workforce policies.

### **B. Identification of Regions**

In addition to WIOA and the State's criteria for the identification of regions, the following guidelines must be followed when identifying planning regions:

1. A single local area may not be split across two planning regions;
2. Local areas must be contiguous in order to be a planning region; and
3. A local area may only be part of one planning region.

While it is the desire of the State to have all local areas assigned to planning regions and engaged in regional planning, the geographic configuration of Ohio's local areas, as currently designated, does not allow for this in a manner which meets the established criteria and guidelines. Therefore, Ohio will be identifying both single local area regions and planning regions.

Using the State criteria and associated guidelines, Ohio has identified the following regions (Attachment A).

1. **Northeast Region**, consisting of Areas 2, 3, 4, 5, and 19;
2. **East Region**, consisting of Areas 6, 17 and 18;
3. **Southeast Region**, consisting of Areas 14, 15, and 16;
4. **Southcentral Region**, consisting of Areas 11, and 20;
5. **South Region**, consisting of Area 1;
6. **Southwest Region**, consisting of Areas 12 and 13;
7. **West Region**, consisting of Area 8;
8. **Northwest Region**, consisting of Area 9;
9. **Northcentral Region**, consisting of Area 10; and
10. **Central Region**, consisting of Area 7.

Ohio is not identifying interstate planning regions at this time. This does not prohibit planning regions or local areas in Ohio from regionally planning with other states' local areas for the purposes of that state's regional planning requirements.

## **Policy 12-705: Regional and Local Planning**

Local areas identified as single area regions will work and coordinate with other local areas or planning regions who share a common labor market as identified in Attachment B. Activities will include, but are not limited to, the following:

1. Identification of sector strategies;
2. Development of strategies to serve common employers; and
3. Coordination of rapid response and/or layoff aversion activities.

The State will review and/or modify the identification of single local area regions and planning regions when local area designation is reviewed and/or modified, including local area subsequent designation, ongoing review of local area subsequent designation, and local area re-designation.

### **B. Provision of Data**

The State will assist the planning regions and single area regions in obtaining the necessary labor market data, operational data elements, and any other data that will support the process of regional or local planning. The State will also provide ongoing support to meet the purpose of the regional and local planning.

### **C. Approval of Regional and Local Plans**

The State must review completed regional and local plans. Such plans will be considered approved 90 days after receipt of the local or regional plan unless the State determines in writing that:

1. The plan(s) does not comply with applicable provisions of WIOA and the WIOA regulations, including the required consultations and public comment provisions, and the nondiscrimination requirements; or
2. The plan(s) does not align with the Combined State Plan, including the alignment of the core programs and the support of the Combined State Plan's goals and reform principles.

## **VII. Local Workforce Development Area Requirements**

### **A. Development of Local and Regional Plans**

Per section 108 of WIOA, the local WDB, in partnership with the CEO, shall develop and submit a local plan to the State. If the local area is assigned to a planning region,

the local WDB will submit its local plan as part of the regional plan, as required in section 106 of WIOA, and will not submit a separate local plan.

#### **Local Plan**

For single local area regions, the local WDB, in partnership with the CEO, shall prepare, submit, and obtain approval of a local plan that includes a description of the policies, procedures, and local activities that are carried out in the local area and that contains

## **Policy 12-705: Regional and Local Planning**

all the requirements outlined in §679.560 of Title 20 the Federal Regulations. The required contents of the local plan are contained in Attachment C of this policy.

The local area shall collaborate with the WIOA core programs and other programs included in Ohio's Combined State Plan in the development of the local plan. The local area must also coordinate with other partners, including OhioMeansJobs center partners, and economic development, education, and private sector partners, to create a shared understanding of the local area's workforce development needs, a shared vision of how the local area can be designed to meet those needs, and agreement on the key strategies to realize this vision.

The local plan must support the strategic framework for the workforce development activities, goals and the reform principles outlined in Ohio's Combined State Plan. The goals and reform principles in Ohio's Combined State Plan are found on the [Ohio WIOA Combined State Plan](#) page.

Four-year local plans must be submitted by May 31, 2025 and every four years thereafter.

### **Regional Plan**

Each planning region, including the individual local WDB and CEO of the local areas assigned to the planning region, shall prepare, submit, and obtain approval of a single regional plan that:

1. Includes a description of the activities described in 20 CFR 679.510 (a); and
2. Incorporates local plans for each of the local areas in the planning region as an addendum to the regional plan.

The required contents of the regional plan and local plan are contained in Attachment D of this policy.

Four-year regional plans must be submitted by May 31, 2025 and every four years thereafter.

The local workforce development areas within the planning region must coordinate available resources to decide how the regional planning process will occur and who will lead or be responsible for the writing of the plan. Some options available may include rotating these responsibilities amongst the local area's WDB directors or hiring a consultant.

The planning region shall collaborate with the WIOA core programs and other programs included in Ohio's Combined State Plan in the development of the regional plan. The planning region must also coordinate with other partners, including OhioMeansJobs center partners, and economic development, education, and private sector partners, to create a shared understanding of the planning region's workforce development needs, a shared vision of how the planning region can be designed to meet those needs, and agreement on the key strategies to realize this vision.

## **Policy 12-705: Regional and Local Planning**

The regional plan must support the strategic framework for the workforce development activities, goals and the reform principles outlined in the Combined State Plan. The Combined State Plan's goals and reform principles are found on the [Ohio WIOA Combined State Plan](#) page.

### **B. Submission of Regional and Local Plans**

The local WDBs and the CEOs within the planning region or single local area region must ensure that there has been an opportunity for public comment on the development of the regional and/or local plans. Additionally, copies of the proposed regional and local plans must be made available to the public through electronic and other means, such as public hearings and local news media. Members of the public must be given at least 30 days to provide their comments on these plans, before the plans are submitted to the State.

The local WDB or the entity responsible for the development of the regional plan shall submit the regional or local plan electronically to the Office of Workforce Development (OWD): [OWDPOLICY@jfs.ohio.gov](mailto:OWDPOLICY@jfs.ohio.gov).

### **C. Modification of Regional and Local Plans**

Ensuring that regional and local plans remain up-to-date and relevant, and ensuring consistency between regional and local plan requirements, will improve the effectiveness of the public workforce system.

At the end of the first two-year period of the four-year regional and local plans, the local WDBs, in partnership with the appropriate CEOs and planning regions, as applicable, must review the regional and local plans and prepare and submit modifications to the regional and local plans to reflect any of the following changes:

1. Labor market and economic conditions; and
2. Other factors affecting the implementation of the regional or local plan, including but not limited to:
  - a. Significant changes in local and/or regional economic conditions;
  - b. Changes in the financing available to support WIOA Title I and partner-provided WIOA services;
  - c. Changes to the local WDB structure of the local areas, including any local area's WDB structure within a planning region; and
  - d. The need to revise strategies to meet performance goals.

The local WDBs and the CEOs within the planning region or single local area region must ensure that there has been an opportunity for public comment on the modification of the regional and/or local plans. Additionally, copies of the proposed regional and local plan modifications must be made available to the public through



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electronic and other means, such as public hearings and local news media. Members of the public must be given at least 30 days to provide their comments on these plan modifications, before the modifications are submitted to the State.

If the CEOs and the local WDBs decide, after the review of the regional and/or local plans, that a modification of neither plan is necessary, the local WDB or the entity responsible for the regional plan shall e-mail OWD at [OWDPOLICY@jfs.ohio.gov](mailto:OWDPOLICY@jfs.ohio.gov), indicating that the reviews of the plans were completed and modifications to the regional or local plans were not necessary.

## **VIII. Technical Assistance**

Ongoing support, guidance, training and technical assistance on development of local and regional planning is available to all local areas.

Requests for technical assistance may be sent to ODJFS, Office of Workforce Development: [WIOAQNA@jfs.ohio.gov](mailto:WIOAQNA@jfs.ohio.gov).

## **IX. References**

Workforce Innovation and Opportunity Act, §§ 106, 107, and 108 Public Law 113-128.

20 C.F.R. §§ 679.200 - 679.210.

20 C.F.R. §§ 679.500 - 679.580.

USDOL, [TRAINING AND EMPLOYMENT GUIDANCE LETTER \(TEGL\) No. 04-21 Modification Requirements for Workforce Innovation and Opportunity Act \(WIOA\) State Plans for Program Years \(PYs\) 2022 and 2023](#)

[Attachment A, Regions](#)

[Attachment B, Ohio Labor Markets](#)

[Attachment C, Requirements for Local Plans](#)

[Attachment D, Requirements for Regional Plans](#)

ATTACHMENTS: [Attachment A - Regions](#) [Attachment B, Ohio Labor Markets](#) [Attachment C, Requirements for Local Plans](#) [Attachment D, Requirements for Regional Plans](#)

## Policy 12-706: Determination of Dependent Status

<b>Reference State Policy:</b>	WIOAPL No. 15-06
<b>Board Approved:</b>	May 13, 2009
<b>Revision Approved:</b>	May 31, 2016, March 7, 2024
<b>Effective Date:</b>	July 1, 2015, March 7, 2024
<b>Policy Obsolete:</b>	

### **Purpose**

The purpose of this policy is to outline the process for determining if an applicant or member of a family is dependent on, or independent of, his/her parents(s) or guardian(s).

### **Background**

This policy is intended to help avoid uncertainty and/or inconsistency in making eligibility decisions regarding family size and the inclusion of income when relevant for all appropriate members of the applicant's family. The support provided by parents or guardians must be carefully considered when determining eligibility for WIOA adult and youth program services. The definition of dependent is being expanded to include young adults, ages 18-24, as well as youth applicants and participants.

### **Definitions**

Dependent: an applicant who falls in any one of the following categories:

- Under 18 years of age, living with parents or guardians, and is receiving support from them; or
- Age 18-24 and parent(s) or guardian(s) pay(s) for more than 50% of the applicant's support.

Independent: an applicant who falls into any one of the categories below:

- Under 18 years of age, not living with parents or guardians, and is not receiving any support from them;
- Individuals, age 18-24, providing more than 50% of their own support;
- Age 25 or older;
- Married (including separated, but not divorced);
- Has children that receive more than half of their support from the applicant;
- Has dependents other than a spouse or children who live with the applicant and receive more than half of their support from the applicant;
- Lives in own residence or in a residence without financial or other support from parents or guardians;
- Is on active duty in the U.S. armed forces for purposes other than training; or
- A veteran of the U.S. armed forces.

## **Policy 12-706: Determination of Dependent Status**

Support: as it relates to dependent, financial assistance from parents or guardians to help pay for food, clothing, shelter, utilities, education, medical and dental care, recreation, transportation, and any other living expenses; as well as government-provided cash public assistance and food assistance.

### **Requirements**

#### WIOA Youth Program

Dependent status must be documented for all WIOA eligible youth applicants, ages 14-24, as defined in section 129 (a)(1), (2), and (3) of the WIOA. Verification of dependent status and means of support must be documented for each youth program participant by completion of checklist that incorporates, at a minimum, the categories listed in Attachment A. Self-attestation may be accepted to document parental support pursuant to self-attestation procedures outlined in Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 15-07, Source Documentation for WIOA Eligibility.

An individual under 18 years of age is always considered to be a dependent child, unless the youth is not living with parents or guardians and is not receiving any support from them.

The issue of guardianship concerning dependent children is determined either by decree of court or by a state or federal agency that has established or assumed guardianship.

Determination of dependent status is particularly important for WIOA youth, ages 18-24, who are applying for WIOA youth-funded individual training accounts (ITAs) as not all out-of-school youth enrolled in the youth program are low income individuals.

#### WIOA Adult Program

Dependent status must be documented for all WIOA adults, ages 18-24, who are applying for WIOA adult-funded individual training accounts (ITAs). The determination of dependent status is driven by the following factors:

- The amount of support provided by the applicant by his or her parent(s) or guardian(s); **and**
- The applicant's age;
- The applicant's marital status;
- The applicant's dependents (biological/adopted children, disabled adults, and others dependent on the applicant for more than 50% of the applicant's support; **and**
- Veteran status.

Verification of dependent status and means of support must be documented for each WIOA adult participant, ages 18-24, who is applying for an ITA. This is done by completion of checklist that incorporates, at a minimum, the categories listed in Attachment A of WIOAPL No. 15-07. The JFS 13186, Self-Attestation, may be accepted to document parental support when signed by a parent or guardian.

### **Monitoring**

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Through the state's monitoring system, program monitors will review the area's application of dependent status for the youth program and 18-24 year old participants applying for WIOA adult-funded ITA, including conducting a participant file review, during the annual onsite monitoring review for compliance with federal and state laws and regulations. Any issues will be handled through the state's monitoring resolution process.

### **Technical Assistance**

For additional information, you may send your questions to the Office of Workforce Development: [OWDPOLICY@jfs.ohio.gov](mailto:OWDPOLICY@jfs.ohio.gov).

For technical assistance, you may send your request to the Office of Workforce Development: [WIAQNA@jfs.ohio.gov](mailto:WIAQNA@jfs.ohio.gov).

### **References**

Workforce Innovation and Opportunity Act, Public Law 113-128

29 U.S.C. 3101 et seq.

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-06, Source Documentation for WIOA Eligibility, (July 1, 2015).

### **Rescission**

ODJFS, Workforce Investment Act Policy Letter No. 08-11.2, Determination of Dependent Status for Workforce Investment Act (WIA) Applicants to the WIA Youth and Adult Programs, (May 26, 2011).

## Policy 12-707: Career Services for Adults and Dislocated Workers

<b>Reference State Policy:</b>	WIOAPL No. 15-08.1
<b>Board Approved:</b>	03/07/2024
<b>Revision Approved:</b>	
<b>Effective Date:</b>	03/07/2024
<b>Policy Obsolete:</b>	

### **Purpose**

The purpose of this policy is to communicate guidance in the provision of career services to adults and dislocated workers.

### **Background**

The American Job Center Network (in Ohio, called the OhioMeansJobs delivery system) is the foundation of the workforce system. Pursuant to section 134(c)(1) of the Workforce Innovation and Opportunity Act (WIOA), funds allocated to the local area for adults and dislocated workers shall be used to establish an OhioMeansJobs delivery system, to provide career services to adults and dislocated workers, to provide training services to adults and dislocated workers, to establish and develop relationships with large and small employers and their intermediaries, and to develop, convene, or implement industry and sector partnerships.

Career and training services, tailored to the individual needs of job seekers, form the backbone of the OhioMeansJobs delivery system. While some job seekers may only need self-service or other basic career services, others will need services that are more comprehensive and tailored to their individual career needs. WIOA provides an individual receiving services in the American Job Centers (in Ohio, called the OhioMeansJobs centers) the opportunity to receive the services needed to help him or her meet his or her employment and career goals.

The WIOA Adult and Dislocated Worker programs are designed to provide services, employment, and training opportunities to those who can benefit from, and who are in need, of such services. A wide range of activities and services must be available to assist individuals in obtaining the skills and credentials necessary to secure and advance in employment.

#### **A. Career Services**

Career services must be made available through the OhioMeansJobs delivery system to individuals who are adults or dislocated workers. Career services are classified into three categories: basic career services, individualized career services, and follow-up services. This classification is not designed to create barriers to training, but rather identifies the importance that these three types of career services can have in helping individuals obtain employment.

Basic career services are universally accessible and must be made available to all individuals seeking employment and training services. Individualized career services are to be provided by local workforce development areas (local area) as appropriate to help individuals obtain or retain employment. Follow-up services provide the continuing

## Policy 12-707: Career Services for Adults and Dislocated Workers

link between the participant and workforce system. There is no order in which services are provided; service delivery is based on the individual needs of the participant. Therefore, an individual does not need to attempt a career service to demonstrate a failure to secure employment prior to receiving training services.

### 1. Coordination with Wagner-Peyser Employment Service Program

WIOA provides a significant opportunity for coordination across all the core programs including planning, reporting, and service delivery. In particular, labor exchange services, the primary services provided by Wagner-Peyser Employment Services staff, fall under the basic career services described below, including specific obligations in serving unemployment insurance claimants. Additionally, all of the basic career services must be made available by Employment Services staff in coordination with other OhioMeansJobs center partners. Employment Services staff may also make available the individualized career services described below. Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 16-09, Establishment of the Workforce Delivery System, provides guidance on the role of the Unemployment Insurance Program in the OhioMeansJobs centers.

### 2. Provider of Career Services

Per section 107(d)(10)(D) of WIOA, local WDBs have the responsibility to identify eligible providers of career services for the WIOA Title I Adult and Dislocated Worker programs. Local WDBs may assign the OhioMeansJobs center operator the responsibility for delivery of career services (through contracts with the operator), may execute agreements with service providers, or may competitively procure service providers. WIOAPL No. 16-08, Procurement of the OhioMeansJobs Center Operator and Provider of Career Services, provides further guidance.

### 3. Basic Career Services

Basic career services are available to job seekers coming to an OhioMeansJobs center seeking assistance. Generally, these services involve less staff time and involvement. These services may be provided by both the WIOA Adult and Dislocated Worker programs and the Wagner-Peyser Employment Service program.

#### **Basic Career Services Not Triggering Participation in WIOA**

Some basic career services are informational services and require limited to no assistance from OhioMeansJobs center staff. Job seekers engaged in self-service and informational activities do not require registration and receipt of the service does not trigger participation into the WIOA adult or dislocated worker programs or the Wagner-Peyser Employment Service program. These basic career services include the following:

- a. Determination of whether the individual is eligible to receive WIOA adult, dislocated worker, or youth services, including co-enrollment among these programs;

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- b. Outreach, intake (including identification through the state's Worker Profiling and Reemployment Services system of Unemployment Insurance (UI) claimants likely to exhaust benefits), and orientation to the information and other services available through the workforce development delivery system;
- c. Self-directed or self-service job search assistance;
- d. Workforce and labor market information, which may be found on OhioMeansJobs.com. This service includes the provision of statistical information relating to local, regional, and national labor market areas, including:
  - Job vacancy listings in such labor market areas;
  - Information on job skills necessary to obtain the vacant jobs; and
  - Information relating to state and local in-demand occupations and the earnings, skill requirements, and opportunities for advancement in such occupations;
- e. Provision of information on in-demand industry sectors and occupations;
- f. Provision of information on nontraditional employment;
- g. Provision of performance information and program cost information on the eligible providers of training services by program and type of providers;
- h. Referrals to and coordination of activities with other programs and services, including programs and services within the OhioMeansJobs delivery system and, in appropriate cases, other workforce development programs;
- i. Provision of information, in usable and understandable formats and languages, regarding how the local area is performing on the local performance accountability measures and any additional performance information with respect to the OhioMeansJobs delivery system in the local area;
- j. Provision of information, in usable and understandable formats and languages, relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance, including:
  - Child care;
  - Child support;
  - Transportation available in the local area;
  - Medical or child health assistance available through the State's Medicaid program and Children's Health Insurance Program (CHIP);
  - SNAP;
  - Assistance through the earned income tax credit;

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- TANF;
  - Other supportive services; and
- k. Group workshops (e.g., interviewing, job search, financial management, and resume writing).

### **Basic Career Services Triggering Participation in WIOA**

Other basic career services require staff assistance from OhioMeansJobs center staff and receipt of these services triggers an individual to become a participant and be included in WIOA performance if the individual was provided services as part of the WIOA Adult and Dislocated Worker program. Therefore, the eligibility must be determined for the individual pursuant to WIOAPL No. 15-02, Adult and Dislocated Worker Eligibility. If these services are provided by Employment Service staff as part of the Wagner-Peyser program, WIOA eligibility does not have to be conducted and these individuals will be included in Wagner-Peyser performance.

These basic career services include the following:

- a. Initial assessment of skill levels, including literacy, numeracy, and English language proficiency, as well as aptitudes and abilities (including skills gaps);
  - b. Supportive service needs assessment;
  - c. Staff-assisted job search assistance;
  - d. Placement assistance (includes job matching, job referrals, and job development);
  - e. Career counseling, including staff-assisted career guidance and provision of information on in-demand industry sectors and occupations, on nontraditional employment, and from career profiles and interest inventories;
  - f. Provision of information and assistance regarding filing claims for unemployment compensation, by which the OhioMeansJobs center must provide meaningful assistance as described in WIOAPL No. 16-09 to individuals seeking assistance in filing a claim for unemployment compensation;
  - g. Assistance in establishing eligibility for programs of financial aid; and
  - h. Provision of job club activities.
4. Individualized Career Services

Per section 134(c)(2)(A)(xii) of WIOA, some individualized career services are available to adults and dislocated workers if determined to be appropriate in order to obtain or retain employment. Individualized career services include short-term pre-vocational services and must be provided to participants after



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staff determine that such services are required to retain or obtain employment. Generally, these services involve significant staff time and customization to each individual's need. These services generally will be provided by the WIOA Adult and Dislocated Worker programs, although it may be appropriate for the Wagner-Peyser Employment Service to provide some of these services.

Receipt of WIOA individualized career services triggers participation, and the participant is included in WIOA performance if these individuals were provided services. Therefore, the eligibility must be determined for the individual pursuant to WIOAPL No. 15-02. If these services are provided by Employment Service staff as part of the Wagner-Peyser program, WIOA eligibility does not have to be conducted and these individuals will be included in Wagner-Peyser performance.

Individualized career services include:

- a. Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include:
  - Diagnostic testing and use of other assessment tools; and
  - In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
- b. Development of an individual employment plan (IEP) to identify all of the following:
  - Employment goals;
  - Appropriate achievement objectives;
  - Appropriate combination of services for the participant to achieve the employment goals, including providing information on eligible training providers and career pathways to attain career objectives.

IEPs are one of the most effective ways to serve individuals with barriers to employment and to coordinate the various services, including training services they may need to overcome these barriers. Therefore, all participants who receive an individualized career service or a training service pursuant to WIOAPL No. 15-09, Training Services for Adults and Dislocated Workers, must receive an IEP. IEPs must be reviewed with the participant to ensure the IEP is effectively addressing the needs of the participant.

- c. Group counseling;
- d. Individual counseling;
- e. Career planning;
- f. Short-term prevocational services to prepare individuals for unsubsidized employment or training, which include:
  - Development of learning skills;
  - Communication skills;

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- Interviewing skills;
- Punctuality;
- Personal maintenance skills;
- Professional conduct.

- g. Internships and work experiences (including transitional jobs) that are linked to careers;
- h. Workforce preparation activities;
- i. Financial literacy services;
- j. Out-of-area job search assistance and relocation assistance; and
- k. English language acquisition and integrated education and training programs.

### 5. Follow-Up Services

Appropriate follow-up services must be made available to a participant placed in unsubsidized employment for a minimum of 12 months following the participant's first date of employment. Follow-up services can be useful for participants in order to maintain employment. WIOA staff can provide workplace information and tips for success in the workplace environment and other counseling about the work place.

Additionally, follow-up services provide the continuing link between the participant and workforce system. These services allow the WIOA staff to assist with other services the participant may need once he or she obtains employment. Examples may include assistance with employer benefits, health insurance, and financial literacy and budgeting assistance.

Follow-up services do not extend the date of exit in performance reporting.

### 6. Registration in OhioMeansJobs.com

Per section 6301.18 of the Revised Code, each participant in the WIOA adult and dislocated worker program must create an account in OhioMeansJobs.com at the time of participation in the program.

This requirement does not apply in any of the following circumstances, where the individual:

- a. Is legally prohibited from using a computer.
- b. Has a physical or visual impairment that makes the individual unable to use a computer; or
- c. Has a limited ability to read, write, speak, or understand a language in which OhioMeansJobs.com is available.

## **B. Supportive Services**

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Supportive services are designed to provide a participant with the resources necessary to enable their participation in career services. Supportive services may include, but are not limited to:

1. Assistance with transportation;
2. Assistance with child care and dependent care;
3. Linkages to community services;
4. Assistance with housing;
5. Needs-related payments;
6. Assistance with educational testing;
7. Reasonable accommodations for individuals with disabilities;
8. Referrals to health care;
9. Assistance with uniforms or other appropriate work attire and work-related tools;
10. Assistance with books, fees, school supplies, and other necessary items for students enrolled in post-secondary education classes;
11. Payments and fees for employment and training-related applications, tests, and certifications; and
12. Legal aid services.

Referrals to supportive services are career services that may be available to adults and dislocated workers through the workforce development system.

Supportive services may only be provided to participants who are in career or training services, to participants who are unable to obtain supportive services through other programs providing supportive services, and in a manner necessary to enable individuals to participate in career and/or training services.

### **C. Use of Previous Assessments**

When determining the services needed for an individual to obtain or retain employment, the local area or OhioMeansJobs center partner shall not be required to complete a new interview, evaluation, or assessment of a participant if the local area or OhioMeansJobs center partner determines it is appropriate to use a recent (meaning within the preceding 6 months) interview, evaluation, or assessment of the participant, that was conducted by another education or training program. This may include evaluations or assessments completed by a secondary school, Vocational Rehabilitation, ABLE, Veteran program, or other education or training provider.

### **D. Priority for the Adult Program**

## **Policy 12-707: Career Services for Adults and Dislocated Workers**

WIOA focuses on serving individuals with barriers to employment and seeks to ensure access to quality services for these populations. Individualized career services provided with adult funds may be a pathway to self-sufficiency for low-income adults, public assistance recipients, and individuals who are basic skills deficient. Section 134(c)(3)(E) of WIOA establishes a priority requirement with respect to funds allocated to the local area for adult employment and training activities. Under WIOA, priority must be implemented regardless of the amount of funds available to provide services in the local area.

Therefore, priority for individualized career services funded by and provided through the adult program shall be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for receipt of those career services determined appropriate to obtain or retain employment. Individuals who are English language learners meet the criteria for basic skills deficient and must be included in the priority population.

Individuals who are underemployed as defined in this policy and meet the definition of a low-income individual may receive individualized career services under the Adult program on a priority basis. This priority does not necessarily mean that these services may only be provided to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. Individuals who are not members of the priority group may still receive individualized career services as determined appropriate.

The emphasis in WIOA is to prioritize services to those individuals who have the most barriers to employment and to provide those individuals with the opportunity to benefit from employment and training services. As such, the State will monitor this priority by reviewing the characteristics of adults and dislocated worker participants.

### **E. Priority for Veterans and Eligible Spouses**

Additionally, the Jobs for Veterans Act, Public Law 107-288 establishes priority of service for veterans and eligible spouses. Veterans and eligible spouses must first meet any and all of the statutory eligibility criteria in order to be considered for: a) enrollment in the program; b) receipt of priority for enrollment in the program; and c) priority of receipt of services. Priority means that veterans and eligible spouses take precedence, with all other qualifying eligibility requirements being equal, over non-veteran and eligible spouses in obtaining services and program enrollment.

Priority must be given in the following order:

1. To veterans and eligible spouses who are also included in the groups given statutory priority for WIOA Adult formula funding. This means that veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient would receive first priority for services with WIOA Adult formula funds for individualized career services.
2. To individuals who are not veterans or eligible spouses who are included in the groups given priority for WIOA Adult formula funds.
3. To veteran and eligible spouses who are not included in WIOA's priority groups.

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4. Priority populations established by the State or local board.
5. To individuals who are outside the groups given priority under WIOA.

### **Definitions**

Affiliate OhioMeansJobs center: An access point in addition to the comprehensive OhioMeansJobs center in each local area, which makes available to job seeker and employer customers one or more of the OhioMeansJobs center partners' programs, services, and activities.

Appropriateness: The possession of qualities that are right, needed, or suitable for career services.

Basic skills deficient: An individual who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.

Career counseling: Facilitated exploration of occupational and industry information that will lead to a first, new, or better job for the job seeker.

Career pathway: a combination of rigorous and high-quality education, training, and other services that:

1. Aligns with the skill needs of industries in the economy of the State or regional economy involved;
2. Prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including registered apprenticeships;
3. Includes counseling to support an individual in achieving the individual's education and career goals;
4. Includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
5. Organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable.
6. Enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential; and
7. Helps an individual enter or advance within a specific occupation or occupational cluster.

Career planning: Per 3(8) of WIOA, the provision of a client-centered approach in the delivery of services designed to:

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1. Prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and supportive services, using, where feasible, computer-based technologies; and
2. Provide job, education, and career counseling, as appropriate during program participation and after job placement.

Comprehensive OhioMeansJobs center: A physical location where job seeker and employer customers can access the programs, services, and activities of all required partners. A comprehensive OhioMeansJobs center must provide career services, training services, access to any employment and training activities carried out by WIOA or any of the OhioMeansJobs center partners, and workforce and labor market information.

Eligible spouse: Per United States Department of Labor, Training and Employment Guidance Letter (TEGL) No.10-09, the spouse of any of the following:

1. Any veteran who died of a service-connected disability;
2. Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
  - Missing in action;
  - Captured in the line of duty by a hostile force; or
  - Forcibly detained or interned in the line of duty by a foreign government or power;
3. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veteran Affairs; or
4. Any veteran who died while a disability was in existence. A spouse whose eligibility is derived from a living veteran or service member (i.e., categories 2 and 3 above) would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g., if a veteran with a total service-connected disability were to receive a revised disability at a lower level). Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member.

English language acquisition program: A program of instruction that:

1. Is designed to help eligible individuals who are English language learners achieve competence in reading, writing, speaking, and comprehension of the English language; and
2. Leads to:
  - Attainment of a secondary school diploma or its recognized equivalent and transition to postsecondary education and training; or
  - Employment.

Financial literacy services: Activities provided to gain an understanding of basic financial information which is necessary to become self-sufficient, and includes the following:

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1. Supporting the ability of participants to create household budgets, initiate savings plans, and make informed financial decisions about education, retirement, home ownership, wealth building, or other savings goals;
2. Supporting the ability to manage spending, credit, and debt, including credit card debt, effectively;
3. Increasing awareness of the availability and significance of credit reports and credit scores in obtaining credit, including determining their accuracy (and how to correct current inaccuracies in the reports and scores) and their effect on credit terms;
4. Supporting the ability to understand, evaluate, and compare financial products, services, and opportunities; and
5. Supporting activities that address the particular financial literacy needs of non-English speakers, including providing support through the development and distribution of multilingual financial literacy and education materials.

Follow-up services: Activities to monitor adults or dislocated workers' success during their transition to employment and further education and to provide assistance as needed for a successful transition.

Group counseling: Activity which involves two or more participants addressing certain issues, problems, or situations that may be shared by group members.

In-demand occupation: An occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy as listed on the State In-Demand Occupations list or as defined by the local area per the Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 15-11, Use of Individual Training Accounts (ITA).

In-demand industry sector: An industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, and local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors as listed on the State In-Demand Occupations list or as defined by the local area per the WIOAPL No. 15-11.

Individual counseling: One-on-one session that may go into greater detail for a participant regarding certain issues, problems, or situations.

Individual with a barrier to employment: Per section 3(24) of WIOA, an individual who is a:

1. Displaced homemaker;
2. Low-income individual;
3. Indian, Alaskan native, and Native Hawaiian;
4. Individual with disabilities;

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5. Older individual (age 55 and older);
6. Ex-offender;
7. Homeless individual or homeless child and youth;
8. Youth who is in or has aged out of the foster care system;
9. English language learner, has low levels of literacy, and is facing substantial cultural barriers;
10. Eligible migrant and seasonal farmworker;
11. Individual within two years of exhausting lifetime temporary assistance to needy families (TANF) eligibility;
12. Single parent (including single pregnant woman);
13. Long-term unemployed individual (unemployed for 27 or more consecutive weeks); and
14. Other groups of individuals as the State determines to have barriers to employment.

Individual employment plan (IEP): An individualized career service in which a plan is jointly developed and reviewed by the participant and staff that includes an ongoing strategy to identify employment goals, achievement objectives, and an appropriate combination of services for the participant to obtain these goals and objectives.

Integrated education and training: A service approach that provides adult education and literacy activities concurrently and contextually with workforce preparation activities and workforce training for a specific occupation or occupational cluster for the purpose of educational and career advancement.

Internship: A system of gaining on-the-job experience by placement in a work environment for a period of time with the goal to build technical and job awareness skills. Internships may be paid or unpaid.

Job club: A structured job search program designed to prepare individuals for a successful job search by obtaining basic job-seeking skills and individualized assistance. The program includes, at a minimum, instruction on resume writing, application preparation, interviewing skills, job lead development, development of a job search plan, and mock interviews.

Long term unemployed individual: A person who has been unemployed for 27 or more consecutive weeks.

Lower living standard income level (LLSIL): As defined in section 3 (36)(B) of WIOA, the income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Department of Labor based on the most recent lower living family budget issued by the Secretary.

Low-income individual: As defined in section 3(36)(A) of WIOA, an individual who:



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1. Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the Supplemental Nutrition Assistance Program (SNAP), TANF, or the Supplemental Security income (SSI) program, or local income-based public assistance;
2. Is in a family with total family income that does not exceed the higher of:
  - a. The poverty line; or
  - b. 70% of the lower living standard income level.
3. Is a homeless individual;
4. Receives or is eligible to receive a free or reduced price lunch;
5. Is a foster child on behalf of whom State or local government payments are made; or
6. Is an individual with a disability whose own income meets the income requirement of clause (2), but who is a member of a family whose income does not meet this requirement.

Meaningful assistance: Providing assistance on-site using staff who are well-trained in unemployment compensation claims filing and the rights and responsibilities of claimants or providing assistance by phone or other technology, as long as the assistance is provided by trained and available staff and within a reasonable time. WIOAPL No. 16-09 provides further guidance to the role of the Unemployment Insurance Program in the OhioMeansJobs centers and provision of meaningful assistance.

Participant: A reportable individual who received services other than self-service, after satisfying all applicable programmatic requirements for the provision of services, such as having an eligibility determination completed by local WIOA staff.

Participation: The point at which the individual has been determined eligible for program services and has received or is receiving a career or training service, other than basic career services and is the point at which an individual is to be included in calculations for performance measures.

Public assistance: As defined in section (3)(50) of WIOA, federal, state, or local government cash payments for which eligibility is determined by a needs or income test. This includes TANF, SNAP, or SSI.

Registration: The process of collecting information to support a determination of eligibility for the WIOA adult and dislocated worker programs. This information may be collected through methods that include electronic data transfer, personal interview, or an individual's application.

Reportable individual: An individual who has taken action that demonstrates an intent to use the program services and who meets specific reporting criteria of the program, including:

1. Individuals who have provided identifying information;
2. Individuals who only use the self-service system; or

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3. Individuals who only receive information-only services or activities.

Self-service: When individuals independently (with little to no staff assistance) access any workforce development system program's information and activities in either a physical location, such as an OhioMeansJobs center resource room or partner agency, or remotely via the use of electronic technologies (e.g., OhioMeansJobs.com). Self-service does not uniformly apply to all virtually accessed services (e.g., virtually accessed services that provide a level of support beyond independent job or information seeking on the part of an individual would not qualify as self-service).

Supportive services: Services that are necessary to enable an individual to participate in activities authorized under WIOA.

Transitional job: A time-limited work experience that is wage-paid and subsidized, and is in the public, private or non-profit sectors for those individuals with barriers to employment who are chronically unemployed or have inconsistent work history, as determined by the local board. These jobs are designed to enable an individual to establish a work history, demonstrate work success in an employee-employer relationship, and develop the skills that lead to unsubsidized employment.

Underemployed individual: An individual who is one of the following:

- Employed less than full-time who is seeking full-time employment;
- Employed in a position that is inadequate with respect to their skills and training;
- Employed and meets the definition of a low-income individual; or
- Employed, but whose current wages are not sufficient compared to wages from previous employment per local policy.

Veteran: An individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable, which may include National Guard or Reserve personnel.

Work experience: A planned, structured learning activity that takes place in a workplace setting for a limited period of time (refer to WIOAPL No. 15-12, Work Experience for Adults and Dislocated Workers).

Workforce preparation activities: Activities, programs, or services designed to help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in:

- Utilizing resources;
- Using information;
- Working with others;
- Understanding systems;
- Skills necessary for successful transition into and completion of postsecondary education or training, or employment; and
- Other employability skills that increase an individual's preparation for the workforce.

### **Local Area Requirements**

#### **A. Provision of Career Services**

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Career services for adults and dislocated workers must be made available in at least one comprehensive OhioMeansJobs center in the local area. Services may also be available in the affiliate OhioMeansJobs centers. Local WDBs determine the most appropriate mix of these services, but both career and training services must be available for eligible adults and dislocated workers.

### **B. Coordinate with Wagner-Peyser Employment Services**

The local WDB and the OhioMeansJobs center operator should review career services to determine if any of these services are being provided or may be provided by a required partner, including the Wagner-Peyser Employment Service program in the OhioMeansJobs center. The local WDB, OhioMeansJobs center operator, and the Wagner-Peyser Employment Service should discuss strategies to reduce duplication and to appropriately utilize resources when providing services to universal customers, specifically when basic career services are being provided.

The memorandum of understanding (MOU) should address how WIOA self-service or informational career services will be coordinated with partner programs.

### **C. Development of Local Policies**

#### **1. Follow-Up Services**

Local WDBs must establish a policy that defines what are considered to be appropriate follow-up services, as well as policy for identifying when to provide follow-up services to adult and dislocated worker participants.

#### **2. Supportive Services**

The local WDB must develop a policy on supportive services that ensures resources and service coordination in the local area. Local WDBs may establish limits on the provision of supportive services, including a maximum amount of funding and maximum length of time for supportive services to be available to participants. Supportive services are WIOA-funded only when these services are not available through other programs and agencies and the services are necessary for the individual to participate in Adult and Dislocated Worker program activities. Therefore, the policy must also address procedures for referral to such services, including how such service will be funded when they are not otherwise available from other sources. Procedures granting exceptions to the limits may also be established.

## **Reporting Requirements**

Registration is the process for collecting information to support a determination of eligibility. Program participation begins after the registration process of collecting information to support an eligibility determination and begins when the individual receives a basic career service triggering participation, individualized career service, or training service which is funded by the WIOA Adult or Dislocated Worker program. Pursuant to rule 5101:9-30-04 of the Administrative Code, the local WDB shall ensure the timely and accurate reporting of WIOA participants, activities, and performance information by using the Ohio Workforce Case Management System (OWCMS).

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### **Monitoring**

At the local level, the local area must conduct oversight of the implementation of the WIOA Adult and Dislocated Worker programs to ensure that priority populations are being served, participants are enrolled in the programs and have been provided identified services.

Through the state's monitoring system, program monitors will review the local area's implementation of the WIOA Adult and Dislocated Worker programs, including a participant file review, during the annual onsite monitoring review for compliance with federal and state laws and regulations. Any issues will be handled through the state's monitoring resolution process.

### **Technical Assistance**

For technical assistance, you may send your request to the Office of Workforce Development: [WIOAQNA@jfs.ohio.gov](mailto:WIOAQNA@jfs.ohio.gov).

### **References**

Workforce Innovation and Opportunity Act, § 134, Public Law 113-128.

20 C.F.R. §§ 677.150, 678.305 – 310, 678.430, 680.100 – 190, and 680.600.

USDOL, Training and Employment Guidance Letter WIOA No. 19-16, Operating Guidance for the Workforce Innovation and Opportunity Act, Guidance on Services provided through the Adult and Dislocated Worker Programs Under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by Title III of WIOA, and for Implementation of the WIOA Final Rules, (March 1, 2017)

USDOL, Training and Employment Guidance Letter One-Stop Operating Guidance for the Workforce Innovation and Opportunity Act No. 16-16, One-Stop Operations Guidance for the American Job Center Network, (January 18, 2017).

USDOL, Training and Employment Guidance Letter WIOA No. 10-16, Operating Guidance for the Workforce Innovation and Opportunity Act, Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Title I, Title II, Title III, and Title IV Core Programs (December 19, 2016).

USDOL, Training and Employment Guidance Letter WIOA No. 3-15, Operating Guidance for the Workforce Innovation and Opportunity Act, Guidance on Services Provided through the Adult and Dislocated Worker Program under the Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) and Wagner-Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services, (July 1, 2015).

USDOL, Training and Employment Guidance Letter No. 10-09, Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL), (November 10, 2009).

O.R.C. 6301.18.

O.A.C. 5101:9-30-04, Mandated Use of Ohio Workforce Case Management System (OWCMS).

## **Policy 12-707: Career Services for Adults and Dislocated Workers**

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 16-09, Establishment of the Workforce Delivery System, (May 30, 2017).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 16-08, Procurement of the OhioMeansJobs Center Operator and Provider of Career Services, (February 24, 2017).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-12, Work Experience for Adults and Dislocated Workers, (July 15, 2015).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-11, Use of Individual Training Accounts (ITAs), (July 15, 2015).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-02, Adult and Dislocated Worker Eligibility, (July 15, 2015).

### **Rescission**

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-08, Career Services for Adults and Dislocated Workers, (July 15, 2015).

## Policy 12-708: Training Services for Adults and Dislocated Workers

<b>Reference State Policy:</b>	WIOAPL No. 15-09.1
<b>Board Approved:</b>	03/07/2024
<b>Revision Approved:</b>	
<b>Effective Date:</b>	03/07/2024
<b>Policy Obsolete:</b>	

### **I. Purpose**

The purpose of this policy is to provide direction to the local workforce development boards (WDBs) in the provision of training services to adults and dislocated workers.

### **III. Rescission**

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-09, Training Services for Adult and Dislocated Workers, (July 15, 2015).

### **IV. Background**

The Workforce Innovation and Opportunity Act (WIOA) is designed to provide employment and training opportunities to those who can benefit from, and who need such opportunities. Training services can be critical to the employment success of many adults and dislocated workers. As there is no sequence of services, WIOA staff may determine training services are appropriate, regardless of whether the individual has received basic or individualized career services first.

Under WIOA, training services may be provided if the WIOA staff, including staff from partner programs at the American Job Center (which in Ohio is called OhioMeansJobs center), determines, after conducting an interview, evaluation, or assessment, and career planning, that the individual:

1. Is unlikely or unable to obtain or retain employment;
2. Needs training services to obtain or retain employment;
3. Has the skills and qualifications to successfully participate in the selected program of training services;
4. Is unable to obtain grant assistance from other sources (for example, Federal Pell Grants, Temporary Assistance for Needy Families (TANF), and State-funded training funds) to pay the costs of such training, or requires WIOA assistance in addition to other sources;
5. Is a member of a worker group covered under a petition for Trade Adjustment Assistance (TAA) and is awaiting a determination;

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6. Is determined eligible and a member of a priority population if training services are provided through the WIOA adult program; and/or
7. Selects a program of training services that is directly linked to a state in-demand occupation.

### **A. Training Services**

Training services are provided to equip individuals to enter the workforce and retain employment. Training Services may include:

1. Occupational skills training, including training for nontraditional employment;
2. Registered apprenticeship (which incorporates both on-the-job training (OJT) and classroom training);
3. OJT as outlined in Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 15-22.1, On-the-Job Training (OJT) Policy;
4. Incumbent worker training (IWT), as outlined in WIOAPL No. 15-23, Incumbent Worker Training (IWT) Guidelines;
5. Workplace training with related instruction, which may include cooperative education programs;
6. Training programs operated by the private sector;
7. Skill upgrading and retraining;
8. Entrepreneurial training;
9. Job readiness training provided in combination with other training services or transitional jobs outlined in WIOAPL No. 15-12, Work Experience for Adults and Dislocated Workers;
10. Adult education and literacy activities, including activities for English Language acquisition and integrated education and training programs, provided concurrently or in combination with other training services;
11. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training, as outlined in WIOAPL No. 15-24, Customized Training Guidelines.

### **B. Individual Training Account (ITA)**

An ITA is the primary method to be used for procuring training services under WIOA. ITAs are established on behalf of a WIOA participant to purchase a program of training

services from eligible training providers. WIOAPL No. 15-11.1, Use of Individual Training Accounts, provides guidance for the use of ITAs.

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However, in certain circumstances, a training contract may be used to provide training services, instead of an ITA. These circumstances are referred to as the “training exceptions” or “contract exceptions.” Training contracts may only be used if at least one of the five circumstances apply and the process for their use is described in the local plan:

1. On-the-job training, which may include paying for the on-the-job training portion of a registered apprenticeship program, customized training, incumbent worker training, or transitional jobs;
2. If the local WDB determines there are an insufficient number of eligible providers of training services in the local area to accomplish the purposes of a system of individual training accounts as described in the local plan. This determination process must include a public comment period for interested providers of at least 30 days and must be described in the local plan;
3. If the local WDB determines there is a training services program of demonstrated effectiveness, through criteria developed by the local board, offered in the local area by a community-based organization or another private organization to serve individuals with barriers to employment;
4. If the local WDB determines that the most appropriate training could be provided by an institution of higher education or other provider of training services to facilitate the training of a cohort of multiple individuals for jobs in in-demand industry sectors or occupations, provided the contract does not limit customer choice; or
5. If the local WDB determines a Pay-for-Performance contract is suitable, and ensures that the contract will be consistent with 20 C.F.R. 683.510 (note that no more than 10 percent of the local funds may be spent on pay-for-performance contract strategies as they are defined in section 3(47) of WIOA).

### **C. Eligible Training Providers**

Training services and occupational skills training for which ITAs are used shall only be delivered by providers who have met the eligibility criteria and have been listed on Ohio’s Workforce Inventory of Education and Training (WIET) pursuant to section 122 of the WIOA. WIOAPL No. 16-02, Eligible Training Providers, establishes the criteria for eligible training providers and the procedures for approval on WIET.

Pursuant to 20 C.F.R. 680.530, providers of OJT, customized training, incumbent worker training, internships, paid or unpaid work experience, or transitional jobs are not subject to the requirements applicable to entities listed on the eligible training provider list, and are not included on WIET, the state's list of eligible training providers.

### **D. Registered Apprenticeship Programs**

Registered apprenticeship is an important component for training and employment services that the workforce system can provide to its participants. It is a proven model of job preparation that combines paid OJT with related instruction to progressively



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increase workers' skill levels and wages. Registered apprenticeship is also a proven business-driven model that provides an effective way for employers to recruit, train, and retain highly skilled workers. Graduates of registered apprenticeship programs receive nationally-recognized, portable credentials, and their training may be applied toward further postsecondary education.

Registered apprenticeship programs may be funded through several mechanisms. The classroom training portion of a registered apprenticeship may be funded through an ITA, per WIOAPL No. 15-11.1. To allow registered apprenticeship programs to be more directly connected to the workforce system, registered apprenticeship programs that have been approved by the Ohio Department of Job and Family Services (ODJFS), as a recognized State apprenticeship agency, are automatically eligible to be training providers and included on WIET per WIOAPL No. 16-02.

### **V. Definitions**

**Appropriateness:** The possession of qualities that are right, needed, or suitable for training services.

**Basic skills deficient:** An individual who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.

**Customized training:** Training that is designed to meet the specific requirements of an employer (including a group of employers), that is conducted with the commitment by the employer to employ an individual upon successful completion; and for which the employer pays:

1. A significant portion of the cost of training, as determined by the local board involved, taking into account the size of the employer and such other factors as the local board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees, relation of the training to the competitiveness of the participant, and other employer-provided training and advancement opportunities; and
2. In the case of customized training involving an employer located in multiple local areas in the State, a significant portion of the cost of the training, as determined by the Governor of the State, taking into account the size of the employer and such other factors as the Governor determines to be appropriate.

**Entrepreneurial training:** Training that provides the basics of starting and operating a small business, including developing viable business ideas, creating a business plan, and/or assistance in accessing small loans or grants.

**Extenuating circumstances:** An economic hardship that is beyond the reasonable control of the person(s) responsible for providing financial assistance to the WIOA participant for training.

**Family:** Per 20 C.F.R. 675.300, two or more persons related by blood, marriage, or decree of court, who are living in a single residence and are included in one or more of the following categories:

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1. A married couple and dependent children.
2. A parent or guardian and dependent children.
3. A married couple.

Family self-sufficiency: An economic standard that uses a combination of family members' incomes to determine whether the participant has the means to fund training services.

Incumbent worker training (IWT): Training to employed workers who need additional skills to support job retention and career development.

In-demand industry sector: An industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, and local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors as listed on the State In-Demand Occupations list or as defined by the local area per the WIOAPL No. 15-11.1.

In-demand occupation: An occupation that currently has or is projected to have positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy as listed on the State In-Demand Occupations list or as defined by the local area per WIOAPL No. 15-11.1.

Individual employment plan: An individualized career service in which a plan is jointly developed and reviewed by the participant and staff that includes an ongoing strategy to identify employment goals, achievement objectives, and an appropriate combination of services for the participant to obtain these goals and objectives.

Individual with a barrier to employment: Per section 3(24) of WIOA, an individual who is a:

1. Displaced homemaker (as defined in section 3(16) of WIOA);
2. Low-income individual (as defined in section 3(36) of WIOA);
3. Indian, Alaska native, and Native Hawaiian (as defined in section 166(b) of WIOA);
4. Individual with a disability (as defined in section 3(25) of WIOA), including adults and youth who are in receipt of Social Security Disability Insurance benefits;
5. Older individual (age 55 and older);
6. Ex-offender ("offender" is defined in section 3(38) of WIOA);
7. Homeless individual or homeless child and youth;
8. Youth who is in or has aged out of the foster care system;

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9. English language learner, has a low level of literacy, and is facing substantial cultural barriers;
10. Eligible migrant and seasonal farmworker;
11. Individual within two years of exhausting lifetime temporary assistance to needy families (TANF) eligibility;
12. Single parent (including single pregnant woman);
13. Long-term unemployed individual (unemployed for 27 or more consecutive weeks); and/or
14. Other groups of individuals as the State determines to have barriers to employment.

Interim employment (also known as stop-gap employment): Employment that has been accepted for income maintenance prior to, and/or during, participation in career or training services with the intention of ending such employment at the completion of the career or training services and entry into permanent, unsubsidized employment as a result of the services. Interim employment is accepted because the affected workers have lost the primary occupation for which their training, experience, or work history qualifies them. Interim employment can be part-time or full-time and must not be with the same employer from which the affected workers were dislocated.

Occupational skill training: An organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels and results in attainment of a recognized postsecondary credential.

On-the-job training (OJT): Training by an employer that is provided to a paid participant while engaged in productive work in a job that:

1. Provides knowledge or skills essential to the full and adequate performance of the job;
2. Is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, except as provided in section 134(c)(3)(H) of WIOA, for the extraordinary costs of providing the training and additional supervision related to the training; and
3. Is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, prior work experience of the participant, and the service strategy for the participant.

Priority population: Individuals who have barriers to employment, who are on public assistance, and who are basic skills deficient are given priority to receive individualized career services and training services. This priority must be consistent with priority of services for veterans and eligible spouses.

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Program of training services: Per 20 C.F.R. 680.420, one or more courses or classes, or a structured regimen leading to:

1. An industry-recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by Ohio or the federal government, an associate or baccalaureate degree;
2. A secondary school diploma or its equivalent;
3. Employment; or
4. Measurable skill gains toward a credential as described in paragraphs 1 and 2 of this definition or employment.

Pay-for-performance contract strategy: A procurement strategy that uses pay-for-performance contracts in the provision of training services and includes:

1. Contracts, each of which shall specify a fixed amount that will be paid to an eligible service provider based on the achievement of specified levels of performance on primary indicators of performance for target populations within a defined timetable, and which may provide for bonus payment to such service provider to expand capacity to provide effective training;
2. A strategy for independently validating the achievement of the performance; and
3. A description of how the State or local board will reallocate funds not paid to the provider because the achievement of performance did not occur for further activities related to such a procurement strategy.

Primary occupation: The customary work for which the dislocated worker's training, experience, or work history qualifies them.

Public assistance: As defined in section (3)(50) of WIOA, federal, state, or local government cash payments for which eligibility is determined by a needs or income test. This includes temporary assistance for needy families (TANF), the supplemental nutrition assistance program (SNAP), and supplemental security income (SSI).

Self-sufficiency: Per section 134 (a)(3)(A)(xii) of WIOA and 20 C.F.R. 680.140(b)(6), an economic standard that specifies the income needs of families, by family size, the number and ages of children in the family, and local area geographical considerations.

Registered apprenticeship program: A program meeting Federal and State standards of job preparation that combines paid on-the-job training and related instruction to progressively increase workers' skill levels and wages.

Transitional jobs: A time limited work experience that is wage-paid and subsidized, and is in the public, private, or non-profit sectors for those individuals with barriers to employment who are chronically unemployed or have inconsistent work history, as determined by the local

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WDB. These jobs are designed to enable an individual to establish a work history, demonstrate success in an employee-employer relationship, and develop the skills that lead to unsubsidized employment.

### **VI. Local Workforce Development Area Requirements**

#### **A. Evaluate Appropriateness to Receive Training Services**

The local WIOA Title I program staff (WIOA staff) must determine the appropriateness of a participant to pursue a program of training services. It is important that WIOA staff gather enough information to justify the need for training services. The participant case record must contain a determination of need for training services through the following determination process.

##### **1. Conduct Interview, Evaluation or Assessment, and Career Planning**

Pursuant to section 134(c)(3)(A) of WIOA, training services may be provided to adults or dislocated workers who, after an interview, evaluation, or assessment and career planning, have been determined by WIOA staff or OhioMeansJobs center partner staff to:

##### **a. Be unlikely or unable to obtain or retain employment.**

WIOA staff determines the individual is unlikely or unable, by only receiving career services, to retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment.

There is no requirement that career services be provided as a condition of receipt of training services; however, if career services are not provided before training, the WIOA staff must document the circumstances that justified its determination to provide training services, either after conducting a new interview, evaluation or assessment; or, if appropriate, based on a prior recent interview, evaluation or assessment that was conducted for another education or training program.

##### **b. Be in need of training services to obtain or retain employment.**

WIOA staff must determine that the training the individual receives would result in employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment.

Individual employment plans (IEP) are one of the most effective ways to serve individuals with barriers to employment and to coordinate the various services, including training services they may need to overcome these barriers. Therefore, all participants who receive an individualized career service per WIOAPL No. 15-08.1, Career Services for Adults and Dislocated Workers, or a training service must receive an IEP.

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- c. Have the skills and qualifications to successfully participate in the selected program of training services.**

WIOA staff must determine, through evaluation or assessment of the individual, that the individual has the skills and qualifications to successfully participate in and complete training.

The local WIOA staff shall, where appropriate, utilize previous assessments when making training determinations to reduce duplicate assessment and develop enhanced alignment across partner programs. The local WIOA staff determines when it is appropriate to use a recent assessment (within 6 months) of the participant conducted pursuant to another education or training program. This may include assessments completed by a secondary school, postsecondary school, WIOA Title II program (which in Ohio is known as Aspire), WIOA Title III program (Wagner-Peyser Employment Services), WIOA Title IV program (vocational rehabilitation), Veteran Services Program, or other education or training providers.

- d. Be unable to obtain grant assistance from other sources to pay the costs of such training or require WIOA assistance in addition to other sources of grant assistance.**

WIOA staff must coordinate training funds available and make funding arrangements with OhioMeansJobs center partners and other entities. Staff must consider the availability of other sources of grants to pay for training costs such as Temporary Assistance for Needy Families (TANF), State-funding, and Federal Pell Grants, so that WIOA funds supplement other sources of training grants.

WIOA funding for training is limited to participants who are unable to obtain grant assistance from other sources to pay the costs of such training or require assistance beyond what is available under grant assistance from other sources. WIOA funds may be used in instances where other sources of training grants do not cover the cost of the training. When determining whether additional assistance beyond grant assistance from other sources is needed, WIOA staff may take into

account the full cost of participating in training services, including the cost of supportive services and other appropriate costs.

A participant may enroll in WIOA-funded training while his/her application for a Pell Grant is pending as long as the WIOA staff has made arrangements with the training provider and the WIOA participant regarding allocation of the Pell Grant, if it is subsequently awarded. In that case, the training provider must reimburse the local area the WIOA funds used to underwrite the training for the amount the Pell Grant covers, including education fees the training provider charges to attend training. Reimbursement is not required from the portion of the Pell Grant assistance disbursed to the participant for education-related expenses.

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- e. **Be members of a worker group covered under a petition for Trade Adjustment Assistance (TAA) who are awaiting a determination.**
- f. **Be determined eligible and are members of a priority population if training services are provided through the WIOA adult program.**

WIOA focuses on serving individuals with barriers to employment and seeks to ensure access to quality services to these populations.

WIOA also establishes a statutory requirement. Priority for training services funded by and provided through the WIOA Adult program shall be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient, so that they can receive the training services that have been determined to be needed to obtain or retain employment. The emphasis in WIOA is to prioritize services to those individuals who have the most barriers to employment and to provide those individuals with the opportunity to benefit from employment and training services. Priority must be implemented regardless of the amount of funds available to provide services in the local area.

For both the Adult and Dislocated Worker Programs, the Jobs for Veterans Act, Public Law 107-288 establishes priority of service for veterans and eligible spouses. Veterans and eligible spouses must first meet any and all of the statutory eligibility criteria in order to be considered for: a) enrollment in the program; b) receipt of priority for enrollment in the program; and c) priority of receipt of services. Priority means that veterans and eligible spouses take precedence, with all other qualifying eligibility requirements being equal, over non-veteran and eligible spouses in obtaining services and program enrollment.

WIOAPL No. 15-08.1 and WIOAPL No. 15-20.1, Priority of Service for Veterans and Eligible Spouses, provide additional guidance for providing services to these priority populations.

- g. **Have selected a program of training services that is directly linked to a state in-demand occupation.**

Training services provided shall be directly linked to an in-demand industry sector or occupation or one with a high potential for sustained growth in the local workforce development area (local area) or planning region, or in another local area to which an adult or dislocated worker receiving such services is willing to relocate. Refer to WIOAPL No. 15-11.1 for the guidelines on the selection of state in-demand occupations and local in-demand occupations

## **Policy 12-708: Training Services for Adults and Dislocated Workers**

Pursuant to section 134 (c)(3)(A)(i)(I) of WIOA, for adults and dislocated workers to receive training services, they must need such service to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment.

Local WDBs must determine criteria for economic self-sufficiency. The determination as to what constitutes economic self-sufficiency may vary by local area and the local economy, so this flexibility allows local WDBs to tailor their services in a way that works in their local economy. Resources are available to assist in the determination of economic self-sufficiency for local areas. The Ohio Association of Community Action Agencies (OACAA) provides a self-sufficiency calculator by county for the state ([oacaa.org](http://oacaa.org)).

For working dislocated workers, the determination of economic self-sufficiency requires a two-step assessment of the worker's employment:

- a. Determine if the employment is "interim employment."
- b. If the employment is not "interim," determine if the wage is at least the locally defined level of self-sufficiency or if the hourly wage is comparable to or higher than wages from previous employment.

It should be noted that workers who have received notice of layoff, but have not yet been laid off and who do not have any other sources of employment are not subject to review of economic self-sufficiency.

### Interim Employment for Dislocated Workers

Typically, employment is considered interim if the salary is below the salary of the dislocated worker's primary occupation and/or if the dislocated worker is working under the skill level of his or her customary occupation. There may be circumstances where interim employment does provide a sufficient wage

temporarily but is not considered permanent employment that leads to economic self-sufficiency (e.g., working through a temporary agency). The determination about whether a dislocated worker's employment is interim employment must be made on a case-by-case basis and take into consideration the dislocated worker's personal, family, financial, and employment situation.

A dislocated worker who is in interim employment is not considered to be self-sufficient even if the hourly wage exceeds the lower living standard income or if the hourly wage is comparable to or higher than the wages from previous employment.

If a dislocated worker has interim employment, this participant is considered unemployed at participation and information should be entered into the Ohio Workforce Case Management System (OWCMS) as such.

### Wage Standard for Non-Interim Employment for Dislocated Workers



## **Policy 12-708: Training Services for Adults and Dislocated Workers**

Employed dislocated workers whose wages are over the locally defined economic self-sufficiency standard or comparable to or higher than the wages from previous employment are considered economically "self-sufficient," unless the employment is considered "interim employment." Dislocated workers who are determined to be economically "self-sufficient" may receive career services only.

### Additional Requirements for Adult-Funded ITAs

As part of the determination of the appropriateness for training services, the local area must review "family self-sufficiency" for participants seeking a WIOA adult-funded ITA. WIOA adult-funded ITAs may only be approved for those who have been determined to be below a locally defined standard of "family self-sufficiency." This requirement is intended to ensure that adult participants seeking adult-funded ITAs are those whose families lack or have limited ability to pay for the training and supportive services needed to obtain or retain employment.

Additionally, all young adults, ages 18-24, who are seeking WIOA adult-funded ITAs, must also be screened for dependency status. Refer to WIOAPL No. 15-06, Determination of Dependent Status, for guidance on determining dependency status. If an adult, ages 18-24, is determined to be dependent, "family self-sufficiency" would include the income(s) of all family members, including the young adult's parent(s).

WIOA eligible adults who are over the local standard for "family self-sufficiency" are not eligible for adult-funded ITAs. Other WIOA services may be provided, as appropriate. They may also be served using other WIOA funds, if eligible.

Local WDBs are required to develop the criteria for "family self-sufficiency." The local definition of family self-sufficiency should not be confused with the "self-sufficiency" definition.

### Extenuating Circumstances for WIOA Adult-Funded ITAs

If a participant's family income exceeds the "family self-sufficiency" standard, a participant may still receive an adult-funded ITA if extenuating circumstances exist. When evaluating extenuating circumstances, the costs related to the economic hardship must be the responsibility of either that person or that of his or her legal dependent, spouse, or parent. Those costs must be ongoing and expected to cause a financial hardship for the duration of the ITA.

Economic hardships include, but are not limited to:

- a. The portion of medical procedure or prescription medication costs that are not covered by insurance and are ongoing and determined to be medically essential;
- b. Health insurance premium payments that are not paid for by private or public sources;

## **Policy 12-708: Training Services for Adults and Dislocated Workers**

- c. Payments on past due or back mortgage, rent, or essential services (e.g., electric, water, natural gas, propane, and other utility arrearages) that accumulated because of involuntary unemployment or underemployment;
- d. Court-ordered child support or spousal payments;
- e. Ongoing payments to a nursing home, home health care provider, elder care provider, or assisted living provider; or
- f. Payments toward debt that accumulated due to a natural disaster, severe illness, or disability.

Extenuating circumstances do not include normal rent, mortgage, utility, automobile, fuel, grocery, credit card, or "pay-day loan" payments.

Exceptions may be approved on a case-by-case basis for individuals whose family income exceeds the family self-sufficiency standard. Documentation explaining the extenuating circumstances must be maintained in the participant file, along with the signature approval of the local WDB Fiscal Agent and WDB Director or designee.

### **3. Informed Customer Choice**

Training services shall be provided in a manner which maximizes consumer choice in the selection of an eligible provider of such services. Each local WDB, through the OhioMeansJobs centers, shall make available the list of eligible providers of training services and accompanying performance information. Based upon the available information, participants, with the assistance of the local area, are able to make informed customer choices.

## **VII. Reporting Requirements**

Program participation begins when the participant is determined eligible, receives the staff-assisted basic career service, individualized career service, or training service which is funded by the adult or dislocated worker program. Pursuant to rule 5101:9-30-04 of the Administrative Code, the local board shall ensure the timely (i.e., within 30 days) and accurate reporting of WIOA participants, services, case management activities, and performance information, using the Ohio Workforce Case Management System (OWCMS).

## **VIII. Monitoring**

At the local level, the local area must conduct oversight of the implementation of the WIOA adult and dislocated worker programs to ensure that participants are enrolled in the programs and have been provided identified services.

Through the state's monitoring system, program monitors will review the local area's implementation of the WIOA youth program, including a participant file review, during the annual onsite monitoring review for compliance with federal and state laws and regulations. Any issues will be handled through the state's monitoring resolution process.

## **Policy 12-708: Training Services for Adults and Dislocated Workers**

### **IX. Technical Assistance**

For technical assistance, you may send your request to the Office of Workforce Development: WIOAQNA@jfs.ohio.gov.

### **X. References**

Workforce Innovation and Opportunity Act §134, Pub. L. 113-128.

Jobs for Veterans Act, Pub. L. 107-288.

20 C.F.R.. §§ 680.200-230, 680.300, 680.320-680.340, 680.420, 680.470, 680.600, 680.650-660, and 683.500-683.510.

29 U.S.C. 3101 et seq.

O.A.C. 5101:9-30-04.

USDOL, Training and Employment Guidance Letter WIOA No. 41-14, Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) Title I Training Provider Eligibility Transition, (June 26, 2015).

USDOL, Training and Employment Guidance Letter WIOA No. 13-16, Guidance on Registered Apprenticeship Provisions and Opportunities in the Workforce Innovation and Opportunity Act (WIOA), (January 12, 2017).

USDOL, Training and Employment Guidance Letter WIOA No. 19-16, Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation

and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Services (ES), as amended by Title III of WIOA, and for Implementation of the WIOA Final Rules, (March 1, 2017).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-06, Determination of Dependent Status, (July 15, 2015).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-08.1, Career Services for Adults and Dislocated Workers, (June 6, 2017).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-11.1, Use of Individual Training Accounts, (January 8, 2018).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-12, Work Experience for Adult and Dislocated Workers, (July 15, 2015).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-20.1, Priority of Service for Veterans and Eligible Spouses, (August 18, 2017).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-22.1, On-the-Job Training Policy, (January 22, 2018).

**Policy 12-708: Training Services for Adults and Dislocated Workers**

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-23, Incumbent Worker Training (IWT) Guidelines, (March 29, 2016).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-24, Customized Training Guidelines, (March 23, 2016).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 16-02, Eligible Training Providers, (November 10, 2016).

## Policy 12-709: Adult & Dislocated Worker (DW) Eligibility

<b>Reference State Policy:</b>	WIOAPL No. 15-02.1
<b>Board Approved:</b>	03/07/2024
<b>Revision Approved:</b>	
<b>Effective Date:</b>	03/07/2024
<b>Policy Obsolete:</b>	

### Purpose

The purpose of this policy is to communicate guidance and parameters for determining eligibility requirements for individuals who are seeking to participate in Workforce Innovation and Opportunity Act (WIOA)-funded adult and dislocated worker employment and training programs.

### Rescission

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-02,

Adult and Dislocated Worker Eligibility, (July 15, 2015).

### Background

WIOA requires states to assist local workforce development areas with the implementation of employment and training activities for adults and dislocated workers. The WIOA program is designed to provide employment and training opportunities to those who can benefit from, and who are in need of, such opportunities. Meeting the eligibility criteria for a WIOA-funded program does not entitle an adult or dislocated worker to receive certain employment and training services. Local decisions on whether to provide specific services must be based upon additional state and local policy considerations, including, but not necessarily limited to, the appropriateness of services.

### **Statutory Eligibility Requirements for Adult and Dislocated Workers**

Individuals wishing to receive employment and training services funded through the adult and dislocated worker programs must meet all of the following requirements:

- 1.Be legally authorized to work in the United States;
- 2.Be 18 years of age or older;
- 3.Be properly registered for selective service (refer to WIOAPL No. 15-04, Selective Service Registration, for details, including the list of exceptions to this requirement).

There are no additional eligibility criteria for the adult program. However, WIOA requires that priority for adult services must be given to recipients of public assistance and other low-

## **Policy 12-709: Adult & Dislocated Worker (DW) Eligibility**

income individuals, and individuals who are basic skills deficient for receipt of career and training services necessary for an individual to obtain or retain employment.

### **Additional Statutory Eligibility Requirements for Dislocated Workers**

In addition to the requirements listed above, an individual must also fall into one or more of the following eligibility categories as outlined in section 3(15) (A-E) of WIOA, P.L. 113-128 to be eligible for the dislocated worker program

#### **Category A: Terminated or Laid Off, or Received a Notice of Termination or Layoff, from Employment**

- Has been terminated or laid off, or has received a notice of termination or layoff, from employment; **AND**
- Is eligible for or has exhausted entitlement to unemployment compensation; **OR** has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a state unemployment compensation law; **AND**
- Is unlikely to return to a previous industry or occupation.

#### **Category B: Plant Closure or Substantial Layoff**

- Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of or any substantial layoff at a plant, facility, or enterprise; **OR**
- Is employed at a facility where the employer has made a general announcement that such facility will close within 180 days; **OR**
- For purposes of eligibility to receive services under WIOA (P.L. 113-128), other than training services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.

#### **Category C: Self-Employed Individual**

- Was self-employed (including employment as a farmer, rancher, or fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.

#### **Category D: Displaced Homemaker**

- Is a displaced homemaker.

#### **Category E: Military Spouse**

- Is married to a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), and has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; **OR**

## **Policy 12-709: Adult & Dislocated Worker (DW) Eligibility**

- Is married to a member of the Armed Forces on active duty and meets the criteria of a displaced homemaker who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

### **Special Eligibility Conditions for Dislocated Workers**

The following are special circumstances that, when met, allow the worker to be determined eligible for the dislocated worker program, provided that the applicant is authorized to work in the United States, is 18 years of age or older, and is properly registered for selective service.

#### **A. Reemployment Services and Eligibility Assessment (RESEA) and Unemployment Compensation Reemployment Services (UCRS)**

The RESEA and UCRS systems are early intervention approaches for providing dislocated workers with reemployment services to expedite their return to productive employment. The Ohio Job Insurance (OJI) system selects claimants to participate in these programs have received a first Unemployment Insurance (UI) payment, do not have a definite return to work date, are not job attached, not attending approved training, and do not utilize a union hiring hall for employment. These selected claimants are considered to be unlikely to return to their previous occupations or industries and are considered dislocated workers under WIOA (P.L. 113-128), section 3(15), Category A: Terminated or Laid Off or Received a Notice of Termination or Layoff, from Employment.

#### **B. Trade Eligible**

The Trade Adjustment Act (TAA) is a program that assists individuals who became unemployed as a result of increased imports, with their return to suitable employment based upon an approved petition. The TAA program provides reemployment services and allowances for eligible individuals. Applicants are considered to be dislocated workers under Category A: Terminated or Laid Off, or Received a Notice of Termination or Layoff, from Employment, when the affected worker provides a copy of the petition approval letter or a screen shot from Ohio's designated case management system indicating that the individual is trade eligible.

#### **C. Locked-out Workers**

Locked-out workers are considered to be dislocated workers under Category A: Terminated or Laid Off, or Received a Notice of Termination or Layoff, from Employment, when an ODJFS Office of Unemployment Compensation hearing officer has issued a determination that a lockout exists.

#### **D. Buyouts and Forced or Early Retirements**

Workers who receive buyouts or who are forced to retire are considered dislocated workers under Category A: Terminated or Laid Off, or Received a Notice of Termination or Layoff, from Employment, when all of the following conditions are met:

- The employer has offered a buyout or early retirement, or has forced an early retirement as a means to reduce its workforce, and provides a financial incentive for long-term workers to leave their employment; and

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- The participating workers would not be voluntarily leaving their positions or retiring from employment at this time; and
- The worker is eligible for Unemployment Insurance (UI); and
- They are unlikely to return to a previous industry or occupation.

Workers in the situation listed above are considered to be preserving the jobs for employees with less seniority.

### **E. Transitioning Service Members and Recently Separated Veterans**

Dislocated worker funds can help transitioning service members or recently separated veterans enter or reenter the civilian labor force.

A transitioning service member or recently separated veteran qualifies for dislocated worker activities if he/she is separating from the Armed Forces with a discharge that is anything other than dishonorable, and he/she meets the following criteria:

- The individual has received a notice of separation, a DD-214 from the Department of Defense, or other documentation showing a separation or imminent separation from the Armed Forces, thus satisfying the termination or layoff part of the dislocated worker eligibility criteria;
- The individual meets the dislocated worker eligibility criteria regarding eligibility for or exhaustion of unemployment compensation; and
- The individual meets the dislocated worker eligibility criterion of being unlikely to return to a previous industry or occupation.

For eligibility-related definitions, see Attachment A: [Adult and Dislocated Worker Eligibility Glossary](#).

## **Local Workforce Development Area Requirements**

### **Unlikely to Return to a Previous Industry or Occupation**

Under 20 CFR 680.130, local areas may establish additional criteria to the “unlikely to return to a previous industry or occupation” definition.

If the local area identifies additional criteria, to the “unlikely to return to a previous industry or occupation” definition, a local policy must be developed to define “unlikely to return to a previous industry or occupation”. The local area may also identify other appropriate source documentation based on those additional criteria.

## **Reporting**

As recipients of WIOA dislocated worker funds, the Ohio Department of Job and Family Services (ODJFS), Office of Workforce Development and the local workforce development areas are required to maintain and report accurate program and financial information. Pursuant to rule 5101:9-30-04 of the Ohio Administrative Code, information regarding WIOA participants and their activities and performance must be entered into Ohio’s designated case management system accurately and timely. The system may be used to assist in the



## **Policy 12-709: Adult & Dislocated Worker (DW) Eligibility**

determination of eligibility but cannot be used as verification of adult or dislocated worker eligibility. WIOAPL No. 15-07.2, Source Documentation for WIOA Eligibility, lists the type of acceptable documentation to verify eligibility for the WIOA adult and dislocated worker programs.

### **Monitoring**

At the local level, the area must conduct oversight of the implementation of the WIOA adult and dislocated worker programs to ensure that participants enrolled in the programs are eligible and that eligibility has been properly documented.

During an annual onsite assessment of compliance with federal and state laws and regulations, the state's program monitors will evaluate the area's determination of eligibility for adult and dislocated worker services, by means that include a review of participant files. Any issues of concern will be handled through the state's monitoring resolution process.

### **Technical Assistance**

For additional information, you may send your questions to the Office of Workforce Development: [OWDPOLICY@jfs.ohio.gov](mailto:OWDPOLICY@jfs.ohio.gov).

For technical assistance, you may send your request to the Office of Workforce Development: [WIOAQNA@jfs.ohio.gov](mailto:WIOAQNA@jfs.ohio.gov).

### **Reference**

Workforce Innovation and Opportunity Act, Pub. L. 113-128

20 C.F.R Parts 603, 680, et al

29 U.S.C. 3101 et seq.

Ohio Admin. Code 5101:9-30-04.

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-07.2, Source Documentation for WIOA Eligibility, (February 20, 2019).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-04, Selective Service Registration, (July 1, 2015).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-09.1, Training Services for Adult and Dislocated Worker, (January 8, 2018).

### **Rescission**

ODJFS, [Workforce Innovation and Opportunity Act Policy Letter No. 15-02](#), Adult and Dislocated Worker Eligibility, (July 15, 2015). ATTACHMENT: [Adult and Dislocated Worker Eligibility Glossary](#)

## Policy 12-710: Transfer of Funds between Adult and Dislocated Workers

<b>Reference State Policy:</b>	WIOAPL No. 15-25
<b>Board Approved:</b>	03/07/2024
<b>Revision Approved:</b>	
<b>Effective Date:</b>	03/07/2024
<b>Policy Obsolete:</b>	

### **I. Purpose**

The purpose of this policy is to provide the guidance and parameters for transferring up to 100 percent of a program year allocation for adult employment and training activities, and up to 100 percent of a program allocation for dislocated worker employment and training services between the two programs.

### **II. Background**

Section 133 (b)(4) of the Workforce Innovation and Opportunity Act (WIOA) allows the local workforce development board (WDB) to transfer, if such a transfer is approved by the state, up to and including 100 percent of a program year allocation between the local adult and local dislocated worker programs. This transfer provides flexibility to the local workforce development area to provide services in the areas of greatest need.

### **III. Requirements**

Effective with the issuance of PY 2015 WIOA funds, a local WDB may transfer up to 50 percent of the local allocation between the adult and dislocated worker programs without approval from the state. Any transfers above 50 percent require a request to be made and the state to grant approval of such transfers.

Funds should not be transferred from the dislocated worker program to the adult program without regard to demands for dislocated worker services. The state may question and, if sufficient justification is not provided by the area, may deny any application for rapid response funds to address a need if a transfer has occurred from the dislocated worker program to the adult program.

A local WDB cannot transfer youth funds under WIOA.

#### Request for Transfer

For transfers of funds over 50 percent, the local WDB must make a request to the state for approval of such transfer for a specific appropriation of adult or dislocated worker funding (i.e., program year or fiscal year of appropriation). The request must specify the type of funding (whether adult or dislocated worker) to be transferred to the other program and must be for one of the following two increments:

## **Policy 12-710: Transfer of Funds between Adult and Dislocated Workers**

1. Increase the transfer up to 75 percent; or
2. Increase the transfer up to 100 percent.

There are short-term and long-term effects on program operations that could result from transfers of funds. The local WDB and the fiscal agent should examine the following considerations when deciding to transfer:

1. Are there adequate funds to maintain services to currently enrolled participants?
2. What is prompting the request?
  - a. Customer demand
  - b. Business demand
  - c. Expenditures
  - d. Enrollments
3. How will you respond to unforeseen events, such as:
  - a. Company closings
  - b. Mass layoffs
  - c. Increased training costs?
4. What are short-term and long-term impacts of the transfer?
  - a. Will there be significant change in local plan goals to warrant a local plan modification?
  - b. Will service level and service groups be affected (e.g., priority to serve low-income individuals under WIOA adult formula funding)?

All requests for transfer must include a written justification addressing each of the above-mentioned considerations and the reasons such transfer is necessary to provide adult or dislocated worker employment and training activities.

Requests are to be e-mailed to [WIAQNA@jfs.ohio.gov](mailto:WIAQNA@jfs.ohio.gov) with "Fund Transfer Request" in the subject line. The Office of Workforce Development will respond to all requests within 30 days of receipt of the transfer request. Approval of a higher transfer limit pertains only to a program (adult or dislocated worker) and program year or fiscal year of appropriation and will continue to apply for the life of the funds. For each new allocation of adult and dislocated

worker funds, the 50 percent transfer limit will automatically apply until the local workforce development area requests and is approved for a higher transfer limit.

## **Policy 12-710: Transfer of Funds between Adult and Dislocated Workers**

### Transfer of Funds

A WDB should instruct the fiscal agent of the amount to transfer, up to 100 percent of local workforce development area formula allocations, based upon the state's approval, if the percentage being transferred required approval.

Funds will retain the year of appropriation identity (e.g., program year allocation) and must be reported and accounted for accordingly using County Finance Information System (CFIS) codes established by the Bureau of County Finance and Technical Assistance (BCFTA).

To transfer funds, the local workforce development area will use the transfer-related expenditure codes of the program from which funds are being transferred, in the state's financial system to report costs incurred by the program receiving funding. Local workforce development areas shall not report expenses using the transfer-related codes in excess of 50 percent of the relevant grant unless the state has approved a higher transfer limit.

The higher transfer limit of up to 100 percent, with approval from the state, shall apply to new allocations of adult and dislocated worker funding issued in the fiscal year beginning on or after July 1, 2015. This higher transfer limit does not apply to funds received in a prior fiscal year that may be carried into the new fiscal year. The level of transfer authority that existed at the time the funding was awarded shall continue to apply to those funds for their period of availability at the local level.

### **IV. Monitoring**

At the local level, the WDB and/or the fiscal agent must conduct oversight of the transfer of WIOA adult and dislocated worker funds to ensure the transfer is being completed per this policy.

Quarterly reporting of the local workforce development area's fund transfers will be completed by the Office of Workforce Development and provided to the local workforce development board director.

Through the state's monitoring system, fiscal monitors will review the area's transfer of adult and dislocated worker funds during the annual onsite monitoring review for compliance with federal and state laws and regulations. Any issues will be handled through the state's monitoring resolution process.

### **V. Technical Assistance**

For additional information, you may send your questions to ODJFS, Office of Workforce Development: [WIAQNA@JFS.OHIO.GOV](mailto:WIAQNA@JFS.OHIO.GOV).

### **VI. References**

Workforce Innovation and Opportunity Act, § 133(b)(4), Public Law 113-128.

NPRM § 683.130 found at 80 Fed. Reg. 20877 (April 16, 2015) (to be codified at 20 C.F.R. § 683.130).

**Policy 12-710: Transfer of Funds between Adult and Dislocated  
Workers**

O.A.C. 5101:9-31-02, Workforce Investment Act (WIA) formulary allocation methodology.  
(July 24, 2014).

Rescission

ODJFS, Workforce Investment Act Policy Letter No. 09-01.5, Waiver to Increase the Transfer of Funds between the Adult and Dislocated Worker Local Formula Funds, (September 9, 2014).

## Policy 12-711: Youth Program Services

<b>Reference State Policy:</b>	WIOAPL No. 15-10
<b>Board Approved:</b>	03/07/2024
<b>Revision Approved:</b>	
<b>Effective Date:</b>	03/07/2024
<b>Policy Obsolete:</b>	

### **I. Purpose**

The purpose of this policy is to communicate guidance and information regarding the provision of services for the Workforce Innovation and Opportunity Act (WIOA) youth program.

### **II. Background**

The goal of the WIOA youth program is to assist youth in making a successful transition to employment and further education. However, the WIOA recognizes that simply providing training is not enough to enter a specific occupation. A wide range of activities and services must be available to assist youth, especially those who are disconnected and out-of-school, in making a successful transition to adulthood. The WIOA youth program is designed to provide services, employment, and training opportunities to those who can benefit from, and who are in need of such services. Funds allocated to the local workforce development areas must be used to carry out a series of services to eligible youth.

### **III. Definitions**

Adult mentoring: one-to-one supportive relationship between an adult and a youth that is based on trust.

Alternative school: schools which offer specialized, structured curriculum inside or outside of the public school system which may provide work/study and/or academic intervention for students with behavior problems, physical/mental disabilities, who are at-risk of dropping out, who are institutionalized or adjudicated youth and/or youth who are in the legal custody of the Ohio Department of Youth Services and are residing in an institution. An alternative school must be approved by the local education agency.

Career pathway: a combination of rigorous and high-quality education, training, and other services that:

- Aligns with the skill needs of industries in the economy of the State or regional economy involved;
- Prepares an individual to be successful in any of the full range of secondary and postsecondary education options, including apprenticeships;
- Includes counseling to support an individual in achieving the individual's education and career goals;

## **Policy 12-711: Youth Program Services**

- Includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
- Organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the education and career advancement of the individual to the extent practicable;
- Enables an individual to attain a secondary school diploma or its recognized equivalent, and at least one recognized postsecondary credential; and
- Helps an individual enter or advance within a specific occupation or occupational cluster.

Comprehensive guidance and counseling: a process of helping youth make and implement informed education, occupation, and life choices.

Enrollment: the collection of information to support eligibility determination and participation in any one of the 14 program elements.

Entrepreneurial skills training: training which provides the basics of starting and operating a small business.

Follow-up services: activities after completion of participation to monitor youths' success during their transition to employment and further education and to provide assistance as needed for a successful transition.

In-demand occupation: an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy as determined by the State and local boards.

In-demand industry sector: an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, and local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors as determined by the State and local boards.

Leadership development opportunities: opportunities that encourage responsibility, confidence, employability, self-determination and other positive social behaviors.

Occupational skill training: an organized program of study that provides specific vocational skills that lead to proficiency in performing actual task and technical functions required by certain occupational fields at entry, intermediate, or advance levels and results in attainment of a certificate.

On-the-job training (OJT): training by an employer that is provided to a paid participant while engaged in productive work in a job that:

- Provides knowledge or skills essential to the full and adequate performance of the job;
- Is made available through a program that provides reimbursement to the employer of a percentage of the wage rate of the participant; and

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- Is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, prior work experience of the participant, and the service strategy for the participant.

Participation: the point at which the individual has been determined eligible for youth program services, has received an assessment, and has received or is receiving at least one program element and is the point at which the individual is to be included in calculations for performance measures.

Pay-for-performance contracts: a procurement strategy that uses pay-for performance contracts which specifies a fixed amount that will be paid to an eligible service provider based on achievement of specified levels of performance on the primary indicators of performance for target populations as identified by the local board within a defined timetable, and which may provide for bonus incentives to such service provider to expand capacity.

Postsecondary school: any schooling that follows graduation from high school or completion of high school equivalency, including community colleges, four-year colleges and universities, and technical and trade schools.

Pre-apprenticeship programs: programs or set of strategies designed to prepare individuals to enter and succeed in Registered Apprenticeship programs and have a documented partnership with at least one, if not more, Registered Apprenticeship programs.

Recognized postsecondary credential: a credential consisting of an industry-recognized certificate or certification, certificate of completion of an apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree.

Secondary school: a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education as determined under State law, except that the term does not include any education beyond grade 12.

Supportive services: services such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under the WIOA.

Work experience: a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experiences may be paid or unpaid.

## **IV. Requirements**

The youth program is designed to provide the following:

- Activities leading to the attainment of a secondary diploma or its recognized equivalent, or a recognized post-secondary credential;
- Preparation for postsecondary educational and training opportunities;
- Strong linkages between academic instructions and occupation education that lead to the attainment of recognized postsecondary credentials;
- Preparation for unsubsidized employment opportunities, as appropriate; and



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- Effective connections to employers, including small employers, in in-demand industry sectors and occupations of the local and regional labor markets.

The local workforce development board (WDB) shall ensure that parents, participants, and other members of the community with experience relating to programs for youth are involved in the design and implementation of the youth program, which includes the provision of the following to each participant:

- Information on the full array of applicable or appropriate services which are available through the local board or other eligible providers or OhioMeansJobs center partners.
- Referrals to appropriate training and educational programs that have the capacity to serve the participant either on a sequential or concurrent basis.

Local WDBs must provide eligible youth with information about the full array of applicable or appropriate services available through the local board or other eligible providers, or OhioMeansJobs partners. It also provides that local boards must refer eligible youth to appropriate services that have the capacity to serve them on a concurrent or sequential basis. Additionally, eligible providers must refer youth who either do not meet the enrollment requirements of a particular program or who cannot be served by that program for further assessment, as necessary, or to appropriate programs to meet the skills and training needs of the participant.

Per section 129 (c)(8) of the WIOA, the local WDB shall make opportunities available for individuals who have successfully participated in programs carried out under this section to volunteer assistance to participants in the form of mentoring, tutoring, and other activities.

### **A. Procurement of Providers of Youth Program Activities**

Per section 123 of the WIOA, the local WDB shall award grants or contracts on a competitive basis to providers of youth workforce investment activities. If an insufficient number of eligible providers of youth workforce investment activities in the local area are available, the WDB may award grants or contracts on a sole-source basis.

Youth providers should be selected based upon their ability to provide youth program activities, especially those that may be identified in the State Plan, as well as the ability to meet performance accountability measures. The WDB shall conduct oversight of the selected youth providers.

The requirement that eligible providers of youth services be selected by awarding a grant or contract on a competitive basis does not apply to the design framework services when these services are more appropriately provided by WIOA staff.

The local WDB may implement a pay-for-performance contract strategy for program elements for which the local board may reserve and not use more than 10% of the total funds.

### **B. Pre-enrollment Activities**

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Clearly, there are an array of activities that must occur before enrollment into the WIOA youth program. These "pre-enrollment" activities include recruitment, intake, initial assessment including an initial determination of barriers and appropriateness for the program, referrals, and the determination of WIOA youth eligibility. None of these activities require enrollment in the local youth program. Pre-enrollment activities are considered to be those activities leading up to the decision to register a participant for services in the local WIOA youth program.

In addition to the "pre-enrollment" activities listed above, informational and self-help activities provided through the OhioMeansJobs centers or through OhioMeansJobs.com are not considered registered services in the WIOA youth program.

### **C. Design Framework Services**

Framework services include the objective assessment, individual service strategy (ISS), general case management, and follow-up services that lead toward successful outcomes for WIOA youth participants.

Framework services are completed prior to participation in the WIOA youth program. As a result, these services may be completed by local WIOA staff. WIOA staff providing framework services may be in the best position to provide such services and can ensure the continuity of WIOA youth programming as youth service providers change.

Both the objective assessment and the ISS are integral to the youth program, and are intended to be on-going throughout program participation. These two activities serve as the basis for which decisions are made that lead to the receipt of the array of the 14 program elements.

When completing either the objective assessment or the ISS, a new assessment of the youth is not required if the youth provider determines it is appropriate to use a recent assessment (within 6 months) of the participant conducted pursuant to another education or training program. This may include evaluations completed by a secondary school, Vocational Rehabilitation, Adult Basic and Literacy Education (ABLE), or other education or training providers.

#### Objective Assessment

Per section 129 (c)(1)(A) of the WIOA, local areas are required to provide an objective assessment of the academic levels, skill levels, and service needs of each youth participant. The purpose of the objective assessment is to identify the appropriate services, including the identification of career pathways, for each youth participant. The objective assessment shall include a review of all the following information:

- Basic skills;
- Occupational skills;
  
- Prior work experience;
- Employability;
- Interests;
- Aptitudes (including interests and aptitudes for nontraditional jobs);
- Supportive service needs; and
- Developmental needs.

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All the information captured as part of the objective assessment must be contained within the participant's case file.

### Individual Service Strategies (ISS)

Per section 129 (c)(1)(B) of the WIOA, local areas are required to develop service strategies for each participant that are directly linked to one or more performance measure and include the identification of a career pathway that includes education and employment goals, appropriate achievement objectives, and appropriate services for the participant. It is a personalized plan for each WIOA youth participant. As such, the ISS should be completed with the youth participant and periodically reviewed with the participant.

### **D. Program Elements**

Per section 129 (c)(2) of the WIOA, in order to support the attainment of a secondary school diploma or its recognized equivalent, entry into postsecondary education, and career readiness for participants, the local area youth program shall make each of the following services available to youth participants:

1. Tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies.

These strategies must lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate or attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential.

2. Alternative secondary school services or dropout recovery services.

3. Paid and unpaid work experiences.

Work experience helps youth understand proper workplace behavior and what is necessary in order to attain and retain employment. They are designed to enable youth to gain exposure to the working world and its requirements. Work experiences can serve as a stepping stone to unsubsidized employment and is an important step in the process of developing a career pathway for youth. This is particularly important for youth with disabilities.

A work experience may take place in the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience

where an employer/employee relationship, as defined by the Fair Labor Standards Act or applicable State law, exists. Work experiences provide the youth participant with opportunities for career exploration and skill development.

Work experiences must include academic and occupational education. The types of work experiences include the following categories:

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- Summer employment opportunities and other employment opportunities available throughout the year;
- Pre-apprenticeship programs;
- Internships and job shadowing; and
- On-the-job training (OJT) opportunities.

Not less than 20% of the youth program funds shall be used to provide in-school and out-of-school youth with work experience activities. WIOA youth programs must track program funds spent on paid and unpaid work experiences, including wages and staff costs for the development and management of work experiences, and report such expenditures as part of the local WIOA youth financial reporting. The percentage of funds spent of work experience is calculated based on the total local area youth funds expended for work experience rather than calculated separately for in-school and out-of-school. Local administrative costs are not subject to the 20% minimum work experience expenditure requirement.

Guidance and requirements pertaining to paid and unpaid work experiences for youth participants are outlined in Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 15-13, Work Experience for Youth.

### **4.Occupational skills training.**

Occupational skills training shall include priority consideration for training programs that lead to recognized postsecondary credentials that are aligned with state and local in-demand industry sectors or occupations. Such training must:

- Be outcome-oriented and focused on occupational goals specified in the ISS;
- Be of sufficient duration to impart the skills need to meet the occupational goal; and
- Result in the attainment of a recognized post-secondary credential.

An individual training account (ITA) is one of the primary methods through which training is financed and provided. ITAs are established on behalf of a WIOA participant to purchase a program of training services from eligible training providers. The use of an ITA is allowed for out-of-school youth, ages 18 to 24, using WIOA youth funds when appropriate.

As part of the determination of the appropriateness for occupational skills training, a review of "family self-sufficiency" must be completed for those youth participants whose eligibility was not based upon being a low income individual. In these cases, WIOA youth-funded ITAs may only be approved for those who have been determined to be below a locally defined standard of "family self-sufficiency." This requirement is intended to ensure that participants whose eligibility was not based upon being a low income individual and who are seeking youth-funded ITAs are those whose families lack or have limited ability to pay for training and supportive services needed in order to obtain or retain employment.

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Guidance and requirements pertaining to the use of ITAs are outlined in WIOAPL No. 15-11, Use of Individual Training Accounts (ITA).

### 5. Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster.

This element requires integrated education and training to occur concurrently and contextually with workforce preparation activities and training for a specific occupation or occupational cluster for the purpose of educational and career advancement. This program element describes how workforce preparation activities, basic academic skills, and hands-on occupational skills training are to be taught within the same time frame and connected to training in a specific occupation, occupational cluster, or career pathway. Youth participants will not be required to master basic skills before moving on to learning career-specific technical skills.

### 6. Leadership development opportunities.

Leadership development opportunities include:

- Exposure to post-secondary education opportunities;
- Community and services learning projects;
- Peer-centered activities, including peer mentoring and tutoring;
- Organizational and team work training, including team leadership training;
- Training in decision-making, including determining priorities and problem solving;
- Citizenship training, including life skills training such as parenting and work behavior training;
- Civic engagement activities which promote the quality of life in a community; and
- Other leadership activities that place youth in a leadership role such as serving on youth leadership committees.

Positive social behaviors are outcomes of leadership opportunities. Benefits of leadership development may include:

- Positive attitudinal development;
- Self-esteem building;
- Openness to work with individuals from diverse backgrounds;
- Maintaining healthy lifestyles;
- Maintaining positive social relationships with responsible adults and peers, and contributing to the well-being of one's community;
- Maintaining a commitment to learning and academic success;
- Avoiding delinquency;
- Postponing parenting and responsible parenting;
- Positive job attitudes and work skills; or
- Keeping informed in community affairs.

The purpose of leadership development activities is to develop skills and attitudes that are important in all areas of life. It provides encouragement and support to youth, developing skills, and instilling confidence as they transition to adulthood.

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### **7.Supportive services.**

Supportive services for youth may include, but are not limited to:

- Linkages to community services;
  - Assistance with transportation;
  - Assistance with child care and dependent care;
  - Assistance with housing;
  - Needs-related payments;
  - Assistance with educational testing;
- 
- Reasonable accommodations for youth with disabilities;
  - Referrals to health care; and
  - Assistance with uniforms or other appropriate work attire and work-related tool costs

Supportive services may be provided to youth both during participation and after program exit.

### **8.Adult mentoring for the period of participation and subsequent period, for a total of not less than 12 months.**

Adult mentoring for youth must:

- Last at least 12 months and may take place both during the program and following exit from the program;
- Be a formal relationship between a youth participant and an adult mentor that includes structured activities where the mentor offers guidance, support, and encouragement to develop the competence and character of the mentee;
- Include a mentor who is an adult other than the assigned youth case manager; and
- While group mentoring activities and mentoring through electronic means are allowable as part of the mentoring activities, at a minimum, the local youth program must match the youth with an individual mentor with whom the youth interacts on a face-to-face basis.

The purpose of adult mentoring is to build positive, supportive relationships between youth and adults and to provide positive adult role models for youth. High-quality adult mentoring programs include an adult role model who builds a working relationship with a youth and who fosters the development of positive life skills in youth.

Mentoring may include workplace mentoring where the local program matches a youth participant with an employer or employee of a company.

### **9.Follow-up services.**

Follow-up services are critical services provided following a youth's exit from the program to help ensure the youth is successful in employment and/or post-secondary education and training.

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Follow-up services may include:

- Leadership development and supportive service activities;
- Regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise;
- Assistance in securing better paying jobs, career pathway development , and further education or training;
- Work-related peer support groups;
- Adult mentoring; and/or
- Services necessary to ensure the success of youth participants in employment and/or post-secondary education

All youth participants must receive some form of follow-up services for a minimum duration of 12 months. Follow-up services may be provided beyond the 12 months at the local board's discretion. The types of services provided and the duration of services must be determined based on the needs of the youth and therefore, the type and intensity of follow-up services may differ for each participant. However, follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome.

### 10.Comprehensive guidance and counseling.

Comprehensive guidance and counseling provides individualized counseling to participants. This includes career and academic counseling, drug and alcohol counseling, mental health counseling, and referral to partner programs.

The purpose of comprehensive guidance and counseling is to promote growth in each youth's educational, personal, social, and employability skills. Comprehensive guidance and counseling programs impart through counselor-

directed learning opportunities that help youth achieve the success through academic, career, personal, and social development.

When referring participants to necessary counseling that cannot be provided by the youth program or its service providers, the local youth program must coordinate, including obtaining releases of information to obtain information regarding appropriateness of WIOA services, with the organization it refers to in order to ensure continuity of service.

### 11.Financial literacy education.

Financial literacy includes activities which:

- Support the ability of youth participants to create household budgets, initiate savings plans, and make informed financial decisions about education, retirement, home ownership, wealth building, or other savings goals;
- Support participants in learning how to effectively manage spending, credit, and debt, including student loans, consumer credit, and credit cards;

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- Teach participants about the significance of credit reports and credit scores; what their rights are regarding their credit and financial information; how to determine the accuracy of a credit report and how to correct inaccuracies; and how to improve or maintain good credit;
- Support a participant's ability to understand, evaluate, and compare financial products, services, and opportunities and to make informed decisions;
- Educate participants about identity theft, ways to protect themselves from identity theft, and how to resolve cases of identity theft and in other ways under their rights and protection related to personal identity and financial data; and
- Support activities that address the particular financial literacy needs of non-English speakers, including providing the support through the development and distribution of multilingual financial literacy and education materials.
- Provide financial education that is age appropriate, timely, and provides opportunities to put lessons into practice, such as by access to safe and affordable financial products that enable money management and savings; and
- Implement other approaches to help participants gain the knowledge, skills, and confidence to make informed financial decisions that enable them to attain greater financial health and stability by using high quality, age-appropriate, and relevant strategies and channels, including where possible, timely and customized information, guidance, tools, and instructions.

### 12. Entrepreneurial skills training.

Entrepreneurial skills training must develop skills associated with entrepreneurship. Such skills include, but are not limited to the ability to:

- Take initiative;
- Creatively seek out and identify business opportunities;
- Develop budgets and forecast resource needs;
- Understand various options for acquiring capital and the trade-offs associated with each option; and
- Communicate effectively and market oneself and one's ideas.

Approaches to teaching youth entrepreneurial skills include, but are not limited to, the following:

- Entrepreneurship education that provides an introduction to the values and basics of starting and running a business;
- Enterprise development which provides supports and services that incubate and help youth develop their own business; and
- Experiential programs that provide youth with experience in the day-to-day operation of a business.



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13. Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services.

14. Activities that help youth prepare for and transition to postsecondary education and training.

Local areas must make all these program elements available to youth participants. This does not mean, however, that every youth participant must receive services from all program elements. Local areas have the discretion to determine what specific program elements will be provided to a youth participant, based on each participant's objective assessment and ISS.

Although the fourteen program elements must be provided and/or made available to WIOA eligible youth participants in each local area, they are not the sole array of services that made up the local youth programs.

Local areas are not required to use WIOA youth funds for each of the program elements. Local programs may leverage partner resources to provide some of the readily available program elements. However, the local area must ensure that if a program element is not funded by the WIOA, the local program has an agreement in place with the partner organization to ensure that the program element will be offered. The local board must ensure that the program element is closely connected and coordinated with the WIOA youth program.

### **V. Reporting Requirements**

There is no self-service concept for the WIOA youth program and every individual receiving services under the WIOA must meet eligibility criteria and formally enroll in the program.

Program participation begins when the youth is determined eligible and receives an assessment and a program element. Therefore, at the point of participation, a youth participant will be enrolled in the youth program and reported in the Ohio Workforce Case Management System (OWCMS). All youth participants will be counted in the WIOA youth program performance measure calculations.

### **VI. Monitoring**

At the local level, the local area must conduct oversight of the implementation of the WIOA youth program to ensure that participants enrolled in the program have an objective assessment and ISS and that identified services have been provided.

Through the state's monitoring system, program monitors will review the local area's implementation of the WIOA youth program, including a participant file review, during the annual onsite monitoring review for compliance with federal and state laws and regulations. Any issues will be handled through the state's monitoring resolution process.

### **VII. Technical Assistance**

For additional information, you may send your questions to the Office of Workforce Development: [OWDPOLICY@jfs.ohio.gov](mailto:OWDPOLICY@jfs.ohio.gov).

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For technical assistance, you may send your request to the Office of Workforce Development:  
WIAQNA@jfs.ohio.gov.

### **VIII. References**

Workforce Innovation and Opportunity Act, Pub. L. 113-128.

20 C.F.R. 603 et seq.

29 U.S.C. 3101 et seq.

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-13, Work Experience for Youth, (July 1, 2015).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-11, Use of Individual Training Accounts (ITA), (July 1, 2015).

### **Rescission**

ODJFS, Workforce Investment Act Transmittal Letter No. 33, Youth Services and Program Participation, (July 3, 2007).

## Policy 12-712: WIOA Youth Program Eligibility

<b>Reference State Policy:</b>	WIOAPL No. 15-03.1
<b>Board Approved:</b>	03/07/2024
<b>Revision Approved:</b>	
<b>Effective Date:</b>	03/07/2024
<b>Policy Obsolete:</b>	

### **Purpose**

To communicate requirements and guidance for determining Workforce Innovation and Opportunity Act (WIOA) youth program eligibility.

### **Rescission**

[ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-03](#), Youth Program Eligibility, (July 15, 2015).

### **Background**

Title I of WIOA outlines an integrated service delivery system and provides a framework through which states and local workforce development areas (local areas) can leverage other federal, state, local, and philanthropic resources to support in-school and out-of-school youth. The WIOA youth program is designed to provide services, employment, and training opportunities to those who can benefit from and who need such opportunities. Meeting the eligibility criteria for a WIOA-funded program does not entitle an individual to receive program elements and services. All elements must be made available to the eligible youth population, whether funded by WIOA or other resources, but the local decision on whether to provide a specific service to a youth participant must be based upon the individual's needs, appropriateness for the service, and funding availability.

The implementation of the Comprehensive Case Management and Employment Program (CCMEP) in Ohio transformed the network of human services and workforce programs by integrating youth programs funded by Temporary Assistance for Needy Families (TANF) and WIOA into one program in local areas that opt to participate. The braiding of WIOA and TANF dollars and co-funding of services when feasible leverages federal dollars to provide integrated wrap-around services that address the various needs of participants who are eligible for these separate funding sources.

Each local workforce development board (WDB) is responsible for establishing the WIOA youth program within the overall strategy of the workforce development system. Per section 5116.20 of the Revised Code, the local WDB is required to decide whether to authorize the use of WIOA youth funds allocated to the local area for CCMEP implementation. The local WDB's decision applies to all counties contained within the local area governed by the board. By authorizing the WIOA funds to be used for CCMEP, the local WDB agrees to adhere to all provisions of CCMEP, including the implementing legislation, procedure letters, and other guidance pertaining to the delivery of services.

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Per section 5116.21 of the Revised Code, if the local WDB does not authorize the use of WIOA youth funds for CCMEP, the local area will administer a WIOA-only youth program and forgo access to the additional TANF funds dedicated to CCMEP. In this case, the local area will adhere to the eligibility requirements contained in this policy.

### **Definitions**

Alternative secondary school services: Services provided to youth who have struggled in traditional secondary education to help them re-engage and persist in education to complete a high school diploma or recognized equivalent, including basic education skills training, individualized academic instruction, and English as a Second Language training.

Attending school: An individual who is enrolled in and/or attending secondary or postsecondary school, including alternative secondary school services.

Basic skills deficient: A youth who has English reading, writing, or computing skills at or below the eighth grade level, based on a generally accepted standardized test, or who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.

Charter school: Public, nonprofit, nonsectarian, tuition-free schools operating independently of a school district, but under contract with a Sponsor that has been approved by the Ohio Department of Education (ODE).

Comprehensive Case Management and Employment Program (CCMEP): An integrated intervention program that combines Temporary Assistance for Needy Families (TANF) and the WIOA youth program to provide employment and training services to individuals ages 14 through 24 years.

Covered individual: An eligible WIOA youth who is:

1. An in-school youth, or
2. An out-of-school youth who is low income and meets one of the following criteria:
  - a. Has a secondary school diploma or its recognized equivalent and is basic skills deficient or an English language learner; or
  - b. Requires additional assistance to enter or complete an educational program or to secure or hold employment.

English language learner: An individual who has limited ability in reading, writing, speaking, or comprehending the English language, and whose native language is a language other than English or who lives in a family or community environment where a language other than English is the dominant language.

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Family: Per 20 C.F.R. 675.300, two or more persons related by blood, marriage, or decree of court, who are living in a single residence and are included in one or more of the following categories:

1. A married couple and dependent children;
2. A parent or guardian and dependent children; or
3. A married couple.

Homeless child or youth (as defined in 42 U.S.C. 11434a(2)): An individual who lacks a fixed, regular, and adequate nighttime residence and includes the following:

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
4. Migratory children (as such term is defined in 20 U.S.C. 6399) who qualify as homeless for the purposes of this part because the children are living in one of the previously mentioned circumstances.

Homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (34 U.S.C. 12473(6))): An individual who lacks a fixed, regular, and adequate nighttime residence and includes:

1. An individual who:
  - a. Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
  - b. Is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;
  - c. Is living in an emergency or transitional shelter;
  - d. Is abandoned in a hospital; or
  - e. Is awaiting foster care placement.

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2. An individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or
3. Migratory children who qualify as homeless because the children are living in circumstances listed above.

Individual with a disability: An individual who:

1. Has a physical or mental impairment that substantially limits one or more major life activities of such individual;
2. Has a record of such an impairment; or
3. Is regarded as having such an impairment.

Low income individual (as defined in 29 U.S.C. 3102(36)(A)): An individual who:

1. Receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received, assistance through the supplemental nutrition assistance program (SNAP), temporary assistance for needy families (TANF), or supplemental security income (SSI), or State or local income-based public assistance;
2. Is in a family with total family income that does not exceed the higher of –
  - a. The poverty line; or
  - b. 70 percent of the lower living standard income level.
3. Is a homeless individual or homeless child or youth;
4. Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), (does not include students in school districts participating in the Community Eligibility Provision (CEP) Healthy, Hunger-Free Kids Act of 2010);
5. Is a foster child on behalf of whom the State or local government payments are made; or
6. Is an individual with a disability whose own income meets the eligibility income requirement of clause (2) but who is a member of a family whose income does not meet this requirement.

Offender: An adult or juvenile who:

1. Is or has been subject to any stage of the criminal justice process and for whom services under WIOA may be beneficial; or

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2. Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

Participation: The point at which the individual has been determined eligible for youth program services, has received an assessment, and has received or is receiving at least one program element and the point at which the individual is to be included in calculations for performance measures.

Postsecondary school: Any schooling that follows graduation from high school or completion of high school equivalency, including community colleges, four-year colleges and universities, and technical and trade schools.

School dropout: As defined in section 3(54) of WIOA, an individual who is no longer attending any school and has not received a secondary school diploma or its recognized equivalent.

School year calendar quarter: The timeframe identified as an academic quarter by the local school district or charter school that a youth last attended, or the calendar quarter if not defined by the district or school.

Secondary School: A school operated by a board of education, a community school established under Chapter 3314 of the Revised Code, or a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code that provides secondary education as determined under State law, except that the term does not include any education beyond grade 12.

### **Requirements**

Local areas implementing WIOA Youth program services must ensure that participant eligibility for such services and participant school status are accurately determined based on the following requirements. Each eligibility factor must be verified in accordance with the policy on source documentation for WIOA programs.

#### **A. In-School Youth (ISY) Eligibility Requirements**

An individual is eligible as an in-school youth if, at the time of enrollment, he or she is:

1. Attending school, including secondary and postsecondary school;
2. Not younger than age 14 or older than age 21 (unless an individual with a disability who is attending secondary school under state law);
3. A low-income individual; and
4. Has one or more of the following barriers:
  - a. Basic skills deficient;
  - b. An English language learner;
  - c. An offender;

## **Policy 12-712: WIOA Youth Program Eligibility**

- d. A homeless individual, homeless child or youth, or a runaway;
- e. An individual in foster care or has aged out of the foster care system or has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under the John H. Chafee Foster Care Independence Program, or in an out-of-home placement;
- f. An individual who is pregnant or parenting (which may include a mother or father, custodial or non-custodial);
- g. An individual with a disability; or
- h. An individual who requires additional assistance to complete an education program or to secure or hold employment.

### **B. Out-of-School Youth (OSY) Eligibility Requirements**

An individual is eligible as an out-of-school youth if, at the time of enrollment, he or she is:

- 1. Not attending any school;
- 2. Not younger than age 16 or older than age 24; and
- 3. Has one or more of the following barriers:
  - a. A school dropout;
  - b. A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter;
  - c. A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is basic skills deficient or an English language learner;
  - d. An offender;
  - e. A homeless individual, homeless child or youth, or a runaway;
  - f. An individual in foster care or has aged out of the foster care system or has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under the John H. Chafee Foster Care Independence Program, or an individual in an out-of-home placement;
  - g. An individual who is pregnant or parenting (which may include a custodial or non-custodial mother or father);



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- h. A youth who is an individual with a disability; or
- i. A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

### **C. Determining School Status**

School status must be based on status at the time the eligibility determination portion of program enrollment is made. Once the school status of a youth is determined, that school status remains the same throughout the youth's participation in the WIOA youth program, unless the youth exits from the program, reapplies, and is again determined eligible.

For the purposes of determining ISY status, the school attended may be either a secondary school (including alternative secondary school services) or postsecondary school. If the youth participant is enrolled in credit-bearing postsecondary classes, including credit-bearing community college and credit-bearing continuing education classes, he or she is attending postsecondary education and is an ISY. If the youth is only enrolled in non-credit bearing postsecondary classes, he or she would be considered an OSY.

For the purposes of WIOA school status, the following are not considered to be schools, so youth enrolled only in these programs are OSY:

- Adult education programs under Title II of WIOA (in Ohio, called Aspire);
- YouthBuild programs; and
- JobCorps programs.

Youth enrolled in high school equivalency programs and dropout re-engagement programs are also generally considered OSY, unless the program is funded by the public K-12 school system and the youth is enrolled in the school system, in which case the youth is an ISY.

If a youth is determined eligible for the WIOA youth program during the summer and is in between school years, the youth is considered an ISY if enrolled to continue school in the fall. A youth who is determined eligible for the WIOA youth program between high school graduation and postsecondary education is considered an ISY once he or she has registered for postsecondary courses (i.e., when courses for the upcoming term have been selected and confirmed) even if classes have not yet begun. However, if a youth who completed secondary education has not yet registered for postsecondary courses at the time of eligibility determination, he or she is an OSY, even if he or she has been accepted into a postsecondary education program.

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Regardless of the prior paragraph, a secondary student earning postsecondary credit through the College Credit Plus program defined in Chapter 3365 of the Revised Code who intends to continue attending the same postsecondary school after graduating secondary school remains an ISY during the period between completion of secondary school and enrollment in the postsecondary school.

For the purposes of this policy, if a child is being homeschooled in accordance with the requirements of ODE, the child is in school.

### **D. Dropout Barrier**

Local areas must verify a youth's dropout status at the time of program enrollment. If a youth has not received a high school diploma or a recognized equivalent and is not attending any school at the time of eligibility determination, he or she is considered a dropout and is an OSY. A dropout only includes an individual who is currently a secondary school dropout at the time of enrollment and does not include a youth who previously dropped out of secondary school but subsequently returned.

A youth receiving alternative secondary school services at the time of enrollment is not a dropout. A youth who is an OSY at the time of enrollment and is subsequently placed in alternative secondary school services (or any school) remains an OSY. Additionally, a youth who has stopped attending postsecondary education is not a dropout for the purposes of youth program eligibility.

### **E. Not Attending School Barrier**

In Ohio, children between the ages of 6 and 18 are required to attend school, whether it be public, private, or home schooling. Exceptions from compulsory school attendance are granted to children who:

1. Received a high school diploma before the age of 18;
2. Are over 14 years old, lawfully employed, and it is necessary that they work; or
3. Have a physical or mental condition that does not allow for school attendance.

To meet OSY eligibility, youth who are excused from compulsory school attendance due to one of the above exceptions would need to be facing some other barrier besides not attending school.

### **F. Basic Skills Deficient Barrier**

In assessing basic skills, local programs must use assessment instruments that are valid and appropriate for the target population. The local program must also provide reasonable accommodation in the assessment process, if necessary, for people with disabilities.

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### **G. Additional Assistance Barrier**

For both ISY and OSY, as stated in Ohio's Combined State Plan, an individual who requires additional assistance to complete an education program or to secure or hold employment is a youth who receives, or in the past six months received assistance from the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), or Supplemental Security Income (SSI), or who meets the criteria defined by the local WDB.

The local WDB must establish definitions and eligibility documentation requirements to verify that the local criteria have been met by youth who require additional assistance to enter or complete an educational program or to secure or hold employment. The local area's policy should be reasonable, quantifiable, and based on evidence that the specific characteristics of the youth identified in the policy objectively require additional assistance.

Of the total ISY enrolled by a local area during a program year, no more than five percent may be individuals who require additional assistance to complete an educational program or to secure or hold employment.

### **H. Youth Living in a High-Poverty Area**

For WIOA eligibility purposes, living in a high-poverty area is an additional criterion establishing that the youth is a low-income individual. Per 20 C.F.R. 681.260, a high-poverty area is defined as a Census tract or a set of contiguous Census tracts with a poverty rate of at least 25 percent based on the American Community Survey data.

Instructions on determining if a county or Census tract is a high-poverty area using the Census Bureau's American Fact Finder homepage are available in Attachment 2 of the Department of Labor (DOL) Training and Employment Guidance Letter (TEGL) No. 21-16.

### **I. Five Percent Low-Income Exception for Youth Eligibility**

Youth participants whose eligibility criteria require them to be low-income individuals are defined as covered individuals. Up to five percent of a local area's covered individuals may be enrolled in the youth program if they meet all other eligibility criteria except the low-income criterion. In a program year, the number of newly enrolled covered individuals who are not low-income must not exceed five percent of the local area's total new enrollments of covered individuals.

### **J. Selective Service Eligibility**

Male youth participants who are 18 years of age and older and have fulfilled registration requirements of the Military Selective Service Act (MSSA), 32 C.F.R. Part 1605, are eligible to participate in WIOA-funded programs and services.

## **Policy 12-712: WIOA Youth Program Eligibility**

The WIOA policy letter on selective service registration provides further guidance on this requirement.

If a male reaches his 18th birthday during WIOA program participation, he must register for selective service to continue receiving WIOA youth program services. A male youth applicant who is 18 years old or older who has not registered for the selective service or who is unwilling to register will be denied any WIOA program services.

### **K. Co-Enrollment with Other Programs**

Youth may participate in both the WIOA youth program and the adult program at the same time if they are eligible and appropriate for both. The determination of the appropriateness for co-enrollment is based on the participant's service needs, career readiness, occupational skills, prior work experience, and employability. If such concurrent enrollment occurs, the local area must track expenditures separately by program.

Youth may not be co-enrolled in the WIOA dislocated worker program because any youth meeting the eligibility for the dislocated worker program would have already successfully attained a job and would most likely be more appropriately served under the dislocated worker program.

Youth who are eligible under both programs may enroll concurrently in the WIOA youth program and Aspire program services under WIOA Title II.

## **Out-of School Priority**

For any program year, not less than 75 percent of the youth funds available to local areas shall be used to provide youth workforce investment activities for OSY.

## **Reporting**

As sub-recipients of WIOA youth program funds, local areas are required to maintain and report accurate program and financial information. Per rule 5101:9-30-04 of the Ohio Administrative Code (O.A.C.), program information including participant demographic data, activities, and performance must be accurately entered, within 30 days, into the Ohio Workforce Case Management System (OWCMS) and financial information must be accurately entered into the County Finance Information System (CFIS).

## **Monitoring**

The local area must conduct oversight and monitoring of the implementation of the WIOA youth program to ensure that participants enrolled in the program are eligible and that eligibility has been properly documented.

## **Policy 12-712: WIOA Youth Program Eligibility**

Through the state's monitoring system, ODJFS program monitors will review the local area's determination of WIOA youth program eligibility and the provision of services to eligible youth during the annual onsite monitoring review for compliance with federal and state laws and regulations. Any issues will be handled through the state's monitoring resolution process.

### **Technical Assistance**

For technical assistance, you may send your request to the Office of Workforce Development: [WIOAQNA@jfs.ohio.gov](mailto:WIOAQNA@jfs.ohio.gov).

### **References**

Workforce Innovation and Opportunity Act, §129, Pub. L. 113-128.

20 C.F.R. §§ 681.200 – 681.410.

29 U.S.C. § 3101, et seq.

O.R.C. § 3321.01, et seq.

O.A.C. rules 5101:9-30-04, 5101:10-3-01, and 5101:14-1-01 - 5101:14-1-07.

USDOL, Training and Employment Guidance Letter WIOA No. 21-16, Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance, (March 2, 2017).

USDOL, Training and Employment Guidance Letter WIOA No. 08-15, Second Title I WIOA Youth Program Transition Guidance, (November 17, 2015).

USDOL, Training and Employment Guidance Letter WIOA No. 23-14, Workforce Innovation and Opportunity Act (WIOA) Youth Program Transition, (March 26, 2015).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-04, Selective Service Registration, (July 15, 2015).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-07.1, Source Documentation for WIOA Title I Program Eligibility, (June 25, 2018).

## Policy 12-713: Source Documentation for WIOA Eligibility

<b>Reference State Policy:</b>	WIOAPL No. 15-07.3
<b>Board Approved:</b>	03/07/2024
<b>Revision Approved:</b>	
<b>Effective Date:</b>	03/07/2024
<b>Policy Obsolete:</b>	

### **Purpose**

The purpose of this policy is to communicate the documentation requirements necessary to support eligibility determinations in the Workforce Innovation and Opportunity Act (WIOA) adult, dislocated worker, and youth programs.

### **Rescission**

Ohio Department of Job and Family Services (ODJFS), Workforce Innovation and Opportunity Act Policy Letter No. 15-07.2, Source Documentation for Workforce Innovation and Opportunity Act Title I Program Eligibility, (February 20, 2019).

### **Background**

WIOA establishes general and specific program eligibility criteria. As recipients of WIOA Title I, Subtitle B funds, the ODJFS Office of Workforce Development (OWD), the local workforce development areas (local areas), and Comprehensive Case Management and Employment Program (CCMEP) lead agencies are required to maintain and report accurate program and financial information.

### **Definitions**

Comprehensive Case Management and Employment Program (CCMEP): An integrated intervention program that combines Temporary Assistance for Needy Families and the WIOA youth program to provide employment and training services to individuals ages 14 through 24 years.

Lead agency: The local participating agency designated by the board of county commissioners to administer CCMEP.

Personal Information and Personally Identifiable Information (PII): Any information describing anything about a person, indicating actions done by or to a person, or indicating a person's personal characteristics, which can be retrieved from a system by a name, identifying number, symbol, or other identifier assigned to a person. Ohio Revised Code §1347.01(E). This information can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.

## **Policy 12-713: Source Documentation for WIOA Eligibility**

Registration: The process of collecting information to support a determination of eligibility for the WIOA adult, dislocated worker, and youth programs. This information may be collected through methods, including electronic data transfer, personal interview, or an individual's application.

Workforce Service Providers (WSPs): Local areas, career services providers, youth program providers, and CCMEP lead agencies that carry out a workforce development activity or program.

### **Workforce Service Provider Requirements**

WSPs- Local areas, career services providers, youth program providers, and CCMEP lead agencies must verify or confirm eligibility requirements through an examination of documents or by using one or more of the additional methods of source documentation described below.

Documentation requirements to support WIOA adult and dislocated worker eligibility are tied to the level of services provided to the participant. For adults and dislocated workers receiving only basic career services which do not trigger participation in the WIOA program, the local area may accept information provided by these reportable individuals at face value to complete the basic intake process without requiring source documentation.

Documentation requirements increase for participants who receive basic career services triggering participation, individualized career services, or training services. Definitions and examples of basic career services and individualized career services are contained in [Workforce Innovation and Opportunity Act Policy Letter \(WIOAPL\) No. 15-08.1, Career Services for Adults and Dislocated Workers](#).

CCMEP WIOA youth program eligibility documentation does not vary between types of services or program elements received.

Attachment A provides guidance for the specific types of source documents that may be used to verify participant eligibility at each level of service.

### **Electronic Files**

Eligibility documentation may be stored electronically. However, the documentation requirements remain unchanged. If WSPs use electronic files, the documents must be available to the program and fiscal monitors and auditors for monitoring purposes.

Pursuant to rule 5101:9-30-04 of the Ohio Administrative Code, local areas must ensure that case managers are accurately and timely (i.e., within 30 days) reporting WIOA participants, services, and case management information, including case notes and performance information, into Ohio's designated case management system.

### **Electronic Signatures**

## **Policy 12-713: Source Documentation for WIOA Eligibility**

WSPs may have an electronic WIOA adult and dislocated worker programs eligibility form. In these instances, the electronic form must capture the electronic signatures of the applicants.

For the CCMEP WIOA youth program, WSPs must use the [JFS 03002](#), WIOA Youth Program Eligibility Application. This form must be used to determine eligibility for all WIOA youth program participants per rule 5101:10-3-01 of the Ohio Administrative Code. A WSP may use an electronic version of this form, but it must capture all required electronic signatures.

### **Additional Methods of Source Documentation**

For documentation of eligibility for a WIOA adult, dislocated worker, and youth programs, there are multiple forms of acceptable source documentation. In most instances, one of the source documents listed in Attachment A, Allowable Source Documentation for WIOA Program Eligibility, should be used to verify the eligibility of a participant. Below are additional methods that WSPs may use if, per Attachment A of this policy letter, the method is permissible for the eligibility criteria or data element being verified.

#### 1.Telephone or Electronic Communication

In instances where telephone or electronic communication is acceptable and used, the case file must contain the name of the agency representative, the date of the conversation, and the result of the eligibility verification.

WSPs must use the [JFS 13188](#), WIOA Telephone Eligibility Verification, to document telephone communication. If a telephone communication is used to verify dislocation, the case file must contain the date and reason for termination, and a possible recall date if applicable.

#### 2.Self-Attestation

Self-Attestation occurs when a participant states his or her status for an eligibility criterion or set of eligibility criteria, and then signs and dates a form acknowledging this status. The key elements for self-attestation are:

- a.The participant identifying his or her status for permitted eligibility criteria; and
- b.Signing and dating the form attesting to this self-identification.

WSPs must use the [JFS 13186](#), Self-Attestation, or the [JFS 13187](#), Citizenship Status/Authorization to Work Self-Attestation.

Local areas may add both the [JFS 13186](#) and the [JFS 13187](#) to a local area WIOA Adult and Dislocated Worker eligibility determination form if all the components of the form, including language, remain intact. The self-attestation is not a blanket verification for

all eligibility components as noted in Attachment A. Within this self-attestation, the individual must document which specific elements of eligibility he or she is attesting (e.g., authorization to work, proof of termination or layoff, etc.) and how he or she meets the eligibility criteria.



## **Policy 12-713: Source Documentation for WIOA Eligibility**

WSPs must be cognizant that not all eligibility source documentation may be verified with self-attestation. Therefore, self-attestation does not alleviate or replace the need to collect documentation of some eligibility elements from the individual.

### **3.Case Notes**

Case notes refer to statements placed in Ohio's designated case management system by the case manager and identify, at a minimum, the following:

- a. A participant's status for a specific eligibility criterion or set of eligibility criteria;
- b. The date on which the information was obtained; and
- c. The case manager who obtained the information.

### **4.Cross-Match**

A cross-match requires the WSP staff to acquire detailed supporting evidence for the eligibility criteria in another database (e.g., public assistance records). An indicator or presence of a social security number (SSN) in a database alone is not sufficient evidence to document WIOA eligibility; additional details such as the date of the eligibility determination, date of participation, and services rendered must be obtained from the cross-match to confirm the accuracy and currency of the information.

### **5.State Management Information System (MIS)**

State MIS refers to specific, detailed information that is stored in an authorized case management systems and supports eligibility criteria. An indicator such as a checkmark or date on a computer screen is not acceptable source documentation.

## **Handling and Protecting Personally Identifiable Information (PII)**

1. Identifying information collected about adult, dislocated worker, and youth workforce program participants is not considered a public record, must only be used for workforce program administrative purposes, and should not be disclosed to the general public or to unauthorized individuals. Identifying information includes, but is not limited to, names, home and email addresses, phone numbers, social security numbers, dates of birth, and other identifying information collected or maintained about individual job-seekers, those seeking education or training, and those seeking assistance in overcoming their barriers to employment.
2. Moreover, certain types of PII about workforce participants are more sensitive and confidential than others, because the disclosure of such information could result in financial or other harm to the individual whose name or identity is linked to that

information. Such information requires a higher level of security and training of staff on the higher level of security required for this information — to prevent unauthorized access, use and disclosure. Examples of the types of PII that are more sensitive, and therefore subject to a higher level of security, include, but are not limited to, social security numbers, state and federal tax identification numbers, driver's license numbers, state identification numbers, credit and debit card numbers, bank and

### **Policy 12-713: Source Documentation for WIOA Eligibility**

financial account numbers, student educational records (including transcripts, and information about current or prior enrollment, course progress, or graduation), medical history and information about an individual's current or prior physical or mental status, financial information, and information identifying the individual as an applicant for or recipient of unemployment compensation benefits, or food or cash assistance.

3. Any WSP staff who work directly with job-seekers and other workforce program participants, or who handle or process PII about workforce participants, must take steps to ensure that PII is processed in a manner that will protect the confidentiality of the records/documents, and that PII is not accessed, viewed, or used by either the general public, or unauthorized staff at OhioMeansJobs Center partner organizations.
4. Federal law, OMB Guidance, and United States Department of Labor (USDOL) policies require that PII and other sensitive information be protected. To ensure that PII and sensitive information is handled appropriately, WSPs must:
  - a. Ensure PII is not transmitted to unauthorized users and all PII transmitted through e-mail or stored electronically (e.g., DVD or thumb drive) is encrypted.
  - b. Take necessary steps to ensure the privacy of all PII obtained from participants and/or other individuals and to protect such information from unauthorized disclosure.
  - c. Ensure that any PII used as part of the WIOA grant has been obtained in conformity with applicable Federal and state laws governing confidentiality of information. PII shall not be stored on personally owned equipment, at off-site locations (e.g., employee's home), and on personal e-mail accounts.
  - d. Ensure that all PII obtained through the WIOA grant is stored in an area that is physically safe from access by unauthorized persons at all times.
  - e. Store PII only on secure work servers and equipment that are approved by ODJFS or the local board. Storing PII on personally owned equipment, at off-site locations (e.g., employee's home), and on personal e-mail accounts is prohibited.
  - f. Advise all local area and/or provider staff who have access to sensitive/confidential/proprietary/private data of the confidential nature of the information, the safeguards required to protect the information, and the civil and criminal sanctions for noncompliance with such safeguards.
  - g. Implement policies and procedures regarding the handling of PII, including staff acknowledgement of their understanding of the confidential nature of the data and the safeguards with which they must comply in their handling of such data.

**Outlined below are requirements to protect PII:**

## **Policy 12-713: Source Documentation for WIOA Eligibility**

1. Before obtaining a participant's SSN, the WSP should have the participant sign a release acknowledging the use of the participant's social security number for eligibility determination and federal grant purposes only.
2. WSPs should use unique identifiers for participant tracking instead of the SSN. If SSNs are to be used for tracking purposes, they must be stored or displayed in a way that is not attributable to an individual, such as using a truncated or masked SSN (e.g., last 4 digits only).
3. WSPs using an electronic system in addition to the state of Ohio's designated case management system for basic career services tracking or other registration processes must truncate or mask an individual's SSN in such systems.
4. WSPs using paper applications containing SSNs must, at a minimum, enter the basic intake information and the SSN in the state of Ohio's designated case management system the day the information is received and destroy the paper application if feasible. If all eligibility information is not placed in the state of Ohio's designated case management system that day, staff must mask the SSN on the paper application and store in a secure manner.
5. Documentation of SSNs (e.g., physical copy of social security card) shall not be obtained until such time WIOA eligibility is determined, the individual receives a WIOA adult, dislocated worker, or WIOA CCMEP youth program service that triggers participation in the program, and the individual becomes a participant.
6. When an individual becomes a participant, the WSP must attempt to obtain and verify the SSN for performance reporting purposes but shall not deny access to the American Job Center's (in Ohio, called OhioMeansJobs center) resource room or to WIOA program services if the individual does not disclose his or her SSN. If the individual refuses to provide an SSN, the local area will assign a temporary alternative identifying number. The individual will use this number for identification during subsequent visits to the OhioMeansJobs center or for program-funded activity tracking.

WSPs should keep SSNs electronically in the state of Ohio's designated case management system minimizing the use of paper files. If paper files are used or if the participant's SSN is listed on other forms of source documentation listed in Attachment A, the WSP must ensure that the SSN on the paper document has been masked.

8. WSPs must use appropriate methods for destroying sensitive PII in paper files and securely deleting sensitive electronic PII.
9. WSP staff at the OhioMeansJobs center or other service delivery location shall not leave records containing PII open and unattended.
10. WSPs shall store documents containing PII in locked cabinets when not in use.
11. Local workforce development board directors shall report within 24 hours any breach or suspected breach of PII by the area or its subrecipient to the Deputy Director at OWD,

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ODJFS and to Ohio's assigned Federal Project Officer at the Department of Labor (DOL), Region 5, and follow any instructions provided by ODJFS or DOL.

### **Retention of Records**

Per rule 5101:9-9-21 of the Ohio Administrative Code, ODJFS and local areas are to retain records for a period of at least three (3) years after submittal of the final closeout expenditure report for that funding period.

### **Monitoring**

At the local level, the local area must conduct oversight of the implementation of the WIOA adult, dislocated worker, and youth programs to ensure that participants are eligible for enrolled programs and documentation supporting the eligibility are contained in the case files. The procedures for protecting PII must also be monitored by the local area. Local monitoring reports must be submitted to the state upon request.

Through the state's monitoring system, program monitors will review the local area's implementation of the WIOA adult, dislocated worker, and youth programs, including a participant file review during the annual onsite monitoring review for compliance with federal and state laws and regulations. Any issues will be handled through the state's monitoring resolution process.

### **Technical Assistance**

For technical assistance, you may send your request to the Office of Workforce Development: [WIOAQNA@jfs.ohio.gov](mailto:WIOAQNA@jfs.ohio.gov).

### **References**

Workforce Innovation and Opportunity Act § 116, Pub. L. 113-128.

29 U.S.C. 3101 et seq.

Ohio Revised Code Chapters 6301 and 5116 and § 5101.241.

Ohio Administrative Code rules 5101:9-31, 5101:14-1, 5101:9-9-21 and 5101:9-30-04.

[TEGL 23-19, Change 1 - Guidance for Validating Required Performance Data Submitted by Grant Recipients of U.S. Department of Labor \(DOL\) Workforce Programs](#)

[TEGL 23-19, Change 2 - Guidance for Validating Required Performance Data Submitted by Grant Recipients of U.S. Department of Labor \(DOL\) Workforce Programs](#)

[USDOL, Training and Employment Guidance Letter No. 7-18, Guidance for Validating Jointly Required Performance Data Submitted under the Workforce Innovation and Opportunity Act \(WIOA\), \(December 19, 2018\).](#)

[USDOL, Training and Employment Guidance Letter No. 39-11, Guidance on Handling and Protection of Personally Identifiable Information \(PII\), \(June 28, 2012\).](#)

**Policy 12-713: Source Documentation for WIOA Eligibility**

[ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-08.1, Career Services for Adults and Dislocated Workers, \(June 6, 2017\).](#)

[Attachment A](#), Allowable Source Documentation for WIOA Program Eligibility

[Attachment B](#), Allowable Source Documentation for WIOA Performance Measures

[JFS 13188](#), WIOA Telephone Eligibility Verification

[JFS 13186](#), Self-Attestation

[JFS 13187](#), Citizenship Status/Authorization to Work Self-Attestation

ATTACHMENTS:[WIOAPL 15-07.03 ATTACH AWIOAPL 15-07.03 ATTACH B](#)

## Policy 12-714: Rapid Response Layoff and Closure Requirements

<b>Reference State Policy:</b>	WIOAPL No. 15-15.3
<b>Board Approved:</b>	11/13/2014
<b>Revision Approved:</b>	05/31/2016, 03/07/2024
<b>Effective Date:</b>	03/07/2024
<b>Policy Obsolete:</b>	

### **I. Purpose**

Ohio is committed to providing workforce solutions throughout the business cycle, including the delivery of rapid response (RR) activities. The purpose of this policy is to outline the requirements for delivery of RR program services during an employer closure, mass layoff, disaster mass job dislocation, and/or filing of a Trade Adjustment Assistance (TAA) petition event.

### **II. Rescission**

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-15.2, Rapid Response Program Requirements – Employer Mass Layoff, Employer Closure, and Trade Adjustment Assistance Events, (April 11, 2018).

### **III. Background**

RR is a series of activities provided by the State in partnership with the local workforce development areas (local area), to assist dislocated workers in obtaining reemployment as soon as possible, when one or more of the following circumstances occur:

1. Announcement or notification of a permanent closure, regardless of the number of workers affected;
2. Announcement or notification of a mass layoff;
3. A mass job dislocation resulting from a natural or other disaster; or
4. The filing of a TAA petition.

The purpose of RR is to promote economic recovery and vitality by developing ongoing, comprehensive approaches to identifying, planning for, or responding to layoffs and dislocations, and preventing or minimizing their impacts on workers, businesses, and communities. Ohio's RR delivery system strengthens partnership, communication, professional development, accountability, and timely access to needed services for employers and impacted workers. Rapid reemployment is the central purpose of RR and is done by helping workers impacted by an employer closure, mass layoff, disaster mass job dislocation, and/or TAA petition filing event quickly transition to new employment, minimizing the duration of unemployment, or averting layoff when possible.

## **Policy 12-714: Rapid Response Layoff and Closure Requirements**

Under section 134(a)(2)(A)(i) of the Workforce Innovation and Opportunity Act (WIOA) and 20 C.F.R. 682.310, each state is responsible for providing RR activities. Through coordinated efforts, Ohio will utilize a combination of state/local teams, as well as eligible service providers to be most effective in serving at-risk workers and employers.

Collaboratively, building and preserving relationships with employers will improve local team effectiveness by enhancing the focus on current and future workforce needs of local businesses and industry. Through this partnership, teams can strategically avert layoffs or minimize their impact, reduce the duration of unemployment, and positively affect the local economy. Ohio's RR program can and should bring together government, education, and training resources to not only meet the needs of the business community, but to exceed those needs throughout all phases of the business cycle.

The Ohio Department of Job and Family Services (ODJFS), Office of Workforce Development (OWD) is the agency responsible for the administration of WIOA and RR programs. The OWD RR Unit will oversee Ohio's RR program to ensure compliance with federal and state requirements.

If a layoff occurring in the local area does not meet the RR event definition, the local area is still required to provide WIOA Title I services to eligible dislocated workers affected by the layoff. Pursuant to section 134(c)(1) of WIOA, dislocated worker formula funds allocated to the local area shall be used to establish a workforce delivery system, to provide career services to dislocated workers, to provide training services to dislocated workers, to establish and develop relationships with large and small employers, and to develop, convene, or implement industry and sector partnerships. The local workforce development boards (WDBs) determine the most appropriate mix of these services, and both career and training services must be available to eligible dislocated workers. It is expected that the local area will provide career and/or training services to dislocated workers whose dislocation does not meet the threshold for RR program services using the local area's dislocated worker program formula funds.

### **A. Rapid Response Employer Event Determination**

The classification of an event is without regard to the industry, size of the employer, number of individuals potentially impacted, or the time between notification and layoff date. Pursuant to section 134(a)(2)(A)(i)(II) of WIOA, RR activities provide additional assistance to local areas that experience employer closures, mass layoffs, disaster mass job dislocations, or TAA petition filings that precipitate substantial increases in the number of unemployed individuals. RR services and activities should be provided to all employers who experience an RR event regardless of how the RR team was notified of the event.

There are two types of RR events:

1. Worker Adjustment and Retraining Notification (WARN) Event – Any employer that provides written notice of a mass layoff or closure with intent to meet the federal WARN requirements.

## **Policy 12-714: Rapid Response Layoff and Closure Requirements**

2. Non-WARN Event – Any employer experiencing a mass layoff or closure, even if it is not subject to the federal WARN requirements.

### **B. Provision of Required Rapid Response Activities for RR Events**

As part of the local area RR service delivery system and pursuant to 20 C.F.R. 682.330, the State, working in conjunction with the local WDBs and American Job Centers (which in Ohio are known as OhioMeansJobs centers), must have the following array of services available, as needed, for local employers and affected workers:

1. Immediate and on-site contact with the employer, representatives of the affected workers, and the local community, including an assessment of and plans to address the:
  - a. Layoff plans and schedules of the employer;
  - b. Background and probable assistance needs of the affected workers;
  - c. Reemployment prospects for workers; and
  - d. Available resources to meet the short and long-term assistance needs of the affected workers;
2. The provision of information about and access to unemployment compensation benefits and programs, such as short-time compensation (e.g., SharedWork Ohio), comprehensive OhioMeansJobs Center services, and employment and training activities, including information on the TAA program, Pell Grants, the GI Bill, and other resources;
3. The delivery of other available services and resources including workshops and classes, use of worker transition centers (which must complement, not replace, the OhioMeansJobs center), and job fairs, to support reemployment efforts of affected workers;
4. Partnership with the local WDBs and chief elected official(s) to ensure a coordinated response to the dislocation event and, as needed, obtain access to State and local economic development assistance. Such coordinated response may include the development of an application for a national dislocated worker grant;
5. The provision of emergency assistance adapted to the mass layoff;
6. Delivery of services to worker groups for which a petition for TAA has been filed; and
7. The provision of limited, additional assistance to local areas that experience RR events when such events exceed the capacity of the local area to respond with existing resources.

The above list represents the minimum services that must be readily available and should be offered with the end goal of rapid reemployment. Pursuant to 20 C.F.R.



## **Policy 12-714: Rapid Response Layoff and Closure Requirements**

682.340, a state or designated entity may devise RR strategies or conduct activities that are intended to minimize the negative impacts of dislocation on workers, businesses, and communities, to ensure rapid reemployment for workers affected by RR events. When circumstances allow, the RR team may provide guidance.

### Activities for Unemployment Compensation Claimants

Additionally, to assist workers impacted by employer layoff and closure events, House Bill 2 (130<sup>th</sup> General Assembly) made changes to Ohio Revised Code section 4141.29 of Ohio's Unemployment Compensation law by requiring claimants to connect with job opportunities and to participate in reemployment activities through the OhioMeansJobs.com system and/or OhioMeansJobs centers. The [JFS 55213, Worker's Guide to Unemployment Compensation](#), provides additional guidance on required reemployment activities and may be found at <http://www.odjfs.state.oh.us/forms/file.asp?id=2187&type=application/pdf>

## **C. The Rapid Response Team**

### **1. Responsibility of the Rapid Response Team**

For RR events that have occurred within the previous six months, the RR team will work collaboratively to:

- a. Develop a process to address calls from employers and potentially affected workers (PAWs) requesting information regarding federal and state programs and their requirements (e.g., WARN, Short-term Compensation, Unemployment Compensation, or TAA);
- b. Identify the range of skills and abilities of the affected workforce and compare with local workforce needs to match the affected workers with job vacancies for rapid reemployment;
- c. Develop a coordinated service delivery plan that identifies the strategies to engage local employers in rapid reemployment activities and identifies the outreach strategies needed to highlight the skills of the PAWs. The plan must utilize resources, such as on-the-job training (OJT) and/or customized training, which will most effectively serve both the PAWs and the targeted employer's needs;
- d. Examine the potential impact of an RR event on other employers whose business is dependent on the employer experiencing an RR event (e.g., upstream and downstream customers) to determine an appropriate course of action to connect impacted companies to RR early intervention services; and
- e. Ensure PAWs register in OhioMeansJobs.com to increase reemployment opportunities.

### **2. Rapid Response Team Protocol**

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Establishing a standard local area protocol among all RR team members results in a more effective local team response to layoffs and closures, impacts the service delivery outcome, and creates an environment for proactive RR.

The RR team protocol is a result of conducting a responsibility assignment exercise known as the RACI (Responsible, Accountable, Consulted, Informed), which clearly describes the role(s) of each team member in the completion of RR tasks and activities. The RACI should provide a clear depiction of each RR activity and associated tasks and the role each team member needs to perform in order to deliver workforce solutions effectively and efficiently to RR customers. The protocol should take into consideration the role of the TAA representative as it pertains to administration of RR activities when a TAA petition has been filed.

The RACI, when applied to the RR process, looks at each role and function of RR and helps local teams determine who is:

- a. Responsible** – the individual who does the job;
- b. Accountable** – the individual(s) who is/are ultimately accountable for the action, task, or function;
- c. Consulted** – the individual(s) who need(s) to be consulted prior to a final decision or action being taken; and
- d. Informed** – the individual(s) who need(s) to be informed after a final decision or action is taken.

### **3. RR Events Affecting Multiple Local Areas and Planning Regions**

WIOA envisions a workforce development system that is customer-focused on both the job seeker and business and anticipates and responds to the needs of regional economies. It requires that local WDBs and chief elected officials design and govern the system regionally, aligning workforce policies and services with regional economies and supporting service delivery strategies tailored to those needs. As businesses pull resources and employees from various workforce development areas, it is important that local areas and planning regions address RR processes on a regional basis, ensuring that policies and procedures pertaining to the delivery of RR services are aligned to minimize confusion for the business community. Specifically, local areas must coordinate with one another should an employer closure, mass layoff, disaster mass job dislocation, or TAA petition filing occur affecting multiple local areas, including reemployment service delivery and requests for funding.

## **IV. Definitions**

## **Policy 12-714: Rapid Response Layoff and Closure Requirements**

Disaster mass job dislocation: Any reduction in force, due to a disaster as defined by state or local emergency management policy, that does not result in a total plant/branch/office closing, but still results in the filing of a Worker Adjustment and Retraining Notification Act notice, regardless of the number of workers affected by the layoff announced; or, if no WARN correspondence is issued, employment loss at a single site of employment for:

1. At least 25 percent of employees; or
2. At least 50 employees.

Employer: An individual, business, company, firm, agency, organization, etc. that employs one or more people.

Employer Closure: The permanent shutdown of an Ohio business, facility, or agency.

Event: Any situation in which workers are at risk of layoff from a downsizing or closure of an employer's Ohio business, facility, or agency.

Layoff: A separation due to the lack of work or other factor(s) not related to the behavior or performance of the employee.

Local Rapid Response Coordinator (LC): An individual representing the local WDB, local area, and the OhioMeansJobs centers on the RR team.

Local Plan: A comprehensive 4-year plan developed by the local WDB, in partnership with the chief elected official, and submitted to the State which provides descriptions of the strategic planning elements and services provided in the local area. Requirements for local plans are outlined in Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 16-03, Regional and Local Planning.

Mass layoff: Any reduction in force that does not result in a total plant/branch/office closing, but still results in the filing of a WARN Act notice, regardless of the number of workers affected by the layoff announced; or, if no WARN correspondence is issued, employment loss at a single site of employment for:

1. At least 25 percent of employees; or
2. At least 50 employees.

Notification: The process by which an individual on the RR team is made aware of a possible layoff or employer closing. A notification can come from a variety of sources, including, but not limited to: a WARN letter, word of mouth, the media, local Chamber of Commerce, ODJFS Trade Unit, OhioMeansJobs Center, union officials, local government, affected workers, etc.

ODJFS Regional Rapid Response Coordinator (RC): An ODJFS workforce specialist assigned to a specific local workforce development area or planning region of Ohio to maintain contact with the employer and to ensure all the activities of the local RR team are completed.

OhioMeansJobs Center Operator: The entity or a consortium of entities designated or certified through a competitive process to operate a one-stop center under section 121(d) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3151(d).

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OhioMeansJobs.com: The statewide electronic system for labor exchange and job placement activity operated by the state.

Ohio Rapid Response Workforce Survey (RRWS): The standardized survey ([JFS 08124](#)) used in Ohio to identify demographics of the affected workforce and serve as a preliminary needs assessment.

Ohio's Designated Case Management System: An information tracking system as defined in OAC 5101:9-30-04 used by workforce professionals to gather and report program data and employer event information on the delivery of services for the following programs: Rapid Response, WIOA, Wagner-Peyser, Veteran, Apprenticeship, Migrant and Seasonal Farmworker, Foreign Labor Certification, and Trade.

Planning Region: Two or more local workforce development areas assigned by the State to align workforce development activities and resources with larger regional economic development areas and available resources to provide coordinated and efficient services to both job seekers and employers.

Potentially Affected Workers (PAW): Employees at risk of becoming unemployed due to an event.

Rapid Response Emergency Assistance Funds (RREAF): State rapid response funding allocated to local areas for the provision of reemployment services outlined in the service plan to workers and employers who have been affected by a mass layoff, employer closure, disaster mass job dislocation, or TAA petition.

Rapid Response (RR) Event: When one or more of the following circumstances occur:

1. Announcement or notification of a permanent closure, regardless of the number of workers affected;
2. Announcement or notification of a mass layoff;
3. A mass job dislocation resulting from a natural or other disaster; or
4. The filing of a TAA petition.

Rapid Response Team: Individuals from state and local workforce entities that respond collectively to mass layoffs, employer closures, disaster mass job dislocations, and TAA petition filing that occur within their local area or planning region and assist in providing RR services to employers and affected workers.

Rapid Response Worker Reemployment Session: The provision of reemployment information to the affected workers on the benefits, services, and resources available to rapidly transition them before layoff date or/and during their layoff to new employment.

Service Plan: A plan which details all RR services that will be provided to an affected workforce and a timeline of when the services will be delivered.

Trade Adjustment Assistance (TAA): A program which provides assistance, including reemployment and training services, to workers whose jobs have been threatened or lost due

## **Policy 12-714: Rapid Response Layoff and Closure Requirements**

to foreign imports, or shifts in production and/or services to a country outside the United States.

Worker Adjustment Retraining Notification Act (WARN): The Federal Act that protects workers, their families, and communities by requiring most employers with 100 or more employees to provide notification 60 calendar days in advance of plant closings and mass layoffs. General provisions of WARN covers employers with 100 or more employees, not counting those who have worked less than 6 months in the last 12 months and those who work an average of less than 20 hours a week. Additional material for compliance and assistance can be found at <http://www.doleta.gov/layoff/warn.cfm> .

Workforce development board (WDB) director: The individual hired or designated by the local WDB to assist in completion of duties for the local WDB, including oversight of workforce development employment and training programs and development of the budget for the local area.

### **VI. Local Workforce Development Area Requirements**

#### **A. Identification of the Rapid Response Team**

Each local area must identify members of its RR team. The RR team, in coordination with the RC, shall develop a protocol to ensure the team works together so services are provided to employers and affected workers in a timely, efficient, and quality manner.

The local area's RR team is made up of the following partners fulfilling the following roles when responding to an RR event:

##### **1. ODJFS Rapid Response Coordinator:** The RC will:

- a. Ensure that the initial contact is made with the business;
- b. Conduct and/or participate in the initial meeting, in conjunction with the LC as appropriate, and ensure effective and consistent communication with the employer throughout RR activities;
- c. Disseminate information regarding the RR event to the RR team;
- d. Conduct rapid response worker reemployment sessions or work with the LC to ensure such sessions are conducted;
- e. Coordinate team members to effectively deliver RR program and other services to employers and affected workers;
- f. Assist in coordination of resources within the defined region, which includes coordination with other workforce areas and/or planning region(s) as necessary to ensure timely, effective, and consistent delivery of RR services;
- g. Collaborate with other RCs and other local RR teams for events and initiatives that are regional or statewide;

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- h. Collaborate with LC on the development of the reemployment strategy and service delivery plan, in conjunction with the RR team, that best fits the situation; and
- i. Discuss with the team the best course of action when other employers are at risk of downsizing or closing due to an event.

### **2. Local Rapid Response Coordinator: The LC will:**

- a. Conduct and/or participate in the initial meeting, in conjunction with the RC, as appropriate;
- b. Collaborate among partners;
- c. Collaborate with the RC on the development of the reemployment strategy, in conjunction with the RR team, that best fits the situation;
- d. Coordinate with LCs in other local areas when the event affects multiple local areas regarding reemployment strategy and RR service delivery plan;
- e. Develop a customized RR service delivery plan for every employer event;
- f. Determine the need for Rapid Response Emergency Assistance Funds (RREAF) and collaborate with RC in completing the application;
- g. Collaborate with the local area's fiscal agent and local WDB to mutually agree on funding amounts to support the plan for services;
- h. Guide the team through the funding application process, including applying for funds and submitting the form to the WDB director for signature and approval; and
- I. Assist in the implementation of the RR service delivery plan.

### **3. WDB Director: The WDB Director reviews the RR team protocol and its effectiveness every four years as part of the development of the local area's plan, or after two years as part of the local area plan review and modification,**

or as needed. The WDB Director (or designee) also signs and submits the RREAF application.

In addition to the RR team members listed above, local RR teams should also include the following members so that the team has quality representation in the delivery of RR services:

- 1. OhioMeansJobs Center Operator;
- 2. Economic Development agency, including the regional JobsOhio agency, as appropriate;

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3. Representative of business services in the local area or the local area's business resource network, if applicable;
4. Representative of TAA;
5. Representative of WIOA Title I Programs;
6. Representative of WIOA Title III Wagner-Peyser Employment Services Program; and
7. Representative of Unemployment Insurance (UI).

### **B. Establish Rapid Response Team Protocol**

Local areas shall utilize the RACI exercise to delineate functions for each RR process or activity and the responsibility and accountability for completion of such functions to establish an RR team protocol. The protocol should be developed to ensure communication amongst the team members and to maintain the flexibility to customize for the needs of individual employers and employees impacted by an event.

The RR processes, which will be outlined using the RACI tool, include, but are not limited to, the following activities:

1. Notify team of new event;
2. Enter event information into Ohio's designated case management system
3. Conduct research;
4. Make initial contact with the employer to gather information using the Rapid Response Initial Contact for, [JFS 01810](#);
5. Develop a proposed reemployment strategy for the affected workforce, which is driven by talent needs of local workforce development area and regional employers, and presented at the initial employer meeting;
6. Conduct initial employer meeting to establish rapport, collect needed information, and develop a proposed plan of service. Representatives of the RR team attending this meeting, for most events, should be the Rapid Response Workforce Specialist (RR WFS), Regional Coordinator (RC), the Labor Exchange Workforce Specialist (LE WFS), a local representative, and representative(s) of UI or TAA, as applicable. Other attendees may include State and/or local economic development agencies and other State agencies, as appropriate;
7. Issue the RR WFS to provide local teams with demographics and characteristics of the workforce that will be potentially affected by layoff or closure, captures desired worker services, and will be used in the strategy for service delivery;

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8. Develop a service plan;
9. Develop an RR budget, including potential application for RREAF. The RREAF application process is outlined in WIOAPL No. 17-05.1, Funding for Rapid Response– Employer Closure, Mass Layoff Disaster Mass Job Dislocation, and Trade Adjustment Assistance Events;
10. Conduct the rapid response worker reemployment session using the standard, core presentation developed by ODJFS;
11. Update Ohio’s designated case management system;
12. At least monthly, update RR team on activities and results;
13. Check the effectiveness of the service plan and modify as needed; and
14. Conduct post rapid response follow-up.

Collaboration and coordination by all RR team members is crucial to successful provision of RR services to employers and employees.

The local area must review team protocols to ensure their effectiveness, at a minimum, every two years as part of local area planning, development, or modification. The local WDB Director will submit any revised RR team protocol for the local area to the OWD Rapid Response Unit at [RAPDRESP@jfs.ohio.gov](mailto:RAPDRESP@jfs.ohio.gov) with the subject line of Rapid Response Team Protocol.

### **C. Use of RRWS**

Local RR teams must utilize RRWS to identify the demographics of an impacted workforce for a preliminary needs assessment that will be used by the RR team to develop a service delivery plan as described in Section VI. A. RRWS is completed on the [JFS 08124](#), Ohio Rapid Response Event Data.

All RR team members, service providers and contractors that receive or access personally identifiable information (PII) on impacted workers must safeguard the information from disclosure in accordance with federal and state confidentiality laws, rules, and policies. However, de-identified data can be disclosed in aggregate to provide insight on workforce trends and labor availability.

### **D. Transitioning from Rapid Response Services to the Local Area WIOA Adult and Dislocated Worker Programs**

Local area procedures must be in place to identify the workers served under the RR program and RR services received. All RR services that individuals receive prior to determination of WIOA eligibility must be considered when developing service delivery strategies for workers who will be eligible to receive additional services under WIOA. Such consideration will help prevent duplication of services and ensure that workers can quickly access needed services.

### **E. Transitioning from Rapid Response Services to TAA Program**



## **Policy 12-714: Rapid Response Layoff and Closure Requirements**

Local areas must have procedures in place to identify the workers served under the RR program and RR services received. If individuals who are potentially Trade eligible also received WIOA services prior to Trade certification, these services must also be identified. All RR and, possibly, WIOA services that individuals received must be considered when developing service strategies for workers eligible to receive additional services under TAA. Such consideration will help prevent duplication of services, ease transition of services, and help ensure that workers can quickly access needed services. Individuals may be co-enrolled in both TAA and WIOA programs to receive ongoing reemployment services.

### **VII. Reporting Requirements**

Accurate and up-to-date information on closure and layoff events is critical to stakeholders within the workforce development system. This data is also a key factor in assessing the need for financial assistance at the state and federal levels.

There are two levels of reporting for employer closure and mass layoff events:

1. Employer/event data tracking into Ohio's designated case management system; and
2. Worker data in Ohio's designated case management system .

Ohio's designated case management system records all significant information and data from each event, beginning with notification and initial contact with the employer, through the transition of affected workers to the OhioMeansJobs Centers and the local workforce development system.

Based upon the RACI, the team member responsible for entering information into Ohio's designated case management system must record WARN and non-WARN events and any subsequent updates in Ohio's designated case management system on a timely basis. At a minimum, a local RR team member must enter all the following required information into

Ohio's designated case management system, preferably within the next business day, but prior to application for RR funds, as appropriate:

1. Company information, including company contact information, identification of RR team leader, notification of event, and event information;
2. Layoff information, including number of affected workers, layoff date, and specifics regarding the layoff or closure; and
3. Business and initial planning information;

Based upon the RACI, the team member responsible for data entry must record all individual workers who attend a reemployment session or receive other RR services into Ohio's designated case management system. Data can be acquired, among other methods, by using the Rapid Response Workforce Survey form [JFS 08124](#). The Rapid Response Identification (RRID) number assigned will be entered into Ohio's designated case management system to track individual workers accessing services from each event. Although data elements are minimal for workers at this level of service, it is the beginning of a log of services that can

## **Policy 12-714: Rapid Response Layoff and Closure Requirements**

then be used to ensure a smooth transition to WIOA program enrollment, should additional services be needed.

Depending on the RR funded activities associated with the substantial layoff or employer closure, the team member may be required to enter participant information into Ohio's designated case management system under Special Grants. By reporting information into Ohio's designated case management system, the local area may report outcomes.

### **VIII. Monitoring**

The local WDB's oversight and monitoring must include a review of the effectiveness of the area's rapid response program. This may include:

1. An assessment of collaboration among RR teams and members;
2. The efficiency of service delivery to employers and PAWs; and
3. Timeliness and completeness of data entry into Ohio's designated case management system.

### **IX. Technical Assistance**

The OWD Rapid Response Unit will oversee Ohio's RR service delivery to identify notable practices and document RR activity throughout the state. The OWD Rapid Response Unit will also provide oversight of the activities of the local RR teams.

The RR unit provides the following types of assistance:

1. Technical assistance for the development of an RR team protocol;
2. Ongoing support, guidance, training, and technical assistance to local RR teams, local business resource teams or other business teams, local WDBs, and OhioMeansJobs centers;
3. Reviewing, managing, and reporting out on data derived from local activity; and
4. Providing financial resources to the local RR teams and stakeholders.

For additional information, questions may be sent to the OWD Rapid Response Unit: [RAPDRESP@jfs.ohio.gov](mailto:RAPDRESP@jfs.ohio.gov).

### **X. References**

Workforce Innovation and Opportunity Act § 134, Pub. L. 113-128.

Worker Adjustment and Retraining Notification Act (WARN), Pub. L. 100-379, 29 U.S.C. 2101 et seq., 20 C.F.R. Part 639.

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20 C.F.R. §§ 682.300 - 682.370.

USDOL, Training and Employment Guidance Letter WIOA N0. 19-16 Operating Guidance for the Workforce Innovation and Opportunity Act, Guidance on Services Provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by Title III of WIOA, and for Implementation of the WIOA Final Rules, (March 1, 2017).

O.A.C. §§ 5101:9-30-04

O.R.C. §§ 4141.29(A)(4), 4141.29(A)(7), as amended by H.B. 2 (130<sup>th</sup> General Assembly).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 16-03.1, Regional and Local Planning, (January 24, 2023).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 17-05.1 Funding for Rapid Response– Employer Closure, Mass Layoff, Disaster Mass Job Dislocation, and Trade Adjustment Assistance Events, (TBD).

ODJFS, Worker's Guide to Unemployment Compensation, (Last revised December 2022).

ODJFS, Rapid Response Delivery Process, (Last revised May 8, 2023)

## Policy 12-715: Rapid Response Layoff Aversion Requirements

<b>Reference State Policy:</b>	WIOAPL No. 15-16.2
<b>Board Approved:</b>	11/13/2014
<b>Revision Approved:</b>	05/31/2016, 03/07/2024
<b>Effective Date:</b>	03/07/2024
<b>Policy Obsolete:</b>	

### **I. Purpose**

The Ohio Department of Job & Family Services (ODJFS) is committed to providing employer customers with workforce solutions throughout the business cycle and may do so by helping local workforce development areas (local areas) to avert or mitigate employer layoffs and closures using rapid response (RR) to fund layoff aversion (LA) strategies as outlined in this policy.

### **II. Rescission**

ODJFS, Workforce Innovation and Opportunity Policy Letter No. 15-16.1, Rapid Response Program Requirements – Layoff Aversion, (April 1, 2019).

### **III. Background**

Under WIOA, workforce development, education, and economic development partners coordinate services and activities to meet the needs of employers throughout the business cycle, including assisting with potential reductions in their labor force. Local WIOA-funded providers of employer services and other partners in workforce, economic development, and education programs should coordinate to provide a range of layoff aversion (LA) strategies as part of their routine and on-going menu of business services (e.g., identifying employers who are at-risk of downsizing, assessing employer needs, facilitating access to capital, providing worker training, helping to improve quality or production processes, etc.)

LA strategies save jobs and increase economic productivity by preventing or deferring layoff events, shortening the duration of unemployment, and minimizing the negative impacts on workers, the employer, and the community. A layoff is averted when:

- 1.A worker's job is saved with an existing employer that is at risk of downsizing or closing;
- 2.A worker at risk of dislocation transitions to a different job with the same employer; or
- 3.A worker at risk of dislocation transitions to a new job with a different employer and experiences no or a minimal period of unemployment.

LA strategies can be effective tools to assist employers in developing the skilled workforce necessary to adapt to the changing economy, to stay in business, and to retain talent. The local area should opt to deploy LA strategies that are most likely to retain jobs and critical

## **Policy 12-715: Rapid Response Layoff Aversion Requirements**

industries in the region, promote new industry-sector growth strategies and new jobs in the economy, and provide improved coordination between partners. Such strategies may include, but are not limited to:

1. Assisting employers in managing reductions in force, which may include:
  - a. Early identification of firms at risk of layoffs (e.g., early warning networks or trend monitoring);
  - b. Assessment of the needs of, and options available to, at-risk firms (e.g., asset mapping, employee buy-outs, or succession planning); and
  - c. The delivery of services, or referrals to other resources and providers, to address the assessed needs;
2. Ongoing engagement, partnership, and relationship-building activities with businesses in the community to create an environment for successful LA efforts and to enable the provision of assistance to dislocated workers in obtaining reemployment as soon as possible;
3. Funding feasibility studies to determine if a company's operations may be sustained through a buyout, employee ownership, or other means to avoid or minimize layoffs;
4. Implementing incumbent worker training (IWT) programs;
5. Connecting companies to:
  - a. Short-time compensation (e.g., SharedWork Ohio) or other programs designed to prevent layoffs or to quickly reemploy dislocated workers, available under Unemployment Insurance programs;
  - b. Employer loan programs for employee skill upgrading; and
  - c. Other Federal, State, or local resources as necessary to address other business needs that cannot be funded by WIOA;
6. Establishing linkages with economic development activities at the Federal, State, and local levels, including Federal Department of Commerce programs and available State and local business retention and expansion projects;
7. Partnering or contracting with business-focused organizations to assess risks to companies, propose strategies to address those risks, implement services, and measure impacts of services delivered;
8. Conducting an analysis of the suppliers of an affected company to assess their risks and vulnerabilities from a potential closing or shift in production of their major customer;

## **Policy 12-715: Rapid Response Layoff Aversion Requirements**

9. Engaging in proactive measures to identify opportunities for potential economic transition and for fulfilling worker training needs in growing industry sectors or expanding businesses; and
10. Connecting businesses and workers to short-term, on-the-job, or customized training programs and apprenticeships before or after layoff to help facilitate rapid reemployment. In addition to providing services following a layoff or closure, the WIOA RR program is designed to be proactive by helping local areas implement these and other LA strategies.

### **IV. Definitions**

Imminent Layoffs: Workforce reductions by an employer that, according to documented foreseeable circumstances, are likely to occur within the next 36 months, and likely to result in the potentially affected workers remaining out of work for at least 6 months.

Incumbent worker: An employed individual who meets the Fair Labor Standards Act requirements for an employer-employee relationship and has an established employment history with the employer for six months or more or is a member of a training cohort in which most of the workers have such an employment history.

Incumbent worker training (IWT): Training designed to meet the special requirements of an employer (including a group of employers) to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment. IWT is conducted with the commitment of the employer to retain or avert the layoffs of the incumbent workers trained. IWT may be funded with local adult or dislocated worker formula grants or with state RR funding.

Layoff aversion (LA): A strategy that prevents and/or minimizes unemployment for employees of companies that have either announced layoffs or are struggling and at risk of downsizing.

Ohio's Designated Case Management System: An information tracking system as defined in Ohio Administrative Code 5101:9-30-04 which is used by workforce professionals to gather and report program data and employer event information on the delivery of services for the following programs: Rapid Response, WIOA, Wagner-Peyser, Veteran, Apprenticeship, Migrant and Seasonal Farmworker, Foreign Labor Certification, and Trade.

### **VI. Local Workforce Development Area Requirements**

#### **A. Local Area Strategic Framework for LA Activities**

Local workforce development boards (WDB) have the unique opportunity to implement proactive programs meant to predict and avert layoffs, thereby saving jobs and helping their communities grow and prosper. Under the strategic direction of the WDB, the partners in the local area must establish processes and procedures to:

1. Effectively deliver services to employers throughout the business cycle (i.e., normal expansions and contractions of the economy);
2. Develop an operations protocol for local area and regional partner programs that provide employer services to coordinate their efforts;

## **Policy 12-715: Rapid Response Layoff Aversion Requirements**

3. Identify opportunities to conduct LA activities;
4. Determine the appropriate LA strategy or mix of strategies that best fits each opportunity;
5. Develop the RR funding request for implementation of LA strategies when local area resources are insufficient to address the local needs;
6. Implement the approved LA strategies; and
7. Capture the data associated with LA in the appropriate State-designated information systems.

When the need to implement one or more LA strategies has been identified, local area partner or community resources available to implement the strategy must be explored, including WIOA adult and dislocated worker formula funds. If the expected costs of implementing the necessary LA strategies exceed the resources available in the local area, a request for RR funding may be submitted in accordance with the WIOA policy letter on funding for RR layoff aversion.

Local areas may request RR funding to implement either IWT programs or proactive LA strategies.

### **B.RR Incumbent Worker Training (RRIWT)**

One of the most commonly implemented and effective LA strategies is the provision of IWT to enable workers to obtain the skills necessary to avert potential layoffs. If local resources (e.g., the portion of WIOA formula funding that may be spent on IWT, the employer's own resources, and other partner funding) are not sufficient to adequately address the training needs for an employer facing layoffs, then local areas may request RRIWT funding. Local areas may apply for up to \$4,200 for each incumbent worker that will receive training.

Many employers express the need to upgrade the skills of their workforce to enhance profitability and competitiveness, but the primary focus of the RR program must remain on serving unemployed workers and averting layoffs. Therefore, RRIWT funds will not be awarded for skill upgrades that are unrelated to imminent layoffs. Examples of situations that would justify the need for RRIWT funding to prevent imminent layoffs include, but are not limited to:

- An employer experiences ongoing losses or declining sales that are likely to be mitigated by IWT;
- A significant share of the employer's revenue is derived from contracts or agreements that risk being discontinued if worker skills are not upgraded to complete the deliverables; or
- 
- Successful implementation and operation of new equipment or technology necessary for the sustained viability of the company requires specialized or intensive worker training.

## **Policy 12-715: Rapid Response Layoff Aversion Requirements**

When requesting funds for RRIWT, the local area must include explanations of how the employer is facing imminent layoffs and how they would be averted through the provision of training for the workers.

RRIWT services must be implemented in compliance with the IWT guidelines (i.e., employer eligibility requirements, training provider considerations, procurement options, allowable costs, etc.), except for the provision allowing IWT for skill upgrades unrelated to imminent layoffs, which is not permitted under RRIWT funding but may be provided with local funds.

Upon receipt of RRIWT funds, the local area must ensure that impacted workers are not turned away from services based upon their residency.

### **B. Proactive LA Strategies**

Local areas may request LA funds for strategies to launch innovative solutions unrelated to imminent layoffs by a specific employer or group of employers, such as creating an early warning network; assessing risks to industries or companies and proposing strategies to mitigate the risks; and mapping local assets that benefit employers.

Local areas should utilize proactive LA strategies that target industries that will most significantly improve the labor market and economy of the region. This includes industries that:

- Provide the types of long-term wages, benefits, and career opportunities that will allow individuals and families to become and/or remain financially independent and self-sufficient;
- Employ a relatively large share of the local or regional workforce;
- Have established career pathways for low-income populations;
- Diversify job opportunities for workers in the labor market; and
- Create economic spin-off activity or technological advancement.

When requesting RR funding for a proactive LA strategy, the local area shall list in the application the planned goals or outcomes expected to result from the project, which must be stated as numeric values (e.g., number of employer needs assessments completed, percentage decrease in annual layoffs, dollar value of economic development funds leveraged, etc.). This goal-setting will enable evaluation of the success of the project upon completion.

### **C. Reporting Requirements**

If LA funding is approved, ODJFS will send a notice of approval to the local area, which will include a rapid response identification number (RRID) for the employer. Each approved LA strategy must be entered into Ohio's designated case management

system for tracking layoff events within ten days of ODJFS's issuance of the notice of approval.

For RRIWT projects, each trainee must be entered into the mini-incumbent worker module into Ohio's-designated case management system within 30 days following the



## **Policy 12-715: Rapid Response Layoff Aversion Requirements**

start of his or her training. The reporting of outcomes is also required within 30 days after the conclusion of each worker's training period.

Depending on the LA strategy, the local area may be required to register individuals receiving services as participants into Ohio's designated case management system under one or more special grant offices, which will enable the reporting of long-term outcomes to evaluate the success of the LA project. Instructions on the tracking of RR data under a special grant office, if required, will be provided when the funding request is approved.

In addition to the above data collection requirements, local WDBs may choose to collect more information, if it is needed to conduct successful LA strategies. Given the sensitive nature of a business's financial status and of all personal data, local WDBs should be cautious in gathering confidential information beyond the requirements of this policy.

Upon completion of the LA project, the local area must submit an evaluation of the effectiveness of the area's implementation of the planned strategies, which shall include a report on the completion status of each planned goal or outcome. The evaluation may also include an assessment of collaboration among partners that assisted with the LA project; the efficiency of service delivery to employers and affected workers; timeliness and completeness of data entry into Ohio's designated case management system; use of funds in a manner that is consistent with the funding application and federal and state laws and local procedures; and other qualitative or quantitative evaluations that the local WDB deems appropriate.

## **VII. State Requirements**

### **A. Oversight of Local Area LA Implementation**

The Ohio Department of Job and Family Services (ODJFS), Office of Workforce Development (OWD), is the agency responsible for the administration of WIOA and the delivery of the RR program. The OWD RR unit oversees the RR program to ensure compliance with federal and state requirements, carrying out the delivery of LA primarily through sub-recipient awards to participating local areas.

To effectively manage the investment of RR resources and to oversee the delivery of LA services, the OWD RR Unit shall:

1. Manage RR funds to ensure sufficient resources remain available to respond to unavoidable mass layoffs and for other strategic priorities and for LA projects as appropriate;
2. Provide policy guidance and a planning form that local areas may submit to request LA funding;
3. Establish financial guidelines to be used in determining local area eligibility for an LA award and the award amount;

## **Policy 12-715: Rapid Response Layoff Aversion Requirements**

4. Review requests for RR funding to ensure compliance with this policy letter and related policies, regulations, and legislation;
5. Monitor LA project implementation by the local area (e.g., worker counts, expenditure rates, outcomes) by communicating with local areas and reviewing data reported in the applicable information systems; and
6. Negotiate and issue incremental awards and adjust the parameters and funding levels of LA projects that are in progress in response to communications with the local area and other data.

### **B. Technical Assistance**

The RR Unit will provide technical assistance to local areas implementing LA projects under RR funding, including:

1. Documenting statewide RR activity and identifying best practices;
2. Overseeing the activities performed under RR-funded LA;
3. Providing support, guidance, and training to local areas participating in LA projects; and
4. Reviewing, managing, and reporting local area LA activity.

For additional information or to request technical assistance, email the OWD Rapid Response Unit at [RAPDRESP@jfs.ohio.gov](mailto:RAPDRESP@jfs.ohio.gov).

## **VIII. References**

Workforce Innovation and Opportunity Act § 134, Pub. L. 113-128.

20 C.F.R. §§ 682.300-682.370.

USDOL, Training and Employment Guidance Letter WIOA No 19-16, Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules (March 1, 2017).

ETA, Unemployment Insurance Program Letter No. 22-12, Financing of Temporary Federal Short-Time Compensation Programs under Section 2163 of the Middle-Class Tax Relief and Job Creation Act of 2012 (June 18, 2012).

O.A.C. §§ 5101:9-30-04

Ohio Revised. Code §§ 4141.09 and 4141.50.

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-23.02, Incumbent Worker Training (IWT) Guidelines (June 14, 2023).

## Policy 12-716: Reporting of One-Stop Universal Customers

<b>Reference State Policy:</b>	WIOAPL No. 15-21.1
<b>Board Approved:</b>	September 11, 2009
<b>Revision Approved:</b>	March 7, 2024
<b>Effective Date:</b>	03/07/2024, March 7, 2024
<b>Policy Obsolete:</b>	

### **I. Purpose**

The purpose of this policy is to outline the reporting requirements for OhioMeansJobs center universal customers (reportable individuals).

### **II. Background**

The United States Department of Labor (DOL) Training and Employment Guidance Letter 14-18 and federal reporting instructions include the requirements for all states to report OhioMeansJobs center universal customers receiving self-directed services and workforce information services (basic career services).

The reporting of universal customers is essential for three reasons:

- The number of universal customers served (virtual and in-person) through the OhioMeansJobs centers are a direct reflection of the value of Ohio's workforce system;
- Reporting is a federal requirement; and
- The data is submitted to DOL on a quarterly basis by the state.

Failure to report OhioMeansJobs center customers on a timely basis results in an under-representation of the number of individuals served when reports are generated from Ohio's designated case management system.

### **III. Requirements**

Local workforce development areas must report data elements of OhioMeansJobs center universal customers who are ages 18 and over. OhioMeansJobs center customers are included in this requirement if the services, staff, facility, or activity was funded in whole or in part by Workforce Innovation and Opportunity Act (WIOA) and/or Wagner-Peyser Employment Services funds.

A reportable individual is an individual who has taken action that demonstrates an intent to use program services and who meets specific reporting criteria of the program, including:

- 1) Individuals who provide identifying information;
- 2) Individuals who only use the self-service system; or
- 3) Individuals who only receive information-only services or activities.

## **Policy 12-716: Reporting of One-Stop Universal Customers**

The CFIS OMJ App (Kiosk) enables users to record the data elements that satisfy the federal reporting requirements. Both self-directed and workforce information services are recorded in CFIS OMJ App (Kiosk). All local workforce development areas must utilize CFIS OMJ App (Kiosk) for tracking universal customers to meet the reporting requirements. Third party uploads or alternative tracking systems are no longer supported, and the use of such will not be sufficient to meet the reporting requirements.

### **IV. Technical Assistance**

For additional information or technical assistance, you may send your questions to the Office of Workforce Development: [WIOAQNA@jfs.ohio.gov](mailto:WIOAQNA@jfs.ohio.gov).

### **V. Reference**

Workforce Innovation and Opportunity Act, §§ 106 – 107, Public Law 113-128.

USDOL, Training and Employment Guidance Letter No. 14-18 Operating Guidance for the Workforce Innovation and Opportunity Act (WIOA) (March 25, 2019)

Ohio Administrative Code rule 5101:9-30-04, Mandated Use of the Advancement through Resources Information and Employment Services (ARIES) System and County Finance Information System (CFIS).

### **Rescission**

[Workforce Innovation and Opportunity Act Policy Letter No. 15-21](#) Reporting Requirements for OhioMeansJobs Center Universal Customers

## Policy 12-717: State Method for Funding OMJ Infrastructure

<b>Reference State Policy:</b>	WIOAPL No. 16-06
<b>Board Approved:</b>	03/07/2024
<b>Revision Approved:</b>	
<b>Effective Date:</b>	03/07/2024
<b>Policy Obsolete:</b>	

### **I. Purpose**

The purpose of this policy is to communicate guidance and parameters for implementation of the state infrastructure funding mechanism when required partners and the local workforce development boards (WDB) cannot reach consensus on funding OhioMeansJobs Center infrastructure costs through the local infrastructure funding mechanism.

### **II. Background**

Per section 121 (h) of the Workforce Innovation and Opportunity Act (WIOA), states are required to develop an infrastructure funding mechanism that will be implemented by the state to determine and collect each partner's proportionate share of funds for OhioMeansJobs center infrastructure costs when a WDB and local partners in a local workforce development area cannot reach a consensus on infrastructure funding through the local infrastructure funding mechanism.

The state infrastructure funding mechanism must take into consideration the number of centers in the area, the population served, and services provided. It must take into account each local partner's costs for administration of the local workforce development system that are not for purposes related to OhioMeansJobs centers, as well as the statutory requirements for each partner program, all other legal requirements, and the ability of each partner program to fulfill those requirements.

The Ohio Department of Job and Family Services (ODJFS), as the state workforce agency responsible for administration and oversight of WIOA, will provide guidance, technical assistance, and facilitation as needed to local WDBs, chief elected officials, and partners in determining equitable and stable methods of funding the infrastructure costs.

### **III. Definitions**

Cap on required contributions: The maximum dollar amount a local partner is mandated to contribute under the state infrastructure funding mechanism. Each partner's maximum cap is defined in section 121(h)(2)(D)(ii) of WIOA as a specific percentage of the partner's annual federal funding for workforce programs (i.e., education, employment, and training activities delivered using that funding.)

Infrastructure funding: Contributions to pay for nonpersonnel costs necessary to operate an OhioMeansJobs Center, including rent, utilities, maintenance, supplies, equipment, technology to facilitate access, and outreach activities.

## **Policy 12-717: State Method for Funding OMJ Infrastructure**

Local Memorandum of Understanding (MOU): The agreement resulting from negotiations at the local level that describes the roles and responsibilities of the local WDB and local partners in the operation of the OhioMeansJobs Centers and participation in the local workforce development system. The MOU lists each local partner's proportionate share of infrastructure costs and the costs for shared services as well as other locally negotiated terms.

Non-required partner: An entity voluntarily participating in the local OhioMeansJobs Center system that is not carrying out any of the programs or activities that would mandate such participation under WIOA.

Participating area: A local workforce development area subject to the state infrastructure funding mechanism during a given program year; or an area in which the partners failed to complete the local MOU negotiation process for one or more OhioMeansJobs Centers in the area.

Partner: The collective term to reference both required and non-required partners.

Requested contribution: The aggregate annual state infrastructure costs allocable to a required partner based on the MOU budgets from all participating areas where the partner has a presence; or a partner's actual cost and benefit received from OhioMeansJobs Center participation within the areas participating in the state infrastructure funding methodology.

Required partner: An entity carrying out programs or activities listed in WIOA section 121(b)(1)(B) which mandates participation in the local OhioMeansJobs Center delivery system.

## **V. Requirements**

### **A. Methods for Determining Infrastructure Costs**

Section 121 (h) of WIOA provides two options for determining the partners' proportionate share of infrastructure costs for certified OhioMeansJobs centers located in the workforce development area:

Method 1: Local Funding Mechanism - A local funding methodology is agreed upon by the local board, chief elected official(s), and partners as defined in the local MOU.

Prior to the beginning of each program year, the partners in each local workforce development area will participate in a negotiation process to determine how to fund the costs of the area's certified OhioMeansJobs Center(s) in the upcoming program year. ODJFS will provide guidance and technical assistance to the partners to facilitate the MOU negotiation process. The MOU describing the locally-defined funding method and total costs signed by the partners, WDB, and chief elected official(s), must be submitted to the state workforce agency by May 31st for the subsequent program year beginning on July 1st.

Method 2: State Infrastructure Funding Mechanism - If no consensus agreement is reached using the local infrastructure funding method, the state infrastructure funding mechanism will be implemented.

When ODJFS receives notice from WDB that it, the chief elected official(s), and area partners are unable to reach consensus on the funding of infrastructure costs, ODJFS,

## **Policy 12-717: State Method for Funding OMJ Infrastructure**

in consultation with state-level partner agencies, will provide local mediation and negotiation assistance to help the area reach consensus under the local infrastructure mechanism. If consensus still cannot be reached, the state infrastructure funding mechanism will be implemented.

Areas that have not submitted a signed MOU for the upcoming state fiscal year (beginning July 1st) by May 31st, or have not notified ODJFS that consensus has been reached on funding the OhioMeansJobs Center costs by May 31st, will be considered to have failed the local infrastructure mechanism. These areas will be subject to the state infrastructure funding mechanism.

### **B. State Infrastructure Funding Formula**

For each local workforce development area subject to the state infrastructure funding mechanism, ODJFS will calculate the total amount payable by each required partner in a participating area, using the following methodology:

1. **Identification of negotiated infrastructure costs:** ODJFS will identify the infrastructure costs and each partner's share of those costs from the most recent MOU successfully negotiated by the partners in the participating area.
2. **Infrastructure cost adjustments:** The budget associated with the most recent MOU will be adjusted as described below:
  - A. Personnel costs within the MOU budget will be subtracted from the total cost to be requested from the partners.
  - B. Costs charged to non-required partners and Native American programs will be subtracted from the total amount to be requested from the remaining partners.
  - C. Alternative funding that would defray the costs to partners will be subtracted from the total to be requested from the partners.
  - D. Infrastructure costs may be increased by up to three percent over the most recent MOU budget for each consecutive year the area participates in state infrastructure funding if such cost increases are supported by documentation.
3. **Partner funding requests:** Each required partner will be notified of its aggregate costs in all participating areas in which the partner has a presence. Each partner must notify ODJFS if the requested amount exceeds the cap on required contributions listed in section 121 (h)(2)(D)(ii) of WIOA.
4. **Calculation of allocations:** If any required partner's cap is exceeded and the partner will not voluntarily contribute the requested contribution, the state infrastructure allocations for all participating areas in which that partner has a

presence will be reduced proportionately until the total allocations to the participating areas do not exceed the contributions from the required partners.

## **Policy 12-717: State Method for Funding OMJ Infrastructure**

ODJFS will notify each participating area of its final calculated annual state infrastructure funding allocation.

Attachment 1 to this policy - State Infrastructure Funding Methodology - contains more details about the above steps.

### **C. Allocation Process**

Each participating area will receive quarterly allocations for OhioMeansJobs center infrastructure costs. To fund these awards, ODJFS will collect required contributions from each partner with a presence in participating areas at the beginning of each calendar quarter by invoicing the required partners for one-fourth of the partner's annual contribution. Once the funds are collected from the partners, the contribution from each partner will be divided among the participating areas according to the formula for state infrastructure funding, aggregated with the other required partner contributions to that participating area, and issued as a single allocation to the area's WIOA fiscal agent.

Participating areas may draw the allocated state infrastructure funds to pay for actual costs of OhioMeansJobs center operations for line items of expense identified by ODJFS as infrastructure costs in the most recently negotiated MOU. Actual costs must be reported against the allocations using financial system codes established by ODJFS. Participating areas must maintain records documenting their actual costs paid with state infrastructure funding dollars in accordance with the records retention schedule identified in the WIOA subgrant agreement. ODJFS will conduct monitoring to ensure costs are allowable and properly documented.

### **D. Completion of MOU Negotiation**

Implementation of the state infrastructure funding mechanism does not relieve the WDB or partners from the responsibility to negotiate for other required aspects of the local MOU including provision of shared career services, common costs such as costs of intake, assessment, and appraisal of basic service needs, and methods of referral. Personnel costs are excluded from the state infrastructure funding calculation and will need to be negotiated separately among the partners and included along with the state infrastructure funding in the MOU budget.

If the state infrastructure funding allocation amount from a required partner will be less than the infrastructure costs originally budgeted in the MOU for a participating area, partners will be directed to reenter negotiations to resolve the shortage in a manner that is consistent with the laws and regulations that authorize each partner's program. Participating areas must submit a completed MOU signed by all parties and containing all required elements including the resource sharing budget reflecting each partner's contribution under state infrastructure funding and any additional contributions by June 30th. Delaying the submission of the MOU may delay the issuance of the state infrastructure funding allocation.

### **E. Coordination of State Agency Required Partners**

At the beginning of each biennium, the state agencies responsible for administration and oversight of required partner programs listed in section 121 (b)(1)(B) of WIOA



## **Policy 12-717: State Method for Funding OMJ Infrastructure**

(state partners) will execute an interagency agreement in which the state partners will ensure that program funds in an amount not to exceed the cap listed in section 121(h)(2)(D)(ii) of WIOA will be available to pay required contributions in the event that the state infrastructure mechanism has to be implemented for one or more local workforce development areas. If the infrastructure funding mechanism is implemented in any local area, ODJFS will enter into a similar agreement at that time with any required partner receiving its funds directly from a federal agency rather than through a state agency pass-through.

If the infrastructure funding mechanism is implemented in any area, ODJFS will provide state partners with a list of all areas that successfully negotiated MOUs and those that will be subject to the state infrastructure funding mechanism along with the amounts of required contributions needed from each partner for each participating area.

### **F. Partner Appeals**

Partners may appeal the determination of state infrastructure funding contributions on the basis that such determination is inconsistent with this policy or with any part of section 121(h) of WIOA. The appeals process is as follows:

- Within 21 calendar days from the date of receipt of the notice of state infrastructure funding determination, the partner(s) may file an appeal to the State in writing that clearly describes the reason(s) the partner is disputing the required contribution amount calculated under the state infrastructure funding mechanism.
- The State will review the request for appeal.
- The State will notify the partner of its actions in writing within 30 calendar days upon receipt of the appeal.

The flowchart in Attachment 2 illustrates the state infrastructure funding process graphically.

### **VI. Monitoring**

Through the state's monitoring system, program monitors and auditors will review the area's MOU negotiation process during the annual onsite monitoring review for compliance with federal and state laws and regulations. Any issues will be handled through the state's monitoring resolution process.

### **VII. Technical Assistance**

For technical assistance, you may send your request to the Office of Workforce Development: [OWDGRANTS@jfs.ohio.gov](mailto:OWDGRANTS@jfs.ohio.gov).

### **VIII. References**

Workforce Innovation and Opportunity Act, § 121, Public Law 113-128.

20 C.F.R. §§ 678.700 thru 678.760.

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2 C.F.R. Parts 200 and 2900.

**Attachments**

**Attachment 1:**[State Infrastructure Funding Methodology](#)

**Attachment 2:**[State Infrastructure Funding Process Flow](#)

## Policy 12-718: Poverty Line and Lower Living Standard (LLSIL)

<b>Reference State Policy:</b>	WIOAPL No. 15-19.1
<b>Board Approved:</b>	03/07/2024
<b>Revision Approved:</b>	
<b>Effective Date:</b>	03/07/2024
<b>Policy Obsolete:</b>	

### **I. Purpose**

The purpose of this policy is to notify the local workforce development areas of the annually updated poverty line and the lower living standard income level tables.

### **III. Rescission**

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-19, Poverty Income Guidelines and Lower Living Standard Income Level, (November 12, 2015).

### **IV. Background**

The poverty line and lower living standard income level (LLSIL) may be used, in addition to several other measures, to determine if a WIOA applicant or participant meets the definition of a low-income individual. In-school youth -- and out-of-school youth with certain barriers defined in WIOA -- must be low-income individuals (except for up to five percent of the youth otherwise required to be low-income individuals who may be served by the local area even though they are not low-income.)

For the adult program, low-income individuals must receive priority status (along with recipients of public assistance and individuals who are basic skills deficient) for individualized career services and for training services.

For purposes of youth program eligibility and adult service priority, individuals meet the definition of low-income if their family income does not exceed the poverty line, or 70 percent of the LLSIL, whichever is greater for that family size.

### **V. Definitions**

Low-income individual: As defined in section 3(36)(A) of WIOA, an individual who:

- a. Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program (SNAP), temporary assistance for needy families (TANF), or the supplemental security income (SSI) or local income-based public assistance;
- b. Is in a family with total family income that does not exceed the higher of:

- The poverty line; or

## **Policy 12-718: Poverty Line and Lower Living Standard (LLSIL)**

- 70 percent of the lower living standard income level.

- c. Is a homeless individual;
- d. Receives or is eligible to receive a free or reduced price lunch (which does not include youth attending school in districts subsidizing all student meals who would not otherwise be eligible as individuals for free or reduced price lunch);
- e. Is a foster child on behalf of whom the State or local government payments are made; or
- f. Is an individual with a disability whose own income meets the eligibility income requirement of clause (b) but who is a member of a family whose income does not meet this requirement.

Lower living standard income level: As defined in section 3(36)(B) of WIOA, income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the United States Department of Labor (DOL) based on the most recent lower living family budget issued by the Secretary of the Department.

Ohio Workforce Case Management System (OWCMS): A system used by workforce professionals to gather and report program data and information for the following programs: WIOA, Wagner-Peyser, Veteran, Apprenticeship, Migrant and Seasonal Farmworker, Foreign Labor Certification, and Trade.

Poverty line: The income level defined by the federal Office of Management and Budget and revised annually by the United States Department of Health and Human Services (HHS) in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

## **VI. State Requirements**

The poverty line and LLSIL are issued at separate times by different federal agencies. The United States Department of Health and Human Services (HHS) is responsible for the poverty line and historically revises the standards during the first quarter of the calendar year. The United States Department of Labor (DOL) determines and releases the LLSIL for Title I of WIOA during the second quarter of the calendar year. The revised poverty line and LLSIL are communicated annually by the Office of Workforce Development, Ohio Department of Job and Family Services, to the local workforce development boards.

When both income tables have been revised at the federal level, the table listing the poverty line and 70 percent of the LLSIL for each family size will be updated in the Ohio Workforce Case Management System (OWCMS) for income-based eligibility determinations. When the income tables in OWCMS have been updated, notification will be sent via e-mail to the local workforce development boards and OhioMeansJobs center operators.

## **Policy 12-718: Poverty Line and Lower Living Standard (LLSIL)**

An updated chart will also be posted on the OWD State Policy and Guidance Information web page.

### **VII. Local Workforce Development Area Requirements**

Upon receiving notice that the income tables in OWCMS have been updated, the local workforce development board must ensure that the revised standards are used for determining WIOA youth eligibility and for determining priority status for certain adult services.

### **VIII. Technical Assistance**

For technical assistance, you may send your request to the Office of Workforce Development: [WIOAQNA@jfs.ohio.gov](mailto:WIOAQNA@jfs.ohio.gov).

### **IX. References**

Workforce Innovation and Opportunity Act, § 3(36), Public Law 113-128.

O.A.C. rule 5101:10-3-01.

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-08.1, Career Services for Adults and Dislocated Workers, (June 6, 2017).

## Policy 12-719: Development of MOU for Workforce System

<b>Reference State Policy:</b>	WIOAAPL No. 16-11.1
<b>Board Approved:</b>	April 16, 2024
<b>Revision Approved:</b>	
<b>Effective Date:</b>	April 16, 2024
<b>Policy Obsoletes:</b>	

### **I. Purpose**

The purpose of this policy is to define the requirements for the development and negotiation of the local workforce development area's (local area's) memorandum of understanding (MOU) for the delivery of workforce and other related services.

### **II. Rescission**

Workforce Innovation and Opportunity Act (WIOA) [Policy Letter No. 16-11](#), Development of the Memorandum of Understanding for the Workforce Delivery System (July 19, 2017).

### **III. Background**

Integrated service delivery is the cornerstone of the public workforce delivery system, through which workforce development, educational, and other human resource services are made available to individuals and employers at the American Job Centers (in Ohio, called OhioMeansJobs centers) in each local workforce development area. Management of the local service delivery system is to be shared among states, local workforce development boards (WDB), core Workforce Innovation and Opportunity Act (WIOA) programs, required partners, additional partners, and OhioMeansJobs center operators.

WIOA sets forth the requirements for local workforce development systems. Section 121 of WIOA identifies the required partner programs and defines the responsibilities of local WDBs, chief elected officials (CEOs), and partners in the operation of the local workforce development system. Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 16-09.1, Establishment of the Workforce Delivery System, provides the guidance for determining required and non-required OhioMeansJobs center partners.

Required partner programs must make services available through local workforce development systems and local OhioMeansJobs centers. Required partners must also use a portion of their program funds to maintain local workforce development systems in proportion to the use of and relative benefit received. This includes costs of infrastructure and other costs associated with the operation of the local workforce development system.

Local WDBs, CEOs, and local required and additional partners in each local area must enter into good-faith negotiations to determine:

1. How services and activities will be coordinated;
2. Which services will be shared;

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3. How proportionate shares of costs will be determined, allocated, and funded;
4. How referrals will be made; and
5. How all parties will ensure that programs, services, and activities are accessible to all individuals, including those with barriers to employment and individuals with a disability. Once consensus is reached among the parties, the result of negotiations will be written into a local WIOA memorandum of understanding (MOU).

### A. Content of Memorandum of Understanding

The MOU is a product of local discussion and negotiations and should serve as a blueprint that clearly outlines the roles and responsibilities of the local WDB, local partners, and partners' staff in the local workforce development system. Each provision of the MOU should be written in a manner that provides any new local WDB member, CEO, local partner, or other stakeholder a clear understanding of how services are coordinated through the local workforce development system and how infrastructure and additional costs are funded. Each local area MOU must comply with section 121(c) of WIOA and Part C of 20 C.F.R. 678.

The Ohio Department of Job and Family Services (ODJFS) has developed an MOU template which each local area shall use that includes the WIOA-required and other provisions listed below. The template may be modified as needed so long as each modification is clearly identified and provided to ODJFS at least ten business days prior to submission of the MOU. The local WDB or its designee has the responsibility of completing each provision to clearly and accurately reflect the terms and costs agreed-upon during the negotiation process.

The MOU template is available on the Office of Workforce Development's website at <https://jfs.ohio.gov/owd/OneStops/owd-one-stops-mou-home.stm>. Any required modifications to the template must be completed by February 1 for the subsequent fiscal year.

The contents of each provision should include the details described below:

1. **Services** –A description of all services provided through the local workforce development system and a description of how the local WDBs and partners will coordinate delivery of those services, which should also include:
  - a. Identification of each comprehensive, affiliate, and specialized OhioMeansJobs center where local partners will make services and activities available;
  - b. A description of how each partner program will make services and activities available, including:
    - i. The number of partner staff members who will maintain a physical presence at each OhioMeansJobs centers;
    - ii. The number of hours per week the staff members will deliver services at each OhioMeansJobs center; and

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- iii. How partners that do not maintain a physical presence will provide a direct linkage to services through technology and/or training of a different program partner who is physically present at the OhioMeansJobs center.
  - c. Identification of the services that will be shared by local partner's staff members;
  - d. Contribution of the partner staff time;
  - e. The number of staff and staffing hours per week required for delivery of each shared service;
  - f. The method to determine each local partner's proportionate share of staff time to contribute;
  - g. Each local partner's proportionate share of staff time; and
  - h. How coverage will be ensured in the event of absences.
2. **Operating Costs** – A description of how the local WDB and local partners will fund infrastructure and additional costs associated with the operation of the local workforce development system. The MOU should include:
- a. A budget that identifies all infrastructure and additional costs;
  - b. A description of the method used to determine each partner's proportionate share of costs;
  - c. A description of the method used to allocate costs to each partner;
  - d. A description of the resources each partner will use to fund its proportionate share of costs, which may be cash, noncash, or third party in-kind contributions;
  - e. A description of a method to reconcile budgeted costs to actuals on at least a quarterly basis and to distribute updated budgets to the local partners;
  - f. A description of the state infrastructure funding mechanism that will be implemented should the parties fail to reach consensus on local infrastructure costs through the local infrastructure funding mechanism (local negotiation of infrastructure costs); and
  - g. The local infrastructure funding agreement (IFA), which will be incorporated by reference to the MOU.

The MOU template includes the necessary components of the IFA (e.g., effective time period of agreement, identification of partners, modification process). The MOU budget attached to the MOU includes both the infrastructure costs and additional costs necessary to operate the OhioMeansJobs center. The infrastructure costs are the costs listed in the Facility, Resource Room, Equipment and Supplies, Outreach



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and Marketing, and Miscellaneous Costs Pools of the budget attachment. The additional costs are the costs listed in the Center Personnel Cost Pool of the operating budget. By signing the MOU, the parties (i.e., local WDB, CEO(s), and partners) also agree to the terms of the IFA, including the modification and review process to ensure equitable benefit among partners, process to resolve issues when consensus cannot be reached, operating budget, and projected partner contributions.

The IFAs must be executed and incorporated into the MOUs in accordance with the United States Department of Labor (USDOL) Training & Employment Guidance Letter (TEGL) 17-16 and WIOAPL No. 16-06, State Mechanism for Funding OhioMeansJobs Center Infrastructure Costs.

3. **Accessibility-** The days and hours of operation for each center, with access to programs, services, and activities in the comprehensive center(s) to be made available during regular business days. A description of the methods that will be used to ensure that both general access to services and programmatic accessibility to services, including via technology and materials available through the workforce delivery system, will address the needs of job seekers, youth, Limited English proficient (LEP) individuals, and individuals with barriers to employment, such as individuals with disabilities. A description of any service hours available beyond regular business hours or the plan in place to accommodate schedules of individuals who cannot visit a center during regular business hours.
4. **Methods of Referral-** A clear description of the methods and processes for referral of customers to appropriate services and activities between the OhioMeansJobs center operator(s) and partner programs.
5. **Agreement Period-** The effective beginning and ending dates for the MOU and for the MOU renewal period. The MOU period may cover an annual or biennial period that is consistent with the state fiscal year and state fiscal biennium. The MOU must include an assurance that the MOU will be reviewed by local WDBs and partners no less than every two years.
6. **Amendment Process-** A detailed description of a process to amend the MOU, including the events or circumstances that will necessitate an amendment to the MOU.
7. **Termination/Separation-** A description of the conditions that will prompt termination of the MOU as well as the process and potential consequences for separation by a partner.
8. **Confidentiality-** A description of how the parties will ensure confidential information will be safeguarded in accordance with the applicable federal and state laws and regulations applicable to each partner program.
9. **Dispute Resolution-** The process the parties will follow to resolve disputes in the event of an impasse during the negotiation process or implementation of MOU provisions.
10. **Safety & Security** – Identification of each partner staff member at the management level who will serve as the point of contact for each respective partner program in regard to safety and personnel issues.

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11. **Signatories-** Signatures of the CEO(s), local WDB director, and authorized representatives of all required and additional partner programs that are making services available through the local workforce development system. Each signature line must identify the partner entity and the partner program. The name of each authorized representative must be printed below the signature line.
12. **Negotiation-** Documentation of the negotiation process and efforts to reach consensus.

The MOU may contain any other provisions agreed to by the parties that are consistent with WIOA title I, the authorizing statutes and regulations of the OhioMeansJobs center partner programs, and the WIOA regulations.

### **B. Memorandum of Understanding Negotiations**

WIOA emphasizes full and effective partnerships between local WDBs, chief elected officials, and OhioMeansJobs center partners. Local WDBs, CEOs, and all required and additional partners must enter into good-faith negotiations. Local WDBs, CEOs, and partners may also request assistance from the State agency responsible for administering the partner program, or other appropriate parties on other aspects of the MOU.

Should the parties reach an impasse, the local WDB or partners must report it to the State and provide the documentation of the negotiation efforts, including the MOU and/or budget if either have been developed and signed by one or more parties.

If the impasse is not resolved by May 31 of the state fiscal year immediately preceding the state fiscal year in which the renewal will take effect, including failure to agree upon infrastructure funding costs, the State will be required to implement the state infrastructure funding mechanism and determine each local required partner's proportionate share of infrastructure costs in accordance with WIOAPL 16-06.

Should a required partner file an appeal to dispute the amount determined by the State per WIOAPL 16-06, and the appeal results in an adjustment of that partner's share of infrastructure costs, the MOU, budget, and IFA, if developed, must be amended to reflect that adjustment. Copies of the updated MOU, budget, and IFA must be sent to all parties to the MOU in a timely manner.

The IFA must be executed by May 31 of the state fiscal year immediately preceding the state fiscal year in which it will take effect, consistent with the MOU execution deadline.

### **C. Amendment and Renewal**

WIOA requires that all MOUs contain provisions that specify when amendment of the MOU is required during the agreed upon MOU period, and the process and time-frame for renewal of the MOU at the conclusion of each MOU period.

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1. Amendment- The circumstances listed below will require an amendment to the MOU. The local WDB and partners may agree to additional circumstances that will prompt the amendment process.
  - a. The addition or removal of a partner entity;
  - b. A change of OhioMeansJobs center operator, the physical location of an OhioMeansJobs center, or the administrative structure of a local workforce development system; and/or
  - c. A change that significantly alters negotiated terms of the MOU, such as changes in shared services, service delivery, referral methods, or cost sharing.

Amendments that do not impact negotiated terms (e.g., the addition of another partner entity that decreases partner costs and does not impact shared services or the separation of a partner that has no impact on shared costs or services) need only be signed by authorized representatives of the local WDB, the CEOs, and the affected partner(s).

Any changes to the negotiated terms that affect all parties must be signed by all parties and may require re-negotiation.

Quarterly reconciliation of the budget and IFA will not require a formal amendment to the MOU.

Regardless of whether all parties have to sign, the MOU should include a process to ensure that all parties receive advance notice of the amendment and are provided the opportunity to comment. The MOU should also include a provision to ensure that each party receive a copy of each executed MOU amendment and updated budget and/or IFA, as applicable, within a timely manner.

An amendment to the IFA will not require an amendment to the MOU. However, an IFA amendment will require signatures of the local WDB, CEO(s), and all local required partners.

2. Renewal – All local WDBs and partners are required to renew the local MOU no less than every two years, with an MOU period that is concurrent with the state fiscal biennium (beginning July 1 of even-numbered years and ending June 30 of the subsequent odd-numbered year). Annual MOUs must be renewed concurrent with the state fiscal year (beginning July 1 of the current fiscal year and ending June 30 of the subsequent state fiscal year).

Regardless of whether the MOU period is annual or biennial, all parties must meet at least once annually, preferably during the third quarter of each state fiscal year to review the current MOU, budget, and IFA to determine if re-negotiation of terms and/or costs is necessary.

If the parties agree that changes are necessary to an MOU executed for a biennial period, the MOU may be amended instead of renewed—unless the changes are so substantial that re-negotiation of the MOU is necessary, in which case the existing MOU must be terminated upon the execution of a new MOU.

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For the renewal MOU period, the IFA must be negotiated and executed concurrently with the MOU.

All renewal MOUs must be executed by May 31 of the state fiscal year immediately preceding the state fiscal year in which it will take effect. If an MOU is in process, but all signatures will not be acquired by the May 31 deadline, local WDBs must provide written notice to ODJFS that signatures are forthcoming and provide an estimated date of submission. In order to avoid delay in payment of partner contributions, MOUs should be executed prior to the end of the current MOU period.

### IV. **Definitions**

Access: To each partner program and its services means:

1. Having a program staff member physically present at the OhioMeansJobs center;
2. Having a staff member from a different partner program physically present at the OhioMeansJobs center appropriately trained to provide information to customers about the programs, services, and activities available through partner programs; or
3. Making available a direct linkage through technology to program staff who can provide meaningful information or services.

Additional costs: Non-infrastructure expenditures related to the operation of the OhioMeansJobs center delivery system which must include the costs incurred by each required partner to provide its career services through the delivery system and may include shared operating costs and shared service costs.

Affiliate OhioMeansJobs center: A site that makes available to job seeker and employer customers one or more of the programs, services, and activities of the OhioMeansJobs Center's partners.

Comprehensive OhioMeansJobs center: A physical location where job seeker and employer customers can access the programs, services, and activities of all required OhioMeansJobs center partners.

Core program: A program which is authorized under one of the following program provisions:

1. Chapters 2 and 3 of subtitle B of WIOA Title I, relating to youth workforce investment activities and adult and dislocated worker employment and training activities;
2. Title II, relating to adult education and literacy activities;
3. Sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq), relating to employment services; and
4. Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq), relating to vocational rehabilitation services.

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Direct linkage: Providing customers in an OhioMeansJobs center with direct connection by phone or through real-time Web-based communication to a program staff member who can provide meaningful program information or services to the customer.

Disability: Per section 29 C.F.R. 38.4(q) means, with respect to an individual:

1. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
2. A record of such an impairment; or
3. Being regarded as having such an impairment.

Good faith: Negotiations that include fully and repeatedly engaging partners, transparently sharing information, and maintaining a shared focus on the needs of the customer.

Infrastructure costs: Non-personnel costs that are necessary for the general operation of an OhioMeansJobs center, including rental costs of the facility, utilities, maintenance, supplies, equipment, technology to facilitate access, and outreach activities.

Infrastructure Funding Agreement (IFA): An agreement between local WDBs, CEOs, and local required partners that identifies local infrastructure costs and includes provisions for determination of partner shares and resolution of infrastructure funding-related issues that may arise, which, in Ohio, is incorporated in the MOU and any budget-related attachments to it that are generated from the state's designated financial reporting system.

Limited English proficient (LEP) individual: Per section 29 C.F.R. 38.4(hh) means an individual whose primary language for communication is not English and who has a limited ability to read, speak, write and/or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing).

Local WIOA Memorandum of understanding (MOU): An agreement developed and executed between the local WDB, with the agreement of the CEO(s) and the OhioMeansJobs center partners, relating to the operation of the OhioMeansJobs delivery system in the local area.

Local workforce development system: A system under which entities responsible for administering separate workforce development, education, and human services programs collaborate to create a seamless system of service delivery that will enhance access to the programs' services and improve long term employment outcomes for individuals and businesses.

OhioMeansJobs center partner: An entity described in section 121(b)(1) or (b)(2) of WIOA that participates in the operation of the local workforce development system.

Partner Entity: The grant recipient, administrative entity, or organization responsible for administering the funds of the specified program in the local area.

## **Policy 12-719: Development of MOU for Workforce System**

Programmatic accessibility: Per section 29 C.F.R. 38.4(tt) means policies, practices, and procedures providing effective and meaningful opportunity for persons with disabilities to participate in or benefit from aid, benefits, services, and training.

Specialized centers: Centers that address specific needs, including those for dislocated workers, youth, or key industry sectors, or clusters.

### **VI. State Requirements**

#### **A. Negotiation Assistance**

Upon request by local WDBs and/or local partners, ODJFS will provide assistance to support negotiation efforts and/or to help resolve disputes that may arise. ODJFS will also coordinate with state-level WIOA partners as appropriate to mediate with local parties in an effort to resolve the impasse.

The State Board, called the Governor's Executive Workforce Development Board (GEWDB), and the State agencies overseeing the partner programs may consult with the appropriate Federal agencies regarding impasse situations related to issues other than infrastructure funding, if ODJFS and state partner intervention fails to resolve local disputes.

The Governor or the GEWDB must report the failure to resolve an impasse to the Secretary of Labor and to the head of any other Federal agency with responsibility for oversight of a partner's program.

#### **B. Good Partnership**

ODJFS, in its role as the WIOA State Agency, collaborates with other state-level partner agencies to demonstrate the State's commitment to good partnership by ensuring that staff members participating in negotiations have the knowledge and information needed to be well prepared for the negotiation process.

The state-level partners also agree to make the best efforts to delay any staffing or other significant changes to the beginning of the next state fiscal year and to work with local WDBs to minimize the impact of any such changes on the other local partners. The state partner agencies in addition to ODJFS include:

1. Ohio Department of Higher Education (Adult Education and Family Literacy Act and Carl D. Perkins Career and Technical Education Act);
2. Opportunities for Ohioans with Disabilities (Vocational Rehabilitation),
3. Ohio Development Services Agency (Community Services Block Grant), and
4. Ohio Department of Aging (Senior Community Service Employment Program).

### **VII. Local Workforce Development Area Requirements**

#### **A. Convening Negotiation Meeting**

## **Policy 12-719: Development of MOU for Workforce System**

Prior to the beginning of the program year starting the biennial budget, the local WDB must provide all partners at the OhioMeansJobs center(s) the opportunity to participate in a negotiation process to determine how to fund the costs of the local area's OhioMeansJobs center(s) in the upcoming two program years. On an annual basis, the local WDB must also provide partners the opportunity to review the current MOU, budget, and IFA to determine if re-negotiation of terms and/or costs is necessary and if the MOU needs amendment or renewal. Local WDBs and partners must enter into good faith negotiations.

The negotiation process must include at least one annual meeting, preferably during the third quarter of the current state fiscal year, to discuss the MOU. The local WDB and/or its director must schedule this meeting and any additional meetings that are necessary. The purpose of the meeting is to assess the partner's roles, responsibilities, benefits, and ability to assist in funding the OhioMeansJobs center(s).

The following topics should be covered during the negotiation meeting:

1. Partner's presence or access to partner services in the OhioMeansJobs center.
2. Partner's role(s) and responsibility(ies) in the OhioMeansJobs center.
3. Coordination of partner services offered through the local workforce development system.
4. Partner benefit to having a presence in the OhioMeansJobs center (e.g., effortless referral to partner program(s), cost savings, etc.).
5. Identification of infrastructure and additional costs.
6. Methods to determine each partner's portion of infrastructure and additional costs and to allocate costs to partners.
7. Resources each partner will use to fund its proportionate share of costs, which may be cash, noncash, or third-party in-kind contributions.

It may take more than one negotiation meeting to reach agreement, prepare the partner's portion of the MOU based upon these negotiations, and obtain the partner's signature.

It is strongly encouraged that the parties reconvene once the MOU, budget, and IFA are developed to review and sign the documents. If this isn't feasible, the local WDB must develop a process for local partner review and signature of the MOU, budget, and IFA that ensures each partner has the opportunity to review each document and return the documents with signatures and allows sufficient time for local WDBs to gather all signatures and submit the documents to ODJFS.

### **B. MOU Submission**

1. Local WDB Review- Prior to submission to partners for signature, the local MOU and budget should be reviewed thoroughly to ensure:

## **Policy 12-719: Development of MOU for Workforce System**

- a. All parties to the MOU are identified in the introduction and are included on the signature pages of the MOU;
  - b. All negotiated terms have been included in the MOU in the proper location and are clearly and accurately stated;
  - c. Any revisions to the MOU template have been identified and communicated to ODJFS and approved by authorized ODJFS officials;
  - d. The signature lines for each partner, identify:
    - i. The partner entity;
    - ii. The partner program; and
    - iii. The individual authorized to sign the MOU on behalf of the partner entity, by name and by title;
  - e. The budget accurately lists the agreed upon costs and cost methodologies; and
  - f. All other attachments are accurate and up to date.
2. Partner review- Once the local WDB review is complete, the MOU, budget generated as a report from the State's designated financial reporting system, and all attachments should then be distributed to all local required and additional partners for review and signature, excluding the ODJFS signature which is obtained later. If the parties cannot reconvene to sign the MOU in person, the local WDB shall ensure the parties are given instructions to return the complete MOU (MOU, signature pages and attachments) by a specified date that allows the local WDB sufficient time to collect all signatures and complete a final review prior to submission to ODJFS.
3. Submission- Once all local signatures have been collected, each MOU should be reviewed to ensure that no further changes or redactions have been made. Once the final review is complete, the MOU, the signature pages, and all attachments should be combined into a single pdf document and submitted to ODJFS, Office of Workforce Development (OWD) at WIOAMOU@jfs.ohio.gov. Any additional attachments may be sent separately from the MOU.
- If the pdf is too large to be emailed or if mailing the MOU is preferred by the local WDB, a hard copy of the MOU, the signature pages, and all attachments may be sent to: ODJFS, Office of Workforce Development, Grants Administration, 4020 East 5th Avenue, Columbus, Ohio 43219.
4. ODJFS Review and Signature- Upon receipt of each MOU, the OWD Grants Administration Unit will conduct a review to ensure all of the following:
- a. All parties are identified;
  - b. All known required partners in the local area have signed the MOU and negotiated their share of infrastructure and additional costs;



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- c. All local signatures are included (ODJFS will not process any MOU that does not have the signatures of all parties);
- d. All required provisions are clearly written, and
- e. The cost-sharing provisions are consistent with the budget attachment and correctly entered in the financial reporting system.

Upon completion of its review, Grants Administration will obtain the signature of an ODJFS official, who will sign for ODJFS in its role as the required partner, and the signature of the ODJFS Assistant Director, who will sign for ODJFS in its role as the administrative and oversight agency for WIOA programs and the statewide workforce development system and as the required partner.

Grants Administration will send a pdf copy of each fully signed and executed MOU with all attachments to each local WDB. Local WDBs or their designees have the responsibility to ensure that the CEOs and each local partner receive a copy of the fully executed MOU and attachments.

### **VIII. Technical Assistance**

ODJFS, OWD Grants Administration will provide guidance and technical assistance to local WDBs and partners on matters relevant to the MOU, including, but not limited to:

- Negotiation preparation;
- MOU and/or IFA development;
- Compliance with WIOA and all applicable federal and state laws, regulations, and policies; and
- Any other matters that may arise.

Requests for technical assistance may be sent to OWD, Grants Administration at [WIOAMOU@jfs.ohio.gov](mailto:WIOAMOU@jfs.ohio.gov).

### **IX. References**

Workforce Innovation and Opportunity Act, §§ 121 and 188, Public Law 113-128.

20 C.F.R. §§ 678.500 – 678.510.

29 C.F.R. § 38.4.

34 C.F.R. §§ 463.500 – 463.510, and 361.500 – 361.510.

USDOL, Training and Employment Guidance Letter No. 17-16, Infrastructure Funding of the One-Stop Delivery System, (January 18, 2017).

USDOL, Training and Employment Guidance Letter No. 16-16, One-Stop Operations Guidance for the American Job Center Network, (January 18, 2017).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 16-09.1, Establishment of the Workforce Delivery System.

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ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 16-06, State Mechanism for Funding OhioMeansJobs Center Infrastructure Costs, (November 10, 2016).

## Policy 12-720: OhioMeansJobs & American Job Centers Branding

<b>Reference State Policy:</b>	WIOAAPL No. 16-07.1
<b>Board Approved:</b>	September 8, 2010
<b>Revision Approved:</b>	April 16, 2024
<b>Effective Date:</b>	September 8, 2010, April 16, 2024
<b>Policy Obsoletes:</b>	

### **I. Purpose**

The purpose of this policy is to mandate the use of the 2023 branding guidelines for the OhioMeansJobs and American Job Center brands by local workforce development areas on all outreach opportunities.

### **II. Recission**

Workforce Innovation and Opportunity Act Policy Letter No 16-07, OhioMeansJobs and American Job Center Branding (November 14, 2016)

### **III. Background**

OhioMeansJobs (OMJ) is recognized as the integrated point of entry to Ohio's workforce system. The state's OMJ centers provide job training, skill upgrades, and other employment services to Ohioans looking for work and to employers seeking workers. Section 6301.08 of the Ohio Revised Code mandates that each OMJ center be named "OhioMeansJobs (name of county) County."

Consistent with section 121 (e)(4) of the Workforce Innovation and Opportunity Act (WIOA), 20 C.F.R. 678.900 designates the name, "American Job Center" or "a proud partner of the American Job Center network," as the common identifier for workforce systems across the nation. The U.S. Department of Labor (USDOL) requires that this identifier be used alongside Ohio's existing branding.

A common name not only provides continuity across the nation and Ohio's workforce systems, but it also enables businesses and individuals to easily identify and connect with workforce resources and professionals. Ohio's workforce system will become more effective in advancing job placement and talent development as a result of the national and statewide workforce branding efforts. Branding will also make it easier for individuals and businesses to find employment services. A single common name will reassure individuals and businesses that they will receive the same high-quality services from any OMJ location.

#### OhioMeansJobs (OMJ) Branding

OMJ will serve as the official brand for Ohio's workforce system. To fulfill the mandated requirements, local workforce development areas must name their workforce systems and individual centers as "OhioMeansJobs (name of county) County." The three municipal corporations that originally were automatic designations under the Workforce Investment Act of 1998 (Cincinnati, Cleveland, and Columbus) may include the name of the city as part of

## **Policy 12-720: OhioMeansJobs & American Job Centers Branding**

their workforce system names. Those names would be "OhioMeansJobs (name of city)(name of county) County."

### American Job Center (AJC) Branding

20 C.F.R. 678.900 mandates the use of the brand, "American Job Center," as the nation's common identifier of the workforce delivery system. Workforce delivery systems must include the brand, "American Job Center," or the tagline, "a proud partner of the American Job Center network," on all products, programs, activities, services, electronic resources, facilities, and related property and materials used in the local workforce delivery system.

Ohio, for both state and local workforce systems, will be utilizing the co-brand option of "a proud partner of the American Job Center network" as a tagline to the OMJ branding.

OMJ centers may continue to use their current branded materials until those supplies are exhausted.

## **IV. State Requirements**

The Ohio Department of Job and Family Services (ODJFS) will develop and distribute the OhioMeansJobs Brand Guidelines. These guidelines provide direction on the design of outreach materials. Outreach materials include, but are not limited to, websites, social media, screen savers, signage (permanent and temporary signs used to show information regarding the OMJ center), stationary, business cards, brochures, and posters. All printed materials, forms, and reports that will be distributed to the public must be branded according to the brand guidelines.

The OMJ and AJC brands are copyrighted and trademarked to protect them from abuse. The wrongful use of any aspects of the OMJ or AJC co-brand as specified in this policy and the OhioMeansJobs Brand Guidelines may constitute infringement of proprietary rights. Any inappropriate or incorrect usage or printings will be corrected at the expense of the local approving authority without the use of any WIOA or Wagner-Peyser funds.

Local workforce development boards (WDB) and OMJ centers are not permitted to authorize other entities to use the OMJ brand or AJC co-brand. Approval of plans for the use of the OMJ brand/AJC co-brand and logo by other entities must be obtained from the ODJFS Office of Workforce Development (OWD) by sending a written request to [OWD-Media@jfs.ohio.gov](mailto:OWD-Media@jfs.ohio.gov).

Although the cost of updating the branding of outreach materials is a joint responsibility of all OMJ center partner programs, ODJFS will issue funds statewide to help local WDBs and each OMJ center comply with the 2023 re-branding requirement.

## **V. Local Area Requirements**

Local WDBs are required to utilize the OMJ brand with the tagline "a proud partner of the American Job Center network" on all outreach opportunities including, but not limited to, phone systems, websites, social media, screen savers, signage (permanent and temporary signs used to show information regarding the OMJ center), stationary, business cards, brochures, and posters. All printed materials, forms, and reports that will be distributed to the public must be branded according to the OhioMeansJobs Brand Guidelines. Each page on the center's websites that have a unique center name/logo must reflect the branded name and adhere to the brand guidelines.

## **Policy 12-720: OhioMeansJobs & American Job Centers Branding**

The OMJ/AJC co-brand must be prominently displayed on all outreach materials, banners, and signage. Local WDBs are required to adhere to all aspects of the OhioMeansJobs Brand Guidelines. Any deviations or substitutions from the instructions mentioned in the guide will be considered as unacceptable usage of the OMJ or AJC brand.

Before signage is finalized and produced, local WDBs are required to notify OWD and forward the final proof to [OWD-Media@jfs.ohio.gov](mailto:OWD-Media@jfs.ohio.gov) to receive approval on final design. E-mails submitted for final approval should state, "Requesting OMJ/AJC Signage Approval" in the subject line.

Local workforce areas and the centers have until June 30, 2024, to obligate provided branding funds, with a liquidation period until September 30, 2024.

### Web Address

All OMJ centers will have a branded web address. The web address will be consistent for all OMJ centers and will redirect existing websites to the appropriate website by the forward slash and the county name at the end of the address (i.e., [OhioMeansJobs.com/Countyname](http://OhioMeansJobs.com/Countyname)). Any and all changes to the existing web addresses and websites redirects must be sent to [OWD-Media@jfs.ohio.gov](mailto:OWD-Media@jfs.ohio.gov).

## **VI. Technical Assistance**

For additional information on this policy, you may send your questions to the Office of Workforce Development: [OWDPOLICY@jfs.ohio.gov](mailto:OWDPOLICY@jfs.ohio.gov).

## **VII. References**

Workforce Innovation and Opportunity Act, §§ 106 – 107, Public Law 113-128.

20 C.F.R. § 678.900.

Ohio Revised Code section 6301.08.

American Job Center – Graphics Style Guide for Partners (October 2012).

OhioMeansJobs Brand Guidelines (November 2023).

ATTACHMENT: [WIOAPL 16-07.1 Attachment - OhioMeansJobs Brand Guide 2023](#)

## Policy 12-721: Mandated Use of OhioMeansJobs.com

<b>Reference State Policy:</b>	WIOAAPL No. 17-01
<b>Board Approved:</b>	April 16, 2024
<b>Revision Approved:</b>	
<b>Effective Date:</b>	April 16, 2024
<b>Policy Obsoletes:</b>	

### **I. Purpose**

The purpose of this policy is to outline the requirements for using OhioMeansJobs.com to deliver labor exchange services in the workforce delivery system.

### **II. Background**

OhioMeansJobs.com is Ohio's labor exchange system aiding employers in finding qualified talent and helping job seekers in Ohio locate employment throughout the state. The labor exchange system is defined as job search, placement assistance, career counseling, and resume posting activities for job seekers and appropriate recruitment, job posting, resume searching, and other business services for employers seeking assistance with their talent acquisition needs. The system also supports job seekers with job matching capability as well as information including, but not limited to, career choices, job fairs, and training opportunities.

Under section 6301.03 of the Revised Code, OhioMeansJobs.com must be utilized for labor exchange activities. The Ohio Department of Job and Family Services (ODJFS) and local workforce development areas (local areas) provide labor exchange activities and services for job seekers and employers. Staff from ODJFS and local programs and partners under contract or agreement with ODJFS that receive federal or state funding from ODJFS are required to solely utilize OhioMeansJobs.com for labor exchange activities for the state of Ohio.

Labor exchange activities for the purposes of this policy are job search, placement assistance, career counseling, resume posting, job posting, and resume searching. Any placement activity must continue to be recorded in Ohio's Workforce Case Management System (OWCMS).

This policy impacts staff who deliver Workforce Innovation and Opportunity Act (WIOA) services, Wagner-Peyser Employment Services, Veteran Services, and other partner programs in the American Job Centers (which in Ohio are called OhioMeansJobs centers). This policy may also impact the county departments of job and family services, county children services agencies, and county child support enforcement agencies.

### **III. Definitions**

Business services: Services made available through the OhioMeansJobs centers to local employers, specifically labor exchange activities and labor market information. These services are requested by the employer and include the following:

## **Policy 12-721: Mandated Use of OhioMeansJobs.com**

1. Appropriate recruitment and other business services on behalf of employers; and
2. Provision of workforce and labor market employment statistical information, including the provision of accurate information relating to local, regional, and national labor market areas, including job vacancy listings, job skills that employers desire, and in-demand occupations.

Job lead: Providing information to an individual of companies that typically have positions available for a type of job.

Job seeker: Any customer seeking labor exchange services who comes into the OhioMeansJobs center or registers on OhioMeansJobs.com.

Labor exchange services: Services provided to job seekers and businesses which include job search, placement assistance, and career counseling for job seekers, and appropriate recruitment, job posting, resume searches, and other business services conducted on behalf of businesses in the local area.

Employment Services staff: ODJFS state merit staff who provide Wagner-Peyser, migrant and seasonal farm worker (MSFW), and Veteran Services.

Referral: A job seeker who is directed by the OhioMeansJobs center to employment opportunities with a particular business.

Social media: Websites and other online means of communication that are used by large groups of people to share information and to develop social and professional contacts. Examples of social media include, but are not limited to, OhioMeansJobs center websites, Facebook, Twitter, Instagram, Linked-In, and Snap Chat.

### **IV. Requirements**

#### **A. Responsibilities of the OhioMeansJobs Center Operators, WIOA Staff, and Employment Services Staff**

WIOA and Employment Services staff who provide services for job seekers and employers must have access to the labor exchange functions in OhioMeansJobs.com and be knowledgeable in the use of the OhioMeansJobs.com system.

1. Labor Exchange Activities with the Job Seekers

WIOA and Employment Services staff will ensure that all job seekers seeking services through the WIOA, Wagner-Peyser, Veteran Services, and MSFW programs will be registered in OhioMeansJobs.com and use this website for posting resumes and obtaining information on job openings.

Staff from these programs must ensure all job seekers will be able to obtain meaningful and equivalent access to job matching services (including individuals with disabilities or individuals who have limited English proficiency or are computer-illiterate), in posting a resume, obtaining information on job openings posted in the job matching system, obtaining labor market information, and accessing employment and training opportunities, by one or more of the following methods:

## **Policy 12-721: Mandated Use of OhioMeansJobs.com**

- a. Registering directly over the Internet using the Internet-based job matching system at [www.ohiomeansjobs.com](http://www.ohiomeansjobs.com); or
- b. Calling or visiting any OhioMeansJobs Center in Ohio.

In support of existing federal and state policy, the Jobs for Veterans Act requires that, with all things being equal, veterans receive priority over non-veterans to any and all program services, including resume searches and job referrals. Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 15-20.1, Priority of Service for Veterans and Eligible Spouses, provides additional information regarding prioritizing services for veterans and eligible spouses.

### **2. Labor Exchange Activities with Employers**

WIOA and Employment Services staff providing labor exchange and business services will advise employers on the use of OhioMeansJobs.com to maximize their efforts in hiring qualified applicants. Employers may either post job opportunities on OhioMeansJobs.com themselves or seek the assistance of WIOA or ES staff.

WIOA and Employment Services staff and/or any OhioMeansJobs center operator staff performing the job order functions must be trained and knowledgeable in the use of the OhioMeansJobs.com system. No referrals may be made to employers of potential job seekers unless WIOA, Wagner-Peyser, veteran, or MSFW program staff has verified that the resumes of the potential job seekers are on OhioMeansJobs.com. Furthermore, it is critical that staff ensure job orders meet federal and state laws and requirements since this is a publicly funded labor exchange system.

## **B. Use of Social Media**

Many local areas utilize social media to advertise events, such as job fairs; to search job openings; or to post job openings.

### **1. Labor Exchange Activities**

There must be a hyperlink on the social media to direct job seekers and businesses back to OhioMeansJobs.com to view the job opportunity (i.e., specific job order on OhioMeansJobs.com), to conduct job searches, or to post job openings.

Social media cannot include a feature to post jobs only locally, and must instead include a feature to capture information from an employer to assist staff with posting a job on OhioMeansJobs.com.

If social media contains a section about "employer services," it must include a section dedicated to promoting the job posting feature available on OhioMeansJobs.com as a self-service option.

### **2. Career Fairs**



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Career fairs and other events must be placed on OhioMeansJobs.com prior to advertisement on social media. Information regarding the event may be accessed by the job seeker or business through a hyperlink to OhioMeansJobs.com.

### **3. Social Media Naming**

A consistent naming mechanism must be used on all social media. Except for Twitter, this naming mechanism is Ohiomeansjobs (County Name). For Twitter, the naming mechanism is OMJ (County Name). Handle names on social media must also use this naming mechanism; there shall be no abbreviations.

The OhioMeansJobs center may continue to use an existing naming mechanism or handle name on social media as long as the naming mechanism/handle name meets the requirements stated above (with the exception of capitalization requirements).

Additionally, if a social media's requirements change involving the naming mechanism/handle name, ODJFS may, at its sole discretion, amend the requirements for naming mechanism/handle name to reflect these changes.

### **4. Social Media Profiles**

ODJFS will provide profile pictures to all OhioMeansJobs centers; these provided profile pictures must be used on all social media, except for websites.

## **V. Technical Assistance**

For additional information, you may send your questions to ODJFS, Office of Workforce Development: [WIOAQNA@JFS.OHIO.GOV](mailto:WIOAQNA@JFS.OHIO.GOV).

## **VI. References**

Workforce Innovation and Opportunity Act, §§ 134 and 303, Public Law 113-128.

20 CFR Parts 653 and 678.

29 U.S.C. 49, et seq.

29 U.S.C. 3101 et seq.

R.C. 6301.03

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-20.1, Priority of Service for Veterans and Eligible Spouses (August 18, 2017).

### **Rescission**

ODJFS, [Workforce Investment Act Policy Letter No. 13-04](#), Mandate Use of OhioMeansJobs.com for Job Placement and Referral Activities in Ohio (December 26, 2013).

## Policy 12-722: Establishment of Workforce Delivery System

<b>Reference State Policy:</b>	WIOAAPL No. 16-09.1
<b>Board Approved:</b>	April 16, 2024
<b>Revision Approved:</b>	
<b>Effective Date:</b>	April 16, 2024
<b>Policy Obsoletes:</b>	

### **I. Purpose**

The purpose of this policy is to outline the requirements for establishing a workforce delivery system in the local workforce development area.

### **II. Rescission**

ODJFS, [Workforce Innovation and Opportunity Act Policy Letter No. 16-09](#), Establishment of the Workforce Delivery System, (May 30, 2017).

### **III. Background**

The workforce delivery system is the cornerstone of the public workforce development system. It is designed to increase access to, and opportunities for the employment, education, training, and support services that individuals need to succeed in the labor market, particularly those with barriers to employment. The workforce delivery system brings together workforce development, educational, and other human resource services in a seamless customer-focused service delivery network that enhances access to the programs' services and improves long-term employment outcomes for individuals receiving services. This is accomplished by providing all customers access to high-quality American Job Centers (in Ohio, called OhioMeansJobs centers) that connect them with the full range of services available in their communities, whether they are looking to find jobs, build basic educational or occupational skills, earn a postsecondary certificate or degree, or obtain guidance on how to make career choices, or are businesses and employers seeking skilled workers.

The Workforce Innovation and Opportunity Act (WIOA) requires the State and local workforce development areas (local areas) to create and maintain a workforce delivery system that enhances the range and quality of education and workforce development services that employers and individuals can access. The system must include at least one comprehensive physical OhioMeansJobs center in each local area. The system may also have additional arrangements to supplement the comprehensive center. These arrangements may include an affiliated site or a network of affiliated sites and specialized centers.

Under WIOA, OhioMeansJobs centers and partner staff strive to:

- Provide job seekers with the skills and credentials necessary to secure and advance in employment with wages that sustain themselves and their families;

## **Policy 12-722: Establishment of Workforce Delivery System**

- Provide access and opportunities to job seekers, including individuals with barriers to employment to prepare for, obtain, retain, and advance in high-quality jobs and high-demand careers;
- Enable businesses and employers to easily identify and hire skilled workers and access other human resource assistance;
- Participate in rigorous evaluation that support continuous improvement of the OhioMeansJobs centers by identifying which strategies work better for different populations; and
- Ensure that high-quality integrated data inform decisions made by policy makers, employers, and job seekers.

### **A. OhioMeansJobs Centers**

#### Comprehensive OhioMeansJobs Centers

A comprehensive OhioMeansJobs center is a physical location where job seeker and employer customers can access the programs, services, and activities of all OhioMeansJobs partners. Wagner-Peyser Act employment services must be co-located in the comprehensive center. The workforce delivery system must include at least one comprehensive physical center in each local area.

A comprehensive OhioMeansJobs center must provide all of the following:

1. At least one WIOA Title I staff person physically present during operating hours, in a center that provides career services;
2. Access to training services;
3. Access to any employment and training activities carried out under section 134(d) of WIOA;
4. Access to programs and activities carried out by OhioMeansJobs center partners; and
5. Workforce and labor market information.

Customers must have access to these programs, services, and activities during regular business days at a comprehensive OhioMeansJobs center. The local workforce development board (WDB) may establish other service hours at other times to accommodate the schedules of individuals who work on regular business days. Centers not open outside of the regular business hours should have a plan for how they will provide services to individuals who cannot visit a center during regular business hours.

All comprehensive OhioMeansJobs centers must be physically and programmatically accessible to individuals with disabilities.

#### Affiliate OhioMeansJobs Centers

Local WDBs may also choose to operate access points to services in addition to the comprehensive OhioMeansJobs centers. If used by the local area as part of the

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service delivery strategy, affiliate OhioMeansJobs centers must be implemented in a manner that supplements and enhances customer access to services.

An affiliate OhioMeansJobs center is an access point in addition to the comprehensive center in each local area. These centers are created to supplement and enhance customer access to services. This type of center makes available to job seeker and employer customers one or more of the OhioMeansJobs partners' programs, services, and activities. It does not need to provide access to every required OhioMeansJobs center partner program.

Public libraries may provide an additional access point that local WDBs can use as an affiliate OhioMeansJobs center. In addition to offering public computers and internet access for job seekers and individuals, many libraries also provide space for businesses to host career fairs and networking events. As trusted institutions within their communities, libraries are often at the frontline of employment and training related inquiries. Additionally, libraries also serve school-aged youth who can use public resources for career and education planning, along with the traditional adult job seeker.

Affiliate OhioMeansJobs centers allow for more flexibility in terms of the services partner programs provide. These centers do not need to provide access to every required OhioMeansJobs center partner program.

If Wagner-Peyser Act Employment Services are part of an affiliate OhioMeansJobs center, the center must include at least one or more other partners with a physical presence of combined staff more than 50 percent of the time the center is open. In other words, if Wagner Peyser Act Employment Services are located in an affiliate center, there must be staff of at least one other partner in that center who are physically present more than 50 percent of the time the center is open.

All affiliate OhioMeansJobs centers must be physically and programmatically accessible to individuals with disabilities.

### **Specialized Centers**

Based on local workforce needs, the local WDB, in conjunction with the partners and OhioMeansJobs center operator(s), may determine that a specialized center is more appropriate to serve a particular population and may choose to operate a specialized center.

Specialized centers are centers that address specific needs, including those for dislocated workers, youth, or key industry sectors, or clusters. These centers may be time-limited transition centers for rapid response activities or centers located within the prison system. The specialized center must be connected to the comprehensive OhioMeansJobs center or any appropriate affiliate OhioMeansJobs center. Wagner-Peyser Act employment services cannot stand alone in a specialized center; a specialized center must include other programs besides Wagner-Peyser Act employment services.

## **B. OhioMeansJobs Center Partners**

### **Required Partners**

## **Policy 12-722: Establishment of Workforce Delivery System**

Section 121(b)(1)(B) of WIOA identifies 13 programs which are required partners in the local workforce delivery system unless that program is not available or provided in the local area.

The required partners are as follows:

1. Programs authorized under Title I of WIOA including:
  - a. Adults;
  - b. Dislocated Workers;
  - c. Youth;
  - d. Job Corps;
  - e. YouthBuild;
  - f. Native American programs; and
  - g. Migrant and Seasonal Farmworker (MSFW) programs;
2. Wagner-Peyser Act Employment Service;
3. Adult Education and Family Literacy Act (AEFLA), (in Ohio, called Aspire);
4. Vocational Rehabilitation;
5. Senior Community Service Employment Program (SCSEP)
6. Career technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical Education Act;
7. Trade Adjustment Assistance (TAA) activities;
8. Jobs for Veterans State Grants (JVSG);
9. Employment and training activities carried out under the Community Services Block Grant (CSBG);
10. Employment and training activities carried out by the Department of Housing and Urban Development (HUD);
11. Programs authorized under State unemployment compensation laws;
12. Programs authorized under the Second Chance Act; and
13. Temporary Assistance for Needy Families (TANF).

If approved by the local WDB and the chief elected official(s), other workforce development programs, including Federal, State, or local programs and programs in

## **Policy 12-722: Establishment of Workforce Delivery System**

the private sector, may serve as additional partners in the workforce delivery system. Additional partners may include, but are not limited to:

1. Employment and training programs administered by the Social Security Administration (SSA), including Ticket to Work and Self-Sufficiency Program;
2. Employment and training programs carried out by the Small Business Administration (SBA);
3. Supplemental Nutrition Assistance Program (SNAP) employment and training programs;
4. Client Assistance Program authorized under the Rehabilitation Act of 1973;
5. Programs authorized under the National and Community Service Act of 1990; and
6. Other appropriate Federal, State, and local programs, including, but not limited to, employment, education, and training programs provided by public libraries or in the private sector.

### Program Entity Serving as the OhioMeansJobs Center Partner

The program entity carrying out the activities as the OhioMeansJobs center partner is the grant recipient, administrative entity, or organization responsible for administering the funds of the specified program in the local area. The term, "entity," does not include the service providers that contract with, or are subrecipients of, the local entity. For programs that do not include local entities, the responsible State agency must be the partner.

If more than one entity carries out the same required program in the local area, each such entity is considered a separate and distinct required partner that must carry out the roles and responsibilities of a required partner as defined below.

For the Aspire program, the Ohio Department of Higher Education (ODHE), as the State entity responsible for administering or supervising Aspire policy, has delegated its responsibilities to one or more eligible providers in each local area.

For the Vocational Rehabilitation program, the entity that carries out the program is the designated State agency (known as Opportunities for Ohioans with Disabilities) that is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, for individuals with disabilities.

The national programs under WIOA Title I include Job Corps, the Native American program, YouthBuild, and MSFW programs. The entity that carries out the Native American program, YouthBuild, and MSFW program is the grantee of those respective programs. The entity for Job Corps is the Job Corps center. Also, for programs authorized under the Second Chance Act, the grantee is the entity carrying out the program in the local area.

For the Carl D. Perkins Career and Technical Education Act, the entity that carries out the program is the eligible recipient or recipients at the postsecondary level, or a consortium of eligible recipients at the postsecondary level in the local area.

For the Wagner-Peyser Act Employment Service, TAA, JVSG, and unemployment compensation, ODJFS is the entity carrying out the program in each local area.

### Collaboration with the Public Libraries

## Policy 12-722: Establishment of Workforce Delivery System

Community partnerships are critical to supporting the local area's workforce development system. WIOA explicitly identifies public libraries as potential partners by acknowledging a library's ability to provide an expansive array of services, including boosting skills through online learning, improving individuals' English literacy and digital literacy, and helping individuals find work. Libraries are also recognized as important providers of Federally-supported training and employment for adult education and literacy. Public libraries provide and/or support employment, education, and training programs. Each OhioMeansJobs center must collaborate with at least one public library to facilitate coordination of workforce programs and education and job training resources.

### Roles and Responsibilities of the Required Partners

Jointly funding services is a necessary foundation for an integrated service delivery system. All partner contributions to the costs of operating and providing services within the workforce delivery system must be proportionate to the benefits received and also must adhere to the partner program's Federal authorizing statute and to the Federal cost principles requirement that costs be reasonable, necessary, and allocable.

The required partner's initial priority in the OhioMeansJobs center is their responsibility to implement their program. Once this priority has been established, the partner may participate in shared services, such as overseeing the resource room, assisting with greeting customers, etc., unless prohibited from performing such roles by authorizing statute, order of selection, or other mandates specific to the partner program. These shared services must be adequately distributed amongst all partners able to participate in each activity.

Each required partner must:

1. Provide access to its programs or activities through the workforce delivery system, in addition to any other appropriate locations;
2. Use a portion of funds made available to the partner's programs, to the extent consistent with Federal law authorizing the partner's program and with Federal cost principles and audit requirements in 2 C.F.R. Parts 200 and 2900 (requiring, among other things, that costs are allowable, reasonable, necessary, and allocable), to:
  - a. Provide applicable career services; and
  - b. Work collaboratively with the State and local WDBs to establish and maintain the workforce delivery system. This includes jointly funding the OhioMeansJobs center infrastructure through partner contributions that are based upon:
    - i. A reasonable cost allocation methodology as outlined in Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 16-06, State Mechanism for Funding OhioMeansJobs Center Infrastructure Costs;
    - ii. Federal cost principles and audit requirements; and

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- iii. Any local administrative cost requirements in the Federal law authorizing the partner's program;
3. Enter into a Memorandum of Understanding (MOU) with the local WDB relating to the operation of the workforce delivery system;
4. Participate in the operation of the workforce delivery system consistent with the terms of the MOU, requirements of authorizing laws, Federal cost principles, and all other applicable legal requirements; and
5. Provide representation on the State and local WDBs as required and participate in Board committees as needed.

The infrastructure costs of a comprehensive OhioMeansJobs center are the responsibility of all partners, irrespective of whether a partner is physically located in the center. The purpose for requiring all partner programs to contribute to the costs of the delivery system is to assist in maintaining a system that meets the needs of the local area, reduces duplication of services, and minimizes overhead. Each partner program's contribution is to be calculated based upon that partner's proportionate use of the OMJ Center and relative benefits received by that partner and its program participants that result from participation in the integrated service delivery system.

### **C. Services Provided in the OhioMeansJobs Centers**

#### Career Services

The OhioMeansJobs centers provide services to individual customers based on the individual's needs, including the seamless delivery of multiple services to individual customers. Career services provide local areas with the flexibility to target services to the needs of the job seeker. There is no required sequence of services.

It is important to note that "providing" career services in the OhioMeansJobs centers does not mean that each required partner must provide these services directly on-site. However, it does mean that some career services must be provided directly on-site at the OhioMeansJobs center. Career services may be provided through access to OhioMeansJobs partner programs and activities may be delivered in one of three ways:

1. Having a program staff member physically present at the OhioMeansJobs center;
2. Having a staff member from a different partner program physically present at the OhioMeansJobs center and appropriately trained to provide information to job seekers about programs, services, and activities available through all partner programs; or
3. Making available a direct linkage, as defined in this policy, through technology to a program staff member who can provide meaningful information or services.

Simply scheduling the customer for a future appointment, referring the customer to another physical location to access services, or providing a phone number, brochure, or link to a static web page does not meet the standard of high-quality meaningful information and services being provided in a timely manner as envisioned by WIOA.



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The OhioMeansJobs center must ensure that the center is both physically and programmatically accessible to individuals with disabilities. Physical accessibility requires the OhioMeansJobs centers to be accessible and usable by individuals with disabilities, including compliance with all applicable federal accessible design standards. All partners must be able to operate ADA adaptive equipment and know how to access language interpretive services, including sign language. The OhioMeansJobs center must use a language interpretive service and may not use partner program staff or the customer's family members who happen to be bi-lingual for language translation.

There are three types of career services: basic career services; individualized career services, and follow-up career services. While basic career services are to all participants, individualized career services are available to participants after the OhioMeansJobs center staff have determined that such services are required to retain and obtain employment.

The applicable career services to be delivered by required OhioMeansJobs Center partners are as follows and are authorized to be provided under each partner's programs:

1. Basic career services must be made available and must include the following services, as consistent with allowable program activities and Federal cost principles:
  - a. Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs;
  - b. Outreach, intake, orientation, and provision of information and other services available through the OhioMeansJobs center. For the TANF program, individuals must be provided with the opportunity to initiate an application for TANF assistance and non-assistance benefits and services, which may be implemented through the provision of paper application forms or links to the application web site;
  - c. Initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skill gaps), and supportive service needs;
  - d. Labor exchange services, including:
    - i. Job search and placement assistance, and, when needed by an individual, career counseling including provision of information on in-demand industry sectors and occupations and provision of information on nontraditional employment; and
    - ii. Appropriate recruitment and other business services on behalf of employers, including information and referrals to specialized business services other than those traditionally offered through the workforce delivery system;
  - e. Provisions of referrals to and coordination of activities with other programs and services, including programs and services within the workforce

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delivery system and, when appropriate, other workforce development programs;

- f. Provision of workforce and labor market information, including the provision of statistical information relating to local, regional, and national labor market areas, including:
  - i. Job vacancy listings in labor market areas;
  - ii. Information on job skills necessary to obtain the vacant jobs listed; and
  - iii. Information relating to local in-demand occupations and the earnings, skill requirements, and opportunities for advancement in those jobs;
- g. Provision of performance information and program cost information on eligible providers of education, training, and workforce services by program and types of providers;
- h. Provision of information, in usable and understandable formats and languages, about how the local area is performing on local performance accountability measures;
- i. Provision of information, in usable and understandable formats and languages, relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance;
- j. Assistance in establishing eligibility for financial aid assistance for training and education programs not provided under WIOA; and
- k. Provision of information and meaningful assistance to individuals seeking assistance in filing a claim for unemployment compensation.

2. Individualized career services must be made available if determined appropriate in order for an individual to obtain or retain employment and must be available at all the comprehensive OhioMeansJobs centers. These services include the following:

- a. Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include:
  - i. Diagnostic testing and use of other assessment tools; and
  - ii. In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
- b. Development of an individual employment plan;
- c. Group counseling;
- d. Individual counseling;

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- e. Career planning;
  - f. Short-term pre-vocational services including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training;
  - g. Internships and work experiences linked to careers;
  - h. Workforce preparation activities;
  - i. Financial literacy;
  - j. Out-of-area job search assistance and relocation assistance; and
  - k. English language acquisition and integrated education and training programs.
3. Follow-up services must be provided, as appropriate, including counseling regarding the workplace, for participants in adult or dislocated worker workforce investment activities who are placed in unsubsidized employment, for up to 12 months after the first day of employment.

TANF agencies must identify employment services and related support being provided by the TANF program, within the local area, that qualify as career services and ensure access to them via the local OhioMeansJobs center.

### Business Services

Local areas must establish and develop relationships and networks with large and small employers and their intermediaries. The provision of business services supports the local workforce system to meet the needs of businesses in the local area. To assist in this, applicable OhioMeansJobs center partners develop, offer, and deliver quality business services that assist businesses in overcoming the challenges of recruiting, retaining, and developing talent for the regional economy. To support area employers most effectively, OhioMeansJobs center staff, including designated partner staff, must:

1. Have a clear understanding of industry skill needs;
2. Identify appropriate strategies for assisting employers, and coordinate business service activities across the OhioMeansJobs center partner programs, as appropriate; and
3. Incorporate an integrated and aligned business services strategy among OhioMeansJobs center partners to present a unified voice for the OhioMeansJobs center in its communications with employers.

Certain services must be made available to local employers, specifically labor exchange activities and labor market information. These services include:

1. Appropriate recruitment and other business services on behalf of employers, including information and referrals to specialized business services other than those traditionally offered through the workforce delivery system; and

## **Policy 12-722: Establishment of Workforce Delivery System**

2. Provision of workforce and labor market employment statistical information, including the provision of accurate information relating to local, regional, and national labor market areas, including:
  - a. Job vacancy listings in labor market areas;
  - b. Information on job skills necessary to obtain the vacant jobs listed; and
  - c. Information relating to local in demand occupations and the earnings, skill requirements, and opportunities for advancement in those jobs.

Customized business services may be provided to employers, employer associations, or other such organizations. These services are tailored for specific employers and may include:

1. Customized screening and referral of qualified participants in training services to employers;
2. Customized services to employers, employer associations, or other such organizations, on employment-related issues;
3. Customized recruitment events and related services for employers including targeted job fairs;
4. Human resource consultation services, including but not limited to assistance with:
  - a. Writing/reviewing job descriptions and employee handbooks;
  - b. Developing performance evaluation and personnel policies;
  - c. Creating orientation sessions for new workers;
  - d. Honing job interview techniques for efficiency and compliance;
  - e. Analyzing employee turnover;
  - f. Creating job accommodations and using assistive technologies; and/or
  - g. Explaining labor and employment laws to help employers comply with discrimination, wage/hour, and safety/health regulations;
5. Customized labor market information for specific employers, sectors, industries, or clusters; and
6. Other similar customized services.

Local areas may also provide other business services and strategies that meet the workforce investment needs of area employers, in accordance with partner programs' statutory requirements and consistent with Federal cost principles. These business services may be provided through effective business intermediaries working in conjunction with the local WDB, or through the use of economic development, philanthropic, and other public or private resources in a manner determined appropriate by the local WDB. All business services and strategies must be reflected

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in the regional and/or local plan. Allowable activities, consistent with each partner's authorized activities, include, but are not limited to:

1. Developing and implementing industry sector strategies;
2. Customized assistance or referral for assistance in the development of a registered apprenticeship program;
3. Developing and delivering innovative workforce investment services and strategies for area employers, which may include career pathways, skills upgrading, skill standard development and certification for recognized postsecondary credential or other employer use, and other effective initiatives for meeting the workforce investment needs of area employers and workers;
4. Assistance to area employers for managing reductions in force in coordination with rapid response activities and with strategies for the aversion of layoffs;
5. The marketing of business services to appropriate area employers, including small and mid-sized employers; and
6. Assisting employers with accessing local, State, and Federal tax credits.

Fee-for-services are not required to be charged to employers. Additionally, fees may not be charged for the following services:

1. Appropriate recruitment and other business services on behalf of employers, including information and referrals to specialized business services other than those traditionally offered through the workforce delivery system; and
2. Provision of workforce and labor market information, including the provision of statistical information relating to local, regional, and national labor market areas, including:
  - a. Job vacancy listings in labor market areas;
  - b. Information on job skills necessary to obtain the vacant jobs listed; and
  - c. Information relating to local in demand occupations and the earnings, skill requirements, and opportunities for advancement in those jobs.

A fee may be charged for customized business services. Additionally, business services and strategies that meet the workforce investment needs of area employers may be provided on a fee-for-services basis or through the leveraging of economic development, philanthropic, and other public and private resources in a manner determined appropriate by the local WDB.

The local WDB may examine the services provided compared with the assets and resources available within the workforce delivery system and through its partners to determine the appropriate cost structure for services, if any.

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Any fees earned are recognized as program income and must be expended by the partner in accordance with the partner program's authorizing statute, implementing regulations, and Federal cost principles identified in Uniform Guidance.

### Role of Unemployment Insurance Program in the OhioMeansJobs Center

Many areas of opportunity exist for improved integration of the Unemployment Insurance (UI) program into the workforce delivery system, including, but not limited to:

1. Helping UI claimants access the full range of services, including basic career and labor exchange services, both on-line and in-person through the OhioMeansJobs centers.
2. Ensuring claimants meet eligibility requirements, including searching and registering for work, participating in reemployment services, and ensuring that a feedback loop exists to provide UI program staff with information about any potential eligibility issue.
3. Working with Rapid Response teams.
4. Connecting UI claimants to reemployment services.
5. Providing effective services to veterans who file for benefits under the Unemployment Compensation for Ex-Service members (UCX) program.
6. Undertaking strategies to promote entrepreneurship.
7. Ensuring claimants are fully notified of deadlines and eligibility requirements associated with Trade Adjustment Allowances (TRA), Alternative Trade Adjustment Assistance (ATAA), and Reemployment Trade Adjustment Assistance (RTAA) programs.

WIOA requires, as a career service, the provision of both information and assistance to individuals regarding the filing of an UI claim. In the context of providing assistance with UI claims, "meaningful assistance" means, per 20 C.F.R. 678.430:

1. Providing assistance on-site using staff who are well trained in unemployment compensation claims filing and the rights and responsibilities of claimants; or
2. Providing assistance by phone or via other technology, as long as the assistance is provided by trained and available staff and within a reasonable time.

"Meaningful assistance" means having staff well-trained in UI claims filing and claimant rights and responsibilities. This assistance requirement only encompasses helping individuals navigate Ohio's claims filing process and providing the individual with general information on their responsibilities as a claimant. These functions are informational in nature and not directly related to determining the claimant's eligibility for benefits. Staff providing this assistance may be Wagner-Peyser or other OhioMeansJobs center partner staff who have been properly trained to provide this type of assistance and service.

Only UI state merit staff may, in person at the OhioMeansJobs center or remotely, answer questions, provide advice, or make decisions that could affect a claimant's UI eligibility.

In the OhioMeansJobs centers, meaningful assistance to individuals seeking assistance in filing a UI claim includes the following activities:

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1. Computers must be made available for individuals to file a claim for unemployment insurance or to file an appeal of their claim.
2. Telephones must be made available with access to the toll-free phone numbers established by the Office of Unemployment Insurance Operations for individuals to use when seeking assistance from UI merit staff in filing claims or appeals. Individuals must not simply be referred to a general information phone number.
3. Posters providing claimants information on how to file unemployment insurance claims must be visible in the resource room.
4. Additional documents that provide assistance to claimants must be available in the resource room.
5. Resource room staff must be trained and have the knowledge to navigate Ohio's claims filing processes and to provide general information to the claimant on their responsibilities as a claimant.

Meaningful assistance may be provided by other technology. It must be a technology approved by the State that enables trained staff to provide the assistance. Examples of technology that enables remote assistance include live web chat applications or other similar technology.

### **D. OhioMeansJobs Center Operators**

The OhioMeansJobs center operator is the entity or consortium of entities that coordinates the service delivery of required OhioMeansJobs center partners and service providers. The local WDB must select the OhioMeansJobs center operator through a competitive process at least every 4 years. WIOAPL No. 16-08, Procurement of the OhioMeansJobs Center Operator, provides guidance to the local WDBs for the procurement of the OhioMeansJobs center operator.

#### Role of the OhioMeansJobs Center Operator

At a minimum, the OhioMeansJobs center operator must coordinate the service delivery of the required partners and service providers. These roles may include, but are not limited to the following:

1. Conduct partner meetings;
2. Implement local WDB policies;
3. Coordinate partner services;
4. Ensure shared services within the OhioMeansJobs center are adequately distributed amongst all partners;
5. Oversee employer services;
6. Manage technological resources (e.g., local system website);
7. Require effective internal tracking requirements and referral processes;
8. Coordinate the resource room and computer labs;
9. Report performance and budget information to the local WDB on a regular basis; and
10. Ensure all partners are able to operate ADA adaptive equipment and know how to access language interpretive services, including sign language.

In defining the roles of its OhioMeansJobs center operator, the local WDB must consider how it will empower the operator to maintain an orderly, professional, and compliant work environment in the OhioMeansJobs center(s), such as by granting the Operator:

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1. Functional supervision over partner staff with the partner's voluntary agreement, including staff whose supervisor may be located elsewhere;
2. Authority to monitor and report to the WDB each partner's level of participation in the operation of the workforce delivery system consistent with the terms of the MOU and each partner's adherence to OhioMeansJobs center operating protocols; or
3. Autonomy to launch initiatives, plan events, and establish operating protocols with the local WDB's expectation of, and support for, partner cooperation.

Local WDBs may establish additional roles of the OhioMeansJobs center operator, including, but not limited to:

1. Coordinating service providers across the workforce delivery system;
2. Being the primary provider of services within the center;
3. Providing some of the services within the center; or
4. Coordinating service delivery in a multi-center, which may include affiliated sites.

The OhioMeansJobs center operator may not perform the following functions:

1. Convene system stakeholders to assist in the development of the local plan;
2. Prepare and submit local plans;
3. Be responsible for oversight of itself;
4. Manage or significantly participate in the competitive selection process for OhioMeansJobs center operators;
5. Select or terminate OhioMeansJobs center operators, career services, and youth providers;
6. Negotiate local performance accountability measures; or
7. Develop and submit a budget for activities of the local WDB in the local area.

An entity serving as an OhioMeansJobs center operator, that also serves a different role with the workforce delivery system (including provider of career and youth program services or local area fiscal agent), may perform some or all of these functions when it is acting in its other role, if it has established sufficient firewalls and conflict of interest policies and procedures.

WIOAPL No. 15-18.1 outlines the roles and responsibilities of the OhioMeansJobs center operator as well as the requirements for the development of the multi-function agreement when the OhioMeansJobs center operator performs more than one function.

### **IV. Definitions**

Access: To each partner program and its services means:

1. Having a program staff member physically present at the OhioMeansJobs center;
2. Having a staff member from a different partner program physically present at the OhioMeansJobs center appropriately trained to provide information to



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customers about the programs, services, and activities available through partner programs; or

3. Making available a direct linkage through technology to program staff who can provide meaningful information or services.

Affiliate OhioMeansJobs center: A site that makes available to job seekers and employer customers one or more of the OhioMeansJobs center's partners' programs, services, and activities.

Career services: Services identified in section 134(c)(2) of WIOA and consist of three types:

1. Basic career services;
2. Individualized career services; and
3. Follow-up services.

Comprehensive OhioMeansJobs center: A physical location where job seekers and employer customers can access the programs, services, and activities of all required OhioMeansJobs center partners.

Direct linkage: Providing direct connection at the OhioMeansJobs center, within a reasonable time, by phone or through a real-time Web-based communication to a program staff member who can provide program information or services to the customer. Solely providing a phone number, web site, information, pamphlets, or materials does not constitute a "direct linkage."

Entity: The grant recipient, administrative entity, or organization responsible for administering the funds of the specified program in the local area.

Memorandum of understanding (MOU): An agreement developed and executed between the OhioMeansJobs center partners and the local WDB, with the agreement of the chief elected official, relating to the operation of the OhioMeansJobs delivery system in the local area.

OhioMeansJobs center operator: One or more entities designated or certified under section 121(d) of WIOA.

OhioMeansJobs center partner: An entity described in section 121(b)(1) and (2) of WIOA who participates in the operation of the workforce delivery system.

Public library: A library that is open to the public and that is one of the following:

1. A library that is maintained and regulated under section 715.13 of the Revised Code;
2. A library that is created, maintained, and regulated under Chapter 3375. of the Revised Code;
3. A library that is created and maintained by a public or private school, college, university, or other educational institution; or
4. A library that is created and maintained by a historical or charitable organization, institution, association, or society.

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Specialized centers: Centers that address specific needs, including those for dislocated workers, youth, or key industry sectors, or clusters.

Workforce delivery system: A system under which entities responsible for administering separate workforce development, education, and other human resource programs collaborate to create a seamless system of service delivery that will enhance access to the programs' services and improve long term employment outcomes for individuals and businesses.

### **V. State Requirements**

WIOA requires the State to create and maintain a workforce delivery system that enhances the range and quality of education and workforce development services that employers and individuals can access. Programs and providers must collaborate, coordinate, and integrate activities and information so that the system as a whole is cohesive and accessible for individuals and employers alike.

When designing the system, States must ensure that information on the availability of career services is available at all OhioMeansJobs center physical locations and access points, including electronic access points, regardless of where the individuals initially enter the local workforce system. Therefore, the workforce system must include at least one comprehensive physical OhioMeansJobs center in each local area. The system may also have additional arrangements to supplement the comprehensive center. These arrangements include an affiliate center or a network of affiliate centers and specialized centers.

A state infrastructure funding methodology must be implemented to ensure required partner funding is available to support infrastructure costs of any OhioMeansJobs centers in the local areas where partners and the local WDB are unable to reach agreement on memorandum of understanding terms and partner funding to support the OhioMeansJobs centers. The details and restrictions of Ohio's state infrastructure funding methodology is in Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 16-06, State Mechanism for Funding OhioMeansJobs Center Infrastructure Costs.

### **VI. Local Workforce Development Area Requirements**

#### **A. Identification of the OhioMeansJobs Center(s)**

The local WDB must establish at least one comprehensive OhioMeansJobs center in the local area. The location of this center is at the discretion of the local WDB and the chief elected official (CEO).

Additional comprehensive, affiliate, or specialized OhioMeansJobs centers may also be established in the local area at the discretion of the local WDB and chief elected official(s) based upon the need for additional centers in the local area. Such considerations may include:

1. Customer use (the number of customers who enter the center during hours of operation) of the comprehensive, affiliate and/or specialized OhioMeansJobs centers;
2. Funding available for the comprehensive, affiliate, and/or specialized centers, including program funds and lease agreements;
3. Partner availability in the centers; and
4. The potential enhancement of customer access to services.

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The local WDB must notify the Ohio Department of Job and Family Services, Office of Workforce Development of the identification of the comprehensive center(s) and any affiliate and/or specialized center(s) in the local area. This is done by identifying such centers in the local and/or regional plans or e-mailing [OWDPOLICY@jfs.ohio.gov](mailto:OWDPOLICY@jfs.ohio.gov).

### **B. Access to Required Partners**

The local WDB must ensure that all required partners identified in section 121(b)(1) of WIOA have a physical presence or provide access to their programs in the comprehensive OhioMeansJobs center. Customers must have access to these programs, services, and activities during regular business days at a comprehensive OhioMeansJobs center. A comprehensive OhioMeansJobs center must have at least one WIOA Title I staff person physically present.

An affiliate center does not need to provide access to every required OhioMeansJobs center partner program. The frequency of program staff's physical presence in the affiliate center will be determined at the local level. If Wagner-Peyser employment services are provided at an affiliate center, there must be at least one or more other partners in the center with a physical presence of combined staff more than 50 percent of the time the center is open. Additionally, the other partner must not be the local Disabled Veterans' Outreach Program Specialists (DVOPS), or unemployment compensation programs. If Wagner-Peyser Act employment services and any of these 3 programs are provided at an affiliate OhioMeansJobs center, an additional partner or partners must have a presence of combined staff in the center more than 50 percent of the time the center is open.

### **C. Availability of Services**

The local WDB must ensure that the OhioMeansJobs centers provide services to individual customers based on the individual's needs, including the seamless delivery of multiple services to individual customers. There is no required sequence of services.

The local WDB must coordinate with all required OhioMeansJobs Center partners, including those with no staff physically present in an OhioMeansJobs center, to provide basic career services, individualized career services, and business services to customers and employers at the comprehensive and affiliate centers. Furthermore, access to training services must be provided for those customers who have been deemed in need of these services.

OhioMeansJobs center staff are trained and equipped in an ongoing learning environment with the skills and knowledge needed to provide effective services to job seekers, including those with disabilities, and businesses in an integrated, regionally focused framework of service delivery.

### **D. Selection of the OhioMeansJobs Center Operator**

The local WDB must select the OhioMeansJobs center operator through a competitive process at least every 4 years. WIOAPL No. 16-08, Procurement of the OhioMeansJobs Center Operator, provides guidance to the local WDBs for the procurement of the OhioMeansJobs center operator.

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Some of the factors which should be considered and prioritized by the local WDB include:

1. Understanding the local WDB's responsibilities under WIOA as it pertains to the OhioMeansJobs center operator and the local workforce system.
2. The local WDB's vision and goals for the local system and how the local system will be structured with respect to the number of OhioMeansJobs centers, the types of centers, the types of services to be provided, and the focus of the local area.
3. The relationship between the local WDB and the operator and the expectations of the local WDB for the operator's role.
4. The procurement process, management of the process, potential conflicts of interest, and management of the contract.

### **VII. Technical Assistance**

Ongoing support, guidance, training and technical assistance on the development of the workforce system are available to all local areas.

Requests for technical assistance may be sent to ODJFS, Office of Workforce Development: [WIOAQNA@jfs.ohio.gov](mailto:WIOAQNA@jfs.ohio.gov).

### **VIII. References**

Workforce Innovation and Opportunity Act, §§106 and 121, Public Law 113-128.

20 C.F.R. §§ 678.300-440, 678.600-635, 678.800, and 683.295.

2 C.F.R. Parts 200 and 2900.

Rehabilitation Act of 1973, §101(a)(2), Public Law 93-112, 29 U.S.C. § 701 et seq.

USDOL, Training and Employment Guidance Letter No. 17-16, Infrastructure Funding of the One-Stop Delivery System, (January 18, 2017).

USDOL, Training and Employment Guidance Letter No. 16-16, One-Stop Operations Guidance for the American Job Center Network, (January 18, 2017).

USDOL, Unemployment Insurance Program Letter No. 20-15, Unemployment Insurance and the Workforce Innovation and Opportunity Act of 2014, (August 13, 2015).

USDOL, Training and Employment Guidance Letter No. 4-15, Vision for the One-Stop Delivery System under the Workforce Innovation and Opportunity Act, (August 13, 2015).

USDOL, Training and Employment Notice 35-15, Encouraging Collaborations between the Workforce Investment System and Public Libraries to Meet Career and Employment Needs, (May 4, 2016).

Ohio Revised Code § 6301.06.

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 16-06, State Mechanism for Funding OhioMeansJobs Center Infrastructure Costs, (November 10, 2016).

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ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 16-08, Procurement of the OhioMeansJobs Center Operator and Provider of Career Services (February 24, 2017).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-18.1, Local Workforce Development Area Governance (January 30, 2017).

## Policy 12-723: Waivers for Implementation of CCMEP

<b>Reference State Policy:</b>	WIOAAPL No. 17-04.3
<b>Board Approved:</b>	April 16, 2024
<b>Revision Approved:</b>	
<b>Effective Date:</b>	April 16, 2024
<b>Policy Obsoletes:</b>	

### **I. Purpose**

The purpose of this policy is to provide guidance on the use of the United States Department of Labor (USDOL) approved waivers of Workforce Innovation and Opportunity Act (WIOA) laws and regulations.

### **II. Rescission**

Workforce Innovation and Opportunity Act (WIOA) [Policy Letter No. 17-04.2](#), Waivers for Implementation of the Comprehensive Case Management and Employment Program (September 29, 2022).

### **III. Background**

The Comprehensive Case Management and Employment Program (CCMEP) was created to transform the network of human services and workforce programs across Ohio. To help Ohioans move beyond poverty to meaningful employment, Ohio has modernized its system by integrating youth programs funded by Temporary Assistance for Needy Families (TANF) and WIOA to create a new way to work.

By integrating WIOA and TANF youth programs, Ohio may more effectively utilize and leverage federal dollars from these funding sources to support the needs of customers who are eligible for these separate funding sources. Braiding funds allows the WIOA youth program to provide more comprehensive services to participants while maximizing partner resources to assist youth.

To allow more flexibility with WIOA youth program funds to implement CCMEP, Ohio requested the following waivers:

1. Waiver of WIOA Section 129(a)(4) and 20 CFR 681.410 which require that local workforce development areas expend at least 75 percent of local area youth funds to provide services to out-of-school youth (OSY) and calculation of the local area expenditure for each local area.
2. Waiver of 20 CFR 681.550 to allow WIOA individual training accounts (ITAs) for in-school youth (ISY).
3. Waiver of 20 CFR 681.590(b) to allow local workforce development areas to count both WIOA local youth formula funds and TANF funds toward the minimum 20 percent expenditure requirement for paid or unpaid work experience.

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4. Waiver associated with the requirement at WIOA Section 129(a)(4)(A) and 20 CFR 681.410 that States expend 75% of Governor’s reserve Youth funds on Out of School Youth (OSY).

On June 7, 2022, the Ohio Department of Job and Family Services received a letter from the United States Department of Labor (USDOL) fully approving Ohio's requested waivers. These waivers are approved through Program Year (PY) 2023 or June 30, 2024.

**IV. Requirements**

**A. Waiver to allow TANF funds to count toward the 75 percent expenditure requirement for out-of-school youth and to calculate the expenditure requirement on a statewide basis.**

Under CCMEP, with its emphasis on co-funding to benefit a more cost-effective service delivery, the number of disconnected youth that can be served will increase, particularly given the large infusion of TANF dollars. This will ultimately allow WIOA youth dollars to have a further reach and greater impact in local communities. Additionally, by allowing the calculation of the expenditure rate to be statewide, there would be more flexibility amongst all the local areas to serve the population of participants unique to that local area.

To recognize the influx of TANF dollars being invested in the WIOA out-of-school youth population under CCMEP, the Office of Workforce Development (OWD) will include the amount of TANF dollars spent on co-enrolled WIOA out-of-school youth during a program year (PY) both the numerator and denominator of the out-of-school rate calculation. The formula below defines the calculation to be used beginning with PY22 funds:

Out-of-School Youth (OSY) Rate Calculation Under Waiver Authority					
	WIOA OSY expenses			TANF spent on co-enrolled WIOA OSY	
	Total WIOA OSY + In-School Youth expenses		+	TANF spent on co-enrolled WIOA OSY	

To align TANF spending to a WIOA program year, the time period for CCMEP TANF expenses to be included in both the numerator and denominator will be the TANF expenses for co-enrolled out-of-school youth reported in the twelve months preceding the end-date of the WIOA Youth funds at the local area level. For example, PY21 Youth funds are available to local areas until June 30, 2023, so the calculation will include TANF dollars invested in local services benefitting out-of-school youth from July 1, 2021 until June 30, 2023.

The example below compares the out-of-school youth rate calculation under current WIOA law to the proposed waiver flexibility for a local area that spent \$400,000 of its \$600,000 in PY20 WIOA Youth program funds during the two years of availability as well as \$200,000 of its CCMEP TANF funds spent during the second year of the Youth grant on services for out-of-school youth who are co-enrolled:

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<p>Of \$600,000 in Youth spending, \$400,000 was spent on OSY:</p> $\frac{\$400,000 \text{ (divided by)}}{\$600,000}$ $= \mathbf{67\%}$	<p>The area also invests \$200,000 of its TANF funds on co-enrolled OSY WIOA Youth:</p> <p style="text-align: center;"><b><u>WIOATANF</u></b></p> $\frac{\$400,000 + \$200,000}{\$600,000 + \$200,000 + \$800,000} = \frac{\$600,000}{\$1,600,000}$ $= \mathbf{75\%}$
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To determine the amount of TANF funds spent on co-enrolled WIOA out-of-school youth, OWD will pro-rate the CCMEP TANF expenditures in a program year based on the number of participants served in each CCMEP TANF population during that year (*i.e.*, served with TANF funds only, co-enrolled in WIOA in-school youth, and co-enrolled in WIOA out-of-school youth). Only the proportion of CCMEP TANF expenses for the program year attributable to co-enrolled WIOA out-of-school youth based on relative participant counts in the three categories will be included in the out-of-school youth rate calculation.

### **B. Waiver to allow the use of individual training accounts (ITA) for in-school youth (ISY), ages 16-21 years.**

The intent of using ITAs in the WIOA ISY program is to expand training options, increase program flexibility, enhance customer choice, and reduce paperwork. This waiver encourages the youth population to seriously look at career pathways and in-demand occupations and empowers them to make their own decisions, thereby taking responsibility for their actions.

Under this waiver, local WDBs and CCMEP lead agencies may use ITAs for in-school youth. Local WDB directors should contact the lead agencies and/or youth program providers to coordinate this activity and ensure local area policies pertaining to ITAs will be adhered to.

By using an ITA, the local WDB does not have to competitively procure training services funded by WIOA for in-school youth. However, training services must still be provided in a manner which maximizes informed consumer choice in selecting an eligible training provider.

This waiver expands the population of individuals who may receive an ITA. Therefore, the requirements for providing an ITA found in Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 15-11.2, Use of Individual Training Accounts, and paragraph (E)(4)(a) of rule 5101:14-1-02 of the Ohio Administrative Code will also include in-school youth in addition to out-of-school youth.



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### C. Waiver to allow TANF funds to count towards the 20 percent work experience expenditure requirement.

The purpose of this waiver is to increase participant enrollment in work experiences by having TANF funded, co-enrolled participants count towards the 20 percent requirement defined in 20 CFR 681.590. The waiver supports the principles of streamlining services, increasing accountability and accessibility, state and local flexibility and ease of administration.

Both WIOA youth and TANF expenditures will count toward the 20 percent expenditure requirement for paid or unpaid work experience for youth co-enrolled in those programs. In addition to WIOA local youth program funds spent on paid and unpaid work experiences, including wages and staff costs for development and management of work experiences, local areas in Ohio may include TANF work experience expenditures in the calculation of the 20 percent work experience expenditure requirement.

If TANF funds are used for a co-enrolled youth's work experience wages, those funds must be added to the numerator and denominator of the existing 20 percent work experience calculation.

<p>Of \$500,000 in WIOA Youth spending, \$50,000 was spent on work experience:</p> $\frac{\$50,000 \text{ (divided by)}}{\$500,000}$ $= 10\%$	<p>The area also invests \$100,000 of its TANF funds on work experiences for co-enrolled WIOA Youth:</p> <p style="text-align: center;"><b><u>WIOA</u>TANF</b></p> $\frac{\$50,000 + \$100,000}{\$500,000 + \$100,000} = \frac{\$150,000}{\$600,000}$ $= 25\%$
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This will allow for more youth to be served in the WIOA Youth program, more work experiences to be developed, and, ultimately, better outcomes for co-enrolled WIOA and TANF youth.

### D. Waiver associated with the requirement at WIOA Section 129(a)(4)(A) and 20 CFR 681.410 that the State expend 75 percent of Governor's reserve youth funds on OSY.

The state of Ohio requested a waiver to lower the minimum OSY expenditure requirement for providing direct services to youth to 50 percent. This waiver will allow more flexibility of funding special projects with WIOA Statewide Activities funding to

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meet the mission of the state and address the effects that the COVID-19 pandemic and shutdown of schools to in-person learning had on students.

The goal of this waiver is to promote innovative special projects through the implementation of evidence-based programs and strategies that increase services to at-risk, in-school youth in local schools and communities, despite their education status.

This waiver will allow local areas to partner with Ohio schools to identify students who are most in need, provide necessary services, and leverage federal funding for positive results.

### **V. Technical Assistance**

Ongoing support, guidance, training and technical assistance on workforce development area designation, subsequent designation, or redesignation requirements, including stakeholder consultation, are available to all local areas.

Requests for technical assistance may be sent to ODJFS, Office of Workforce Development: [CCMEPQNA@jfs.ohio.gov](mailto:CCMEPQNA@jfs.ohio.gov).

### **VI. References**

Workforce Innovation and Opportunity Act, §§ 129 and 189, Public Law 113-128.

20 C.F.R. §§ 679.600 - 679.620, 681.410 and 681.550.

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-11.2, Use of Individual Training Accounts, (August 11, 2020).

r 26, 2013).

# Policy 12-724-Implementation of Workforce Development Services Under the Quality Jobs, Equity, Strategy, and Training (QUEST) Disaster Recovery National Dislocated Worker Grants (DWGs)

<b>Reference State Policy:</b>	WIOAPL 24-01
<b>Board Approved:</b>	August 20, 2024
<b>Revision Approved:</b>	
<b>Effective Date:</b>	August 20, 2024
<b>Policy Obsoletes:</b>	

## Purpose

To define participant eligibility, allowable services, and other policy parameters to enable participating local workforce development areas (local areas) to implement and deliver QUEST 2 grant services.

## Background

The COVID-19 pandemic has had substantial impacts on the health and prosperity of the nation, its people, and its businesses. Populations experiencing especially harmful impacts include women, immigrants, lower-wage workers, people of color, people with disabilities, individuals who were formerly incarcerated, and other workers from historically-marginalized communities.

Recovery from the pandemic requires strength and resilience in industries critical to our economy's stability and growth such as the auto and advanced mobility industries. Efforts to create pathways to family-sustaining assembler, production worker and technician roles are critical to address job growth in the Auto and Advance Mobility Workforce that will expand due to the Electrical Vehicle sector.

To address the current shortage of workers in advanced manufacturing, the Ohio Department of Job and Family Services (ODJFS) applied for and received an \$5 million discretionary QUEST National Dislocated Worker Grant. This time-limited grant will be used to:

- Develop marketing and outreach to students, job seekers, and the public about pathways into electric vehicle and advanced manufacturing occupations;
- Provide training that builds the skilled workforce in professions that meets the needs of the electric vehicle and advanced manufacturing workforce;
- Ensure the timely delivery of appropriate, necessary career, training, and supportive services to eligible participants, including individuals from historically- marginalized populations and workers who have been impacted by the COVID-19 pandemic; and
- Assist electric vehicle and advanced manufacturing employers in recruiting and hiring the workforce needed to build a best-in-class model to address the growing industry demand with a new workforce that achieves job resiliency.

# Policy 12-724-Implementation of Workforce Development Services Under the Quality Jobs, Equity, Strategy, and Training (QUEST) Disaster Recovery National Dislocated Worker Grants (DWGs)

## State Requirements

As the state workforce agency and grantee, ODJFS shall:

- Submit grant applications, modifications, quarterly reports, and other communications to the Department of Labor (DOL) on behalf of the local areas;
- Assign a project manager to serve as the point-of-contact and coordinator of grant related resources and information;
- Review and approve implementation plans and budgets submitted by the regional sector partnerships;
- Manage grant funds including the determination of sub-award amounts;
- Manage incremental funding to local areas and potential revisions to such awards to address underspending, ensure maximum investment of the available resources, and take action designed to ensure ODJFS fully invests the available grant funds during the QUEST performance period; and
- Provide technical assistance to local areas, regional sector partners, and other stakeholders on the terms and conditions of the QUEST grant.

## Local Workforce Development Area Requirements

The QUEST grant is a national Disaster Recovery Dislocated Worker grant issued to participating local areas under the authority of the Workforce Innovation and Opportunity Act (WIOA) subgrant agreement between ODJFS and each local area. Therefore, local areas must implement the grant-funded services and activities in accordance with the terms and conditions of the WIOA subgrant agreement, along with the requirements found in this policy letter.

Pursuant to implementation of the QUEST grant, local workforce areas must submit a budget and implementation plan describing the service design, current or planned advanced manufacturing training programs in the region, planned number of individuals who will receive advanced manufacturing training, and other details for implementing the QUEST grant.

As changes to the local plan occur, such as the provision of new services not identified in the plan or significant changes in the number of planned participants, local areas must

work with the Industry Sector Partnerships to submit a revised implementation plan to the ODJFS-designated project manager explaining the changes as soon as possible, but no later than 30 days after each change.

### A. Eligible Participants

The goal of Ohio's QUEST DWG is to enable individuals who have been adversely affected by the COVID-19 pandemic and the social and economic inequities that the pandemic exacerbated, to enter, return to, or advance in high-quality jobs in the advanced mobility industry. The activities of the QUEST DWG will yield improved individual and community resilience to the ongoing effects of the COVID-19 pandemic and enhance the ability of electric vehicle and advanced manufacturing providers to meet growing industry demand.

## Policy 12-724-Implementation of Workforce Development Services Under the Quality Jobs, Equity, Strategy, and Training (QUEST) Disaster Recovery National Dislocated Worker Grants (DWGs)

Local areas shall ensure that individuals served under the QUEST grant have met all eligibility criteria, including those in 20 C.F.R. § 687.170 and the policy letter on adult and dislocated worker eligibility.

Individuals eligible to receive QUEST grant services must be one of the following:

1. A dislocated worker;
2. An individual temporarily or permanently laid off as a consequence of the COVID-19 pandemic;
3. A long-term unemployed individual; or
4. A self-employed individual who became unemployed or significantly underemployed as a result of the COVID-19 pandemic.

Note: Direct services, such as career, training, or supportive services, must be limited to the eligible participants above. Further, local areas should design and implement grant activities that prioritize services and outcomes for any underserved and historically marginalized populations that otherwise meet the eligibility categories above.

### B. Allowable Services and Activities

In planning and implementing services under QUEST grant, local areas should consider that the grant is meant to alleviate the devastating effects of the COVID-19 pandemic through:

- Offering Career, Training, and Supportive services for eligible participants aimed at increasing the number of qualified professionals in the electric vehicle and advanced manufacturing fields;
- Providing a full array of workforce services to eligible participants; and
- Increasing engagement with and support for electric vehicle and advanced manufacturing employers to expand the number of workers entering careers in the industry. Training and Employment Guidance Letter (TEGL) 03-23 Allowable Uses of Funds for Outreach Activities for Federal Formula and Competitive Grant Awards outlines allowable marketing and outreach expenses.

### Career Services

Local areas will provide basic and individualized career services, such as job search assistance, initial and specialized assessments of skill levels, career planning, and prevocational services, as outlined in Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 15-08.1, Career Services for Adults and Dislocated Workers.

### Training

Training services provided under this grant may be provided to eligible individuals planning to enter employment in electric vehicle and advanced manufacturing careers within the local/regional economy. Only the costs of approved training programs leading to careers listed as critical need in Attachment B may be funded with QUEST dollars. This limitation applies to all training services funded by this grant including On- the-Job Training (OJT) and Occupational Skill Training.

## Policy 12-724-Implementation of Workforce Development Services Under the Quality Jobs, Equity, Strategy, and Training (QUEST) Disaster Recovery National Dislocated Worker Grants (DWGs)

QUEST participants may be co-enrolled in, and receive braided funding from, other workforce programs such as the Dislocated Worker program. Long-term training may be supplemented with WIOA formula funds if the individual is eligible for WIOA formula funding and the training extends beyond the QUEST grant period.

### **Supportive Services**

Grant-funded supportive services, such as transportation, childcare, and housing assistance may be provided to grant participants in need of such services. Local areas should review their policies to ensure that the types of supportive services needed by individuals seeking to enter electric vehicle and advanced manufacturing careers.

Also, local areas should ensure the array of services will increase the likelihood that participants from historically-marginalized populations can successfully complete the training. These participants may require extensive help with barrier removal and financial support at levels not required by other population groups who are unaffected by cultural biases.

### **Other Allowable Services and Activities**

Services and activities may be delivered under the local area's existing policies applicable to dislocated workers, or the local workforce development board (local

WDB) may opt to implement new or revised policies specific to the QUEST grant. Examples of such policy revisions may include:

- Extending the length of training or increasing the maximum training funds available to participants who plan to enter electric vehicles and advanced manufacturing occupations that can meet growing demand; or
- Permitting funding for transitional jobs to help participants with barriers or from historically-marginalized populations to establish a work history, develop workplace skills, and enter or re-enter the workforce.

In addition to the allowable services for eligible participants identified above, local areas may use QUEST grant funds for other activities meant to meet growing demand and assist the target populations in entering and succeeding in electric vehicle and advanced manufacturing careers, such as:

- Incorporating electric vehicle-related work-based learning or entrepreneurial training in the program design for occupations listed in Attachment B;
- Assisting electric vehicle and advanced manufacturing employers in establishing apprenticeship training programs, including provision of funds for the related instruction (if allowable as occupational skills training) or funding for OJT as authorized in the local area policy; and

## Policy 12-724-Implementation of Workforce Development Services Under the Quality Jobs, Equity, Strategy, and Training (QUEST) Disaster Recovery National Dislocated Worker Grants (DWGs)

- Reviewing intake and eligibility policies and procedures to reduce delays in services and eliminate eligibility requirements not required by law to enable the broadest participation in grant-funded services and to remove barriers that may hinder marginalized populations from accessing services.

Up to ten percent of the funds awarded to the local area may be used for administrative costs as defined in 20 C.F.R. § 683.215 that are associated with operating the grant.

### **Unallowable Services and Activities**

- QUEST funds may not be used to pay for incentive payments to participants.

### **Subrecipients and Contractors**

Local areas may enter subrecipient agreements or contracts with public entities, nonprofit organizations, and private-for-profit entities. The determination of subrecipient or contractor status must be based on the considerations in 2 C.F.R. § 200.331.

Competitive procurement of a provider that meets the definition of a subrecipient is not required but is recommended when feasible to increase the likelihood of obtaining the highest quality of services at the lowest cost.

Contractors must be competitively selected in accordance with federal, state, and

local procurement rules. For-profit contractors and subrecipients may keep the profits earned from performance of grant activities. The amount of profit must be negotiated as a separate element of the overall price of the services with consideration given to the complexity, risk, past performance, and industry profit rates in the surrounding geographical area for similar work.

Profits that are excessive or that are not justified using the aforementioned criteria will be disallowed and cannot be paid from grant funds.

### **Reporting Requirements**

Local areas must report participants served under the QUEST grant in the state's designated case management reporting system under the special grant office created for the grant. Within 30 days of participant enrollment and provision of each service, all services and activities must be entered into the case management reporting system special grant office section.

The outcomes of participants in the QUEST grant will not affect the local area's WIOA performance measures, unless the local area opts to co-enroll participants in local WIOA formula-funded programs.

# Policy 12-724-Implementation of Workforce Development Services Under the Quality Jobs, Equity, Strategy, and Training (QUEST) Disaster Recovery National Dislocated Worker Grants (DWGs)

ODJFS, in partnership with the Ohio Auto & Advanced Mobility Workforce Sector Partnership, will determine additional performance standards to evaluate the quality and effectiveness of the strategies, which may include periodic narrative reports or the need to enter trainee and outcome data in other reporting systems. Participating local areas will work with the other Industry Sector partners to comply with additional reporting mandates in the manner prescribed by ODJFS using the designated reporting system(s).

DOL also may evaluate Ohio's QUEST grant implementation by carrying out an impact or outcome analysis, a cost/benefit analysis, or return-on-investment (ROI) study, for example. ODJFS and its sub-recipients may be required to collect data elements to aid the evaluation. If DOL chooses to evaluate Ohio's QUEST grant, the participating local areas must agree to:

- Make records available to the evaluator on QUEST participants, employers, and funding;
- Provide access to staff, participants, financial records, and other relevant individuals and documents; and
- Comply with evaluation procedures specified by the evaluator.

Local areas must request cash draws and report expenditures and other financial information using the State's designated financial reporting system, including the client tracking detail for participant-level direct service costs.

## **Monitoring**

Local areas that issue subawards must assess the risk of non-compliance of each subrecipient and develop monitoring policies outlining the procedures, frequency, and methods for assuring that grant-funded services carried out by the subrecipient are compliant and for resolving any findings of non-compliance.

Through the state's monitoring system, ODJFS program and fiscal monitors will review the local area's implementation of QUEST grants, including participant file review and verification of actual expenditures, during the onsite monitoring review of the local area for compliance with all applicable federal and state laws, regulations, and guidance letters including this guidance letter. Any findings will be addressed through the state's monitoring resolution process.

## **ATTACHMENTS:**

Attachment A: Glossary of QUEST DWG grant terms

Attachment B: In-Demand Auto & Advanced Mobility Occupations

## **Technical Assistance**

For additional information or to request technical assistance, contact the project manager designated by the ODJFS Office of Workforce Development to oversee implementation of the QUEST grant.



# Policy 12-724-Implementation of Workforce Development Services Under the Quality Jobs, Equity, Strategy, and Training (QUEST) Disaster Recovery National Dislocated Worker Grants (DWGs)

## References

<https://www.congress.gov/113/bills/hr803/BILLS-113hr803enr.pdf>

USDOL, Training and Employment Guidance Letter No. 2-22: QUEST Disaster Recovery National Dislocated Worker Grants Funding Announcement (July 5, 2022).

<https://www.dol.gov/agencies/eta/advisories/tegl-no-02-22>

USDOL, Training and Employment Guidance Letter No. 03-23, Allowable Uses of Funds for Outreach Activities for Federal Formula and Competitive Grant Awards (September 6, 2023).

<https://www.dol.gov/agencies/eta/advisories/tegl-03-23>

2 C.F.R. § 200.331.

20 C.F.R. §§ 683.215.

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-02.1, Adult and Dislocated Worker Eligibility, (October 1, 2020).

<https://dam.assets.ohio.gov/image/upload/jfs.ohio.gov/EBS/Programs%20Rules%20and%20Resources/Workforce%20Development/WIOA%20Policy%20Letters/WIOAPL15-02.1.pdf>

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-08.1, Career Services for Adults and Dislocated Workers, (June 6, 2017).

[https://dam.assets.ohio.gov/image/upload/jfs.ohio.gov/EBS/Programs%20Rules%20and%20Resources/Workforce%20Development/WIOA%20Policy%20Letters/WIOAPL15\\_081.pdf](https://dam.assets.ohio.gov/image/upload/jfs.ohio.gov/EBS/Programs%20Rules%20and%20Resources/Workforce%20Development/WIOA%20Policy%20Letters/WIOAPL15_081.pdf)

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No.15-11.3, Use of Individual Training Accounts, (September 27, 2021).

[https://dam.assets.ohio.gov/image/upload/jfs.ohio.gov/EBS/Programs%20Rules%20and%20Resources/Workforce%20Development/WIOA%20Policy%20Letters/WIOAPL\\_15-11.3\\_-\\_Use\\_of\\_Individual\\_Training\\_Accounts.pdf](https://dam.assets.ohio.gov/image/upload/jfs.ohio.gov/EBS/Programs%20Rules%20and%20Resources/Workforce%20Development/WIOA%20Policy%20Letters/WIOAPL_15-11.3_-_Use_of_Individual_Training_Accounts.pdf)

## ATTACHMENT A

### Glossary of QUEST DWG Grant Terms

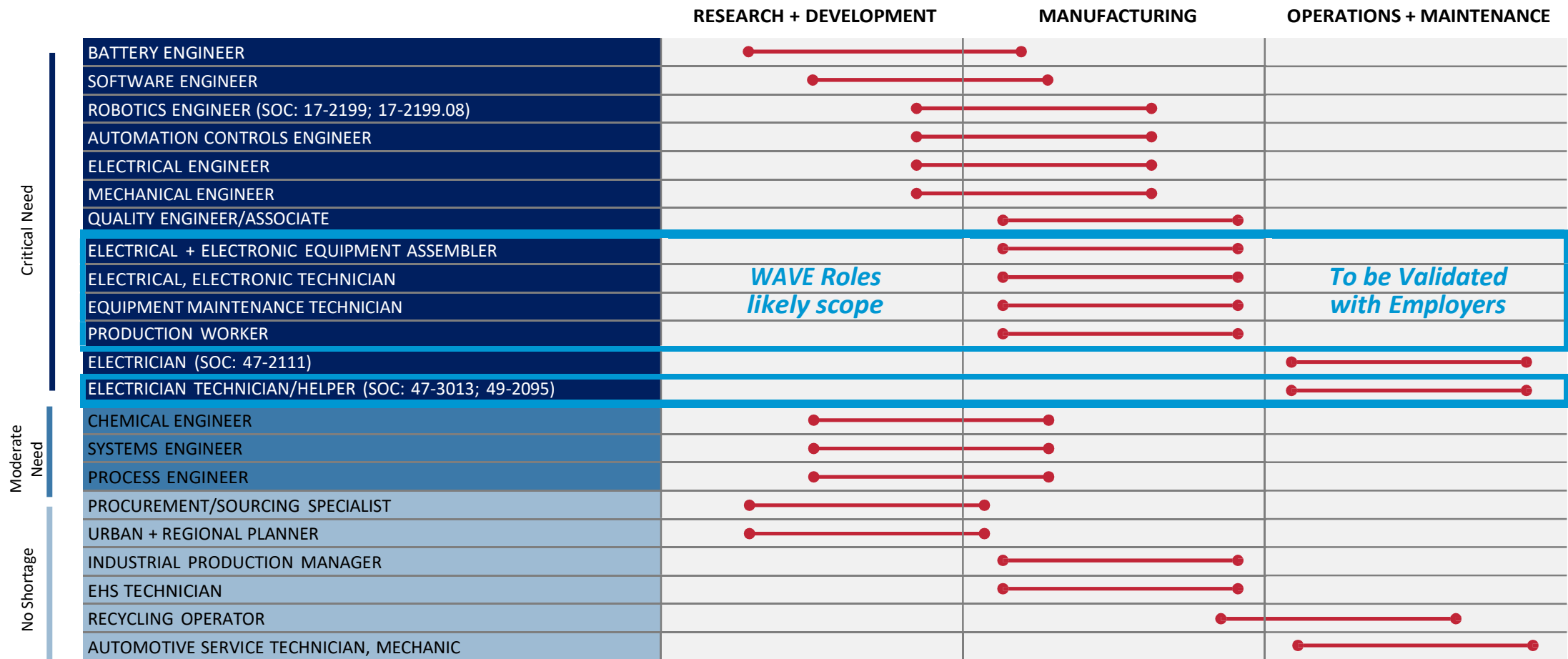
Term	Definition
<b>Dislocated Worker</b>	<p>Any adult 18 years and older who:</p> <ul style="list-style-type: none"> <li>A. Has been terminated or laid off or has received a notice of termination or layoff; and is eligible for, or has exhausted entitlement to unemployment compensation; or has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation, and is unlikely to return to a previous industry or occupation; or</li> <li>B. Has been terminated or laid off, or has received a notice of termination or layoff from employment as a result of a permanent closure of, or any substantial layoff at a plant, facility, or enterprise; or is employed at a facility at which the employer has made a general announcement that the facility will close within 180 days; or</li> <li>C. Was self-employed but is unemployed as a result of general economic conditions; or</li> <li>D. Is a displaced homemaker; or</li> <li>E. Is the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, or a permanent change of station. (For further details, see WIOAPL 15-02.1)</li> </ul>
<b>Displaced Homemaker</b>	<p>An individual who has been providing unpaid services to family members in the home and who:</p> <ul style="list-style-type: none"> <li>• Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; AND</li> </ul>

	<ul style="list-style-type: none"> <li>• Has been dependent on the income of another family member but is no longer supported by that income, OR</li> <li>• Is the dependent spouse of a member of the Armed Forces on active duty (as defined in Section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section); a call or order to active duty pursuant to a provision of law preferred to in section 101(a)(13)(B) of title 10, United States Code; a permanent change of station; or a service connected death or disability (as defined in section 101(16) of title 38, United States Code). (WIOAPL 15-02.1)</li> </ul>
<b>High-quality Jobs</b>	Also referred to as good jobs, occupations that pay an average wage of at least \$15/hour or the local living wage, whichever is higher, provide an average of at least 30 hours/week of paid employment, have transparent and nondiscriminatory hiring practices and clear paths for professional development and advancement, provide access to employer-provided benefits, including health care, paid vacation, and sick leave, prioritize worker health and safety and are in companies and organizations that support workers' rights.
<b>Historically-Marginalized Populations</b>	Groups of people who have been excluded from full participation in mainstream educational, economic, cultural, social, and political activities. Examples of marginalized populations include, but are not limited to, groups excluded due to race, gender identity, sexual orientation, age, physical ability, language, and immigration status. Marginalization occurs due to unequal power relationships between social groups.
<b>Individuals Temporarily or Permanently Laid Off as a Consequence of the COVID19 Pandemic Disaster</b>	A person who was laid off from employment permanently or temporarily between March 1, 2020, and April 10, 2023, including individuals who later returned to work,
<b>Long-Term Unemployed</b>	A person who meets one of the following

	<p>criteria, in descending order of priority for services:</p> <ol style="list-style-type: none"> <li>1. Has a substantial employment history (i.e., at least 12 months of full-time or 24-months of parttime work experience), is currently unemployed, and has been unemployed for at least 15 of the past 26 weeks;</li> <li>2. Is currently unemployed and has been unemployed for at least 15 of the past 26 weeks;</li> <li>3. Is currently employed but had been unemployed for 15 of the past 26 weeks and is not currently self-sufficient based on local policy; or</li> <li>4. Is either currently unemployed or working parttime, has not worked over 30 hours per week in any 15 of the past 26 weeks, has been seeking but unable to secure full-time employment, and is not currently self-sufficient based on local policy. (WIOAPL 17-06.1)</li> </ol>

# In-Demand Auto & Advanced Mobility Occupations

The below shows perceived Auto & Advanced Mobility-related occupation shortages and scarcity as identified during stakeholder interviews and in desktop research. Addressing these critical shortages in the labor market will ensure employers have the skilled workers they need, while also providing workers new career opportunities and supporting the growth of local economies.



\* Occupations labeled as ‘critical need’ indicate there is low supply and high demand, those labeled ‘moderate need’ indicate there is a moderate supply and high demand, and those labeled ‘no shortage’ indicates current supply matches demand. The blue lines indicate where across the value chain each occupation is needed.

## Policy 12-725: Funding for Rapid Response Layoff Aversion

<b>Reference State Policy:</b>	WIOAAPL No. 17-05.1
<b>Board Approved:</b>	April 16, 2024
<b>Revision Approved:</b>	
<b>Effective Date:</b>	April 16, 2024
<b>Policy Obsoletes:</b>	

### **I. Purpose**

The purpose of this policy is to outline the requirements for requesting Rapid Response Emergency Assistance Funds (RREAF) to deliver the rapid response (RR) program services during an employer closure, mass layoff, disaster mass job dislocation, and/or filing of a Trade Adjustment Assistance (TAA) petition event.

### **II. Rescission**

ODJFS, Workforce Innovation and Opportunity Policy Letter No. 17-05, Funding for Rapid Response - Employer Closure, Mass Layoff, Disaster Mass Job Dislocation, and Trade Adjustment Assistance Events (May 28th, 2018)

### **III. Background**

RR is a State-administered program implemented by the local workforce development area's (local area) RR team. The purpose of the RR program is to assist dislocated workers in obtaining reemployment as soon as possible, when one or more of the following circumstances occur:

1. Announcement or notification of a permanent closure, regardless of the number of workers affected;
2. Announcement or notification of a mass layoff;
3. A mass job dislocation resulting from a natural or other disaster; or
4. The filing of a TAA petition.

Per section 133(a)(2) of WIOA, the State shall reserve 25 percent of the total State allotment of dislocated worker funds for statewide rapid response activities. These reserved funds are available to local areas to serve potentially affected workers (PAWs) and employers affected by an RR event within the last six months. The State must use these funds within three years of its original allocation.

RR funds, or RREAF, are intended to supplement the local dislocated worker formula-funded program, not to replace these funds. RREAF must not take the place of dislocated worker formula funds when providing RR services. RREAF are available on a limited basis when the current dislocated worker funds are not sufficient to provide the necessary services during an RR event.

## **Policy 12-725: Funding for Rapid Response Layoff Aversion**

RREAF are to be used to ensure the effective delivery of RR services and an efficient transition to any additional services needed for reemployment (e.g., referrals to WIOA Title I formula-funded programs, Wagner-Peyser Employment Services program, vocational rehabilitation, Aspire (formerly ABLE) services, etc.). State and local resources shall be used before outsourcing services that are being paid for through RR funds.

When a layoff event occurs, the area must provide services to the dislocated workers as appropriate even if the layoff does not meet the RR event definition and regardless of whether RR funding is issued to the local area. The local area will fund services for these layoffs through local dislocated worker formula funds. Pursuant to section 134(c)(1) of WIOA, funds allocated to the local area for dislocated workers shall be used to establish a workforce delivery system, to provide career services to dislocated workers, to provide training services to dislocated workers, to establish and develop relationships with large and small employers, and to develop, convene, or implement industry and sector partnerships. The local workforce development boards (WDBs) determine the most appropriate mix of these services, and both career and training services must be available to eligible dislocated workers. It is expected that the local area will provide career and/or training services to dislocated workers whose dislocation does not meet the threshold for RR program services using the local area's dislocated worker program formula funds.

### **IV. Definitions**

Designee: The fiscal agent or other individual who is designated by the local WDB through local WDB by-laws, local area policies, or procedures to request RR funding on behalf of the local WDB director for any applications or requests. This designation may be temporary or permanent.

Disaster mass job dislocation: Any reduction in force, due to a disaster as defined by state or local emergency management policy, that does not result in a total plant/branch/office closing, but still results in the filing of a Worker Adjustment and Retraining Notification Act notice, regardless of the number of workers affected by the layoff announced; or, if no WARN correspondence is issued, employment loss at a single site of employment for:

1. At least 25 percent of employees; or
2. At least 50 employees.

Employer: An individual, business, company, firm, agency, organization, etc. that employs one or more people.

Employer closure: The permanent shutdown of an Ohio business, facility, or agency.

Event: Any situation in which workers are at risk of layoff from a downsizing or closure of an employer's Ohio business, facility, or agency.

Fiscal agent: The entity designated by the chief elected official(s) to perform accounting and funds management on behalf of the chief elected official(s). The fiscal agent coordinates with the local workforce development board regarding funding for the planned array of dislocated worker and rapid response services and ensures fiscal integrity and accountability for expenditure of these funds.

## **Policy 12-725: Funding for Rapid Response Layoff Aversion**

Layoff: A separation due to the lack of work or other factor(s) not related to the behavior or performance of the employee.

Local plan: A comprehensive four-year plan developed by the local WDB, in partnership with the chief elected official, and submitted to the State which provides descriptions of the strategic planning elements and services provided in the local area.

Mass layoff: Any reduction in force that does not result in a total plant/branch/office closing, but still results in the filing of a Worker Adjustment and Retraining Notification Act notice, regardless of the number of workers affected by the layoff announced; or, if no WARN correspondence is issued, employment loss at a single site of employment for:

1. At least 25 percent of employees; or
2. At least 50 employees.

Notification: The process by which an individual on the RR team is made aware of a possible or actual RR event. A notification can come from a variety of sources, including, but not limited to: a WARN letter, word of mouth, the media, local Chamber of Commerce, ODJFS Trade Unit, American Job Center (which in Ohio is called OhioMeansJobs center), union officials, local government, affected workers, etc.

Ohio Rapid Response Workforce Survey (RRWS): The standardized survey ([JFS 08124](#)) and related software used in Ohio to identify demographics of the affected workforce and serve as a preliminary needs assessment.

Ohio's designated case management system: An information tracking system as defined in Ohio Administrative Code (OAC) 5101:9-30-04 which is used by workforce professionals to gather and report program data and employer event information on the delivery of services for the following programs: Rapid Response, WIOA, Wagner-Peyser, Veteran, Apprenticeship, Migrant and Seasonal Farmworker, Foreign Labor Certification, and Trade.

Planning region: Two or more local workforce development areas assigned by the State to align workforce development activities and resources with larger regional economic development areas and available resources to provide coordinated and efficient services to both job seekers and employers.

Potentially affected workers (PAW): Employees at risk of becoming unemployed due to an event.

Rapid response emergency assistance funds (RREAF): State rapid response funding allocated to local areas for the provision of reemployment services outlined in the service plan to workers and employers who have been affected by an RR event.

Rapid response (RR) event: When one or more of the following circumstances occur:

1. Announcement or notification of a permanent closure, regardless of the number of workers affected;
2. Announcement or notification of a mass layoff;
3. A mass job dislocation resulting from a natural or other disaster; or



## Policy 12-725: Funding for Rapid Response Layoff Aversion

### 4. The filing of a TAA petition.

Rapid response team: Individuals from state and local workforce entities that respond collectively to layoffs and closures that occur within their local area or planning region and assist in providing RR services to employers and affected workers.

Service plan: A plan, entered into Ohio's designated case management system, which details all RR services that will be provided to an affected workforce and a timeline of when services will be delivered.

Trade Adjustment Assistance (TAA): A program which provides assistance, including reemployment and training services, to workers whose jobs have been threatened or lost due to foreign imports, or shifts in production and/or services to a country outside the United States.

Worker Adjustment and Retraining Notification (WARN) Act: The Act that protects workers, their families, and communities by requiring most employers with 100 or more employees to provide notification 60 calendar days in advance of plant closings and mass layoffs. The general provisions of the WARN Act cover employers with 100 or more employees, not counting those who have worked less than 6 months in the last 12 months and those who work an average of less than 20 hours a week; or at least 50 employees at a single site of employment. Additional materials to assist with compliance can be found at <http://www.doleta.gov/layoff/warn.cfm>.

Workforce development board (WDB) director: The individual hired or designated by the local WDB to assist in completion of duties for the local WDB, including oversight of workforce development employment and training programs and development of the budget for the local area.

## V. Local Workforce Development Area Requirements

The process for requesting RREAF allows for a quicker release of funds. However, the local area should be continuously assessing and creating a strategic plan for the use of dislocated worker formula funds. This is especially important as the request for RREAF may be made on behalf of a county or counties within a local area using the review of not only the local area's expenditures, but also the individual county's expenditures, to assist in the approval process of the RREAF.

When applying for a National Dislocated Worker Grant (NDWG), the state's financial need for additional funds is determined on whether the state spent at least 70 percent of its prior program year dislocated worker and rapid response funding. Therefore, the local area must be aware that there is a potential adverse impact if the local area's expenditure rate is significantly lower than the individual county's expenditure rate and not on track to achieve the 70 percent expenditure level by the end of the program year.

Prior to any request for RREAF, the RR team must have conversations with the affected business and survey employees using the [JFS 08124](#), [Ohio Rapid Response Event Data](#), to determine which services must be provided. When providing RR services, all local area and/or state policies pertaining to the delivery of career services, training services, individual training accounts (ITA), supportive services, and on-the-job trainings (OJT) must be followed. Furthermore, all training provided as an RR service and funded by RREAF should be short-term training not to exceed 12 months, with an emphasis on a six-to-eight-month duration. For training lasting more than 12 months, RR will only fund the initial 12 months;

## Policy 12-725: Funding for Rapid Response Layoff Aversion

local dislocated worker funds, National Dislocated Worker Grant funds, or other funds for which the participant is eligible must be used for the remaining duration. Maximum financing amounts for ITAs using RR funds must be in compliance with the local area's ITA policy.

If determined necessary, requests for RREAF must come from the local WDB director based on the local RR team's service plan. The local WDB, through WDB by-laws, policies, or procedures, may designate, either permanently or temporarily (e.g., during a temporary absence of the WDB director), a designee to request RR funding and/or sign the RREAF application. If the local WDB director does have a designee, the WDB director must communicate this designation to the ODJFS Office of Workforce Development (OWD), RR Unit at [RAPDRESP@jfs.ohio.gov](mailto:RAPDRESP@jfs.ohio.gov) using "RR Funding Designee" in the subject line. The RR Unit will not approve any funding if the request is signed by someone other than the WDB director unless there is notification of a designee.

Application for and approval of funds is for the federal fiscal year (October-September). If the delivery of RR services goes beyond the federal fiscal year, the WDB director must submit a new RREAF application to the OWD RR unit requesting additional funding for the next federal fiscal year (FFY). Moreover, the local area or county must meet the spending criteria for adult and dislocated worker formula funds.

### A. Request for Transition Services Funding

The local area may request no more than \$10,000 to commence transition services. The request for funds must be necessary and reasonable based upon the transition services to be provided. These funds should provide the RR team with emergency resources to immediately respond and begin generalized services and information gathering.

The transition services include only the following:

1. Establishing a transition center;
2. Conducting initial meetings;
3. Holding worker reemployment sessions;
4. Convening labor management committees; and,
5. Surveying PAWs using the [JFS 08124](#).

To request funding for transition services, the WDB director, or designee, on behalf of the local area and/or the county or counties within their local area, will email the following information to [RAPDRESP@jfs.ohio.gov](mailto:RAPDRESP@jfs.ohio.gov):

1. Name of business experiencing the RR event;
2. Verification that the business is closing, experiencing a mass layoff or a disaster mass job dislocation, or filing a TAA petition;
3. Date of anticipated or actual RR event;
4. Estimated number of PAWs;

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5. Description of what and how transition services will be provided;
6. Identification of any other local area, planning region, or other state which is impacted by this RR event;
7. Begin date of transition services (begin date cannot be later than six months from the date of submission or more than six months prior to the anticipated or actual RR event); and
8. Amount of funds being requested, including detailed information on how money will be spent on the transition services listed above.

This request should only be completed when there is the intent to submit an RREAF application in the future.

### B. Initial Application for RREAF

The results of the RRWS ([JFS 08124](#)) must be used to determine appropriate RR services to be provided to PAWs and the employer. The service plan is developed to outline necessary RR services to assist PAWs to become quickly re-employed. The local area must first assess whether the local area has adequate dislocated worker formula funds available to fund RR services. RREAF are based on the need for additional financial resources to serve PAWs and employers during an RR event, when there is a shortage of a local workforce development area's dislocated worker formula funds.

If the local RR team determines that RREAF are needed for an RR event, the local WDBs must apply using the most current [JFS 18126, Application for Rapid Response Emergency Assistance Funds](#) that is available on the ODJFS Forms Central webpage.

The application submitted by the local WDB director or designee for RREAF must only be completed once a survey of affected workers using the RRWS is completed, a strategy meeting has been conducted, and a service plan has been developed. The service plan must be discussed with and supported by the employer and labor union (as appropriate) and aligned with the local plan.

#### 1. Funding RR Services

The local WDB director, or designee, on behalf of the local area or counties within an area, may apply for up to \$4,200 per RR participant. The number of RR participants is 75 percent of the total PAWs who completed the RRWS ([JFS 08124](#)) and are registered in Ohio's designated case management system, as defined in OAC 5101:9-30-04. RREAF applications shall budget no more than 25 percent of the total requested budget for career services. For example, company ABC issues a WARN impacting 100 PAWs; 40 PAWs complete surveys and are entered into Ohio's designated case management system. The number of RR participants is 30 (75 percent of 40 PAWs). The local area may request a maximum of \$126,000.00 (30 X \$4,200) to implement the plan of services as described in the application, with no more than 25 percent (or \$31,500) budgeted for career services.

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In addition to funds for implementing the plan of services to the PAWs, the application may also include the creation and maintenance of a transition center, including hiring temporary WIOA staff for the center or paying additional staff expenses, if established in the initial request for RREAF. If the application includes maintenance of a transition center, the application must include a description of how OhioMeansJobs center partners (*e.g.*, Wagner-Peyser Employment Services program staff) were considered and utilized within the plan for staffing and maintaining the transition center prior to submission of the request for RREAF.

RR funds are for RR services only and do not include administrative costs.

The [JFS 18126](#) must be e-mailed to the OWD RR Unit: [RAPDRESP@jfs.ohio.gov](mailto:RAPDRESP@jfs.ohio.gov).

### 2. Coordinating Funding for RR Services

If an RR event involves a planning region or multiple local areas, one application for RREAF will be submitted on behalf of the planning region and/or all affected local areas. Funds will be available to all local affected areas to assist in the delivery of RR services. The RREAF application should include all PAWs, a designation of what services will be provided by each local area, and the specific funding that should be associated with each affected local area. The RREAF application will be submitted by the WDB director of the local area in which the employer experiencing the RR event is headquartered. ODJFS will award RR grant funds to each participating local area individually based on planned services and the current expenditure rate of that local area's formula funding.

### 3. Use of Other Funding Sources

The policy on Training Services for Adults and Dislocated Workers applies to training funded with RREAF dollars, including the requirement to obtain grant assistance from other sources to pay the costs of training before utilizing WIOA funds. If the local area has requested RREAF for training services, including OJTs, and the employer's TAA petition is later approved, the local area must co-enroll and transition all eligible PAWs to the TAA program for continued training services as described in the [On-the-Job Training Policy](#). TAA will become the funding source for training services.

## VI. State Requirements

### A. Review and Approval for Funding Transition Services

The OWD RR Unit will review and approve funding requests for transition services based upon the following:

1. Whether the event triggering the funding request is an RR event;
2. Which of the five transition services will be provided;
3. How much funding is being requested; and

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4. Whether the request is necessary and reasonable based upon the transition services being provided.

The OWD RR Unit will not approve a request for funding over \$10,000. Also, requests for transition services not listed within this policy, or for services in response to events that are not an employer closure, mass layoff, disaster mass job dislocation, or TAA petition filing will not be approved.

### B. Review and Approval of Initial RREAF

Since RREAF is based on need and should not replace dislocated worker formula funds, the OWD RR Unit will review the following, in addition to the RREAF application, to assist in making a funding determination:

1. The local area's frequency of transferring dislocated worker formula and adult formula funds, including how the local area has strategized to respond to unforeseen events when they transferred funds.
2. The local area's demonstrated success through the RREAF application, in achieving a streamlined service delivery model, by reducing duplicative efforts and leveraging available resources, including Wagner-Peyser Employment Services and other workforce development system partner staff.
3. The local area's level of spending of adult and dislocated worker formula funds. Spending rates will be reviewed to determine a financial need for RREAF. ODJFS requires the local area to spend carry-in funds and to be on track to spend at least 70 percent of first year funds by the end of the current fiscal year. The target spending total is based upon the quarter in which the RREAF is requested and is computed using the following formulas:

Quarter 1 Target Spending Total for August – October applications using expenditure data as of June 30:

70% Cumulative (Spent 70% of 2<sup>nd</sup> year PY/FY)

Quarter 2 Target Spending Total for November – January applications using expenditure data as of September 30:

80% Cumulative (Spent 100% of the 2nd year PY/FY and 0% of 1st year PY, counties have not received new FY funding)

Quarter 3 Target Spending Total for February – April applications using expenditure data as of December 31:

62.5% Cumulative (Spent 100% of the 2nd year PY/FY, 100% of 1st year PY, 0% of 1st year FY)

Quarter 4 Target Spending Total for May – July applications using expenditure data as of March 31:

75% Cumulative (Spent 100% of the 2nd year PY/FY, 100% of 1st year PY, 35% of 1st year FY)

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If the spending thresholds are not met, information on the local area's commitments through the end of the current program year will be reviewed to demonstrate the local area being "on track" to spend at least 70 percent of first year funds and to demonstrate a financial need for RREAF. For direct services to participants, the local area's commitments shall be reported in the County Finance Information System (CFIS) Client Tracking System.

4. If the local area does not meet the spending thresholds outlined in the previous paragraph, the spending levels of adult and dislocated worker formula funds in the county where the RR event occurred will be reviewed. Like the local area, ODJFS requires the county to spend the carry-in funds and to be on track to spend at least 70 percent of first year funds by the end of the current fiscal year using the formulas stated in the previous paragraph. The target spending total is based upon the quarter in which the RREAF application is submitted.

If the spending thresholds are not met, information on the county's commitments through the end of the current fiscal year will be reviewed to demonstrate the county being "on track" to spend at least 70 percent of first year funds and to demonstrate a financial need for RREAF. For direct services to participants, the county's commitments shall be reported by the participant in the CFIS Client Tracking System.

5. If the RR event involves a planning region or multiple local areas, the spending threshold will be evaluated for each local area to determine the need for RREAF.

### **C. Distribution of RR Funding**

The OWD RR Unit will fund RR requests incrementally. Up to four increments per application may be requested depending on when the initial application was submitted. In most cases, the dollar amount of the increments will be equal unless varying increments are justified based upon the services to be provided.

Local areas may request subsequent increments by e-mail to [RAPDRESP@jfs.ohio.gov](mailto:RAPDRESP@jfs.ohio.gov). The requests must include the employer's name and the increment being requested.

Requests will be reviewed against the plan for services and outcomes, participant service data into Ohio's designated case management system, and spending and obligation of the prior increment(s). The outcomes will need to be on track according to the plan for services for incremental approval. To receive another increment, the local area must have spent at least 70 percent of all previous increments.

If the service plan changes while providing rapid response activities, the local area must submit a modification to the "proposed services" portion of the RREAF application.

Also, if the local area expends at least 70 percent of the total requested funds according to the plan of services, the local area may submit a new application for additional funding to serve additional PAWs from the RR event.

If the number of PAWs to be served is significantly reduced after application and allocation of funds, the local area must return unused RREAF to the

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State. Additionally, all unused RR funds that were allocated to the local area for training services prior to TAA petition approval must be returned to the State unless the local area modifies the application to include other services or additional PAWs not initially included in the RREAF application.

### **VII. Reporting**

Ohio's designated case management system as defined in OAC 5101:9-30-04 records all significant information and data from each event beginning with notification and initial contact with the employer, through the transition of PAWs to the OhioMeansJobs centers and the local workforce development system.

Specific RR events to be funded by RREAF must be entered into Ohio's designated case management system with expected layoff dates and the number of PAWs. The service plan, which outlines the details of all RR services, must also be entered into Ohio's designated case management system prior to application for RREAF.

Ohio's designated case management system is the system of record for all RR service delivery to PAWs. Information about all PAWs who attend a reemployment session or other provided RR service must be entered into Ohio's designated case management system within 30 days or prior to RREAF application. This information is used to determine potential RR funding as well as to report participant data and outcomes to the local area.

### **VIII. Monitoring**

#### **A. OWD RR Unit**

The OWD RR Unit will conduct desk reviews on all RREAF, which includes reviews of the services being provided under RREAF and the expenditure of RR funds allocated to the local area. Periodic discussions will be conducted with local areas in receipt of RREAF to share the outcome of these reviews. The purpose of these reviews is to ensure that funds are being utilized for what they were requested and to monitor how much of the RREAF is being spent. If, during these reviews, it becomes apparent the local area will not spend the allocated RREAF, the OWD RR Unit reserves the right to pull back a portion of these funds from the local area.

#### **B. Local WDB Monitoring**

The local WDB's oversight and monitoring must include a review of the effectiveness of the local area's rapid response program. This may include:

1. An assessment of collaboration among RR teams and members;
2. The efficiency of service delivery to employers and PAWs;
3. Timeliness and completeness of data entry into Ohio's designated case management system; and
4. Use of funds in a manner that is consistent with the funding application and federal and state laws and local procedures.

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### **C. State Monitoring**

Through the state's monitoring system, program and fiscal monitors will review the following during the annual onsite monitoring review:

1. The local area's implementation of RR activities, including results from local monitoring efforts;
2. The funding application, and
3. Compliance with federal laws and regulations and state and local policies.

Any compliance issues will be handled through the state's findings resolution process.

### **IX. Technical Assistance**

The OWD RR Unit will oversee Ohio's RR program to identify notable practices and document RR activity throughout the state. The Unit will also provide oversight of the activities of the local RR teams.

The OWD RR Unit provides the following activities:

1. Technical assistance for the development of an RR team protocol;
2. Ongoing support, guidance, training, and technical assistance to local teams, local WDBs, and OhioMeansJobs centers;
3. Reviewing, managing, and reporting out on data derived from local activity; and
4. Providing financial resources to the local RR teams and stakeholders.

For additional information, questions may be sent to the OWD RR Unit: [RAPDRESP@jfs.ohio.gov](mailto:RAPDRESP@jfs.ohio.gov).

### **X. References**

Workforce Innovation and Opportunity Act § 134, Pub. L. 113-128.

20 C.F.R. §§ 682.300 - 682.370.

Worker Adjustment and Retraining Notification Act (WARN), Pub. L. 100-379, 29 U.S.C. 2101 et seq., and 20 C.F.R. Part 639.

USDOL, Training and Employment Guidance Letter No. 19-16, Operating Guidance for the Workforce Innovation and Opportunity Act, Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules, (March 1, 2017).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-15.3, Rapid Response Program Requirements – Employer Closure, Mass Layoff, Disaster Mass Job Dislocation, and Trade Adjustment Assistance Events, (October 26, 2023).



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ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-08.1, Career Services for Adults and Dislocated Workers (June 6, 2017).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-09.1, Training Services for Adults and Dislocated Workers (January 8, 2018).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-11.3, Use of Individual Training Accounts (September 27, 2021)

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-22.1, On-the-Job Training Policy, (January 22, 2018).

O.A.C. §§ 5101:9-30-04

## Policy 12-726: Certification of Workforce Delivery System

<b>Reference State Policy:</b>	WIOAAPL No. 16-10
<b>Board Approved:</b>	April 16, 2024
<b>Revision Approved:</b>	
<b>Effective Date:</b>	April 16, 2024
<b>Policy Obsoletes:</b>	

### **I. Purpose**

The purpose of this policy is to outline the requirements for certifying the workforce delivery system in the local workforce development area.

### **II. Background**

The workforce delivery system is the cornerstone of the public workforce development system. It is designed to increase access to, and opportunities for the employment, education, training, and support services that individuals need to succeed in the labor market, particularly those with barriers to employment. The workforce delivery system brings together workforce development, educational, and other human resource services in a seamless customer-focused service delivery network that enhances access to the programs' services and improves long-term employment outcomes for individuals receiving services.

The Workforce Innovation and Opportunity Act (WIOA) requires the State and local workforce development areas (local areas) to create and maintain a workforce delivery system that enhances the range and quality of education and workforce development services that employers and individuals can access. The system must include at least one comprehensive physical American Job Center (in Ohio, called OhioMeansJobs center) in each local area. The system may also have additional arrangements to supplement the comprehensive center. These arrangements include an affiliate center, a network of affiliate centers and/or specialized centers.

Section 121(g) of WIOA and 20 C.F.R. 678.800 requires the local workforce development board (WDB) to certify the OhioMeansJobs center every three years. Per section 121(g) of WIOA, the State, in conjunction with chief elected officials and local WDBs, must establish objective criteria and procedures for local WDBs to use when certifying the OhioMeansJobs centers. 20 C.F.R. 678.800 allows the local WDB to establish additional criteria, or set higher standards for service coordination, than those established by this policy. If the local WDB elects to do so, the local WDB must review and update the criteria every two years as part of the local plan update process established in WIOAPL No. 16-03, Regional and Local Planning.

The certification criteria sets standard expectations for the provision of seamless customer-focused employment, training, and related services that help individuals overcome barriers to employment and job retention. The certification process is important in establishing a minimum level of quality and consistency of services in OhioMeansJobs centers across Ohio.

As it is the responsibility of the local WDB to certify the OhioMeansJobs centers within the local area, the local WDB must evaluate the centers to ensure the local area's workforce system is quality-focused, employer-driven, customer-centered, and tailored to meet the

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needs of the local area's and planning region's economies. A high-quality workforce system is only accomplished by providing all customers access to OhioMeansJobs centers that connect them with the full range of services available in their communities, whether they are looking for jobs, building basic educational or occupational skills, earning a postsecondary certificate or degree, or obtaining guidance on how to make career choices, or if they are businesses and employers seeking skilled workers. It is the local WDB's responsibility to ensure their workforce system is of high quality. Furthermore, local WDBs must certify OhioMeansJobs centers in order to be eligible to use infrastructure funds in the state funding mechanism as outlined in Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 16-06, State Mechanism for Funding OhioMeansJobs Center Infrastructure Costs.

### III. Definitions

Affiliate OhioMeansJobs center: A site that makes available to job seeker and employer customers one or more of the programs, services, and activities of the OhioMeansJobs center's partners.

Comprehensive OhioMeansJobs center: A physical location where job seeker and employer customers can access the programs, services, and activities of all required OhioMeansJobs center partners.

OhioMeansJobs center operator: One or more entities designated or certified under section 121(d) of WIOA.

OhioMeansJobs center partner: An entity described in section 121(b)(1) or (b)(2) of WIOA that participates in the operation of the workforce delivery system.

Specialized centers: Centers that address specific needs, including those for dislocated workers, youth, or key industry sectors, or clusters.

Workforce delivery system: A system under which entities responsible for administering separate workforce development, education, and other human services programs collaborate to create a seamless system of service delivery that will enhance access to the programs' services and improve long term employment outcomes for individuals and businesses.

### IV. State Requirements

#### A. **Establishment of Certification Criteria**

Per section 121(g) of WIOA, the State, in conjunction with chief elected officials and local WDBs, shall establish objective criteria and procedures for local WDBs to use when certifying the OhioMeansJobs centers. Local WDBs shall use this criteria to evaluate the OhioMeansJobs centers and workforce delivery system for effectiveness, including customer satisfaction, physical and programmatic accessibility, and continuous improvement.

The established criteria used to conduct certification reviews is based on:

1. Standards relating to service coordination among partners within the OhioMeansJobs centers and the workforce delivery system;

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2. Factors relating to effectiveness, accessibility, and improvement of the workforce delivery system;
3. Achievement of negotiated federal performance measures;
4. Integration of available services; and
5. Meeting the needs of local employers and participants.

All OhioMeansJobs centers must comply with applicable physical and programmatic accessibility requirement, as set forth in 29 C.F.R. Part 38, the implementing regulations of section 188 of WIOA.

### **B. Phases of Certification**

The workforce delivery system and the OhioMeansJobs center certification will be conducted in 3 phases:

1. "Must Meet" Standards;
2. Quality Assurance Review; and
3. Ongoing Continuous Improvement Review.

#### **1. Phase 1 - "Must Meet" Standards:**

The certification review of the 9 categories of standards will be conducted using the JFS 08044, OhioMeansJobs One-Stop System Certification Phase 1 Measures Checklist (renamed to OhioMeansJobs System Certification Standards Checklist). The standards are applied to one comprehensive center in each local workforce development area. These standards include:

- American with Disabilities Act (ADA) requirements, including completion of the ADA checklist and the OhioMeansJobs center operator's participation in training specific to serving individuals with disabilities, such as "Windmills" training or "At Your Service" web-based training at <https://jfs.ohio.gov/owd/WorkforceProf/Serving-with-Disabilities.stm>;
- Postings and plans, including Civil Rights postings, Emergency Action plan, and Limited English Proficiency (LEP) plan;
- The physical site of the OhioMeansJobs center and its staff;
- The functionality of the resource room;
- OhioMeansJobs and American Job Network branding;
- Operations of the center, including registration and referral process, accessibility, and employer services team;
- Coordination with partner programs;
- Customer services, including center hours of operation, customer feedback process, and website; and
- Notification, identification, and accessibility of Veteran programs.

For the comprehensive center to be certified, all standards must have been met.

#### **2. Phase 2 - Quality Assurance Review:**

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### **Comprehensive OhioMeansJobs Center(s)**

Benchmarks for critical success factors are used to review the quality of the OhioMeansJobs system for each comprehensive OhioMeansJobs center in the local area. These benchmarks support the certification criteria. The comprehensive center(s) within the local area must meet a certain level of excellence to attain phase two certification. The benchmarks include:

- OhioMeansJobs Center Provides Excellent Customer Service to Job Seekers, Workers, and Businesses.
  1. Reflects a welcoming environment to all customer groups who are serviced by the OhioMeansJobs centers;
  2. Develops, offers, and delivers quality business services;
  3. Improves the skills of the job seeker and worker customers;
  4. Creates opportunities for individuals at all skill levels and levels of experience;
  5. Provides career services that motivate, support, and empower customers; and
  6. Values skill development.
- OhioMeansJobs Center Reflects Innovative and Effective Service Design.
  1. Utilizes an integrated and expert intake process for all customers entering the OhioMeansJobs centers;
  2. Designs and implements practices that actively engage industry sectors;
  3. Combines traditional labor exchange services with strategic talent development to employers;
  4. Ensures meaningful access to all customers;
  5. Includes both virtual and center-based service delivery for job seekers, workers, and employers; and
  6. Incorporates innovative and evidence-based delivery models.
- OhioMeansJobs Center Operates with Integrated Management Systems and High-Quality Staffing.
  1. Reflects the establishment of robust partnerships among partners;
  2. Organizes and integrates services by function;
  3. Develops and maintains integrated case management systems;

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4. Develops and implements operational policies;
5. Uses common performance indicators; and
6. Trains and equips OhioMeansJobs center staff.

Within each of the 18 benchmarks are a total of 33 critical success factors. The JFS 08029, OhioMeansJobs System Certification Benchmarks Metrics, will be used to score the center against the 18 benchmarks and 33 critical success factors.

In order for the local WDB to certify the comprehensive OhioMeansJobs center, the center must have attained a score of 64 on the JFS 08029, meaning the center meets at least 80% of the critical success factors. . If the minimum score is not obtained, the comprehensive center is not certified, and the OhioMeansJobs center operator, in collaboration with the local WDB, must develop a corrective action plan to identify issues and timelines for meeting requirements.

### **Affiliate OhioMeansJobs Center(s)**

Also part of this certification phase, a review of all affiliate OhioMeansJobs centers in the local area will be conducted using the JFS 08044. The center(s) must meet all the standards.

3. Phase 3 – Ongoing Continuous Improvement:

### **Comprehensive OhioMeansJobs Center(s)**

Progress for obtaining quality assurance and continuous improvement is reviewed in Phase 3. Additionally, the 18 benchmarks and 33 critical success factors, using the JFS 08029, will be assessed.

In order to be certified, the comprehensive center must have attained a score of 64 on the JFS 08029. If the minimum score is not obtained, the comprehensive center is not certified, and OhioMeansJobs center operator, in collaboration with the local WDB, must develop a corrective action plan to identify issues and timelines for meeting requirements.

### **Affiliate OhioMeansJobs Center(s)**

All affiliate OhioMeansJobs centers in the local area are reviewed by using the JFS 08044. The center(s) must meet all the standards. Any center not meeting these standards will not be recognized as an OhioMeansJobs center within the Ohio workforce delivery system.

A quality workforce delivery system means that all OhioMeansJobs centers in the local area are committed to the provision of quality service delivery. Therefore, in addition to the review of the JFS 08044, the local WDB may choose to assess the affiliate OhioMeansJobs centers within the local area by completing the JFS 08029.

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### C. Tools and Resources Provided for Assistance in the Certification Process

Due to the comprehensive nature of phases 2 and 3, and in the interest of ensuring all OhioMeansJobs center partners have input, the following tools will be made available to the local WDBs for use in gathering and receiving data pertinent to the JFS 08029.

- Mystery Shopping: ODJFS will coordinate random mystery shopping training and activities around the state. The shoppers will come from partner agencies, third party entities, and available staff. For reference the Mystery Shopping standard feedback form can be found at: <https://jfs.ohio.gov/owd/WIOA/implementation.stm>. This activity will be an ongoing effort and results will be distributed quarterly to those local areas affected.
- Partner Assessment: A partner assessment feedback document is available for use by state and local partner agencies to solicit anonymous feedback from staff to share with local areas throughout phase 2 and 3 certification periods. The partner assessment will be available at <https://jfs.ohio.gov/owd/WIOA/implementation.stm>. The certification review team may use this qualitative information when rating the JFS 08029.
- Website Review: A review of each OhioMeansJobs center website(s) in the local area should be conducted. Items to be reviewed include, but are not limited to, whether the website:
  1. Contains updated information;
  2. Is easy to navigate;
  3. Has proper branding per WIOAPL No. 16-07, OhioMeansJobs and American Job Center Branding;
  4. Adheres to WIAPL No. 13-04, Mandated Use of OhioMeansJobs.com for Job Placement and Referral Activities in Ohio or any future version of this policy;
  5. Includes all required information pertaining to the provision of services to veterans per WIOAPL No. 15-20, Priority of Service for Veterans and Eligible Spouses; and
  6. Contains information on all programs.

A standard website review tool will be available at: <https://jfs.ohio.gov/owd/WIOA/implementation.stm> for use by review teams. This tool is also being planned to be used by state partners to provide feedback to the local areas.

### V. Local Workforce Development Area Requirements

#### A. Certification Review Team

Each local WDBs will establish a certification review team that is comprised of members from the local workforce development community.

This certification review team is responsible for managing the certification process through desk and on-site reviews of the local system and making a recommendation to the local board regarding certification. The local WDB has the discretion in forming

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the review team as far as size and membership. Suggestions for a review team composition are:

1. Selecting individuals with the following backgrounds:
  - a. A representative from the local WDB;
  - b. A workforce professional in the local area;
  - c. A business representative from the local WDB; and
  - d. A peer workforce professional reviewer from another local area; or
2. Contracting with an independent third party with workforce development knowledge and experience.

The OhioMeansJobs center operator shall not be a member of the certification review team. As the contracted overseeing entity of the OhioMeansJobs center, it will be a conflict of interest to serve on the review team or participate in any part of the certification review process.

A representative from the local WDB should be identified as the primary contact person for the OhioMeansJobs center operator to coordinate certification activities and lead the review team.

OhioMeansJobs center partner programs may participate in the certification process by providing relevant data and activities to be used by the local certification review teams.

### **B. Phases of Certification**

The workforce delivery system and the OhioMeansJobs center certification will be conducted in 3 phases.

1. Phase 1 – "Must Meet" Standards:

The phase 1 review was due by June 30, 2016 and has been completed by all local WDBs.

2. Phase 2 – Quality Assurance Review:

Comprehensive Center(s)

The local WDB and the certification review team conducts a review of each comprehensive OhioMeansJobs center in the local area using benchmarks for critical success factors established by the State, in conjunction with the local WDBs.



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Prior to the on-site review of the comprehensive OhioMeansJobs center(s), the certification review team may conduct the following activities as part of the quality assurance review:

- A desk review of initial materials prior to the on-site visit; and
- Review of information from any additional tools that are provided by the State.

During the on-site visits, the certification review team will review benchmarks and critical success factors used to review the quality of the OhioMeansJobs center. The JFS 08029 will be used to score the center against these benchmarks and critical success factors.

The certification review team will also complete the JFS 08028, OhioMeansJobs System Balanced Scorecard. This balanced scorecard summarizes the ratings of the benchmarks and critical success factors that were analyzed during the on-site visit.

In order for the local WDB to certify the comprehensive OhioMeansJobs center, the center must have attained a score of 64 on the JFS 08029, meaning the center meets at least 80% of the critical success factors.

If the minimum score is not obtained, the comprehensive center is not certified, and the local WDB must develop a corrective action plan to identify issues and timelines for meeting requirements.

### **Affiliate Center(s)**

The certification review team will also review of all affiliate OhioMeansJobs centers in the local area by using the JFS 08044. The center(s) must meet all the standards. Any center not meeting these standards will not be recognized as an OhioMeansJobs center within the Ohio workforce delivery system.

The local WDB and the certification review team must take into consideration the number of OhioMeansJobs center in the local area. For those local areas with a large number of centers, the quality assurance review will take more time to complete. Local WDBs may resolve this issue with the establishment of multiple certification review teams or staggering the on-site reviews over a period of time.

Phase 2 certification must be completed by June 30, 2019.

### **3. Phase 3 – Ongoing Continuous Improvement:**

#### **Comprehensive Center(s)**

The JFS 08028, the JFS 08029, and corrective action plan, if previously completed, are used to monitor progress on addressing any deficiencies identified in the previous certification. They are also used to assess progress on quality assurance and continuous improvement for each comprehensive OhioMeansJobs center in the local area.

## **Policy 12-726: Certification of Workforce Delivery System**

The JFS 08029 and JFS 08028 should be completed by summarizing the ratings of the benchmarks and critical success factors for the certification period. In order to be certified, the comprehensive center must have attained a score of 64 on the JFS 08029.

If the minimum score is not obtained, the comprehensive center is not certified, and the local WDB must develop a corrective action plan to identify issues and timelines for meeting requirements.

### **Affiliate Center(s)**

The certification review team will also review of all affiliate OhioMeansJobs centers in the local area by using the JFS 08044. The center(s) must meet all the standards.

If the local WDB chooses to do so, the certification review team may assess the affiliate OhioMeansJobs centers within the local area by also completing the JFS 08029.

Phase 3 certification must be completed by June 30, 2022 and every three years thereafter.

### **C. Certification by the Local Workforce Development Board**

The local WDB will review and the recommendation from the certification review team regarding certification of the comprehensive center(s) and affiliate center(s).

Once the comprehensive and/or affiliate center is certified, the local WDB will issue a written notice to the OhioMeansJobs center operator(s) indicating that the certification requirements have been met.

If either a comprehensive or an affiliate OhioMeansJobs center is not certified by the local WDB, the local WDB will issue a written reason for non-certification and the actions expected from the OhioMeansJobs center operator(s) to become certified. The certification review team will follow up with the OhioMeansJobs center operator(s) to ensure activities are completed to become certified and report results back to the local WDB.

### **D. Submission of Certification to the State**

The local WDB notifies the Ohio Department of Job and Family Services upon completion of each certification phase by sending the completed JFS 08028 for the comprehensive center(s), the JFS 08044 for the affiliate center(s), and documentation of the local WDB's approval of the review to [OWDPOLICY@jfs.ohio.gov](mailto:OWDPOLICY@jfs.ohio.gov).

The JFS 08028 for each comprehensive center in each local area will be posted on the Office of Workforce Development (OWD) website to provide customers with information and to track certification progress.

If an affiliate center is not certified, OWD will indicate such and will not recognize the center on the OWD website.

## **Policy 12-726: Certification of Workforce Delivery System**

### **E. Changes in the location of the OhioMeansJobs center**

The local WDB and the certification review team must conduct a review of the OhioMeansJobs center using the JFS 08044 if there is any change in the location of the OhioMeansJobs center regardless of the certification phase and the type of center.

The local WDB will submit the JFS 08044 and documentation of local WDB approval to OWD at [OWDPOLICY@jfs.ohio.gov](mailto:OWDPOLICY@jfs.ohio.gov).

### **VI. Technical Assistance**

Ongoing support, guidance, training, and technical assistance on the development of the workforce system as well as the maintenance of the system and the certification of the system are available to all local areas.

Requests for technical assistance may be sent to ODJFS, Office of Workforce Development: [WIOAQNA@jfs.ohio.gov](mailto:WIOAQNA@jfs.ohio.gov).

### **VII. References**

Workforce Innovation and Opportunity Act, §§ 106, 121, and 188, Public Law 113-128.

ADA Amendments Act of 2008 (ADAAA), Public Law 110-325.

20 C.F.R. §§ 678.300-440, 678.600-635, 678.800, and 683.295.

2 C.F.R. Parts 200 and 2900.

USDOL, Training and Employment Guidance Letter No. 4-15, Vision for the One-Stop Delivery System under the Workforce Innovation and Opportunity Act (WIOA), (August 13, 2015).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 16-07, OhioMeansJobs and American Jobs Center Branding, (November 14, 2016).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 16-06, State Mechanism for Funding OhioMeansJobs Center Infrastructure Costs, (November 10, 2016).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 16-03, Regional and Local Planning, (October 21, 2016).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-20, Priority of Service for Veterans and Eligible Spouses, (December 21, 2015).

ODJFS, Workforce Investment Act Policy Letter No. 13-04, Mandate Use of OhioMeansJobs.com for Job Placement and Referral Activities in Ohio, (December 26, 2013).

Attachment A: Phase One Instructions and JFS 08044, OhioMeansJobs System Certification Standards Checklist

Attachment B: Phase Two Instructions and JFS 08029, OhioMeansJobs System Certification Benchmark Metrics

## **Policy 12-726: Certification of Workforce Delivery System**

Attachment C: JFS 08028, OhioMeansJobs System Balanced Scorecard

## Policy 12-724: WIOA Programs Performance Accountability

<b>Reference State Policy:</b>	WIOAAPL No. 17-02
<b>Board Approved:</b>	April 16, 2024
<b>Revision Approved:</b>	
<b>Effective Date:</b>	April 16, 2024
<b>Policy Obsoletes:</b>	

### **I. Purpose**

The purpose of this policy is to provide guidance on the Workforce Innovation and Opportunity Act (WIOA) requirements related to the implementation and operation of the performance accountability system.

### **II. Background**

Section 116 of WIOA and 20 C.F.R. 677.155 establish performance accountability indicators and performance reporting requirements to assess the effectiveness of States and local workforce development areas (local areas) in achieving positive outcomes for individuals served by the workforce development system's six core programs. These six core programs are the WIOA Title I Adult, Dislocated Worker, and Youth programs; WIOA Title II Adult Education and Family Literacy Act program; WIOA Title III Wagner-Peyser Employment Service program; and WIOA Title IV Vocational Rehabilitation program. WIOA provides a holistic approach to aligning performance-related definitions, streamlining performance indicators, and ensuring both comparable and integrative data collection and reporting methodologies across all six core programs within the context of program-specific requirements.

Under section 116(b)(2)(A) of WIOA, the six primary indicators of performance are:

1. Employment Rate – 2nd quarter after exit;
2. Employment Rate – 4th quarter after exit;
3. Median Earnings;
4. Credential Attainment;
5. Measurable Skill Gains; and
6. Effectiveness in Serving Employers.

This policy focuses on the performance accountability indicators as it pertains to the WIOA Title I Adult, Dislocated Worker, and Youth programs.

#### **A. Employment Rate – 2nd Quarter After Exit**

1. WIOA Adult and Dislocated Worker Programs

## Policy 12-724: WIOA Programs Performance Accountability

The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the Adult or Dislocated Worker program. The calculation for this indicator includes all adult or dislocated worker participants. The Adult and Dislocated Worker programs are calculated separately.

**Calculation Methodology:** The number of adult or dislocated worker participants who exited during the program year and are identified as employed (using, for instance, an Unemployment Insurance (UI) wage record match, Federal or military employment records, or supplemental wage information), in the second quarter after exit **divided** by the number of adult or dislocated worker participants who exited during the program year.

### 2. WIOA Youth Program

The percentage of youth program participants who are in education or training activities, or in unsubsidized employment, during the second quarter after exit from the program.

**Calculation Methodology:** The number of youth program participants who exited during the program year and are identified as employed, (using, for instance, a UI wage record match, Federal or military employment records, or supplemental wage information) **or** identified as enrolled in secondary education, postsecondary education, or occupational skills training (including advance training) in the second quarter after exit **divided** by the number of youth program participants who exited the program during the program year.

## B. **Employment Rate – 4th Quarter After Exit**

### 1. WIOA Adult and Dislocated Worker Programs

The percentage of adult or dislocated worker program participants who are in unsubsidized employment during the fourth quarter after exit from the program. The calculation for this indicator includes all adult or dislocated worker participants. The Adult and Dislocated Worker programs are calculated separately.

**Calculation Methodology:** The number of adult or dislocated worker participants who exited during the program year who are identified as employed (using, for instance, a UI wage record match, Federal or military employment records, or supplemental wage information), in the fourth quarter after exit **divided** by the number of adult or dislocated worker participants who exited during the program year.

### 2. WIOA Youth Program

The percentage of youth program participants who are in education or training activities, or in unsubsidized employment, during the fourth quarter after exit from the program.

**Calculation Methodology:** The number of youth program participants who exited during the reporting period and are identified as employed (using, for

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instance, a UI wage record match, Federal or military employment records, or supplemental wage information) **or** identified as enrolled in secondary education, postsecondary education, or occupational skills training (including advance training) in the fourth quarter after exit **divided** by the number of youth program participants who exited the program during the program year.

### C. Median Earnings – 2nd Quarter After Exit

The median earnings of adult, dislocated worker, or youth program participants who are in unsubsidized employment during the second quarter after exit from the program (unsubsidized employment may be shown by such things as a UI wage record match, Federal or military employment records, or supplemental wage information). The Adult, Dislocated Worker, and Youth programs are calculated separately.

**Calculation Methodology:** The total quarterly earnings, for all participants employed in the second quarter after exit, are collected by either direct wage record match or supplemental wage information. The collected quarterly wage information values are listed in order, from the lowest to the highest value. The value in the middle of this list is the median earnings value. Note: if there is an equal number of values, the two middle values are added together and divided by two).

Training and Employment Guidance Letter (TEGL) No. 10-16.1 published by the United States Department of Labor (USDOL) provides a wage conversion chart to convert supplemental wage information values that do not represent the total amount a participant earned in the second quarter after exit (e.g., conversion of hourly, weekly, monthly rates to quarterly wages). This guidance may be found at: [https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=8226](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=8226).

### D. Credential Attainment

#### 1. Adult and Dislocated Worker Programs

The percentage of adult and dislocated worker participants enrolled in an education or training program (excluding those in on-the-job training (OJT) and customized training) who attained a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program.

#### 2. Youth Program

The percentage of youth participants enrolled in an education or training program who attained a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program.

All in-school youth are included in the credential attainment indicator since they are attending secondary school or postsecondary school. Only out-of-school youth who participated in one of the following are included in the credential attainment indicator:

- a. Occupational skills training program element;

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- b. Secondary education during participation in the Youth program;
- c. Postsecondary education during participation in the Youth program;
- d. Title II-funded adult education (in Ohio, called Aspire (formerly known as ABLE));
- e. YouthBuild; or
- f. Job Corps.

### 3. Special Rule Relating to Secondary School Diplomas

Adult, dislocated worker, or youth program participants who obtain a secondary school diploma or its recognized equivalent must also meet an **additional** condition before they are counted as successful outcomes and included in the numerator of the credential attainment indicator. These participants must be employed or enrolled in an education or training program leading to a recognized postsecondary credential within one year after exit from the program.

### 4. Calculation Methodology

Calculation of this indicator includes all participants who exited from a program and were in either a postsecondary education or training program or in a secondary education program at or above the 9<sup>th</sup> grade level without a secondary school diploma or its equivalent. The Adult, Dislocated Worker, and Youth programs are calculated separately.

The calculation is as follows: The number of participants who exited during the reporting period who:

- a. Obtained a recognized postsecondary credential during program participation or within one year after exit; **OR**
- b. Were in a secondary education program and obtained a secondary school diploma or its recognized equivalent during program participation or within one year after exit **and** were also employed, or in an education or training program leading to a recognized postsecondary credential within one year after exit; **DIVIDED BY**
- c. The number of participants enrolled in an education or training program who exited during the reporting period.

### 5. Definition of Credential

This indicator measures the attainment of two types of credentials:

- a. **Recognized postsecondary credential:** A credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by Ohio or Federal government, or an associate or baccalaureate degree.



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A recognized postsecondary credential is awarded in recognition of an individual's attainment of measurable technical or industry/occupational skills necessary to obtain employment or advance within an industry/occupation. Examples include Certified Nursing Assistant (CNA) License or Automotive Service Excellence (ASE) Certification.

Certificates awarded by local workforce development boards (WDB) or work readiness certificates are not included in this definition. Neither types of certificates document the measurable technical or industry/occupational skills necessary to gain employment or advance within an occupation. Such certificates must recognize technical or industry/occupational for the specific industry/occupation rather than general skills related to safety, or other such skills, even if these skills certificates are broadly required to qualify for entry-level employment or advancement in employment.

Other examples of certificates or credentials that do not count in this measure are the Occupational Safety and Health Administration (OSHA) 10-Hour Course (which provides awareness of job-related common safety and health hazards) or the completion of Orientation and Mobility Training.

A variety of different public and private entities issue recognized postsecondary credentials. The following is a list of types of organizations and institutions that award recognized postsecondary credentials:

- i. A State educational agency or a State agency responsible for administering vocational and technical education;
- ii. An institution of higher education that is qualified to participate in student financial assistance programs;
- iii. An institution of higher education that is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or tribes;
- iv. A professional, industry, or employer organization or product manufacturer or developer using a valid and reliable assessment of an individual's knowledge, skills, and abilities;
- v. USDOL, Employment and Training Administration (ETA), Office of Apprenticeship or a State Apprenticeship Agency;
- vi. Public regulatory agencies, which award a credential upon an individual's fulfillment of educational, work experience, or skill requirements that are legally necessary for an individual to use an occupational or professional title or to practice an occupation or profession;
- vii. A program that has been approved by the Department of Veterans Affairs (VA) to offer education benefits to veterans and other eligible persons; or

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- viii. Job Corps, which issues certificates for completing career training programs that are based on industry skills, standards and certificate requirements.

The Ohio Department of Education (ODE) has put together a list of industry-recognized credentials at the following website: <http://education.ohio.gov/Topics/Ohio-Graduation-Requirements/Graduation-Requirements-2018-and-Beyond/Industry-Recognized-Credentials-and-WorkKeys/Industry-Recognized-Credentials>.

- b. **Secondary school diploma** (commonly known as high school diploma): a secondary school diploma (or alternate diploma) is one that is recognized by the State and that is included for accountability purposes under the Elementary and Secondary Education Act of 1965 (ESEA).

A secondary school equivalency certification signifies that a student has completed the requirements for a high school education. The types of recognized equivalents, for those not covered under ESEA, which would satisfy the credential attainment performance indicator are those recognized by a State.

Examples of secondary school diplomas, alternate diplomas, and recognized equivalents recognized by individual States include:

- i. Obtaining a certificate by attaining passing scores on a State-recognized high school equivalency test;
- ii. Earning a secondary school diploma or State-recognized equivalent through a credit bearing secondary education program sanctioned by State law, code, or regulation; or
- iii. Completion of a specified number of college credits.

### 6. Types of Acceptable Credentials

The following are acceptable types of credentials that count toward the credential attainment indicator:

- a. Secondary school diploma or recognized equivalent;
- b. Associate's degree;
- c. Bachelor's degree;
- d. Occupational licensure;
- e. Occupational certificate, including Registered Apprenticeship and Career and Technical Education educational certificates;
- f. Occupational certification; or

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- g. Other recognized certificates in industry/occupational skill completion sufficient to qualify for entry-level or advancement in employment.

Graduate degrees are not included in the definition of a recognized postsecondary credential. Therefore, graduate degrees do not count towards credential attainment.

### **E. Measurable Skill Gains**

The measurable skill gains indicator is used to measure interim progress of participants who are enrolled in education or training services for a specific reporting period. Therefore, it is not an exit-based measure. Instead, it is intended to capture important progressions through pathways that offer different services based on program purposes and participant needs and can help fulfill the vision for a workforce system that serves a diverse set of individuals with a range of services tailored to individual needs and goals.

Calculation Methodology: The number of participants during the program year who are in an education or training program that leads to a recognized postsecondary credential or employment and are achieving measurable skills gains based on the attainment of at least one type of measurable skill gain divided by the number of program participants during the program year who are in an education or training program that leads to a recognized postsecondary credential or employment.

#### **1. Adult and Dislocated Worker Programs**

The Measurable Skill Gains indicator is the percentage of adult and dislocated worker participants who, during a program year, are in education or training programs that lead to a recognized postsecondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, towards such a credential or employment.

All adult and dislocated worker participants in a training program are included in the measurable skill gains indicator, which includes a training program for a secondary school program equivalent, and all participants in work-based training.

#### **2. Youth Program**

The Measurable Skill Gains indicator is the percentage of youth participants who, during a program year, are in education or training programs that lead to a recognized postsecondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, towards such a credential or employment.

All in-school youth attending secondary or postsecondary school are included in this indicator. Out-of-school youth who are in one of the following are also included in this indicator:

- a. Tutoring, study skills training, instruction, and dropout prevention services program element;

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- b. Occupational skills training program element;
  - c. Secondary education during participation in the Youth program;
  - d. Postsecondary education during participation in the Youth program;
  - e. Title II-funded adult education (in Ohio, called Aspire);
  - f. YouthBuild; or
  - g. Job Corps.
3. Additional Parameters
- a. Participants are included in the denominator one time per program year, regardless of how many skill gains they achieve during that program year unless the individual has more than one period of participation in a given program year.
  - b. Participants are only included in the numerator one time per program year, regardless of how many skill gains they achieve in a program year, unless the individual has more than one period of participation in a given program year.
  - c. A participant who exits the program and re-enrolls in the program during the same program year and is in an education or training program will be in the indicator two times for that particular program year.
  - d. The measurable skill gains indicator is different from the other indicators because it is not exit-based, meaning that a participant can achieve a measurable skill gain while still participating in the program.
  - e. Programs should not delay enrollment in services to participants until a new program year even if programs believe there is insufficient time for the participant to make a type of measurable skill gain by the end of that program year.
4. Definition and Documentation of Progress

Depending on the type of education or training program in which a participant is enrolled, documented progress is defined and noted as follows:

- a. **Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level.** Programs may measure education functioning level gain in one of three ways:
  - i. Comparing the participant's initial education functioning level, as measured by a pre-test, with the participant's educational functioning level, as measured by a post-test. These pre- and post-tests must be based on the list of tests the Secretary of

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Education determines to be suitable for use in the National Reporting System for Adult Education.

- ii. Measuring and reporting educational gain through the awarding of credits or Carnegie units (if adult high school education programs that lead to a secondary school diploma or its equivalent are offered).
  - iii. Reporting an educational functioning level gain for participants who exit a program below the postsecondary level and enroll in postsecondary education and training during the program year. A program below the postsecondary level applies to participants enrolled in a basic education program.
- b. **Documented attainment of a secondary school diploma or its recognized equivalent.** Programs may document attainment of a secondary school diploma or its recognized equivalent if the participant obtains certification of attaining passing scores on all parts of a State-recognized high school equivalency test, or the participant obtains a diploma or State-recognized equivalent documenting satisfactory completion of secondary studies or an alternate diploma, including a high school or adult secondary school diploma.
- c. **Secondary or postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the Ohio Department of Education or the Ohio Department of Higher Education academic standards.**
  - i. For secondary education, this gain may be documented through receipt of a secondary transcript or report card for one semester showing that the participant is achieving the State unit's policies for academic standards. In Ohio, the minimum number of credits to graduate is 20 credit hours; some local school districts may require more. Therefore, the transcript or report card should indicate that the youth participant is earning enough credits (at least 5 credit hours per year) at a pace to satisfy the credit requirement to graduate from secondary school. Credits may also include those earned through co-enrollment in postsecondary education.
  - ii. For postsecondary education, this gain must demonstrate a sufficient number of credit hours (full time students- at least 12 hours per semester or part-time students- at least 12 hours over the course of two completed consecutive semesters during the program year) that shows a participant is achieving the Ohio Department of Higher Education academic standards.
- d. **Satisfactory or improved progress report, toward established milestones, such as completion of OJT or completion of one year of an apprenticeship program or similar milestones, from an employer or training provider.** The gain may be documented by a satisfactory or improved progress report from an employer or training provider. Progress reports may include training reports on

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milestones completed as the individual masters the required job skills, or steps to complete an OJT or apprenticeship program. Increases in pay resulting from newly acquired skills or increased performance also can be used to document progress.

- e. **Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks, such as knowledge-based exams.** Documentation for this gain may include passage of a component exam in a Registered Apprenticeship program, employer-required knowledge-based exam, and satisfactory attainment of an element in an industry or occupational competency-based assessment, or other completion test necessary to obtain a credential.

### F. Effectiveness in Serving Employers

Section 116(b)(2)(A)(i)(VI) of WIOA requires that the Departments of Labor and Education establish a primary indicator of performance for effectiveness in serving employers. This indicator will be measured as a shared outcome across all six core programs within each State to ensure a holistic approach to serving employers. However, this policy will focus on how this performance indicator is measured in the Adult, Dislocated Worker, and Youth Programs.

Three approaches for measuring effectiveness in serving employers have been developed: Retention, Repeat Business Customers, and Employer Penetration Rate. USDOL allows States to pick two approaches to be measured. Ohio will use the following approaches to be used for measuring the effectiveness of serving employers:

1. Retention – This approach captures the percentage of participants who exit and are employed with the same employer in the second and fourth quarters after exit. This approach is useful in determining whether the Adult, Dislocated Worker, and Youth programs are serving employers effectively by improving the skills of their workforce and decreasing employee turnover.

The measure is calculated as follows:

The number of participants with wage records who exit during the reporting period and were employed by the same employer during the second quarter after exit and the fourth quarter after exit **divided** by the number of participants with wage records who exit and were employed during the second quarter after exit.

This approach is calculated based on information included in wage record matches for participants in their fourth quarter after exit. This means that only participants who are included in this approach are those for whom a wage record match is available.

2. Repeat Business Customers – This approach tracks the percentage of employers who receive services that use Adult, Dislocated Worker, and Youth program services more than once within the previous three program years. This approach is useful in determining whether employers who receive services from the Adult, Dislocated Worker, and Youth programs are satisfied with those services and become repeat customers. This approach also

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assesses the workforce system's ability to develop and maintain strong relationships with employers over extended periods of time.

The measure is calculated as follows:

The total number of establishments served during the current program year that have used the Adult, Dislocated Worker, and Youth programs more than once during the prior three program years **divided** by the number of establishments served during the current program year. The number of establishments is defined by the Bureau of Labor Statistics (BLS) Quarterly Census of Employment and Wages (QCEW) program.

This measure is a unique count of employers who use Adult, Dislocated Worker, and Youth programs more than once. Regardless of repeat usage of Adult, Dislocated Worker, and Youth program services, an employer who uses these services more than once during the last three program years should be counted only once in this calculation.

It should be noted that the States are not required to use data for services delivered to employers prior to July 2016 to fulfill the prior three program year requirement.

### **G. Programmatic Criteria for Becoming a Participant in the Adult, Dislocated Worker, and Youth Programs**

Due to the variability in programmatic criteria to receive services, the particular services that trigger inclusion as a participant vary across the Adult, Dislocated Worker, and Youth programs.

1. Adult and Dislocated Worker Program – Receipt of training services or individualized career services makes a reportable individual a participant. For basic career services, a reportable individual becomes a participant when he or she receives a service that is neither self-service nor information-only. Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 15-08.1, Career Services for Adults and Dislocated Workers, provides guidance on which basic career services triggers participation in the Adult or Dislocated Worker programs.
2. Youth Program – When a reportable individual has satisfied all applicable program requirements for the provision of services, including an eligibility determination, completion of an objective assessment (as documented on the comprehensive assessment), development of an individual service strategy (as documented on the individualized opportunity plan), and receipt of one of the 14 WIOA Youth program elements, he or she is considered a participant.

### **H. Exit from the Program**

#### **1. Participant Exit**

For the WIOA Adult, Dislocated Worker, and Youth programs, the date of exit from the program is the last date of service. Specifically:

- a. The date of exit cannot be determined until 90 days have elapsed since the participant last received services. Furthermore, there must be

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no plans to provide the participant with future services. At that point, the date of exit is applied retroactively to the last date of service.

- b. For determining whether 90 days have elapsed since the participant last received services, do not include receipt by the participant of any self-service, information-only services or activities, or follow-up services, as these services do not delay, postpone, or affect the date of exit. Because the date of exit is retroactive to the last date of service, follow-up services may begin immediately following the last date of service if it is expected that the participant will not receive any future services other than follow-up services. Provision of follow-up services does not extend the date of exit.

A participant may be exited from the Adult, Dislocated Worker, or Youth program and excluded from performance reporting for the following reason(s):

- a. The participant has become incarcerated in a correctional institution or has become a resident of an institution or facility providing 24-hour support (i.e., a hospital or treatment center) during the course of receiving services;
- b. The participant exits the program because of medical treatment. The treatment is expected to last longer than 90 days and precludes entry into unsubsidized employment or continued participation in the program;
- c. The participant is deceased;
- d. The participant is a member of the National Guard or other reserve military unit of armed forces and is called to active duty for at least 90 days; and
- e. For the WIOA Youth program only, the participant is in the foster care system and exits the program because the participant has moved from the local area as part of such program or system.

### 2. Reportable Individual Exit

For tracking purposes, the date of "exit" for reportable individuals for the WIOA Adult, Dislocated Worker, and Youth Programs is determined as follows:

- a. The individual does not become a participant; and
- b. The individual is served under the Adult, Dislocated Worker, or Youth program through receipt of services that do not result in the individual becoming a participant; and
- c. The individual has had 90 days elapse since being identified as a reportable individual and the individual has not received additional self-service or informational-only services or activities during that 90-day time period.



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The date of exit for a reportable individual cannot be determined until 90 days have elapsed since the reportable individual last received any of the following services:

- a. Self-service;
- b. Information-only services and activities;
- c. Services under the Adult, Dislocated Worker, or Youth program that do not result in the individual becoming a participant, with no future services scheduled.

At that point, the date of exit is applied retroactively to the last date of receipt of one of the services mentioned above.

### III. **Definitions**

Basic skills deficient: An individual who:

1. Is a youth that has English reading, writing, or computing skills at or below the 8<sup>th</sup> grade level on a generally accepted standardized test; or
2. Is a youth or adult that is unable to compute or solve problems, read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.

Certificate: A certificate is awarded in recognition of an individual's attainment of measurable technical or occupational skills necessary to gain employment or advance within an occupation. These technical or occupational skills are based on standards developed and endorsed by employers, industries, or government oversight agencies. Certificates are awarded in recognition of an individual's attainment of technical or occupational skills by:

1. A state educational agency or a state agency responsible for administering vocational and technical education within a state.
2. An institution of higher education.
3. A professional, industry, or employer organization using a valid and reliable assessment of an individual's knowledge, skills, and abilities.
4. A registered apprenticeship program.
5. A public regulatory agency, upon an individual's fulfillment of educational, work experience, or skill requirements that are legally necessary for an individual to have in order to work in a particular occupation or profession.
6. A program that has been approved by the Department of Veterans Affairs to offer education benefits to veterans and other eligible persons.
7. Job Corps centers that issue certificates.

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8. Institutions of higher education which are formally controlled, or have been formally sanctioned, or chartered, by the governing body of an Indian tribe or tribes.

Chief elected official (CEO): Per section 3(9) of WIOA, the chief elected executive officer(s) of a unit of general local government in a local area and, in the case of a local area that includes more than one unit of general local government, the individual(s) designated under an intergovernmental agreement.

Core program: a program which is authorized under one of the following program provisions:

1. Chapters 2 and 3 of subtitle B of Title I, relating to youth workforce investment activities and adult and dislocated worker employment and training activities;
2. Title II, relating to adult education and literacy activities;
3. Sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq), relating to employment services; and
4. Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq), relating to vocational rehabilitation services.

Credential: A nationally recognized degree, license or certificate, or state/locally recognized degree, license or certificate.

Employment: When an individual is working in a paid, unsubsidized job or working 15 hours or more a week in a wageless job on a farm or business operated by a family member or the individual.

Exit: The last date of service. The last date of service cannot be determined until at least 90 days have elapsed since the participant last received services and there are no plans to provide the participant with future services.

Follow-up services: Activities to monitor an adult, dislocated worker, or youth's success during their transition to employment or further education and to provide assistance as needed for a successful transition.

Individual with a barrier to employment: Per section 3(24) of WIOA, an individual who is a:

1. Displaced homemaker;
2. Low-income individual;
3. Indian, Alaskan native, and Native Hawaiian;
4. Individual with disabilities;
5. Older individual (age 55 and older);
6. Ex-offender;
7. Homeless individual or homeless child and youth;

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8. Youth who is in or has aged out of the foster care system;
9. English language learner, individual with a low level of literacy, and individual facing substantial cultural barriers;
10. Eligible migrant and seasonal farmworker;
11. Individual within two years of exhausting lifetime temporary assistance for needy families (TANF) eligibility;
12. Single parent (including single pregnant woman);
13. Long-term unemployed individual (unemployed for 27 or more consecutive weeks); and
14. Other groups of individuals Ohio determines to have barriers to employment.

Information-only services: Activities that provide readily available information that does not require an assessment by a staff member of the individual's skills, education, or career objectives. These services do not constitute participation in a program.

Negotiated levels of performance: The levels of performance for each primary indicator in each core program, agreed to by the State, prior to the start of the program year.

Participant: A reportable individual who received services other than self-service, information-only services, and/or follow-up services, if that individual satisfied all applicable programmatic requirements for the receipt of services, such as an eligibility determination.

Participation: The point at which the individual has been determined eligible for program services and has received or is receiving a career or training service, or a youth program element, and is the point at which an individual is to be included in calculations for performance indicators.

Performed successfully: Pursuant to 20 C.F.R. 679.260(b), means that the local area met or exceeded the levels of performance the State negotiated with the local workforce development area and chief elected official for core indicators of performance, and that the local area has not failed any individual measure for the last two consecutive program years in accordance with a State-established definition provided in the Combined State Plan, of met or exceeded performance.

Period of participation: For all indicators, except measurable skill gains, the period of time beginning when an individual becomes a participant and ending on the participant's date of exit from the program.

Planning region: A region comprised of two or more local workforce development areas that are collectively aligned with the region.

Program year (PY): The time period beginning July first and ending June thirtieth.

Public assistance: As defined in section (3)(50) of WIOA, federal, state, or local government cash payments for which eligibility is determined by a needs or income test. This includes

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Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), and Supplemental Security Income (SSI).

Reportable individual: An individual who has taken action that demonstrates an intent to use the program services and who meets specific reporting criteria of the program, including:

1. Individuals who have provided identifying information; and
2. Who:
  - a. only used the self-service system; or
  - b. received information-only services or activities.

Secondary school diploma: A high school diploma recognized by Ohio that is included for accountability purposes under the ESEA, as amended by the Every Student Succeeds Act (ESSA).

Self-service: Services that occur when individuals independently access any workforce development system program's information and activities in either a physical location, such as an OhioMeansJobs center resource room or partner agency, or remotely via the use of electronic technologies. These services do not constitute participation in a program.

Statistical Adjustment Model (SAM): An objective statistical model to be used to make adjustments in the State and local area negotiated levels of performance at the end of the program year, to account for actual economic conditions and the characteristics of participants served. It is also a key factor to be used in arriving at mutual agreement on State and local area negotiated core program performance levels.

Unsubsidized employment: Employment in the private sector or public sector for which the employer does not receive a subsidy from public funds to offset all or a part of the wages and costs of employing an individual.

### IV. State Requirements

#### A. **Definition of Exceeds, Meets, and Fails Performance**

Per 20 C.F.R. 677.220(a)(1), a State must establish the threshold for failure to meet adjusted levels of performance.

The State must meet the following standards in order to meet adjusted levels of performance:

1. 90 percent of the overall local area program score for the Adult, Dislocated Worker, and Youth programs;
2. 90 percent of the overall local area indicator for the same primary indicator;  
or
3. 50 percent of the same indicator score for the same program.

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Additionally, per 20 C.F.R. 679.260(b), the State defines the criteria for “exceeds,” “meets,” and “fails” performance within the Combined State Plan. Definitions are contained in the current Combined State Plan approved by the U.S. Department of Labor.

### **B. Performance Negotiations**

Section 116(b)(3)(A)(iv) of WIOA mandates that States negotiate two years of performance outcomes for the first two program years covered by the Combined State Plan. The State submits the expected levels of performance in its Combined State Plan based on the State’s analysis of factors that may affect performance. After Plan submission, USDOL and the State reach an agreement on negotiated levels of performance for the indicators for each of the first 2 years of the Plan. As part of the negotiation process, the State will be asked to provide the rationale for the methodology behind its expected levels of performance using the following:

#### **1. Statistical Adjustment Model**

Under WIOA, the statistical adjustment model will be used to ensure that the negotiated performance levels are based on actual economic conditions and characteristics of the participants. Actual economic conditions include differences in unemployment rates and job losses or gains in particular industries. Characteristics of participants include indicators of poor work history, lack of work experience, lack of educational or occupational skills attainment, low levels of literacy or English proficiency, disability status, homelessness, ex-offender status, and welfare dependency.

The statistical adjustment model will provide 2 major functions in performance negotiations and assessment:

- a. It is one of the factors used when coming to mutual agreement on negotiated levels of performance. It is used to account for the expected economic conditions and expected characteristics of participants to be served in the State and/or local areas.
- b. It will be applied at the close of a program year to the negotiated level, to adjust for actual economic conditions experienced and actual characteristics of participants.

#### **2. Negotiation Factors**

In reaching agreement on the negotiated levels of performance, USDOL and the State shall take into account the following factors:

- a. How negotiated levels compare with State adjusted levels of performance established for other States.
- b. How negotiated levels have been proposed using an objective statistical adjustment model.
- c. The extent to which negotiated levels promote continuous improvement and ensure optimal return on investment. This includes

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setting performance targets to accommodate serving a significant number of individuals with barriers to employment.

- d. The extent to which negotiated levels will assist States in meeting performance goals.

USDOL will review the analyses used by the State to develop the expected levels of performance. These are negotiated levels of performance. Once these negotiated levels of performance are agreed upon, the State must incorporate these modifications into the Combined State Plan.

Prior to the third program year covered by the Combined State Plan, USDOL and the State will negotiate the performance levels for the third and fourth program years.

### C. Completion of Performance Reports

#### 1. State Annual Report

Per section 116(d)(2) of WIOA and 20 C.F.R. 677, Ohio is required to submit an annual report to USDOL. At a minimum, this report must contain information on the actual performance levels achieved with respect to:

- a. The total number of participants served, and the total number of participants exited from the Adult, Dislocated Worker, and Youth programs, including counts of individuals who participated in and exited a program, by:
  - i. Individuals with barriers; and
  - ii. Co-enrollment in any of the programs.
- b. Information on the performance levels achieved for the indicators of performance, including levels for:
  - i. Individuals with barriers;
  - ii. Age;
  - iii. Sex; and
  - iv. Race and ethnicity.
- c. For the most recent program year and the 3 preceding program years, the following information:
  - i. The total number of participants who received career services and the total number of participants who exited from career services.
  - ii. The total number of participants who received training services and the total number of participants who exited from training services.

## **Policy 12-724: WIOA Programs Performance Accountability**

- iii. Information on the performance levels achieved for the indicators of performance for career services and training services.
- iv. The amount of funds spent on career services and the amount of funds spent on training services.
- v. The average cost per participant for those participants who received career services and training services, respectively.
- d. The percentage of participants in a program who attained unsubsidized employment related to the training received.
- e. The percentage of a State's annual allotment under section 132(b) of WIOA that the State spent on administrative costs.
- f. Information that facilitates comparisons of programs with programs in other States.

### **2. Local Workforce Development Area Reports**

Per 20 C.F.R. 677.205, Ohio must make local workforce development area (local area) performance reports available to the public annually. The State must provide the public with electronic access to local area performance reports in its annual State performance report. The local area performance report must include:

- a. The actual results achieved on the primary indicator performance levels.
- b. The total number of participants served, and the total number of participants exited from the Adult, Dislocated Worker, and Youth programs, including counts of individuals who participated in and exited a program, by:
  - i. Individuals with barriers; and
  - ii. Co-enrollment in any of the programs.
- c. Information on the performance levels achieved for the indicators of performance, including levels for:
  - i. Individuals with barriers;
  - ii. Age;
  - iii. Sex; and
  - iv. Race and ethnicity.
- d. For the most recent program year and the 3 preceding program years, the following information:

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- i. The total number of participants who received career services and the total number of participants who exited from career services.
  - ii. The total number of participants who received training services and the total number of participants who exited from training services.
  - iii. Information on the performance levels achieved for the indicators of performance for career and training services.
  - iv. The amount of funds spent on career and training services.
  - v. The average cost per participant for those participants who received career and training services, respectively.
- e. The percentage of participants in a program who attained unsubsidized employment related to the training received.
  - f. The percentage of a local area's allotment that is spent on administrative costs.
  - g. Other information that facilitates comparisons of programs in other local areas or planning regions.

Local area performance reports must be made available in the American Job Centers (which, in Ohio, are called OhioMeansJobs centers) per section 134(c)(2)(viii) of WIOA.

### **D. Implications of Performance**

Per section 116(f) of WIOA and 20 C.F.R. 677.180, a State will be subject to financial sanctions if it fails to:

1. Submit the State annual performance report.

If the State is not able to submit a complete and accurate performance report by the deadline due to the reasons outlined in 20 C.F.R. 677.185(b), the State must notify USDOL as soon as possible, but not later than 30 days prior to the established deadline, of a potential impact on the State's ability to submit its annual performance report, in order to not be considered failing to report. USDOL will review requests for extending the reporting deadlines.

2. Meet adjusted levels of performance for the primary indicators of performance.

Any State that fails to meet adjusted levels of performance for the indicators for any year will receive technical assistance, including assistance in the development of a performance improvement plan.

Sanctions based on performance failure will be applied to States if, for 2 consecutive years, the State fails to meet:



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- a. 90 percent of the overall State program score for the same core program;
- b. 90 percent of the overall State indicator for the same primary indicator; or
- c. 50 percent of the same indicator score for the same program.

### **V. Local Workforce Development Area Requirements**

Per 20 C.F.R. 677.205, each local area is subject to the same primary indicators of performance for the Adult, Dislocated Worker, and Youth programs.

#### **A. Performance Negotiations**

20 C.F.R. 677.210 requires the State, local workforce development board (WDB), and chief elected official (CEO) to reach agreement on local negotiated levels of performance based on a negotiation process. The negotiation process is developed by the State and is disseminated to all local WDBs and CEOs.

The negotiation must occur prior to the start of a program year with the use of the statistical adjustment model (as described in Section V. B. 1 of this policy). The negotiations will include a discussion of circumstances not accounted for in the model and will take into account the extent to which the levels promote continuous improvement.

If deemed necessary by the local WDB and CEO, the local area has the opportunity to re-negotiate with the State levels of performance for the following program year's standard(s). In order to re-negotiate, the local WDB and CEO must request re-negotiation during the fourth quarter of the program year by contacting the Office of Workforce Development. The re-negotiation will be based upon three quarters of data and information on economic conditions of the local area and characteristics of the participants to be served.

The local WDBs may apply performance measures to service providers that differ from the performance indicators that apply to the local area. These performance measures must be established after considering:

1. The established local negotiated levels;
2. The services provided by each provider; and
3. The populations the service providers are intended to serve.

#### **B. Implications of Performance**

Per 20 C.F.R. 679.260(b), the State defines the criteria for "exceeds," "meets," and "fails" performance within the Combined State Plan. The current Combined State Plan approved by the U.S. Department of Labor contains these definitions.

Performance failure may lead to one or more of the following:

## **Policy 12-724: WIOA Programs Performance Accountability**

### **1. Technical Assistance**

If a local area fails to meet the negotiated levels of performance for the primary indicators of performance in the Adult, Dislocated Worker, or Youth programs in any program year, technical assistance must be provided by the State. Technical assistance may include:

- a. Assistance in the development of a performance improvement plan;
- b. The development of a modified local or regional plan; or
- c. Other actions designed to assist the local area in improving performance.

### **2. Reorganization Plan**

If the local area fails to meet the negotiated levels of performance for the same primary indicators of performance for the Adult, Dislocated Worker, and Youth programs for a third consecutive program year, the State must take corrective actions. The corrective actions must include the development of a reorganization plan under which the State:

- a. Requires the appointment and certification of a new local workforce development board;
- b. Prohibits the use of eligible providers and OhioMeansJobs center partners that have been identified as achieving poor levels of performance; or
- c. Takes such other significant actions as the State determines appropriate.

The local WDB and CEO for a local area that is subject to a reorganization plan may appeal to the State to rescind or revise the reorganization plan not later than 30 days after receiving notice of the reorganization plan. The State must make a final decision within 30 days after receipt of the appeal.

The local WDB and CEO may appeal the final decision of the State to the Secretary of Labor not later than 30 days after receiving the decision from the State. Any appeal of the State's final decision must be submitted by certified mail, return receipt requested to:

Secretary of Labor

U.S. Department of Labor

200 Constitution Avenue, N.W.

Washington D.C. 20210

Upon receipt of the appeal from the local WDB and CEO, the Secretary of Labor must make a final decision within 30 days. In making this

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determination, the Secretary of Labor may consider any comments submitted by the State in response to the appeals.

The decision by the State on the appeal becomes effective at the time it is issued and remains in effect unless the Secretary of Labor rescinds or revises the reorganization plan.

### 3. Local area designation

All local areas, which were initially designated by the State, must be subsequently designated as a prerequisite to receiving adult, dislocated worker, and youth funding. As part of the subsequent designation criteria, local areas must perform successfully. If a local area does not perform successfully, the local area will not be eligible for subsequent designation.

WIOAPL No. 16-04, Local Workforce Development Area Subsequent Designation, provides the guidance for subsequent local area designation.

## C. **Serving Participants for Outcomes**

WIOA focuses on serving individuals with barriers to employment and seeks to ensure access to quality services for these populations. The Adult, Dislocated Worker, and Youth programs provide a pathway to self-sufficiency for its participants, including those who are low-income individuals, public assistance recipients, and those who are basic skills deficient. Section 134(c)(3)(E) of WIOA establishes a priority requirement with respect to funds allocated to the local area for adult program employment and training activities. Furthermore, youth program eligibility requires the youth to have a barrier to employment. The emphasis in WIOA is to prioritize services to those individuals who have the most barriers to employment and to provide those individuals with the opportunity to benefit from employment and training services.

The performance accountability system takes into account this prioritization of services to those who have the most barriers. The Statistical Adjustment Model (SAM) is used to make adjustments in the State and local negotiated levels of performance at the end of the program year, to account for the actual characteristics of participants served. The Statistical Adjustment Model uses characteristics of participants to adjust the level of performance. These characteristics include indicators of poor work history, lack of work experience, lack of educational or occupational skills attainment, low levels of literacy or English proficiency, disability status, homelessness, ex-offender status, and welfare dependency.

Local areas should focus their attention of serving individuals with barriers to employment by providing:

1. Individualized employment plans (or in the youth program, individual service strategies) to assist the individual with focusing on the pathway to training and employment opportunities.
2. Supportive services to support individuals in overcoming barriers to participation in the WIOA Adult, Dislocated Worker, or Youth program.
3. Appropriate services to overcome the individual's barrier(s);

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4. Educational and training opportunities to increase the individuals skills and obtain a credential;
5. Job readiness services to obtain unsubsidized employment;
6. Job retention services, including the use of follow-up services, to assist the individual in maintaining employment.

### **D. Documentation**

Ohio's Workforce Case Management System (OWCMS) is the system of record for all eligibility and service delivery to WIOA participants, including reporting outcome data. This system will report information that is necessary for program performance evaluation:

1. Employment;
2. Postsecondary school enrollment;
3. Earnings;
4. Skill gains;
5. Credential attainment; and
6. Effectiveness in serving employers.

Rule 5101:9-30-04 of the Administrative Code mandates that OWCMS be used to report WIOA participants, case management, and performance information. Local areas are required to document all of the following in OWCMS within 30 days:

1. Participant characteristics: local areas must document all the characteristics of an individual as this information will be used in, and may influence, the Statistical Adjustment Model.
2. Participant barrier data: local areas must make certain that all participant barrier data is entered in OWCMS to demonstrate that the local area is providing services for the hardest to serve populations. This will influence the local area's performance outcomes and performance targets.
3. Adult, Dislocated Worker, and Youth Program services: local areas must document all services and the outcomes of the services in OWCMS. In particular, employment, job placement, education, earnings, credential attainment, and measurable skill gain data must be documented.

## **VI. Performance for PY 2016 and PY 2017**

The Department of Labor recognizes that States will need time to make modifications to their data systems to fully implement the data elements and definitions to comply with the new WIOA performance requirements. While States are required to collect data beginning July 1, 2016, the Department of Labor also acknowledges that Ohio may not be able to report data in the early quarters of PY 2016 because of system readiness and capability to submit data.

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Additionally, certain indicators were designated as baseline indicators for PY 2016 and PY 2017, due to insufficient observations to construct a statistical model for those indicators at this time. Baseline indicators are indicators for which Ohio will not propose an expected level of performance in the State Plan submission for PY 2016 and PY 2017 and will not need to come to an agreement with the Department of Labor on negotiated levels of performance. The selection of primary indicators for the designation as a baseline indicator is determined based on the likelihood of Ohio having adequate data on which to make a reasonable determination of an expected level of performance.

Baseline indicators will not be used in the end of the year performance calculations and will not be used to determine failure to achieve adjusted levels of performance for purposes of sanctions. Baseline indicators for the WIOA Adult, Dislocated Worker, and Youth programs include:

1. Measurable Skill Gains;
2. Effectiveness in Serving Employers; and
3. For the Youth program only, Median Earnings.

For both PY 2016 and PY 2017, Ohio will negotiate goals for all non-baseline indicators. Indicators to be negotiated are:

1. Employment in the second quarter after exit;
2. Employment in the fourth quarter after exit;
3. For the Adult and Dislocated Worker programs only, median earnings in the second quarter after exit; and
4. Credential attainment rate.

Performance outcome data for PY 2016 will not be available for any primary indicator except measurable skill gains. However, measurable skill gains is considered a baseline indicator and there is no expected level of performance. Therefore, the State and local areas will not be held to negotiated levels of performance in PY 2016.

In PY 2017, the State and local areas will be held to the negotiated performance level for all primary indicators, except those that have been determined baseline indicators.

The State and local areas will be held to negotiated levels of performance for all primary indicators beginning in PY 2018.

### **VII. Technical Assistance**

Ongoing support, guidance, training and technical assistance on the WIOA performance accountability system are available to all local areas.

Requests for technical assistance may be sent to ODJFS, Office of Workforce Development: [WIOAQNA@jfs.ohio.gov](mailto:WIOAQNA@jfs.ohio.gov).

### **VIII. References**

## **Policy 12-724: WIOA Programs Performance Accountability**

Workforce Innovation and Opportunity Act, §§ 103, 116, 129, and 134, Public Law 113-128.

20 C.F.R. §§ 676.100, 676.140, 677.155-170, 677.180-200, 677.205-225, 680.600, and 681.210-220.

OAC 5101:9-30-04.

USDOL, Training and Employment Guidance Letter No. 10-16, Change 1, Operating Guidance for the Workforce Innovation and Opportunity Act, Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Title I, Title II, Title III, and Title IV Core Programs (August 23, 2017).

USDOL, Training and Employment Guidance Letter No. 26-15 Operating Guidance for the Workforce Innovation and Opportunity Act, Negotiating Performance Goals for the Workforce Innovation and Opportunity Act (WIOA) Title I Programs and the Wagner-Peyser Employment Service as amended by Title III, for Program Year (PY) 2016 and 2017 (June 29, 2016).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-08.1, Career Services for Adults and Dislocated Workers, (June 6, 2017).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 16-04, Local Workforce Development Area Subsequent Designation, (October 26, 2016).

### **Rescissions**

ODJFS, [Workforce Investment Act Policy Letter No. 10-01.2](#), Common Measures Reporting, (March 6, 2014).

ODJFS, [Workforce Investment Act Guidance Letter No. 9](#), WIA Credentials, (December 5, 2003).

ODJFS, [Workforce Investment Act Transmittal Letter No. 9](#), WIA Credential Guidance, (December 5, 2003).

## Definitions: ITA Financial Definitions

<b>Reference State Policy:</b>	WIOAPL No. 15-26.01
<b>Board Approved:</b>	March 7, 2024
<b>Revision Approved:</b>	October 18, 2025
<b>Effective Date:</b>	March 7, 2024
<b>Policy Obsolete:</b>	15-26

### **Purpose**

The purpose of this policy is to clarify the financial reporting requirements for individual training account (ITA) obligations.

### **Background**

An ITA is one of the primary methods through which training is financed and provided for unemployed or underemployed participants. ITAs are established on behalf of a participant to purchase a program of training services. As such, it is important that local workforce development areas have an understanding of how to track ITA commitments, obligations, and accrued expenditures, and report these accurately. Additional information on ITAs is located in Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 15-11.03, Use of Individual Training Accounts.

### **Definitions**

Accrued expense: Under accrual-base financial reporting, a cost is incurred for goods and services received regardless of whether the payment has been made.

Commitment: An anticipated expenditure in a current or future period regardless of whether the non-federal entity has a current legal obligation to pay the anticipated expense. A plan to provide services in a future period that may or may not be legally binding.

Contract: a legal instrument by which a non-federal entity purchases property or services needed to carry out the project or program under a Federal award.

Individual training account (ITA): a payment agreement established on behalf of a participant with a training provider. "**Individual**," as used in the context of Individual Training Accounts (ITAs), refers to an eligible program participant whose training and employment needs are assessed on a case-by-case basis. Individual needs are determined through a comprehensive evaluation process and may vary significantly between applicants based on factors such as prior education, work experience, career goals, labor market demand, and identified barriers to employment. The services and training provided through an ITA must be tailored to support each participant's unique path to employment and self-sufficiency.

Obligations: Pursuant to NPRM § 675.300, when used in connection with a non-federal entity's utilization of funds under a federal award, means orders placed for property or services, contracts and

## **Definitions: ITA Financial Definitions**

subawards made, and similar transactions, during a given period that require payment by the non-federal entity during the same or a future period.

Program of training services: one or more courses or classes or a structured regimen that leads to:

1. A recognized post-secondary credential, secondary school diploma or its equivalent;
2. Employment; or
3. Measurable skill gains towards a credential or employment.

Special grants: grants or awards, including National Dislocated Worker Grants, which are distributed in addition to Workforce Innovation and Opportunity Act (WIOA) formula allocations.

## **Requirements**

### Commitments

When an ITA is approved for a participant, the amount of the commitment is the total anticipated cost to complete the training program regardless of the time periods in which the training costs are to be incurred. Although commitments are not reported at the federal level, local areas may track ITA commitments against available funds to avoid potential over-obligation or the need to terminate pre-existing approvals for training in order to serve a newer participant. Reporting commitments to the state may also help the area justify a need for additional discretionary funding.

### Additional Considerations

Appropriate fiscal management practices will be especially important for local workforce development areas that will report ITA obligations/commitments in 12-month increments for a full two-year training period. To ensure the most effective use of training funds, local workforce development areas are advised to analyze past training completion and drop-out rates to determine the acceptable level of over obligation/committing, and to regularly deobligate/decommit funds when individuals drop out or do not complete the training program. Deobligation/decommitment of funds will increase the Client Tracking set aside and allow training to be available to other WIOA participants. With proper deobligation/decommitment practices, local workforce development areas can avoid situations where the funds are under-spent due to individuals leaving the training prior to completion.

### Obligations

The following are the guidelines to be used to track ITA obligations and report these obligations:

1. ITAs must be obligated at the time a participant is enrolled in a training program, not when an ITA is established or approved. The planning and/or approval of training activities alone do not constitute an obligation; the participant must be enrolled in a training program for an obligation to be reported. As an example, enrollment can occur when a participant agrees to attend a specific program of training services, **and** the school has accepted the enrollment application and signed off on the ITA. Pursuant to WIOAPL No. 15-11, eighty-five percent of new ITA enrollments for the local area must be in an "in-demand" occupation as defined by the state of Ohio.



## **Definitions: ITA Financial Definitions**

2. For training programs with a single payment point, the amount of the ITA obligation equals the planned cost of the approved training. For training spanning multiple quarters, semesters, or years, ITAs may be obligated for the costs that will be incurred during the current semester or quarter at the time of enrollment. Obligations are defined as definite and certain legal liabilities, so ITAs that will span multiple quarters or semesters may not be reported as obligations based on estimated potential future costs, such as by averaging monthly shares of the commitment multiplied by some arbitrary number of months into the future.
3. If the local area enters into agreement with one or more sub-recipients for provision of ITA-funded training services, the amount of the agreement is counted as an obligation at the area level regardless of when ITAs become obligated by the sub-recipient. In this situation, the sub-recipient selected to approve and reimburse the ITAs must report its ITA obligations to the area as described in the previous paragraphs.
4. Local workforce development areas may impose additional requirements for reporting of ITA obligations and must also comply with all local regulations and practices.
5. Local workforce development areas are advised to enter into a contract with training providers in order to set the terms, conditions, duration, and payment responsibility for the ITA.
6. The oldest funds should be obligated and expended first.

Purchase Orders (P.O.) are a legal and binding obligation. CFIS CLT will identify a P.O. number when obligating/paying an ITA service when there is a vendor specific P.O. for the training provider in Ledger Reporting in order to avoid a double obligation.

### Accrued Expenditures

Non-Federal entities operating WIOA programs are required to report expenditures on an accrual basis. For an ITA, the cost of tuition is often billed months after the participant has entered and received training. Therefore, the cost of tuition must be accrued incrementally as the participant receives the training even if the tuition cost has not yet been invoiced. However, if the full cost of tuition for the current semester/quarter is paid up front, the entire cost is expensed and no additional accrued costs would be reported. Similarly, some training providers require payment for the entire quarter/semester if a student remains in training beyond a pre-determined add/drop date. When the final date to be eligible for a tuition refund has passed and the non-Federal entity becomes responsible for the entire tuition for the class, the entire obligated cost must be reported as an accrued expense.

### Special Grants

When obligating funds that are awarded through special grants, fiscal management practices may vary depending on the stipulations of the award and the period of the grant. The State will issue further guidance or instructions when such variances to this policy occur.

## **Technical Assistance**

## **Definitions: ITA Financial Definitions**

For additional information, you may send your questions to ODJFS, Office of Workforce Development:  
[WIOAQNA@JFS.OHIO.Gov](mailto:WIOAQNA@JFS.OHIO.Gov)

## **References**

20 C.F.R § 675.300

20 C.F.R § 680.420

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-11.03, Use of Individual Training Accounts, (September 17, 2021)

## **Rescission**

ODJFS, Workforce Investment Act Policy Letter No. 09-03, ITA Obligations, (August 24, 2009).

## Definition: Unlikely to Return to Previous Industry or Occupation

<b>Reference State Policy:</b>	WIOAPL 15.02.1
<b>Board Approved:</b>	October 17, 2023
<b>Revisions Approved:</b>	September 12, 2013, October 17, 2023
<b>Effective Date:</b>	October 17, 2023
<b>Policy Obsoletes:</b>	NA

The BCW/Workforce (Butler • Clermont • Warren Workforce Development Board) recognizes one category of Dislocated Worker as an individual who meets the criteria stated in the WIOA law (Section 3: Definitions (15), pg. 7) which defines a dislocated worker as an individual who is 1) laid off or terminated from employment and 2) is eligible for unemployment compensation or has exhausted their unemployment compensation and 3) is unlikely to return to previous industry or occupation.

The term “is unlikely to return to previous industry or occupation” has not been defined by the Ohio Department of Job and Family Services as of this time. At such time that a definition is given by ODJFS, it will be seen to supersede the definition approved by Area 12, unless circumstances dictate use of a local definition or provide option for a choice.

In Area 12, a person who is unlikely to return to previous industry or occupation shall be defined as one whom:

Has been laid off without a recall date and:

The Individual is not in a BCW/Workforce Development Board approved in demand sector. (see addendum)

- The individual has documented proof of having made a good-faith effort to search for employment; OR
- The individual was in an industry sector that had suffered significant layoffs; OR
- The individual has certifications in a technical area that are 3 years old or considered to be outdated; OR
- The number of jobs in the applicant’s previous industry/occupation are declining based on labor market information data based on local office preference of OCIS, O\*Net Online, Bureau of Labor Statistics, or other creditable labor market information source; OR
- Within a fifty (50) mile radius or unless occupant can relocate,
  - The projected annual increase in employment growth is fewer than 100 jobs in the previous industry (includes replacements) or

## **Definition: Unlikely to Return to Previous Industry or Occupation**

- The projected annual increase growth openings is fewer than 30 in the previous occupation; OR
- The applicant has conducted a dedicated but unsuccessful job search in the previous industry/occupation, as evidenced by employer rejection letters or employer contact logs; OR
- There is evidence, preferably from several sources, including internet sites, newspaper/media, professional journals, Ohio Means Jobs search, etc., of few openings in the previous industry or occupation; OR
- Staff has received documentation from a local Economic Development professional stating that the identified skill set/experience is no longer marketable in the local economy; OR
- The applicant is unable to perform the duties of the previous job due to age, ability or disability, as verified by self-attestation or supportive documentation, i.e. case notes; OR
- The existing Degree or certification was attained outside the State of Ohio and does not transfer all credits and/or occupational credentials (proof required); OR
- The degree/certificate is no longer desirable in any marketable occupation. The applicant must provide supporting documentation to this fact; OR
- Other criteria as identified by Ohio Department of Job and Family Services

In unusual situations such as “lockouts” where the usual circumstances do not apply, additional criteria may need to be considered. They would include individuals who may fall under the following circumstances:

- Has been separated from previous employment for a period of 90 days or more and has been unable to obtain employment with compensation that is equal to or greater than 90% of previous wages or to return to previous employment;
- Has received written notification from the company from which the worker is separated that indicates a condition of permanency, with no opportunity for reemployment with the company or a subsidiary within a 50-mile range of the individual’s home or that such opportunity is not expected for a period of 90 days or more;
- Has received a written notification from a labor organization (where authorized to give informed notification) representing the worker in their previous employment that indicates a condition of permanency, with no opportunity for reemployment with the company or a subsidiary within a 50-mile range of the individual’s home or that such opportunity is not expected for a period of 90 days or more.

## **Definition: Definition of Self-Sufficiency & Interim Employment**

<b>Reference State Policy:</b>	Definition
<b>Board Approved:</b>	9/10/2008
<b>Revisions Approved:</b>	5/31/16, 4/19/22, 7/18/23 Poverty level changed from 300% to 250%
<b>Effective Date:</b>	7/18/23
<b>Policy Obsoletes:</b>	NA

### **Definition of Self-Sufficiency**

Customers who are unable to obtain employment leading to self-sufficiency after the receipt of career services may also be directed to training services. Self-sufficiency is defined as the ability to secure employment that will provide a family's gross wage in excess of 250% of the poverty level for adults, or for a dislocated worker, at least 90% of one's previous salary. This determination will be made after the receipt of career services that indicates that attainment of self-sufficient employment of the customer is unlikely.

If a Dislocated Worker has taken new employment, determination of self-sufficiency status for Dislocated Workers requires a two-step assessment of the workers employment:

- 1) Determine if the employment is "interim employment".
- 2) If the employment is not interim, a determination if the hourly wage is at least 90% or higher than the wage at dislocation.

### **Definition of Interim Employment**

Interim employment is employment that has been accepted for income maintenance prior to and/or during participation in career or training services with the intention of ending such employment at the completion of career or training services with entry into permanent unsubsidized employment as a result of the services. Interim employment is accepted because the affected workers have lost the customary work for which their training, experience or work history qualifies them. Interim employment can be part-time or full-time. Consideration may be made to categorize employment as "interim" when the worker does not have access to health care and is seeking a new job that provides this coverage. Such employment must be with an employer other than that one from which the individual was laid-off.

An eligible worker who is in interim employment following the dislocation is not considered self-sufficient even if the hourly wage exceeds 90% of the dislocation wage

**Workforce Innovation and Opportunity Act (WIOA)  
&  
Comprehensive Case Management and Employment Program  
(CCMEP)**

**PY 2021-2022**  
(7/1/2021-6/30/2023)

**Program  
MONITORING  
GUIDE**

**For Quality & Compliance**



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***WIOA Program Monitoring***

Solutions for Success



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# **PY 2021-2022 STATE MONITORING RESPONSIBILITIES, GOALS AND OBJECTIVES**

## **STATE RESPONSIBILITIES**

The Workforce Innovation and Opportunity Act (WIOA) and regulations require that the states develop a monitoring system and monitor grant supported activities of Local Boards annually for compliance with applicable laws and regulations in accordance with the state monitoring system.

## **GOAL**

The goal of the State's monitoring effort is to conduct oversight and monitoring activities to ensure that established policies, procedures and systems of the Workforce Areas achieve quality program outcomes that meet the requirements and objectives of the Workforce Innovation and Opportunity Act and Federal and State Regulations.

## **OBJECTIVES**

The State's Monitoring Guide is designed to achieve three objectives:

1. To determine if local WIOA activities comply with the Act, Federal and State Regulations, Directives and State Procedures, Guidance Letters and other applicable guidelines and goals.
2. To provide program guidance and direction to local programs in order to assist them in providing quality workforce development services to customers.
3. To provide a framework for continuous improvement efforts in WIOA.

## **SOURCE DOCUMENTS**

- Workforce Innovation and Opportunity Act (WIOA), dated July 22, 2014
- Workforce Innovation and Opportunity Act Policy Letters (WIOAPLs)
- Ohio Administrative Code
- Department of Labor Training and Employment Guidance Letters (TEGLs)
- Department of Labor Training and Employment Notices (TENs)
- Participant Individual Record Layout (PIRL) Data Elements
- Advancement through Resources, Information & Employment Services (ARIES) System
- Business Plans
- Federal Register Vol. 81 No. 161 Part VI Final Rule



## **USE OF THE GUIDE ON-SITE**

The Program Monitoring Guide is used to provide a consistent framework for conducting on-site, programmatic monitoring of local Areas throughout Ohio. The guide ensures that the Office of Fiscal and Monitoring Services, Bureau of Monitoring and Consulting Services' oversight and monitoring practices reinforce federal law and regulations as well as Ohio's guidance and policies as it pertains to administering workforce development at the local level.

The guide is organized into three (3) sections: Administrative Review, Adult and Dislocated Worker Program Review, and Youth Program Review. These three (3) sections each contain a series of questions regarding implementation of policies, procedures, and program eligibility. The guide also contains file checklists to be used while reviewing participant files. The information obtained through completion of the guide will be used to develop the report to the local Area.

## **USE OF THE RESULTS IN THE REPORT**

Once the on-site review has been completed, the guide is used to develop the report to the local Area. The report will provide background information regarding the review, such as when it was conducted, which staff conducted the review, which sites were visited, and which programs were reviewed. It will contain an overall summary for each monitored section. The report will also address all compliance findings and qualitative observations requiring corrective action plans. Finally, the report will provide information on any promising or innovative workforce development practices currently being implemented in the local Area, as appropriate.

# WIOA/CCMEP MONITORING ENTRANCE CONFERENCE

Entity:	Date:
Location:	Time:

Address: \_\_\_\_\_  
\_\_\_\_\_

State Staff Present: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Local Area Staff Present: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State Review Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comments from Local Area: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Monitor and Date

\_\_\_\_\_  
Signature of Authorized Representative and Date

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## ADMINISTRATIVE REVIEW SECTION WORKFORCE SYSTEM

Yes	No	
		1. Does the Workforce System have a method to measure its success in delivering services to the business customer and participant (i.e. customer satisfaction surveys)?
		2. If yes to Question 1, what is the process of measuring customer satisfaction?
		3. If yes to Question 1, does the Workforce System use the information obtained to make any necessary changes to increase success in delivering services?
		4. What is the average length of time from when the customer initially comes to the Workforce System to when the customer enrolls and begins receiving services?
		5. How many participants are receiving adult services? a. How many were enrolled in PY21-22?
		6. How many participants are receiving dislocated worker services? a. How many were enrolled in PY21-22?
		7. How many participants are receiving in-school youth services? a. How many were enrolled in PY21-22? b. How many are enrolled in CCMEP?
		8. How many participants are receiving out-of-school youth services? a. How many were enrolled in PY21-22? b. How many are enrolled in CCMEP?
		9. What system is in place by the lead agency to track the following: a. Case Management 1. Review the Individual Opportunity Plan (IOP) every 30 days? b. Written Notices of Meetings?

		<p>10. Does the Workforce System (lead agency) collaborate with other agency, board, contractors to track the following?</p> <p>a. Coordinate activities? If so, how?</p> <p>b. Establish guidelines, policy and procedures for basic skills assessment? If so, how?</p> <p>c. WIOA/CCMEP Youth Eligibility?</p>
		11. Is the Workforce System making job opportunities available to the customer? If so, how?
		<p>12. Does the Workforce System utilize a variety of social media to reach out to participant?</p> <p>If yes, what type of social media?</p>
		13. How is OhioMeansJobs being used as a job matching tool?
		14. How does the local area identify and ensure that veterans and eligible spouses receive priority of services?
		<p>15. Does the board have written policies/procedures for supportive services for adults, dislocated workers, and youth which ensure resource and service coordination?</p> <p style="text-align: right;"><b>20 CFR 680.900</b></p>
		16. Are written policies updated to reflect WIOA requirements?
		17. How is the lead agency providing assurance that youth participants can request reasonable modifications to their activities to comply with all requirements of the American with Disabilities Act (ADA)?

### BUSINESS

Yes	No	
		1. What are the strategies used by the local Workforce System to attract employers to the services provided by the center?
		<p>2. Are specific services available for business customers? If so, what kind?</p> <p> <input type="checkbox"/> Recruitment  <input type="checkbox"/> Interview Room  <input type="checkbox"/> Job Fairs  <input type="checkbox"/> Business Resource Manual (A list of businesses)  <input type="checkbox"/> Labor Market Information  <input type="checkbox"/> Incumbent Worker Training  <input type="checkbox"/> OJT  <input type="checkbox"/> Customized Training  <input type="checkbox"/> Rapid Response  <input type="checkbox"/> Other: _____         </p>

Yes	No	
		<p>3. Is there a single point of contact for business customers?</p> <p>If yes, who is the point of contact and title?</p>

### RAPID RESPONSE

Yes	No	Section 134 of WIOA; TEGL WIOA 3-15; 20 CFR 682.300; WIOAPL 15-15.2 and 15-16.1
		<p>1. Did the local area conduct any Rapid Response events during PY21-22?</p> <p>a. If so, how many Rapid Response events were conducted during PY21-22?</p> <p>b. Were Rapid Response Workforce Surveys completed and collected at these events?</p>
		<p>2. Have any Rapid Response Services been provided in the last six (6) months?</p> <p>a. If yes, how many services were offered?</p> <p>b. How many workers have attended a reemployment session?</p>
		<p>3. If Rapid Response services were provided, have additional funds been requested? If yes:</p> <p>Amount: \$ _____</p> <p><input type="checkbox"/> Rapid Response Layoff Aversion Funds</p> <p><input type="checkbox"/> NEG</p> <p><input type="checkbox"/> Rapid Response Emergency Assistances Funds (RREAF)</p> <p>Company(s): _____</p> <p>Purpose of funds: _____</p>
		<p>4. Has the local area developed policies or procedures regarding the implementation of Rapid Response assistance services?</p> <p>a. If yes, was the RACI protocol used in development?</p> <p><b>Section 108 (b)(8) of WIOA; Section 134 (a)(2)(A) of WIOA; WIOAPL No. 15-15.2 &amp; 20 CFR 682.300</b></p>
		<p>5. Is the Rapid Response team made up of the following mandated partners and assigned backup representatives?</p> <p><input type="checkbox"/> ODJFS Rapid Response (Workforce Specialist)</p> <p><input type="checkbox"/> A Local Coordinator</p> <p><input type="checkbox"/> WDB Director</p> <p style="text-align: right;"><b>WIOAPL No. 15-15.2 &amp; 20 CFR 682.310</b></p>
		<p>6. Does the local area have a written team protocol for entering Rapid Response in OhioRed?</p> <p>a. If not, what is the protocol for entering Rapid Response information into OhioRed?</p>
		<p>7. Are all individual workers who attend a reemployment session entered into ARIES mini registration?</p> <p>a. Are they also attached to a Rapid Response ID number?</p>

## MONITORING AND OVERSIGHT

Yes	No	
		<p>1. Is the local board conducting monitoring of its WIOA/CCMEP activities and those of its sub-recipients and contractors?</p> <p><b>Section 116 (i)(1) of WIOAWIOAPL 15-08.1 (VII), 15-10 (VII) &amp; 20 CFR 683.410</b></p>
		<p>2. If yes to Question 1, when was the last monitoring performed, and have written reports been issued and corrective action been received?</p>
		<p>3. Has the local board/lead agency developed a monitoring policy and a written programmatic monitoring guide?</p> <p>a. If no, how are monitoring responsibilities performed?</p>
		<p>4. Who performs the monitoring function for the local board/lead agency?</p>
		<p>5. What is the frequency of monitoring according to the policy?</p>
		<p>6. How often were providers/programs monitored?</p>
		<p>7. What is the procedure to ensure that corrective action has been taken by the provider?</p>
		<p>8. Does the monitoring policy include a data validation component to ensure the accurate input of source data, including source documentation?</p>
		<p>9. If no to Question 8, how does the local board/lead agency ensure source documentation is available and consistent with the state and federal data entered into the state system of record (ARIES) and Ohio RED.gov?</p>
		<p>10. Did the Area sign a Data Sharing and Confidentiality Agreement with ODJFS to obtain wage record information and Unemployment Insurance (UI) records on participants?</p> <p style="color: blue;">(WIOA only. If TANF, skip to next section)</p> <p><b>If No, skip to Handling Programmatic Complaints Section, Question 1.</b></p>
		<p>11. Does the Area provide monitoring and oversight regarding wage record information and UI records, including tracking which staff has access to this information and records?</p>
		<p>12. Has the local area ensured that all staff who has access to wage record information and UI records signed the “Personal Confidentiality Statement?”</p>
		<p>13. Does the Area provide security and confidentiality training associated with wage and UI record data sharing to staff?</p>
		<p>14. If yes to Question 13, when was the last training conducted?</p>
		<p>15. If the data is being transmitted via e-mail within the Area, are federal encryption standards being used?</p>

Yes	No	
		16. What types of procedures are implemented by the Area to ensure that the confidentiality of wage record information and UI records are monitored, tracked, and maintained?
		17. Does the local area destroy the wage record data and the UI information within 30 days after it is determined to be no longer needed?  <b>Check with the OWD Agreement Manager to ensure that Area has reported data destruction.</b>

### HANDLING PROGRAMMATIC COMPLAINTS

Yes	No	
		1. Has the local Area developed a process for dealing with grievances and complaints from participants and other interested parties affected by the local area? <b>20 CFR 683.600(a)</b>
		2. Are the complaint procedures, including an individual's right to file a complaint, available to all program participants, participants, and/or beneficiaries, or other interested parties? <b>WIOA Complaint Procedure Manual &amp; 20 CFR 683.600(b)</b>
		3. Do the local Area and/or county offices log and record all complaints received? <b>WIOA Complaint Procedure Manual</b>
		4. How many complaints did the local Area and/or county offices with the Area receive in PY 2021?
		5. Has the local area and/or county offices within the local Area identified a hearing officer and an alternate? <b>WIOA Complaint Procedure Manual</b>
		6. What are the names and titles of the hearing officer and the alternate and <b>what is their affiliation with the local area</b> and/or the county offices within the local Area?
		7. How many informal conferences were held in PY 2021-2022?
		8. How many formal hearings were held in PY 2021-2022?
		9. Have the local area and/or the county offices within the local Area designated an equal opportunity officer (EOO) and an alternate to monitor complaint procedures and to ensure that all programs and activities are operated in a nondiscriminatory manner? <b>WIOA Complaint Procedure Manual</b>
		10. What are the names and titles of the EOO and the alternate, and <b>what are their affiliations with the local area</b> and/or the county offices within the local Area?

### ADULTS AND DISLOCATED WORKERS

Yes	No	
		1. Has the Area made Career Services (Basic Career Services, Individualized Career Services and Follow-Up Services) available through the OhioMeansJobs delivery system to individuals who are adults and dislocated workers? <b>Section 134(c)(1) of WIOA; WIOAPL 15-08.1 &amp; TEGL No. 3-15</b>
		2. Are career services provided by the OhioMeanJobs center operator or through contracts with service providers procured through and approved by the local WDB?



Yes	No	
		<p>3. Are priority of career and training services funded by and provided through the adult program being given to recipients of public assistance, other low-income individuals, individuals who are basic skills deficient and individuals who are underemployed and meet the definition of a low-income individual?</p> <p style="text-align: right;"><b>WIOAPL 15-07.2 &amp; WIOAPL 15-08.1</b></p>
		<p>4. Is priority of service being provided for individualized career and training services for veterans and eligible spouses?</p> <p style="text-align: right;"><b>WIOAPL 15-08.1 &amp; WIOAPL 15-09.1</b></p>
		<p>5. Have Individual Employment Plans (IEPs) been developed for participants who receive an individualized career service or a training service?</p> <p style="text-align: right;"><b>WIOAPL 15-08.1</b></p>
		<p>6. Does the Area use prior individualized assessments/evaluations (within six months) of the participants' education training program?</p> <p style="text-align: right;"><b>WIOAPL 15-08.1</b></p>
		<p>7. Do the case files for adults and dislocated workers contain a determination of need for training services as determined through the interview, evaluations, assessments, and contain enough information to justify the need for training services?</p> <p>a. Did the participants get individualized career services? Yes or No</p> <p>b. If not, why did they go straight to training?</p> <p style="text-align: right;"><b>WIOAPL 15-09.1</b></p>
		<p>8. Are training services provided directly linked to an in-demand industry sector or occupation or a high potential for sustained growth in the local area or planning region, or in another area to which an adult or dislocated worker receiving such services is willing to relocate?</p> <p style="text-align: right;"><b>WIOAPL 15-09.1</b></p>
		<p>9. Are participants provided available, information to make an informed customer choice when choosing a training provider?</p> <p style="text-align: right;"><b>WIOAPL 15-09.1</b></p>
		<p>10. Are ITAs being used for adults and dislocated workers?</p> <p style="text-align: right;"><b>WIOAPL 15-09.1</b></p>
		<p>11. Has the Workforce Development Board (WDB), OMJ partners and other community service providers developed a supportive service policy that ensures resources and service coordination in the local Area?</p> <p style="text-align: right;"><b>WIOAPL 15-08.1</b></p>
		<p>12. Are supportive services and needs-related payments being provided to adults and dislocated workers who are participating in a career and/or training services?</p> <p style="text-align: right;"><b>WIOAPL 15-08.1</b></p>
		<p>13. Is the Area providing needs-related-payments (NRPs) for adults and dislocated workers who are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation for the purpose of enabling such individuals to participate in programs of training services?</p> <p style="text-align: right;"><b>WIOA PL 15-09.1 &amp; WIOAPL 15-14</b></p>
		<p>14. Are NRP funds being used only during the period in which an individual participates in WIOA training?</p> <p style="text-align: right;"><b>WIOAPL 15-14</b></p>
		<p>15. Does the participant meet the NRP training requirements as required in <b>WIOAPL 15-09.1?</b></p>
		<p>16. Does the Area have a local Self-Sufficiency policy?</p> <p style="text-align: right;"><b>Section 134(b)(3)(A)(i)(I) of WIOA &amp; WIOAPL 15-09.1</b></p>

Yes	No	
		17. Does the Area determine self-sufficiency for adults and dislocated workers who are going to receive training services?
		18. Does the Area ensure that eligible individuals are determined appropriate for training services based upon standardized tests, interviews, inventory of applicants' fields of interests, skills assessments, career exploration, available labor market information, and other data collected through the provision of a career service, that is relevant to the type of training the individual is applying for? <b>Section 134(b)(3)(A) of WIOA &amp; WIOAPL 15-09.1</b>
		19. Does the local Area have a "family self-sufficiency" policy? <b>WIOAPL 15-09.1</b>
		20. If so, does the area policy determine "family self-sufficiency" for participants seeking a WIOA adult funded ITA? <b>WIOAPL 15-09.1</b>
		21. Are 18-24-year-old adults who are seeking WIOA funded ITAs being screened for dependent status? <b>WIOAPL 15-06 &amp; WIOAPL 15-09.1</b>
		22. Are follow-up services made available to a participant who has been placed in unsubsidized employment for a minimum of twelve (12) months following the participant's first date of employment? <b>WIOAPL 15-08.1</b>
		23. Does the Area conduct oversight and monitoring of the implementation of the WIOA adult and dislocated worker programs to ensure that participants are enrolled in the programs and have received appropriate services? <b>WIOAPL 15-09.1</b>
		24. Is the Area meeting the WIOA performance measures as required by WIOA Section 116 (b)(2)(A)(iii) and WIOA Section 122(b)?

**CCMEP REVIEW SECTION  
YOUTH PROGRAM MANAGEMENT**

Yes	No	
		1. What type(s) of outreach activities does the Area conduct to ensure that appropriate links have been established with entities that will foster the participation of eligible youth?  a. Does it match the plan outlined in Section 2.3 in the CCMEP Plan? <b>20 CFR 681.420(c)</b>
		2. Does staff utilize a variety of social media to reach out to youth participants? If yes, what type of social media (See Section 2.3 in the CCMEP Plan)?
		3. Are design framework activities (the process of intake, determination of youth eligibility, initial assessment, comprehensive assessment, and the development of the individual service strategy) conducted by the local WIOA/CCMEP administrator/staff? <b>20 CFR 681.420(b)</b>
		4. If no to Question 3, which portions of the design framework are contracted? <b>20 CFR 681.400 (a)</b>
		5. Is the lead agency following the plan supportive services as described in Section 8.1 in the CCMEP Plan?

		6. What is the Lead Agency process for working with the other local participating agency (if the workforce agency is not combined with the CDJFS) and/or any subcontractors to communicate information regarding OWF work-eligible? <b>Section 9.1 &amp; 9.2 CCMEP Plan</b>
		7. What is the lead agency's communication plan or processes for working with the other local participating agency to ensure that CCMEP activities for OWF work-eligible participants comply with the terms of an individual opportunity plan? <b>Sections 9.1 &amp; 9.2 CCMEP Plan</b>
		8. List the youth program provider(s) contracted to provide framework activities and/or youth program elements. <b>Section 2.1 CCMEP Plan</b>
		9. Were the youth program provider(s) identified and awarded grants or contracts on a competitive basis by the local board? <b>Section 107 (d)(10)(B)(i) of WIOA &amp; 20 CFR 681.400(a)</b>
		10. Does the Area provide information and referrals to youth for appropriate services available through the Area, service providers, and Workforce System partners? <b>Section 2.5 of CCMEP Plan &amp; 20 CFR 681.570</b>

#### CCMEP INTAKE/ELIGIBILITY

Yes	No	
		1. Does the local Area have a definition of “requires additional assistance to complete an educational program, to secure and hold employment?” <b>20 CFR 681.300; Section 2.1 CCMEP Plan</b>
		2. Were youth served in this category? <b>20 CFR 681.210(c)(8)</b>
		3. How is this criterion documented?
		4. What assessment type/name is the Area using to determine basic skills? (BEST, CASAS, GAIN, SAT, ACT, MAPT, TABE, TABE locator, Work Keys, etc.) <b>Section 2.1 CCMEP Plan</b>

#### CCMEP FOLLOW-UP SERVICES

Yes	No	
		1. Did the youth provider create follow-up guidelines for staff to ensure follow-up services are provided to all youth in an effective manner? <b>5101:14-1-06 (D)(1)</b>
		2. If so, does the guidelines include what type of contact attempts should be performed and how they are documented? <b>5101:14-1-06 (D)(3)</b>
		3. How does the lead agency determine at which point to exit a participant (no soft exits; must provide a close reason)? <b>5101:14-1-06 (B)(2)</b>

## ADULT FILE CHECKLIST

<b>Name:</b>	<b>WIOA Area/County:</b>		
	<b>Date entered program:</b> <span style="float: right; color: blue;">PIRL 900</span>		
<b>Status:</b> Active <input type="checkbox"/> Exited <input type="checkbox"/>	<b>Co-Enrolled:</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/> DW	<input type="checkbox"/> OSY	<input type="checkbox"/> No

<b>Eligibility:</b> OAC 5101:9-30-04 and OAC 5101:9-9-21; WIOAPL15-02.1; WIOAPL15-04; 15-05; 15-06 & 15-07.2				
1. Date of Birth:	Documentation:			
2. Age at Date of WIOA eligibility:	Documentation:			
3. Citizenship Status/Authorization to Work in the US: (Can also be verified by self-attestation form JFS-13187)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:	
4. Selective Service Registration:      WIOAPL 15-04 <a href="https://www4.sss.gov/regver/verification1.asp">https://www4.sss.gov/regver/verification1.asp</a>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Documentation:
5. Determination of Dependency Status (for adult participants ages 18-24 applying for an ITA)      WIOAPL 15-06	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	
6. Does the file contain a <u>signed</u> and <u>dated</u> disclosure of relationship?      WIOAPL 15-05	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
7. If yes, was a relationship disclosed	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If yes, was area policy followed: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
8. Is there a signed and dated Complaint Procedures document in file?	<input type="checkbox"/> Yes	<input type="checkbox"/> No		

<b>Low-Income:</b> Priority is given to adult participants who are recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.      WIOAPL 15-07.2; 15-08.1 & 15-19.1	
1. Participant determined to be low-income: <input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> Public Assistance <input type="checkbox"/> 100% of FPL <input type="checkbox"/> 70% of LLSIL <input type="checkbox"/> Food Stamps (aka: SNAP) <input type="checkbox"/> Family Income <input type="checkbox"/> Homeless Individual <input type="checkbox"/> Foster Child <input type="checkbox"/> Individual with a disability	
2. Documentation: <input type="checkbox"/> PA Records <input type="checkbox"/> Pay Records <input type="checkbox"/> Self-Attestation (JFS-13186) <input type="checkbox"/> Other: _____	
3. File contain calculations: <input type="checkbox"/> Yes <input type="checkbox"/> No	

<b>Basic Career Service:</b> Self-Services available to the universal customer.      TEGL WIOA 3-15; WIOAPL 15-08.1; 15-09.1 & 15-11.1			
<input type="checkbox"/> Eligibility Determination to receive WIOA services	<input type="checkbox"/> Orientation to info. & other service available through the workforce systems	<input type="checkbox"/> Labor Market employment statistical information using OMJ	<input type="checkbox"/> Self-administered initial assessment of skill levels and needs for supportive services (including literacy, numeracy, & English language proficiency) aptitudes, abilities (skill gaps).

<input type="checkbox"/> Provision of performance information & cost information on the WIET services	<input type="checkbox"/> Provision of referrals to and coordination of activities with other programs and services
<input type="checkbox"/> Provision of information and assistance regarding filing claims for UC	<input type="checkbox"/> Group workshops (e.g., interviewing, job search, and resume writing)

<b>Self-Sufficiency:</b> If an individual is being considered for training services and is employed, local Areas must determine if the applicant is self-sufficient before providing those services, based on the local definition by the Workforce Development Board. <b>TEGL WIOA 3-15; WIOAPL 15-07.2 &amp; WIOAPL 15-09.1</b>			
1. Is the participant employed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:
2. What is the income/wage:	\$		Documentation:
3. Does the file contain income calculations?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
4. Does the participant meet the local area policy?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

<b>Individualized Career Services:</b> Are services available to adults that are determined to be appropriate in order for them to obtain or retain employment. (Involves staff making a determination of needs of an individual and arranging those services to be provided to the participant). <b>TEGL WIOA 3-15; Section 134 (c)(2)(A)(xii), WIOAPL 15-08.1 &amp; WIOAPL 15-09.1</b>			
<input type="checkbox"/> Comprehensive and Specialized assessments of the skill levels and service needs	<input type="checkbox"/> English Language acquisition and integrated education/training programs	<input type="checkbox"/> Group counseling or individual counseling	<input type="checkbox"/> Short-term prevocational services to prepare individuals for unsubsidized employment or training
<input type="checkbox"/> Career Counseling	<input type="checkbox"/> Internship and work experiences that are linked to careers	<input type="checkbox"/> IEP/ Employment Goal	<input type="checkbox"/> Provision of job club activities
<input type="checkbox"/> Workforce Preparation Activities	<input type="checkbox"/> Out of area job search assistance and relocation assistance.		<input type="checkbox"/> Financial Literacy Services
1. Date of First Individualized Career Service:			
2. Does the Area document the appropriateness for training services?			<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Does the participant have an Individual Employment Plan (IEP)?			<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Does the IEP incorporate assessment results?			<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Does the IEP identify the participant's employment goals, the appropriate achievement objectives, and the appropriate combination of services for the participant to achieve the employment goals?			<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Do participants have focused employment goals or career objectives?			<input type="checkbox"/> Yes <input type="checkbox"/> No

7. Is the IEP updated and modified as necessary to reflect participant achievements or changes in service strategy?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. Documentation: <input type="checkbox"/> Gateway Checklist <input type="checkbox"/> Case Notes <input type="checkbox"/> Other (Identify): _____		

<b><u>Training Services:</u></b> <input type="checkbox"/> N/A For training purposes, must be 18 years of age or older, be legally authorized to work in the US and be properly registered for Selective Service. Training contracts may be provided in lieu of ITAs such as OJTs, IWTs and Customized Training. <b>TEGL WIOA 3-15; WIOAPL 15-09.1; WIOAPL 15-11.1; Section 134(b)(3) of WIOA</b>					
<input type="checkbox"/> On-the-Job training (OJT) <small>WIOAPL 15-22.1 (Non-Youth) PIRL CODE 01</small>		<input type="checkbox"/> Skill upgrading and retraining <small>PIRL CODE 02</small>		<input type="checkbox"/> Entrepreneurial Training <small>(Non-Youth) PIRL CODE 03</small>	
<input type="checkbox"/> ABE or ESL in conjunction with training <small>PIRL CODE 04</small>		<input type="checkbox"/> Customized Training <small>PIRL CODE 05</small>		<input type="checkbox"/> Occupational Skills <small>(Non-Youth) PIRL CODE 06</small>	
<input type="checkbox"/> ABE or ESL not in conjunction of training <small>PIRL CODE 07</small>		<input type="checkbox"/> Prerequisites Training <small>PIRL CODE 08</small>		<input type="checkbox"/> Registered Apprenticeship <small>PIRL CODE 09</small>	
<input type="checkbox"/> Other Non-Occupational Skills Training <small>PIRL CODE 11</small>		<input type="checkbox"/> Job Readiness Training in conjunction with other training. <small>PIRL CODE 12</small>		<input type="checkbox"/> No Training Services <small>PIRL CODE 00</small>	
<input type="checkbox"/> Programs that combine workplace training with related instruction, which may include cooperative education programs.		<input type="checkbox"/> Training programs operated by the private sector		<input type="checkbox"/> Incumbent Worker Training (IWT) <small>WIOAPL 15-23</small>	
1. Participated in post-secondary education during program participation that leads to a credential or degree from secondary education institution at any point during the program participation. <small>PIRL CODE 1332</small>				<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. If enrolled in secondary education program is at or above 9 <sup>th</sup> Grade Level (includes both secondary school and enrollment in a program of study with instructions designed to lead to a high school equivalent credentials). <small>PIRL CODE 1401</small>				<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Before receiving training services, have the participants been interviewed, evaluated or assessed and career planning determines that the individual requires training to obtain employment or remain employed?				<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Was an ITA/training contract established? <b>Note:</b> adult and youth co-enrollment can give an in-school youth customer access to an ITA				<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Name of Institution:					
6. Does the case file contain current evaluations or assessments?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	7. Does the file justify the need for training?	
				<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. Does the adult participant meet a locally defined "family sufficiency" standard?				<input type="checkbox"/> Yes	<input type="checkbox"/> No

9. Is the participant's job/career training in a demand occupation?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:
10. Was the vendor on the Workforce Inventory Education Training (WIET) List:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Area of Study:	
11. Applied for Grants:	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
12. Date Entered Training:		13. Date Exited Training: (if active, mark N/A):		
14. Did the participant receive a diploma/credential/license?		<input type="checkbox"/> Yes		<input type="checkbox"/> No
15. If yes above, Documentation and date: of diploma/credential/license				
16. Was the training end date entered into ARIES?			<input type="checkbox"/> Yes	<input type="checkbox"/> No

<b><u>On-the-Job Training (OJT):</u></b>					<input type="checkbox"/> N/A	(Employers can be reimbursed up to 75% for an OJT)				
						<b>WIOAPL 15.22.1</b>				
1. Does the IEP reflect OJT as an appropriate activity?						<input type="checkbox"/> Yes		<input type="checkbox"/> No		
2. Does the training plan outline the skills to be learned?						<input type="checkbox"/> Yes		<input type="checkbox"/> No		
3. Does the file contain evidence to justify the length of training?						<input type="checkbox"/> Yes		<input type="checkbox"/> No		
4. Were the OJT training plans signed by:						<input type="checkbox"/> Yes		<input type="checkbox"/> No		
<input type="checkbox"/> Employer <input type="checkbox"/> Local Workforce Agency <input type="checkbox"/> Trainee <input type="checkbox"/> Union (if applicable) <input type="checkbox"/> ODJFS Trade Program (if applicable)										
5. Was there a monitoring process to ensure satisfactory progress of the participant?						<input type="checkbox"/> Yes		<input type="checkbox"/> No		
6. If yes, was there timely monitoring?			<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:					
7. Does the reimbursement amount reflect an appropriate percentage of wages based on the local OJT policy?						<input type="checkbox"/> Yes		<input type="checkbox"/> No		
8. Date Entered Training:				9. Date Exited Training: (if active, mark N/A)						
10. OJT Employer:				11. OJT Job Title:						
12. OJT Begin Wage:				13. OJT Ending Wage:						
14. Was each skill attained as a result of training?						<input type="checkbox"/> Yes		<input type="checkbox"/> No		

<b>Supportive Service:</b>						<b>TEGL WIOA 3-15; WIOAPL 15-08.1; WIOAPL 15-14 &amp; Section 134 (d)(2)</b>					
1. Was the need identified?			<input type="checkbox"/> Yes	<input type="checkbox"/> No	If no, explain:						
2. How was the need identified and documented?											
3. Was the need met?			<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	If no, explain:					
4. Was the need met, by referral?			<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	If yes, explain:					
5. What supportive service was requested/provided: <input type="checkbox"/> None Requested <input type="checkbox"/> Child Care <input type="checkbox"/> Dependent Care <input type="checkbox"/> Transportation <input type="checkbox"/> Housing <input type="checkbox"/> Tools/Uniforms <input type="checkbox"/> Other (explain)											
6. If policy sets limits, is the service within the limits?				<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	If no, explain:				
7. Was a Needs-Related Payment (NRPs) provided?				<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	If no, explain:				
8. Was the participant eligible to receive an NRP as required by WIOAPL 15-14?				<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	If yes, explain:				
9. Does the Adult participant meet the training requirements for NRPs as required by WIOAPL 15-14?				<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	If yes, explain:				
<b>Outcome &amp; Performance Measures:</b> <input type="checkbox"/> N/A <b>Section 116(b)(2)(A)(iii) of WIOA &amp; Section 122(b) of WIOA</b>											
1. Entered Employment:			<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:						
2. Exit Reason:			<input type="checkbox"/> Yes	<input type="checkbox"/> No	Other Reasons for Exit <span style="float: right;">PIRL 923</span>						
3. Job Title:					4. Was training related			<input type="checkbox"/> Yes	<input type="checkbox"/> No		
5. Hourly Wage: \$						6. Credential?		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
7. Type of Credential: <span style="float: right;">PIRL 1800</span>					8. Date Attained Credential: <span style="float: right;">PIRL 1801</span>						
9. Date enrolled in post exit education or training program leading to a recognized post-secondary credential?								Date <span style="float: right;">PIRL CODE 1406</span>			
10. Date of most recent measurable skills gains: Educational Functioning Level (EFL): <span style="float: right;">PIRL 1806</span>						11. Date of most recent measurable skills gains: <u>post-secondary</u> transcript/report card): <span style="float: right;">PIRL 1807</span>					
12. Date of most recent measurable skills gains secondary transcript/report card): <span style="float: right;">PIRL 1808</span>						13. Date of most recent measurable skills gains: Training Milestone: <span style="float: right;">PIRL 1809</span>					
14. Date of most recent measurable skills gains: Skills Progression: <span style="float: right;">PIRL 1810</span>						15. Date enrolled during program participation in an education or training program leading to a recognized postsecondary credential or employment: <span style="float: right;">PIRL 1811</span>					





## DISLOCATED WORKER FILE CHECKLIST

<b>Name:</b>		<b>WIOA Area/County:</b>										
		<b>Date entered program:</b> <span style="float: right; color: blue;">PIRL 900</span>										
<b>Status:</b> <input type="checkbox"/> Active <input type="checkbox"/> Exited		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; vertical-align: top;"><b>Co-enrolled:</b></td> <td style="width: 16.5%; text-align: center;"><input type="checkbox"/> Yes</td> <td style="width: 16.5%; text-align: center;"><input type="checkbox"/> No</td> <td style="width: 35%; text-align: center;"><input type="checkbox"/> Trade</td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="checkbox"/> Adult</td> <td style="text-align: center;"><input type="checkbox"/> Youth</td> <td></td> </tr> </table>			<b>Co-enrolled:</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Trade		<input type="checkbox"/> Adult	<input type="checkbox"/> Youth	
<b>Co-enrolled:</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Trade									
	<input type="checkbox"/> Adult	<input type="checkbox"/> Youth										
<b>WIOA Eligibility:</b> OAC 5109:9-30-04 & OAC 5101: 9-9-21; WIOAPL 15-02; 15-04; 15-5 & 15-07.2												
1. Date of Birth:												
2. Age at date of WIOA eligibility:		Documentation:										
3. Citizenship Status/Authorization to Work in the US: (Can also be verified by self-attestation from JFS-13187)		<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:								
4. Selective Service Registration: <a href="https://www4.sss.gov/regver/verification1.asp">https://www4.sss.gov/regver/verification1.asp</a> WIOPL 15-04	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Documentation:								
5. Does the file contain a <u>signed</u> and <u>dated</u> disclosure of relationship?    WIOAPL 15-05	<input type="checkbox"/> Yes	<input type="checkbox"/> No										
6. If yes, was a relationship disclosed	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If yes, was area policy followed: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A									
7. Is there a signed and dated Complaint Procedures document in file?	<input type="checkbox"/> Yes	<input type="checkbox"/> No										
<b>Dislocated Worker Eligibility:</b> OAC 5109:9-30-04 & OAC 5101: 9-9-21; WIOAPL 15-02; WIOAPL 15-07.2 The JFS-13186, Self-Attestation form can be used to verify several categories, refer to WIOAPL 15-07.2 for details.												
1. Eligibility Criteria A. Terminated or laid off, or received a notice of termination or layoff, (if dislocated workers are UCRS eligible, they only have to document number 5)(Each portion of the criteria (either B, C, D, or E) must be fully documented in the case record)												
<b>A. Has been terminated/laid off:</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:									
1. Proof of termination or layoff (and)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:									
2. Proof of UC or exhausted entitlement (or)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:									
3. Proof of duration of employment or attached workforce but not UC eligible (and)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:									
4. Is unlikely to return to a previous industry	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:									
5. Has been identified as meeting the criteria for RESEA selection	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:									
<b>B. Plant Closure or Substantial Layoff:</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:									
Substantial Lay-Off plant/facility/enterprises (or)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:									
Public Announcement:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:									
<b>C. Self-Employed:</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:									
<b>D. Displaced Homemaker:</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:									
<b>E. Military Spouse:</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:									

2. Able to determine eligibility based on documentation referenced above:		<input type="checkbox"/> Yes	<input type="checkbox"/> No	If no, explain:
3. Dislocation Date:				
<b>Basic Career Service:</b> Self-Services available to universal customer. TEGL WIOA 3-15; WIOAPL 15-08.1; 15-09.1; & 15-11.1				
<input type="checkbox"/> Eligibility Determination to receive WIOA services	<input type="checkbox"/> Orientation to info. & other services available through the workforce systems	<input type="checkbox"/> Labor Market employment statistical info. using OMJ	<input type="checkbox"/> Self-administered initial assessment of skill levels and needs of supportive services (including literacy, numeracy, and English language proficiency), aptitudes, abilities (skill gaps).	
<input type="checkbox"/> Provision of performance information & cost information on the WIET services		<input type="checkbox"/> Provision of referrals to and coordination of activities with other programs and services (including Financial aid)		
<input type="checkbox"/> Provision of information and assistance regarding filing claims for UC		<input type="checkbox"/> Group workshops (e.g., interviewing, job search, and resume writing)		

<b>Self-Sufficiency:</b> If an individual is being considered for training services and is employed, local areas must determine if the applicant is self-sufficient before providing those services, based on the local definition by the Workforce Development Board.			
1. Is the participant employed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:
2. What is the income/wage:	\$		Documentation:
3. Does the file contain income calculations?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
4. Does the participant meet the local area policy?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

<b>Individualized Career Services:</b> Involves staff making a determination of needs of an individual and arranging those services to be provided to the participant. TEGL WIOA 3-15; Section 134 (c)(2)(A)(xii); WIOAPL 15-08.1 & 15-09.1			
<input type="checkbox"/> Comprehensive and specialized assessments	<input type="checkbox"/> English Language Acquisition and integrated education/training programs	<input type="checkbox"/> Group counseling or Individual counseling	<input type="checkbox"/> Short-term prevocational services to prepare individuals for unsubsidized employment or training
<input type="checkbox"/> Career Counseling	<input type="checkbox"/> Internship and work experiences that are linked to careers	<input type="checkbox"/> IEP/Employment Goals	<input type="checkbox"/> Provision of job club activities
<input type="checkbox"/> Workforce preparation activities	<input type="checkbox"/> Out of the area job search assistance and relocation that are linked to careers		<input type="checkbox"/> Financial Literacy Services

1. Date of First Individualized Career Service:		
2. Does the area document the appropriateness for training services?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Does the participant have an Individual Employment Plan (IEP)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Do the IEPs incorporate assessment results?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Does the participant have focused employment goals or career objectives?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Does the IEP identify the participant's employment goals, the appropriate achievement objectives, and the appropriate combination of services for the participant to achieve the employment goals?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. Are IEPs updated and modified as necessary to reflect participant achievements or changes in service strategy?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. Documentation: <input type="checkbox"/> Gateway Checklist <input type="checkbox"/> Case Notes <input type="checkbox"/> Other (Identify): _____		

<b>Training Services:</b> <input type="checkbox"/> N/A <b>TEGL WIOA 3-15; WIOAPL 15-09.1; 15-11.1; 15-23 &amp; 15-22.1; Section 134(b)(3) of WIOA</b> Training contracts may be provided in lieu of ITAs such as OJTs, IWTs and Customized Training.		
<input type="checkbox"/> On-the-Job training (OJT) <small>WIOAPL 15-22.1 (Non-Youth) PIRL CODE 01</small>	<input type="checkbox"/> Skill upgrading and retraining <small>PIRL CODE 02</small>	<input type="checkbox"/> Entrepreneurial Training <small>(Non-Youth) PIRL CODE 03</small>
<input type="checkbox"/> ABE or ESL in conjunction with training <small>PIRL CODE 04</small>	<input type="checkbox"/> Customized Training <small>PIRL CODE 05</small>	<input type="checkbox"/> Occupational Skills <small>(Non-Youth) PIRL CODE 06</small>
<input type="checkbox"/> ABE or ESL not in conjunction of training <small>PIRL CODE 07</small>	<input type="checkbox"/> Prerequisites Training <small>PIRL CODE 08</small>	<input type="checkbox"/> Registered Apprenticeship <small>PIRL CODE 09</small>
<input type="checkbox"/> Other Non-Occupational Skills Training <small>PIRL CODE 11</small>	<input type="checkbox"/> Job Readiness Training in conjunction with other training. <small>PIRL CODE 12</small>	<input type="checkbox"/> No Training Services <small>PIRL CODE 00</small>
<input type="checkbox"/> Programs that combine workplace training with related instruction, which may include cooperative education programs.	<input type="checkbox"/> Training programs operated by the private sector	<input type="checkbox"/> Incumbent Worker Training (IWT) <small>WIOAPL 15-23</small>
1. Participated in Postsecondary Education During Program Participation that leads to a credential or degree from secondary education institution at any point during the program participation. <small>PIRL CODE 1332</small>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. If enrolled in Secondary Education Program is at or above 9 <sup>th</sup> Grade Level (includes both secondary school and enrollment in a program of study with instructions designed to lead to a high school equivalent credentials). <small>PIRL CODE 1401</small>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Before receiving training services, have the participants been interviewed, evaluated or assessed and career planning determines that the individual requires training to obtain employment or remain employed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Was an ITA/training contract established? <b>Note:</b> adult and youth co-enrollment can give an in-school youth customer access to an ITA	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Name of Institution:		

6. Does the case file contain current evaluations or assessments?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	7. Does the file justify the need for training?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. Is the participant's job/career training in a demand occupation?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:		
9. Was the vendor on the Workforce Inventory Education Training List (WIET)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Area of Study:		
10. Applied for Grants:			<input type="checkbox"/> Yes	<input type="checkbox"/> No	
11. Is Trade available to pay for training?			<input type="checkbox"/> Yes	<input type="checkbox"/> No	
12. Date Entered Training:	13. Date Exited Training: (if active, mark N/A)				
14. Did the participant receive a diploma/credential/license?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:		
15. Was the training end date entered into ARIES?			<input type="checkbox"/> Yes	<input type="checkbox"/> No	
<b>On-the-Job Training (OJT):</b> <input type="checkbox"/> N/A <span style="float: right;"><b>WIOAPL 15-22.1</b></span>					
<b>Note:</b> Employers can be reimbursed up to 75% for an OJT					
1. Does the IEP reflect OJT as an appropriate activity?			<input type="checkbox"/> Yes	<input type="checkbox"/> No	
2. Does the training plan outline the skills to be learned?			<input type="checkbox"/> Yes	<input type="checkbox"/> No	
3. Does the file contain evidence to justify the length of training?			<input type="checkbox"/> Yes	<input type="checkbox"/> No	
4. Were the OJT training plans signed by:			<input type="checkbox"/> Yes	<input type="checkbox"/> No	
<input type="checkbox"/> Employer <input type="checkbox"/> Local Workforce Agency <input type="checkbox"/> Trainee <input type="checkbox"/> Union (if applicable) <input type="checkbox"/> ODJFS Trade Program (if applicable)					
5. Was there a monitoring process to ensure satisfactory progress of the participant?			<input type="checkbox"/> Yes	<input type="checkbox"/> No	
6. If yes, was there timely monitoring?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:		
7. Does the reimbursement amount reflect an appropriate percentage of wages based on the local OJT policy?			<input type="checkbox"/> Yes	<input type="checkbox"/> No	
8. Date Entered Training:	9. Date Exited Training: (if active, mark N/A)				
10. OJT Employer:	11. OJT Job Title:				
12. OJT Begin Wage:	13. OJT Ending Wage:				
14. Was each skill attained as a result of training?			<input type="checkbox"/> Yes	<input type="checkbox"/> No	

**Supportive Service:****Section 134 (d)(2) TEGL WIOA 3-15; WIOAPL 15-08.1 & WIOAPL 15-14**

1. Was the need identified?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If no, explain:	
2. How was the need identified and documented?				
3. Was the need met?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	If no, explain:
4. Was the need met by referral?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	If yes, explain:
5. What supportive service(s) was/were requested and/or provided:				
<input type="checkbox"/> None Requested <input type="checkbox"/> Child Care <input type="checkbox"/> Dependent Care <input type="checkbox"/> Transportation <input type="checkbox"/> Housing <input type="checkbox"/> Tools/Uniforms <input type="checkbox"/> Other (explain)				
6. If policy sets limits, is the service within the limits?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	If no, explain:
7. Was a Needs-Related Payment (NRP) provided?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	If yes, explain:
8. Was the participant eligible to receive the NRP as required by WIOAPL 15-14?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	If yes, explain:
9. Does the Participant meet the training requirements for NRP's as required by WIOAPL 15-14?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	If yes, explain:

**Outcome & Performance Measures:**☐ N/A

1. Entered Employment:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:
2. Exit Reason: Employment?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Other reason for exit: <a href="#">PIRL 923</a>
3. Job Title:			
4. Was training Related:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	5. Hourly Wage: \$
6. Credential:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	7. Date Attained Credential: <a href="#">PIRL 1801</a>
8. Type of Credential? <a href="#">PIRL 1800</a>			
9. Date enrolled in post exit education or training program leading to a recognized post-secondary credential? <a href="#">PIRL 1406</a>			Date:
10. Date of most recent measurable skills gains educational functioning level (EFL). <a href="#">PIRL 1806</a>			Date:
11. Date of most recent measurable skills gains (post-secondary) transcript report card? <a href="#">PIRL 1807</a>			Date:

12. Date of most recent measurable skills gains (secondary transcript/reports card)? PIRL 1808	Date:
13. Date of most recent measurable skills gains (training milestone)? PIRL 1809	Date:
14. Date of most recent measurable skills gains (skills progression)? PIRL 1810	Date:
15. Date enrolled during program participation in an education or training program leading to a recognized post-secondary credential or employment? PIRL 1811	Date:

<b>Post-Placement Service(s):</b>	<input type="checkbox"/> N/A (Service(s) provided after employment but prior to exit)
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<input type="checkbox"/> Career Planning/Counseling	<input type="checkbox"/> Contact with Participant's Employer	<input type="checkbox"/> Job Referrals	<input type="checkbox"/> Limited Training
<input type="checkbox"/> Educational Opportunities	<input type="checkbox"/> Supportive Services	<input type="checkbox"/> Other: (explain)	

<b>Follow-Up Services:</b>	<input type="checkbox"/> N/A (Mark N/A if participant remains active)	<b>WIOAPL 15-08.1</b>
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1. Date Program Exit:				PIRL 901			
2. Quarterly Contact:							
1 <sup>st</sup> Quarter	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Documentation: Employed in 1 Quarter after exit? PIRL 1600	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
2 <sup>nd</sup> Quarter	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Documentation: Employed in 2 Quarter after exit? PIRL 1602	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
			Were there wages 2 <sup>nd</sup> Quarter after exit? PIRL 1704		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
3 <sup>rd</sup> Quarter	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Documentation: Employed in 3 Quarter after exit? PIRL 1604	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
4 <sup>th</sup> Quarter	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Documentation: Employed in 4 <sup>th</sup> Quarter after exit? PIRL 1606	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

<b>Other:</b>
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1. Did participant file a complaint with the local Area?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Did local Area follow complaint procedures?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Did the hard copy file contain case notes?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Did ARIES contain case notes?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**Comments:**



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## CCMEP FILE CHECKLIST

Name:		CCMEP lead agency/County:		Date entered program: <span style="color: blue;">PIRL 900</span>	
Did a contractor provide services? <input type="checkbox"/> Yes or <input type="checkbox"/> No			Name of contractor?		
<b><u>Status:</u></b>			<input type="checkbox"/> Active	<input type="checkbox"/> Exited	
<input type="checkbox"/> In-school youth	<input type="checkbox"/> Out-of-school youth	Co-enrolled?		<input type="checkbox"/> Yes	<input type="checkbox"/> Adult
				<input type="checkbox"/> No	<input type="checkbox"/> TANF <input type="checkbox"/> WIOA
<b><u>CCMEP Eligibility:</u></b> <span style="float: right;"><b>WIOAPL 15-03.1, 15-04, 15-05, 15-06, 15- 07.1</b></span> <small>(Required participants: 14-24 years old; Volunteer participants: 14-24 years old; and in-school youth: 14-21 years of age; Out-of-School Youth: 16-24 years)</small>					
If referred, what date is the referral _____ Date of IOP _____ Date of Assessment _____					
1. Did the lead agency use form JFS03002?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	2. Is the application signed?	
				<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. If no Q.2, Verbal Consent Documented? In Case Notes: Yes or No			4. Date of Birth:		
5. Age at date of CCMEP eligibility:			Documentation:		
6. Citizenship Status/Authorization to Work in the US: (Can also be verified by self-attestation from JFS-13187)			<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A (OWF/PRC)
7. Selective Service Registration: <a href="https://www4.sss.gov/regver/verification1.asp">https://www4.sss.gov/regver/verification1.asp</a>		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Documentation:
8. Determination of Dependent Status:		<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:	
9. Was TANF eligibility determined?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:	
10. Was WIOA eligibility determined?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:	
11. Does the file contain a <u>signed</u> and <u>dated</u> disclosure of relationship?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	11. If yes, was area policy followed: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
12. Is there a <u>signed</u> and <u>dated</u> Complaint Procedure document in file?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	13. Military Status?	
14. Is the participant enrolled in school?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:	
15. Does the participant have a high school diploma?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:	
16. Was an opportunity to register to vote offered to the participant?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:	

**CCMEP Eligibility:**

WIOAPL 15-03.1(V), 15-07.2, Section 129 of WIOA &amp; 5101:10-3-01(M)(2)

**Youth must document one of the following barriers in addition to meeting one of the low-income criteria.****In-School Youth Barrier Categories***(ISY: 14-21 years old):*

- ☐ Low-income individual *and* has one or more of the following barriers:
- ☐ Basic skills deficient;
  - ☐ An English language learner;
  - ☐ An Offender;
  - ☐ A homeless individual, runaway
  - ☐ Foster care or aged out of foster care
  - ☐ Pregnant or parenting
  - ☐ Individual with a Disability (can be up to 23 yr. old)
  - ☐ Individual who requires additional assistance

**Out-of-School Youth Barrier Categories***(OSY: 14 – 24 years old, not attending any school):*

- ☐ A school drop-out
- ☐ Age of compulsory school attendance but has not attended school
- ☐ Diploma or equivalent, *low income*, basic skills deficient;
- ☐ English language learner and *low income*
- ☐ Offender or subject to juvenile/adult justice system
- ☐ A homeless individual or runaway
- ☐ Foster care or aged out of foster care
- ☐ Pregnant/Parenting
- ☐ Individual with a Disability
- ☐ *Low Income* who requires additional assistance

**5% Exception Category****5101:10-3-01 (M)(2)**

Up to 5% of in-school youth participants served by youth programs in a local area may be individuals who would be covered individuals except that the persons are not *low-income* (WIOPL 15-03.1(V)).

*(must have at least one check if income criteria is not met):*

- ☐ Deficient basic skills
- ☐ School Dropout
- ☐ Homeless/Runaway
- ☐ Pregnant/Parenting Youth
- ☐ Offender
- ☐ Disabilities (including learning disabilities)
- ☐ One or more grade levels below
- ☐ Face barriers to employment

***Low Income*** (Section 3 (36)(a) of WIOA)*(Must meet at least one condition to be considered low income)*

Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received assistance through one of the following:

- ☐ Temporary Assistance for Needy Families (TANF)
- ☐ Supplemental Security Income (SSI)
- ☐ Supplemental Nutrition Assistance Program (SNAP)
- ☐ Member of a household that receives other Cash Public Assistance

OR

- ☐ Family Income does not exceed the higher of the
  - Poverty line; or
  - 70% of the Lower Living Standard Income Level
- ☐ Homeless Individual
- ☐ Youth Living in a high poverty area
- ☐ Foster Child
- ☐ Disabled Individual
- ☐ Receives or is eligible to receive a free or reduced-price lunch (42 U.S.C. 1751 et seq.)

<b>Comprehensive Assessment:</b>		<b>Date of Assessment/WIOA Service:</b> _____									
<b>WIOAPL 15-10(5)(C) &amp; 5101:14-1-04</b>											
1. The comprehensive assessment used (JFS 03003, JFS 03006, or JFS 03008 Stepping Stones) must review and contain information for all of the following <table border="0" style="width: 100%;"> <tr> <td><input type="checkbox"/> Occupational skills</td> <td><input type="checkbox"/> Prior work experience</td> </tr> <tr> <td><input type="checkbox"/> Employability</td> <td><input type="checkbox"/> Interests</td> </tr> <tr> <td><input type="checkbox"/> Aptitudes</td> <td><input type="checkbox"/> Supportive service needs</td> </tr> <tr> <td><input type="checkbox"/> Developmental needs</td> <td><input type="checkbox"/> Basic skills</td> </tr> </table>				<input type="checkbox"/> Occupational skills	<input type="checkbox"/> Prior work experience	<input type="checkbox"/> Employability	<input type="checkbox"/> Interests	<input type="checkbox"/> Aptitudes	<input type="checkbox"/> Supportive service needs	<input type="checkbox"/> Developmental needs	<input type="checkbox"/> Basic skills
<input type="checkbox"/> Occupational skills	<input type="checkbox"/> Prior work experience										
<input type="checkbox"/> Employability	<input type="checkbox"/> Interests										
<input type="checkbox"/> Aptitudes	<input type="checkbox"/> Supportive service needs										
<input type="checkbox"/> Developmental needs	<input type="checkbox"/> Basic skills										
2. Was a Basic Skills Assessment completed? (i.e., TABE, TABE Locator, ACT, SAT, WorkKeys BEST, CASAS, GAIN, MAPT)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Type:								
3. Is the Comprehensive Assessment signed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No									
4. If no Q.3, Verbal Consent Documented	<input type="checkbox"/> Yes	<input type="checkbox"/> No	In Case Notes: Yes or No								
<b>Individual Opportunity Plan and Activities</b>		<b>Date of IOP:</b> _____									
<b>WIOAPL 15-10(V)(C) &amp; 5101:14-1-05</b>											
1. Did the case file contain evidence of an ISS?	<input type="checkbox"/> Yes	<input type="checkbox"/> No									
2. Did the development of an IOP contain information for all of the following: <table border="0" style="width: 100%;"> <tr> <td><input type="checkbox"/> Identification of the program participant's career pathway that includes employment and education goals;</td> </tr> <tr> <td><input type="checkbox"/> Development of short-term goals;</td> </tr> <tr> <td><input type="checkbox"/> Identification of services necessary for the program participant to achieve goals;</td> </tr> <tr> <td><input type="checkbox"/> Assignment to services based on individual need(s)</td> </tr> </table>				<input type="checkbox"/> Identification of the program participant's career pathway that includes employment and education goals;	<input type="checkbox"/> Development of short-term goals;	<input type="checkbox"/> Identification of services necessary for the program participant to achieve goals;	<input type="checkbox"/> Assignment to services based on individual need(s)				
<input type="checkbox"/> Identification of the program participant's career pathway that includes employment and education goals;											
<input type="checkbox"/> Development of short-term goals;											
<input type="checkbox"/> Identification of services necessary for the program participant to achieve goals;											
<input type="checkbox"/> Assignment to services based on individual need(s)											
3. Was the IOP goals and strategies updated as education/training goals are achieved or as the needs of the youth change?	<input type="checkbox"/> Yes	<input type="checkbox"/> No									
4. If yes to question 3, are the updates signed by all parties?	<input type="checkbox"/> Yes	<input type="checkbox"/> No									
5. If no to Q.4, IOP Verbal Consent Documented?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	In Case Notes: Yes or No								
6. Are assigned services based on individual need(s)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No									
7. Were services provided leading to the attainment of a secondary diploma or its recognized equivalent, or a recognized post-secondary credential?	<input type="checkbox"/> Yes	<input type="checkbox"/> No									
8. Is the IOP signed and dated by all parties (Participant, Parent/Guardian, and Case Manager)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No									

9. Evidence that there are strong linkages between academic instructions and occupation education that lead to the attainment of recognized post-secondary credentials?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
10. Does the IOP contain evidence of preparation for unsubsidized employment opportunities (as appropriate)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
11. Are there effective connections to employers, including small employers, in in-demand industry sectors and occupations that the local and regional labor markets?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**Program Elements/Services:**

**WIOAPL 15-10(V)(D), Section 129(c)(2) of WIOA & 5101:14-1-05**

Lead agencies must make available to CCMEP participants the following 14 specific core youth elements:

1. List the program elements which were provided to this youth:

- ☐ Tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies.
- ☐ Alternative secondary school offerings dropout prevention and recovery strategies.
- ☐ Paid/unpaid work experiences that have as a **component academic & occupational education**, which may include:
  - A. Summer employment opportunities & other employment opportunities available throughout the school year
  - B. Pre-apprenticeship programs
  - C. Internships and job shadowing
  - On-the-Job training opportunities

☐ WIOA Funded  
☐ TANF Funded
- ☐ Occupational skill training
- ☐ Education offered currently with the in the context as workforce preparation activities
- ☐ Leadership development opportunities
- ☐ Supportive services
- ☐ Adult mentoring (no less than 12 months and formal relationship, interactions face to face)
- ☐ Follow-up services (minimum of 12 months in duration and must include more than only a contact attempt or made for securing documentation in order to report performance).
- ☐ Comprehensive guidance and counseling (may include drug/alcohol abuse as well as referral to counseling, as appropriate to the needs of the youth)
- ☐ Financial literacy education
- ☐ Entrepreneurial skills training
- ☐ Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services
- ☐ Activities that help youth prepare for and transition to postsecondary education and training

2. Were the provided program elements based on the participant's assessments and IOP?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<p><b><u>Paid or Unpaid Work Experience:</u></b></p> <p style="text-align: right;"><b>WIOAPL 15-10 &amp; WIOAPL 15-13</b></p>		
<p>1. If a paid or unpaid work experience was provided to the youth participant, did the file contain the following:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Comprehensive assessment and IOP (indicating need for work experience);</li> <li><input type="checkbox"/> Justification for incentive/stipend and description of type of payment method and amount, if applicable;</li> <li><input type="checkbox"/> Worksite Agreement to include all attachments, such as a training plan and job description;</li> <li><input type="checkbox"/> Time sheets, attendance sheets, and performance records;</li> <li><input type="checkbox"/> Documentation of receipt of incentives, stipends and supportive services received;</li> <li><input type="checkbox"/> Proof of age/Parental consent (under 18 years of age);</li> <li><input type="checkbox"/> Schooling Certificate (Work Permit) (while school is in session and under 16 years of age);</li> <li><input type="checkbox"/> Minor Wage Agreement (under 18 years of age)</li> </ul>		
<p>2. Does the worksite agreement include, minimally, all of the following:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The Duration</li> <li><input type="checkbox"/> Remuneration</li> <li><input type="checkbox"/> Tasks</li> <li><input type="checkbox"/> Duties</li> <li><input type="checkbox"/> Supervision</li> <li><input type="checkbox"/> Health and Safety Standards</li> <li><input type="checkbox"/> Other Conditions (e.g., consequences of not adhering to the agreement)</li> <li><input type="checkbox"/> Termination Clause</li> <li><input type="checkbox"/> Appropriate signatures (site employer, local area, participant and or designee)</li> <li><input type="checkbox"/> Union Concurrence for participants, as applicable.</li> </ul>		
<p>3. Does the area periodically monitor the participant and the worksite to ensure that:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Worksite agreements are upheld</li> <li><input type="checkbox"/> Adequate supervision and quality mentoring are provided to the youth</li> <li><input type="checkbox"/> Worksites are in compliance with workplace safety, Child labor laws, and WIOA law and regulation</li> </ul>		

<b><u>Training Services:</u></b>			<b>WIOAPL 15-10</b>		
<a href="#">PIRL 1303</a>					
<input type="checkbox"/> Skills upgrading and retaining  <div style="text-align: right;"><a href="#">PIRL CODE 02</a></div>	<input type="checkbox"/> ABE ESL in conjunction with training  <div style="text-align: right;"><a href="#">PIRL CODE 04</a></div>	<input type="checkbox"/> Customized Training  <div style="text-align: right;"><a href="#">PIRL CODE 05</a></div>			
<input type="checkbox"/> ABE ESL not in conjunction with training  <div style="text-align: right;"><a href="#">PIRL CODE 07</a></div>	<input type="checkbox"/> Prerequisites Training  <div style="text-align: right;"><a href="#">PIRL CODE 08</a></div>	<input type="checkbox"/> Registered Apprenticeship  <div style="text-align: right;"><a href="#">PIRL CODE 09</a></div>			
<input type="checkbox"/> Youth Occupational Skill Training  <div style="text-align: right;"><a href="#">PIRL CODE 10</a></div>	<input type="checkbox"/> Other Non-Occupational Skills Training  <div style="text-align: right;"><a href="#">PIRL CODE 11</a></div>	<input type="checkbox"/> Job Readiness Training in conjunction with other training  <div style="text-align: right;"><a href="#">PIRL CODE 12</a></div>			
1. Participated in post-secondary education during program participation that leads a credential or degree from secondary education institution at any point during the program participation. <div style="text-align: right;"><a href="#">PIRL 1332</a></div>			<input type="checkbox"/> Yes	<input type="checkbox"/> No	
2. If enrolled in secondary education program is at or above the 9 <sup>th</sup> Grade level (includes both secondary school and enrollment in a program of study with instructions designed to lead to a high school). <div style="text-align: right;"><a href="#">PIRL 1401</a></div>			<input type="checkbox"/> Yes	<input type="checkbox"/> No	
3. Was an ITA/training contract established?		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
4. Name of Institution:					
5. Date entered Training:		6. Date Exited Training (N/A if active):			
7. Was the training entered into ARIES?		<input type="checkbox"/> Yes		<input type="checkbox"/> No	
8. Is the participant's job/career training in a demand occupation?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	Documentation:	
9. Was the vendor on the Workforce Inventory Education Training (WIET) List:		<input type="checkbox"/> Yes	<input type="checkbox"/> No	Area of Study:	
<b><u>Supportive Services:</u></b>			<b>WIOAPL 15-10(5)(D)(7)</b>		
1. Were supportive services provided?		<input type="checkbox"/> Yes		<input type="checkbox"/> No	
2. Was the need for supportive services clearly documented in the case file and/or ARIES?		<input type="checkbox"/> Yes		<input type="checkbox"/> No	
3. Were the supportive services identified in the comprehensive assessment?		<input type="checkbox"/> Yes		<input type="checkbox"/> No	

4. Were the supportive services identified in the individual opportunity plan?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
5. How were the supportive services documented	<input type="checkbox"/> Case Notes	<input type="checkbox"/> Document	<input type="checkbox"/> ARIES
6. Identify the Supportive Services provided: <ul style="list-style-type: none"> <li><input type="checkbox"/> Linkage to Community Service</li> <li><input type="checkbox"/> Assistance with transportation</li> <li><input type="checkbox"/> Assistance with childcare and dependent care</li> <li><input type="checkbox"/> Assistance with housing</li> <li><input type="checkbox"/> Needs-Related Payments (NRP)</li> <li><input type="checkbox"/> Assistance with educational testing</li> <li><input type="checkbox"/> Reasonable accommodations for youth with disabilities</li> <li><input type="checkbox"/> Referrals to health care</li> <li><input type="checkbox"/> Incentives</li> <li><input type="checkbox"/> Assistance with uniforms or other appropriate work attire and tools</li> <li><input type="checkbox"/> Other: _____ <i>(Please list)</i></li> </ul>			
<b><u>Outcome &amp; Performance Measures:</u></b>		<b>5101:14-1-07</b>	
1. Did the youth receive a measurable skill gain as a result of participation in CCMEP in any of the following areas? <ul style="list-style-type: none"> <li><input type="checkbox"/> In an education or training program</li> <li><input type="checkbox"/> Gained at least one educational functional level</li> <li><input type="checkbox"/> Unsubsidized employment</li> <li><input type="checkbox"/> Secondary education (high school or equivalent)</li> <li><input type="checkbox"/> Recognized post-secondary education (4-year college, 2-year college, technical school)</li> <li><input type="checkbox"/> Entering military service</li> <li><input type="checkbox"/> Completion of training</li> <li><input type="checkbox"/> Receipt of credential/certificate</li> <li><input type="checkbox"/> N/A- youth did not complete WIOA services</li> </ul> <p style="text-align: right;"><i>(Should be in ARIES)</i></p>			
2. Credential?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	3. Type of Credential: <span style="float: right;">PIRL 1800</span>
4. Date attained credential? <span style="float: right;">PIRL 1801</span>	5. Was training related to employment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Date enrolled in post-exit education or training program leading to a recognized post-secondary credential? <span style="float: right;">PIRL 1406</span>			
7. Date of most recent measurable skills gains (education all functioning level (EFL)) <span style="float: right;">PIRL 1806</span>	8. Date of most recent measurable skills gains (post-secondary transcript/report card): <span style="float: right;">PIRL 1807</span>		



9. Date of most recent measurable skills gains (secondary transcript/report card):  PIRL 1808	10. Date of most recent measurable skills gains (training milestone):  PIRL 1809
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<b><u>Follow-Up Services:</u></b> <input type="checkbox"/> N/A- Youth has not exited the program						
<b>WIOAPL 15-10(V)(D)(9) &amp; 5101:14-1-06(D)</b>						
1. Date of program exit:  PIRL 901		2. Other reason for exit:  PIRL 923		3. Most recent date received follow-up services?		
4. List the follow-up services received ( <i>must</i> include <i>more</i> than only a contact attempt or made for securing documentation in order to report performance): <input type="checkbox"/> Supportive service need(s) <input type="checkbox"/> Case Management: Regular contact with employer, including assistance in addressing work-related problems. <input type="checkbox"/> Assistance in securing better paying jobs, career pathway development, and further education or training. <input type="checkbox"/> Work-related peer support groups <input type="checkbox"/> Adult mentoring <input type="checkbox"/> Financial Literacy <input type="checkbox"/> Career Counseling/LMI <input type="checkbox"/> Preparation for post-secondary training or education						
5. Was the type of service provided based on the needs of the youth?				<input type="checkbox"/> Yes	<input type="checkbox"/> No	
6. Were follow-up services provided for a minimum of 12 months?				<input type="checkbox"/> Yes	<input type="checkbox"/> No	
7. If no to Question 5, are follow-up services still being provided?				<input type="checkbox"/> Yes	<input type="checkbox"/> No	
8. Quarterly Contact:						
1 <sup>st</sup> Quarter	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Documentation: Employed in 1 Quarter after exit? PIRL 1600	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2 <sup>nd</sup> Quarter *	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Documentation: Employed in 2 Quarter after exit? PIRL 1602	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		Were there wages 2 <sup>nd</sup> Quarter after exit?			PIRL 1704	<input type="checkbox"/> Yes <input type="checkbox"/> No

3 <sup>rd</sup> Quarter	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Documentation: Employed in 3 Quarter after exit? PIRL 1604	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4 <sup>th</sup> Quarter *	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Documentation: Employed in 4 Quarter after exit? PIRL 1606	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Other:</b>						
<b>5101:9-30-04; WIOAPL 15-07.2</b>						
1. Is it evident that ARIES was used to track progress?				<input type="checkbox"/> Yes	<input type="checkbox"/> No	
2. Did the hard file contain case notes?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	3. Are there case notes in ARIES?		<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Was there evidence that the case manager made persistent and reasonable attempts to engage with the program participant no less than once every 30 days?				<input type="checkbox"/> Yes	<input type="checkbox"/> No	
5. Did the youth file a complaint with the local area?				<input type="checkbox"/> Yes	<input type="checkbox"/> No	
6. If yes, did the local area follow complaint procedures?				<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
7. Was the participant referred from CDJFS?				<input type="checkbox"/> Yes	<input type="checkbox"/> No	
8. Date of referral?			9. Date of Individual Opportunity Plan (IOP)?			
10. How many days between referral and IOP?				11. Date of Assessment?		
12. Was the IOP entered in ARIES within 30 days for OWF participants or 60 days for non-OWF participants from date of referral? OAC 5101:14-1-04 (H)(1)				<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
13. Was the Assessment entered in ARIES within 30 days for OWF participants or 60 days for non-OWF participants from date of referral? OAC 5101:14-1-04 (H)(2)				<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A

**Comments:**

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## WIOA/CCMEP MONITORING POST REVIEW DISCUSSION

Entity:	Date:
Location:	Time:

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

State Staff Present: \_\_\_\_\_

\_\_\_\_\_

Local Area Staff Present: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

State Review Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Comments from Local Area: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Monitor and Date

\_\_\_\_\_  
Signature of Authorized Representative and Date